



**DEBATES**

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

**HANSARD**

20 August 2003

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

### **Business—Speaker’s ruling**

**MR SPEAKER:** Members, yesterday Ms MacDonald lodged a notice concerning the recent report by the Standing Committee on Health on childhood obesity entitled *The importance of educating young people about health and other related matters*. Standing order 130 states that a matter on the notice paper must not be anticipated by a matter of public importance, an amendment or other less effective form of proceedings.

Assembly business order of the day No 2, which is listed on today’s notice paper, concerns a motion to take note of the Standing Committee on Health’s report No 4 entitled *Looking at the health of school aged children in the ACT*. It is scheduled to be debated tomorrow.

Having carefully considered the issues, I have concluded that the notice would be anticipating debate on the item listed on the notice paper for tomorrow. I am therefore ruling Ms MacDonald’s notice out of order as it contravenes standing order 130.

### ***Inquiry into the Operational Response to the January 2003 Bushfires***

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (10.31): Mr Speaker, yesterday I tabled the government response to the report of inquiry into the operational response to the January 2003 bushfires in the ACT. For the benefit of members, I table a corrected and the agreed government response to the report of inquiry. I present the following paper:

Operational Response to the January 2003 Bushfires in the ACT—Report of Inquiry—Revised Government Response, dated August 2003.

Unfortunately, yesterday the document tabled included a small number of errors not corrected in final proofing prior to tabling. The most significant of these relate to the government’s position on recommendations 29, 30 and 57. These recommendations are stated as being agreed rather than agreed in principle, although it was pointed out in the detailed response that further work is now being undertaken to determine the precise manner in which they will be implemented to meet the intent of the recommendations.

I regret, Mr Speaker, that the decision that the cabinet, or the government, took to agree to recommendations 29, 30 and 57, and not to agree in principle as stated in the draft response, was not actually relayed to officers preparing the final copy of the government response. So the amendment is to remove the words “in principle”, as attached to the word “agreed”, in relation to recommendations 29, 30 and 57.

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The government has agreed to all recommendations, not agreed in principle as stated in the government response. It is just that in relation to those particular three recommendations there is, of course, as indicated, significant additional work to be undertaken.

## **Petitions**

*The following petitions were lodged for presentation.*

### **Charnwood—road traffic**

by **Mr Stefaniak**, *from 138 residents*:

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that there is a need to urgently evaluate traffic movements that pass through the intersection at Lhotsky Street and Charnwood Place (near the service station) at the entrance of the Charnwood shopping centre Belconnen. This has become a major problem over a period of time, stopping the free flow of traffic through this busy intersection.

Your petitioners therefore request the Assembly to call on the Minister for Urban Services and the department to undertake a traffic assessment of this intersection, by traffic engineers, to control traffic movements either by, the installation of a traffic roundabout or other traffic engineering means, with the view to solve this problem. This should be immediately undertaken involving residents, businesses and merchants of this area, to have a successful resolution of this traffic problem at the entrance of the Charnwood shopping centre.

### **Hawker shopping centre**

by **Mr Stefaniak**, *from 279 residents*:

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the lighting of the public car parking areas at the Hawker shopping centre needs an urgent upgrade.

Your petitioners therefore request that the Assembly include the forthcoming budget funds to urgently upgrade the overhead night lighting arrangement at the public car parking areas at the Hawker shopping centre to assist night shoppers and other users of that area, in particular for safety reasons.

### **Hughes shopping centre**

by **Mr Cornwell**, *from 212 residents*:

To the Speaker and members of the Legislative Assembly for the Australian Capital Territory

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the lighting of the public car parking areas at the Hughes shopping centre needs urgent evaluation for an upgrade.

Your petitioners therefore request the Assembly to call on the Minister for Urban Services to include in the Department of Urban Services works program for the next budget 2004-2005 the upgrade of lighting of the public car parking areas at the Hughes shopping centre to assist night shoppers and other users of that area, in particular for safety and security reasons.

*The acting clerk having announced that the terms of the petitions would be recorded in Hansard and a copy referred to the appropriate minister, the petitions were received.*

### **Privileges—Select Committee Alteration to reporting date**

**MS DUNDAS** (10.34): I seek leave to move a motion to alter the reporting date of the Select Committee on Privileges.

Leave granted.

**MS DUNDAS**: I move

That the resolution of the Assembly of 26 June 2003 establishing the Select Committee on Privileges be amended by substituting “21 October 2003” for “20 August 2003”.

Question resolved in the affirmative.

### **Dangerous Goods Legislation Amendment Bill 2003**

**Mr Pratt**, pursuant to notice, presented the bill.

Title read by acting clerk.

**MR PRATT** (10.35): I move:

That this bill be agreed to in principle.

Mr Speaker, for about five years the Liberal Party, in government and then in opposition, has wrestled with the vexed issue of how best to deliver the joy of fireworks to the community without causing disruption and allowing unsafe practices to continue. A barrage of complaints from the community has fallen upon successive governments regarding the disruption to the community and the acts of vandalism caused by fireworks, some legally sold and some illegally acquired.

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There has been a continual flow of complaints and anecdotal evidence about the illegal use of powerful “bangers”, which often has a window-shaking impact on households and strikes fear into small children, the elderly, pets and others. Serious damage has often been caused to property and some cases of injury have been reported.

In the weeks leading up to this year’s Queen’s Birthday long weekend the illegal use of bangers was constantly reported, and this continued after the long weekend for weeks—indeed, in some suburbs it still continues. Anecdotal evidence would indicate that bangers are getting bigger each year. Concurrently, there has been a significant number of complaints that police have not attended or were simply not able to—reports of acts of vandalism and personal attacks on elderly people, involving legal and apparently illegal uses of fireworks, bangers, rockets and other types of products.

Mr Speaker, the current legislation does not allow the sale of bangers, but it is very noticeable that in the period fireworks have been legally on sale the increased usage of bangers has suddenly materialised. This indicates a very serious situation—that the retail of shopgood fireworks is a conduit for or encourages the illegal provision of trafficked “beyond specification” fireworks, including powerful and dangerous bangers. It is apparent that some retailers are operating beyond the law by either directly selling illegal fireworks or indirectly encouraging an illegal trafficking of such goods.

The illegal trafficking of “beyond specification” fireworks is a matter often discussed by youth. This is the feedback that we get. If somebody desires to acquire such goods, it can be done. There is a strong view within the youth community that one can acquire illegal drugs and illegal fireworks for the purpose of “vandalistic fun” in exactly the same way and often from the same sources.

While the closing down of the retail sale of fireworks will not eradicate illegal trafficking, it is felt that the removal of the legal trade, at least in the retail sense, and the market will significantly minimise illegal trafficking. This, therefore, would reduce the disruption to the community. It certainly would not eradicate it, but it would reduce it.

Mr Speaker, over some months now I have run a petition calling for a ban on the retail sale of fireworks, and there has been a steady response to that. For example, on the first weekend that I ran the petition outside the Canberra Centre the response was surprising. Approximately 220 signatures were collected over 2½ hours. Many other hurrying passers-by wished us well. Six people announced their objection—the adults’ objection being along the lines of the doubtful and predictable claim of “restricting liberties”.

Not surprisingly, mothers were in the majority of those objecting to the retail sale of fireworks; and, surprisingly, so too were young women, including a significant proportion of female school students. I must point out, Mr Speaker, I was very grateful to radio 2CC and 2CA for advertising the petition throughout that and subsequent Saturday mornings. Incidentally, the call-back response on radio on those programs has been overwhelmingly in favour of the proposed ban.

Mr Speaker, as a young lad, I, like many of my colleagues in this place, also enjoyed the use of fireworks, including playing around with them for a week or so either side of the Queen's Birthday. While I recall that there were some neighbourhood disruptions around that period, there was at least a reasonable limit to that and the community seemed to cope with good humour and some patience. I feel that the size of the bangers and rockets now readily available and the proliferation of them through black marketing turns all of that around. A culture has developed encouraging extreme behaviour, which is now significantly damaging our community to the point where the community is saying "enough is enough".

Mr Speaker, I would point to an incident at the weekend where five men were injured during an accident around a campfire. The fact that some of the poor men who were injured had their legs broken would indicate that what had exploded was something absolutely illegal and beyond specification. Of course, we always know that children will suffer burns and facial injuries anyway with the existing "within specification" fireworks, but it is very unusual to hear of limbs being broken because of something which may have exploded on the ground close to victims. Those fireworks may well have been purchased through ACT outlets because the ACT has outlets that nobody else seems to have anymore.

Mr Speaker, it is not proposed to curtail government-run and approved events utilising fireworks. The annual program would need to be restricted, though, to the traditional event dates. Legislation needs to ensure that the system is not abused by groups running random, non-bona fide activities, causing ongoing disruption to the community.

On 27 June 2002, Mr Stefaniak, as chair of the Legal Affairs Standing Committee, tabled report No 3, which related to the operation of the Dangerous Goods Act 1975, with particular reference to fireworks. The report called for a rewrite of the legislation on fireworks. It also called for that rewrite to permit fireworks to be used on three occasions: for cultural events such as Chinese New Year, for public displays such as Skyfire, and for pre-arranged community events during the three-day June long weekend. The report made a total of 16 recommendations. The aim of the recommendations was to put in place a suitable regulatory regime to permit the ongoing enjoyment of community fireworks over the June long weekend, but for the public not to be permitted to acquire and use fireworks at any other time in the year.

The first recommendation was that the Dangerous Goods Act 1975 be urgently redrafted, and that is exactly what the bill that I have just presented seeks to do. It seeks to redraft the Dangerous Goods Act 1975.

Mr Speaker, in summary, the bill does the following. It bans the retail sale of shopgood fireworks in the ACT. It gives, in effect, model rocket propellant devices the same status as fireworks. It introduces the definition of "dangerous use of fireworks and model rocket propellant devices" as a way that is likely to "endanger the health or safety of, or cause distress or suffering to, a person or animal, or damage to property".

The bill seeks to restrict the use of all fireworks to certified pyrotechnicians and government-approved community organisations. Also, the bill seeks to permit

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community organisations' restrictive use of fireworks only at the Queen's Birthday long weekend, between 5 pm and 10 pm on prescribed nights, or at perhaps other approved events. It introduces stricter penalties for the illegal sale and use of fireworks and it will ensure that the penalties are enforced.

Mr Speaker, I regret that the proposed action will adversely impact on those lawful and responsible fireworks retailers and perhaps, accordingly, there will be some adverse feedback from what some in the business community may portray as an attack. But I believe that the greater good and the safety of the community is a far more important objective to achieve, and that is essentially what this legislation is directed at.

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

## **Fire, Emergency Services and Ambulance Authorities Bill 2003**

**Mr Pratt**, pursuant to notice, as amended, by leave, presented the bill.

Title read by acting clerk.

**MR PRATT** (10.47): I move:

That this bill be agreed to in principle.

Mr Speaker, the reason for introducing this new legislation is primarily found in the lessons being learnt about the failure of the Emergency Services Bureau and the general hampering of all emergency agencies, including the ACT police, experienced over the last two years, culminating in the disastrous experience of January 2003.

The "lessons learnt" experience is partly based on the McLeod inquiry, the May 2003 ACT operational audit into the Emergency Services Bureau, the lessons arising in various reports coming out of the December 2001 fires and from consultation with experienced firefighters—urban and bushfire—police, other emergency services personnel, ACT residents, rural residents, emergency management professionals and others.

I would stress that while the useful McLeod inquiry has contributed to the opposition's views, it is also felt that McLeod did fall well short of making the conclusions relevant to the Emergency Services Bureau and related departmental issues which, in the body of the report, it did in fact allude to.

Mr Speaker, the previous Liberal government established the Emergency Services Bureau in good faith. The driving need, as seen then, to improve interoperability led to the decision to establish the Emergency Services Bureau. Then, the Emergency Services Bureau was placed under the departmental control of JACS. Perhaps this was unfair for the commanders in ESB, their line commanders and perhaps even the senior bureaucrats in JACS.



What has been becoming patently obvious is that the ESB established in recent years has become bureaucratically cumbersome. Hitherto excellent emergency agencies clustered under the umbrella of an overarching bureau have clearly lost their operational edge. Operational standards, camaraderie and morale have clearly deteriorated in all of these agencies because they all lost their operational autonomy and integrity. It has become clear that it is necessary to break out from the ESB all of those agencies and restore their autonomy.

Mr Speaker, the Liberals have come to the view, having viewed the lessons of December 2001 and January 2003, and after a bevy of consultations with the community, that the establishment of the ESB was not one of our finer moments. It was a mistake. We have decided that the ESB, as we now know it, and the underwriting legislation must be dismantled and the whole emergency organisational system restructured. We have come to the view that it is vital to recover operational responsiveness, because fundamentally that is what is needed to restore the integrity of the ACT's emergency capability and to make the ACT a safer place to live.

Mr Speaker, it was patently clear after the systemic failures reported post-December 2001 that the ESB structure was not delivering to the ACT the emergency services that we needed. The dreadful fire conditions of 2002—clearly deteriorating to a point below that of the frightening situation of December 2001—were not being adequately responded to by the ESB structure. The Labor government clearly did not pick up on that, in terms of the ponderously slow response by ESB to the 102 lessons arising from December 2001.

The complacent bureaucratic routine by the ESB through 2002, in what was shaping up to be the worst fire season on record, was not checked by anybody. On the other hand, despite this, ACT emergency agencies worked hard and well through 2002 to do their best to prepare the community for summer. Outstanding, urgent and life saving equipment issues, however, were treated as a routine departmental administrative task. This was particularly the case in relation to communications equipment and systems. Strategic planning by the ESB management to better direct its emergency agencies, in terms of bushfire preventive planning and action, was uninspiring to say the least.

Little was done to prepare vulnerable suburbs and very little bushfire community and schools education was carried out, as recommended after December 2001. The warning bells should have alerted the government about ESB and its failed bureaucracy—and its failed programs—but, alas, nothing seems to have registered.

Generally, the opposition proposes a number of new statutory authorities—and to this point McLeod is right, although he only foresaw one single authority. Where we also differ with McLeod is that we do not wish to see the same old bureaucracy transfer out of JACS intact with the same cluster of agencies reporting to an ESB headquarters, as proposed by Mr McLeod. This is what the bureaucrats want but it is not what the firefighting and emergency agencies community, nor I suspect the ACT community in general, want at all. We do not wish to see a failed bureaucracy replaced with another bureaucracy which will fail.

We propose, as you will see in further detail below, a total break-up with agencies generally “standing alone” and reporting through their own statutory authority boards.

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They would do that reporting direct to the minister, circumventing JACS or any other department, as is currently the case. We propose that each agency will be streamlined to allow primacy of operational command and control, with fast and accurate decisions being made more possible. Fast and accurate and unencumbered decision-making is what is fundamental to our thinking on this whole restructure.

Further, we see JACS supporting each of these agencies, not supervising them. Finally, we guarantee interoperability amongst all agencies through a series of operational procedures, systems and training programs that will see all commanders of emergency agencies come together routinely.

It must be stressed that the opposition's model has been created after close consultations with experienced firefighters and other emergency management professionals. The model illustrated here today closely resembles the model put forward by the volunteers last week.

Mr Speaker, in order to achieve the above it is necessary to create new legislation called the Fire, Emergency Services and Ambulance Authorities Bill 2003. A technical description of the legislation is as follows. Firstly, a stand-alone act is created for the task of the re-structure of the existing Emergency Services Bureau, because the re-structure involves creating three new authorities rather than simply amending the current Emergency Services Bureau.

In a number of places in the bill, consequential amendments are being made to other legislation: firstly, the Bushfire Act 1936, to abolish the Bushfire Council and the power to appoint the chief fire control officer and make appropriate provisions for the new authority's powers and those of its new chief executive; secondly, the Emergency Management Act 1999, to replace the functions of the director of emergency services and the chief officer of the ambulance service with those of the new emergency services authority chief executive and the new ambulance service chief executive of the metropolitan fire and ambulance authority; thirdly, the Fire Brigade Act 1957 and the Fire Brigade (Administration) Act 1974, to replace the functions of the fire commissioner with those of the new fire brigade chief executive of the metropolitan fire and ambulance service authority. In addition, amendments will be made to the above acts to make reference to the new authorities and, where relevant, for the new authorities to break links with the ACT government departments that they currently report to.

Mr Speaker, let me give a little bit of detail on how these agencies would be established. I want to talk firstly about the new bushfire authority. It should be noted that for both simplicity and familiarity reasons the model proposed here for the bushfire authority is the basis for the new authorities for emergency services and the metropolitan fire and ambulance authority. Under the proposed bushfire authority a board of esteemed and experienced members of the community, of approximately five and no more than six, would be established. The minister would appoint the board. The members of the board would be salaried and would report direct to the minister, advising the minister on all aspects of bushfire threat analysis, strategic planning and performance standards.

Additionally, the board would advise the minister on all aspects of bushfire services planning, operations, organisation and training. The board would not interfere, though, in the day-to-day running of the bushfire services. The board would appoint the CEO of the bushfire services and might be titled the chief fire officer, or CFO, although on this and other nomenclature details we are still consulting with the community. I consider these issues to be merely finetunings and they should not hold up such urgent legislation.

Mr Speaker, the next point is very important. The board would be obligated by the minister to leave the CFO unhindered in the day-to-day operations, including tactical planning and tactical decision-making. The CFO would be responsible to the board for the operational supervision and tasking of all bushfire service brigades and units. The CFO would be responsible to lead, train and manage the bushfire service brigades and units.

During operations—both pre-season preparatory and actual firefighting—the CFO would set clear tasks to the bushfire service units. The CFO would then be expected to delegate to the brigade captains total responsibility for operational decisions undertaken by them in their “areas of operation” as allocated. This would occur on a task-by-task basis. No more would we ever wish to see the sort of micro-management by senior management and government departments of fire operations which characterise the existing ESB structure and the JACS departmental culture. Brigades—our men and women in the field—would be trusted to make the critical decisions “on the ground”, supported by the CFO and the headquarters brigade staff and support units.

Mr Speaker, brigade captains would have direct access and be answerable only to the CFO, not to the CFO’s staff, nor to headquarters brigade staff, nor to any other departmental staff. What must be restored if morale and trust within the service is to be re-instigated is the direct “chain of command” and particularly the primacy of the operational “lines of communication” from operational commanders down. What must be restored are the clear lines of communication which will allow quickly responsive and accurate operational decisions and fire intelligence and information—so important in any emergency organisation, civilian as well as military.

From talking to the men and women on the ground, this fundamental principle, I feel, has been badly eroded, along with confidence and respect. Re-establishing this “operational culture” with its clear lines of command and tasking would help to alleviate the energy-sapping politics that seems to be disrupting the existing organisation, its structure and agencies.

Mr Speaker, the bushfire board would have an advisory council, made up of a wide range of community stakeholders deemed by the minister to have a legitimate interest in bushfire planning. Their role would be purely advisory, and there would be no veto capacity. They would assist primarily in the routine planning and updating of the bushfire fuel management plan. They would also have a monitoring role to assist the board to ensure that the plan was fully implemented and on time.

Mr Speaker, JACS would be tasked to provide administrative and logistical support to the bushfire authority and its units, and all other emergency agencies as well. They

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would advise the board and the CFO on the preparation of their budgets, the scope and limitation of budgets, the procedural issues relevant to acquisition of equipment, resources and property, ongoing maintenance and recurrent spending, and all matters relevant to accountability and financial management. They would assist with these processes and they would monitor progress without interfering or impeding operational requirements in those emergency agencies.

JACS would undertake a similar role in respect of personnel support. It must be stressed that in respect of JACS' supporting role it would be the responsibility of the bushfire authority board to design and provide to JACS the "operational user requirement" to which JACS would be expected to tailor that administrative and logistical support.

Mr Speaker, all of that which I have described above is replicated in fine detail for the emergency services authority—that is, the "SES"-style organisation currently stuck well inside the innards of the existing ESB structure and the bushfire agencies.

Mr Speaker, we would seek to cut the emergency services organisation—that is, the SES guys and women who carry out flood mitigation, flood and storm rescue—free from the bushfire service family. By all accounts, from talking to the volunteers and other seasoned observers, the emergency services have been treated and ignored as the "poor cousin". It is fundamental to their morale, and retention of their volunteers, that the ACT emergency services be given back their operational autonomy.

The ACTES would, too, have its own board, CEO and operational units directly commanded by the CEO. It, too, would be supported by JACS in exactly the same fashion. The board of ACTES would, too, report direct to the minister, not through any other agency. The CEO of ACTES would have exactly the same range of responsibilities as does the CFO for the bushfire services.

Mr Speaker, I envisage that the urban fire service and the ACT Ambulance Service would, too, be cut away from the existing conglomeration and given a combined board for both services. Unlike the other services, both the ambulance and urban fire services would be combined, reporting under one board. That board, and the new combined services statutory authority, would be called the metropolitan fire and ambulance authority. This board would therefore be the fourth entity within the emergency arena which would report direct to the minister, noting of course, that the Chief Police Officer is one of four people in the emergency arena who reports directly to the minister.

Further consultation with the urban fire services and the ambulance services are yet to be had about this detail, and I stress that we have not concluded our consultations with them in this area. Mr Speaker, I feel that it is very important that the services be given back their operational autonomy and their individual direct links to the minister.

Meanwhile, we would guarantee interoperability amongst those agencies. As occurs with the three services in the defence force, for example, the emergency agencies will come together for regular headquarters and field exercises. At these times, interoperable procedures, particularly communications and emergency responsiveness, will be tested. Headquarters exercises would run in winter and

a series of exercises from low level up to state of emergency scenarios would be tested. All service CEOs and their headquarters staff would be regularly tested together.

Mr Speaker, I propose that this legislation be presented to a round table that I have heard is being proposed. I am quite happy to undertake that process if that is what this place desires.

This attempt by the opposition, after broad consultation with local stakeholders and calling upon the experience of other emergency agencies outside the ACT, is fundamental to the security and safety of the ACT. For many months we have known that change was required to the organisation, the interphase between the minister and emergency capability and the existing emergency systems. (*Extension of time granted.*)

Mr Speaker, if the Labor government continues with its current plan it will give the ACT, the firefighters and other emergency agency personnel more of the same—another choking and unresponsive bureaucracy. I would urge Jon Stanhope to accept this legislation, to cut adrift the bureaucracy, rather than seek to continue the status quo. I would urge him to look to the needs and the wishes of the men and women on the ground.

For the sake of the safety of the ACT community and our environment, and for the sake of the retention of one of our most precious assets, our volunteers, the radical but positive change put forward by the opposition, complementing the general ideas and models put forward by the volunteers, must be quickly accepted and adopted by the Labor government. To ignore this call—a call echoed by the firefighting community—and to wait until July 2004 to come up with some model, as the government is promising, would be a continuation of the same sort of prevarication we have seen for some years in the ACT. I urge the government and the Assembly to accept and implement this legislation and this model as soon as possible.

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

## **2002-2003 bushfire season**

**MR SMYTH** (Leader of the Opposition) (11.09): I move:

That this Assembly calls on the Government to:

- (1) not implement their proposed Emergency Services Authority until consultation has occurred with the Ambulance Service, Fire Brigade, Rural Fire Service, ACT Emergency Services, the Volunteer Bushfire Fighters Association and the Community at large;
- (2) where appropriate, increase services to those in the community affected by the bushfire disaster, rather than decrease or remove services;
- (3) outline to the Assembly, by close of business 21 August 2003, its assessment of the future needs of those affected by the bushfires in regard to counselling and other services; and

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(4) provide suitable recognition to volunteers, emergency services personnel and community groups for their outstanding bravery and service to the community during the disaster;

and censures the Government for:

(5) failing to heed warnings that additional bushfire education was needed in the lead up to the 2002-03 bushfire season;

(6) failing to implement recommendation 95 of the *Recommendations of the Debriefs of the 2001 Stromlo Fire*; and

(7) telling the Assembly that its bushfire education programs were adequate when they clearly were not.

Mr Speaker, the opposition has moved this motion today in response to a number of serious concerns that are being expressed in the community. The areas that people are particularly concerned about are the new emergency services authority, which the government seems to be so accepting of, an apparent decrease in community services to those affected by the disaster, and the lack of suitable recognition given to volunteers, particularly emergency service personnel, bushfire fighters and community groups for their outstanding bravery and service to the community during the disaster. The motion also censures the government for failing to heed warnings that were given and for telling the Assembly that the bushfire education programs it had in place were adequate when they clearly were not.

Mr Speaker, the issues are diverse and I have limited time in which to debate them, but my colleagues will follow up on each of the issues in more detail. Let me deal with the first issue. This motion calls on the government not to implement their proposed emergency services authority until adequate and real consultation has been undertaken with the community, particularly those who will serve in such an authority.

A meeting the other night of the Volunteer Brigades Association unanimously voted to reject the emergency services authority as proposed by Mr McLeod. Mr Speaker, these are volunteers. These are the men and women of the emergency services, in particular the volunteer bushfire brigades, who are at the coalface when tragedies strike, and they have said they do not want to see the model that is proposed by McLeod, the model that the government seems to be so accepting of. That is why it is so important that consultation takes place.

As Mr Pratt just said in the previous debate, the opposition would be quite pleased to take part in Ms Tucker's proposed round table on this issue. But we have already been conducting our own consultation and have already come up with a model that we think reflects the needs of the urban firefighters, the rural bushfire fighters and the emergency services personnel. It is an important issue about evolving forward, coming away from the Emergency Services Bureau model and moving on to a model that much better suits the needs of the people of Canberra.

Mr Speaker, the second issue is to make sure that those in the community who have been affected by the bushfire disaster get the appropriate services that they need. At this stage it would appear that the government is decreasing rather than increasing

those services. I would like to read from an email of a letter dated 24 July to Mr Stanhope from a constituent who lost his house in Duffy. The letter states:

As a family who were victims of the January 18 bushfires I was horrified by your remarks of this week.

While the Bushfire Recovery Centre and its staff have been excellent regrettably other ACT government agencies have failed.

In particular your government's focus on block clearing and rebuilding ignores the fundamental issues relating to the mental, emotional and other support issues. This is not only about \$ but the health of our community. Failure to satisfactorily deal with these issues will lead to significant mental health issues, family breakdown, marital breakdown, suicide. At present our children have to wait a fortnight for appointments with our assigned counsellor simply because there are not enough counsellors and because their needs are increasing. Further their government school has discontinued counselling.

The constituent then quotes from an article in the *Canberra Times* of that morning which refers to the view of two experts. The article states:

Victorian consultant Dr Rob Gordon and Lieutenant-Colonel Don Woodland, of the Salvation Army, have both worked with victims of other disasters such as the Port Arthur shootings and Bali bombings.

Colonel Woodland said people seemed to be locked into the physical recovery, battling red tape and insurance companies to rebuild, and had not been able to consider their emotional and spiritual needs. He is seeking a meeting with Mr Stanhope, claiming the government assessment the recovery progress is going well is not correct.

“Talk to people on the ground, they don't think it's progressing well, and I think there has to be more communication between the administration and residents,” he said.

That is Colonel Woodland. The article then states:

Dr Gordon said at six months, the rest of the community was moving on from a disaster but the victims could not. “Often those who have been coping so well until now are feeling very exhausted and that needs to be respected,” he said.

“They are spot on,” concludes the email from the constituent.

Mr Speaker, counsellors who deal with stress from critical incidents have told me that the critical times are approximately six months and 12 months. At six months there is an emotional lull—everybody else moves on and you are left holding the can, often in isolation or seemingly in isolation. So we do have concerns that the government seems to be moving away from the provision of services which, at this stage, should be ramped up. Indeed, it is at the 12-month period—as you approach the first anniversary—that post-trauma becomes the most critical. People who have perhaps been dealing with the trauma quite well are actually undone at that time.

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When the government tabled its second appropriation bill yesterday I looked forward to seeing additional funding for counselling and the sorts of community services that are necessary to make sure that Canberrans do get over this adequately, but I cannot seem to find it. I am happy for the government to correct me, but I can find nothing about extra counselling and extra services for bushfire victims.

That brings me to the third part of the motion, Mr Speaker. I believe that by the close of business tomorrow the government should show us their assessment of the future needs of those affected by the bushfires in regard to counselling and other services. I think the government has done well in the physical clean-up. I think everybody would say that has gone exceedingly well because of the committee that was set up and the leadership of Sandy Hollway. So, well done in that regard. But there is a greater need that, according to the constituents, is seemingly being ignored and, according to the experts, this is at a critical time when more effort must be made to look after those in the community who are drastically affected.

So what this motion does is ask for the government to table, by the close of business tomorrow, their assessment of the needs into the future—for the next 12 months and hopefully beyond that—so that we as an Assembly will know that the government is putting in place the sorts of services and the funding to provide those services that are absolutely necessary if people are to recover and get over the incidents of 18 January and the days after.

Mr Speaker, the fourth part of the motion is about recognition. It is about recognition for volunteers—for volunteer bushfire fighters, the emergency services personnel, the urban fire brigade and obviously the AFP. Indeed, the list should include public servants and other community groups who performed so well during those very hard days.

In the follow-up to the 2001 fire there was a parade in Civic that the then minister, Mr Quinlan, organised. Members were given a small lapel badge that they could wear to show that they had been on duty on that Christmas Eve and the following days. A patch was later issued and a thank-you barbecue was organised. So a whole lot was done to say to the volunteers, “Well done.” There are many out there in the community who feel that not enough has been done in the case of the most recent bushfires. They feel that little has been done in the case of a disaster of much larger magnitude.

A constituent has been writing to all MLAs asking them what they thought should be done to recognise volunteers, and on Monday he sent us all an email of the responses. To his credit, Mr Corbell responded quite quickly. He is the only member of the government to respond. Mr McMullan, the federal member, responded and said that he would pass it on to Mr Stanhope. But there has been no response from other ministers or, indeed, the Chief Minister. Four out of the six members of the Liberal Party responded, saying we believe recognition should occur. But, unfortunately, nothing has happened at this stage.

It is interesting that recommendation 102 of the government’s response to the fires of 2001 proposed the “development of strategies to better recognise volunteers”. But as yet we have not seen anything. Indeed, in some of the brigades there is great deal of



angst. For instance, the donation of a utility by the CFMEU, the Kingston Hotel and Andrew Robb & Associates was highly resisted by the government. Only when this was exposed on the media did Mr Wood back down and accept the utility, and it still took months and a series of meetings to incorporate it into the brigade. So there is some angst there.

Mrs Cross asked a question yesterday about debriefs. Some of the brigades do not feel that they have been adequately debriefed. Members of the ESB have not actually gone to the fire sheds—and I understand they are doing it now—during the round of annual general meetings to elect brigade office holders. But there is some angst that volunteers are being ignored by the ESB, by the government, and that needs to be addressed.

Several volunteers have said to me that they are not coming next year simply because they do not feel that they are valued. Some very senior members, some long-serving members and some new members feel that some of the recommendations of McLeod are, in fact, insulting to volunteers. For instance, there is the insistence that they need further training. You often see this simple recommendation in reports, but in no way does it point out where volunteers failed on the day. So I think there is an issue there for the government to address. I hope they have got something in mind and I would be delighted to hear from them about what it is that they intend to do.

Mr Speaker, the final part of this motion censures the government. We on this side in opposition have not moved censure motions or motions of no confidence because we believe that they should be kept for where there is a clear case for such a thing. We have certainly not tried to trivialise these motions, as was done in the last two assemblies by the now government. But there is a clear case here to bring the government to task for failing to heed the warnings that additional bushfire education was needed. Indeed, in the lead-up to the last season Mr Pratt moved a motion calling on the government to conduct further education. I will just read some of the things that Mr Pratt said.

**Mr Corbell:** In schools.

**MR SMYTH:** Mr Corbell interjects with the words “in school”, and I will take the interjection because, yes, the motion was primarily aimed at schools but in the text of the speech Mr Pratt made it quite clear that it had to be much broader than that. Mr Pratt says:

Where vulnerable neighbourhoods, particularly those fronting on to bushland on their western fringes and perhaps with western gradients falling away, have cooperated with fire units in preventive preparation education, the fire units have been most willing and they have been proactive.

The same applies to school education. Where schools have been diligent and sought to undertake education on bushfire prevention programs, employing expert assistance, fire units have been willing.

He finishes the paragraph by saying:

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But, Mr Speaker, have we as a community done all we can possibly do in terms of both pulling our own weight and backing up our fire services and emergency services in general? The community generally could do a lot more, given the grave conditions that we face.

He then said that he had spoken to different field personnel, directors and senior officers and they told him:

... the key to combating the threat is prevention and educating ACT residents as to their roles and responsibilities in protecting our community and territorial forests and grasslands. These personnel advise that it is imperative that we hammer home the lesson to the community as a whole and to our youth in particular just how fragile and vulnerable our environment is in the warmer months and therefore make our residents aware of their responsibilities when working, travelling through or playing in this fragile summer environment.

He went on to say:

Mr Speaker, this brings me to the point where we need to examine how effective our fire preventions are for our children ...

And what was the government's response on the day? Mr Corbell, the then education minister, said:

Mr Pratt's motion is unwarranted, it is uninformed and it is unnecessary. The government has the issue in hand ...

Mr Quinlan's response was just as interesting, Mr Speaker, because he said:

Mr Corbell has pointed out that ample education systems have been put in place and, to some extent, I think it demeans the emergency services and the fire service to be asking that we have more, because it is just so easy to ask for that.

Well, Mr Speaker, is Mr McLeod's response demeaning to the emergency services and the fire services when he says, "We need to have more education"? The answer is clearly not. There was a clear need and the opposition raised it with the government. The government demeaned what we said, because it was clear that we were the opposition and we wouldn't know.

But, Mr Speaker, the curious thing is that when you finally get hold of a copy of the recommendations into the 2001 fires, it is interesting to find that the government's own advisers were saying in recommendation 95 that we should develop a program of public education that looks at issues from these debriefs. It goes on to ask, "How should it be addressed? How can the public be better educated in emergency management matters and their responsibilities?"

So at the time when the government was telling the Assembly that there was no need for further education, that they, to quote Mr Corbell, "had it in hand", the emergency services people in their response to the Christmas 2001 fires were saying that we actually had to better educate the public in emergency management matters and their responsibilities.

Mr Speaker, clearly the government in this case is negligent. They told this Assembly that they had it in hand, that it was adequate, and clearly that was not the case. Mr McLeod, in referring to this in his report, says, “Yes, there were some things done but more needs to be done. It needs to be more comprehensive and it needs to be ongoing.” (*Extension of time granted.*)

So Mr Speaker, it is quite clear that the government, in their dismissive attitude to the suggestion that more education needed to be carried out—yes, primarily in schools and in the broader community, as Mr Pratt said in his speech; read the *Hansard*—chose to ignore that warning. They said it was in hand, they said it was ample.

Mr Speaker, the constituent who wrote about the lack of counselling said to me that had he been told he would have done more to protect his house. Had he been warned earlier he would not have gone down to the Tuggeranong Hyperdome to go shopping at 1 o’clock on the basis of advice on an ABC interview that said there was no threat to the urban edge, and he would not have had to rush home after 3 o’clock to find his home gone. Mr Speaker, he said that had they been told he would have taken much greater care in preparing his house. But when we warned the government that it was appropriate that they do more in schools and in other places—

**Mr Quinlan:** You told us they did everything they could. That’s what you told us.

**MR SMYTH:** It is quite clear. I can read the quote again, Mr Speaker. Mr Pratt said:

But, Mr Speaker, have we as a community done all that we can in terms of both pulling our weight and backing up our fire services and emergency services in general? The community...could do a lot more...

He goes on to say that the emergency services personnel were telling him that “the key to combating the threat is prevention and educating ACT residents as to their roles and responsibility in protecting our community and territorial forests and grasslands”.

So, Mr Speaker, what we have is a government that was warned, what we have is a government that simply scoffed in the arrogant way that it often does at any suggestions that come from anything but the government benches, and what we have is a government that chose not to do anything additional. Mr Quinlan said during that debate:

Last year, after the quite damaging fires, I gave instructions to the Emergency Services Bureau that they run an education program at the beginning of this season. I announced that, I think, in the media.

It is interesting that a campaign or an education program is not included among the things that the government has done. There are individual things but, as Mr McLeod so rightly points out, if you are going to change community attitudes for things like drink driving, wearing seatbelts and the danger of smoking, it is not a matter of just running a one-page advertisement or making a one-night announcement. It is about having a concerted campaign, and that is the point we were making back in November before the fire season commenced.

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Mr Speaker, I think what we have here is a failure of government. If a minister is responsible for a portfolio and something goes wrong and he was not aware that there was a problem then he has a responsibility to fix it. If a minister is warned that something is required and ignores that warning and something goes wrong then he must take responsibility for what has occurred.

Mr Speaker, the dictionary defines “responsibility” as “liable to be called to account,” and that is what the opposition is doing today on the sole issue of bushfire education. We are calling the government to account. We are calling on the government to answer why they said in such derogatory tones that the motion calling for additional education in schools and, in the context of the motion, obviously in the general community, was unwarranted, uninformed and unnecessary. I think from the lessons of 18 January 2003 it is quite clear that Mr Corbell was just simply wrong, wrong, wrong.

If you want to focus simply on the schools, which I am sure is what those opposite will do, we have to ask the question: were the programs that they had in place adequate? And I think the answer is no, they weren't either. You then want to go to the whole question of who is responsible here. It is those opposite that seem fixated with the word “blame”. It is those opposite who actually name public servants as potential candidates for blame and getting the chop.

I would like people to note, and I want it on the record, Mr Speaker, that no-one on this side has called for heads. What we have called for is the truth. We want to know what actually happened. We were meant to get an unfolding of this in the McLeod report, the report that was to leave no stone unturned, but by its own admission on page 1, it is an overview of events, it does not deal in detail. In the days after the bushfires I told people to stop bitching and let the service and the government get on with their job. I said that we would wait for the reviews and the inquiries to unfold what had happened, but that we would be their watchdog and make sure that all their questions were answered. Mr Speaker, the community wants to know why their questions are not being answered.

The first four points of the motion that I have moved raise some general concerns out in the community. The motion also censures the government. When the government was warned by not just the opposition but their own Emergency Services Bureau about the need for better public education and emergency management—exactly the words that Mr Pratt used—and the responsibilities of the community to back up the Emergency Services Bureau, the government laughed, they scoffed, they derided the opposition. Mr Quinlan said:

... you can't get enough of a good thing and, as Mr Smyth rightly pointed out, more would be better—

now there is an admission from Mr Quinlan, that more would be better—

but it is the easiest of politics, even though something is happening, to say, “Let's have some more,” and we have seen some pretty easy and lazy politics this week in this place.

But the critical thing is that Mr Quinlan himself admits more would be better, and the easiest of politics was to ignore the warning. The government took the easy route on this and were negligent in their responsibilities to the people of Canberra.

Mr Speaker, the public, through their elected representatives in this place—and we raised this here in November last year—said they thought more community education was necessary; they thought more community education, particularly in schools, was necessary. The government's own Emergency Service Bureau, through recommendation 95 in relation to the 2001 Christmas fires, also said that there should be better public education about their responsibilities. Not only was the community ignored, not only was the opposition ignored, but the government ignored the advice from their own department that something must be done, and on that, and that alone, Mr Speaker, they should be censured.

**MR QUINLAN** (Treasurer, Minister for Economic Development, Business and Tourism, and Minister for Sport, Racing and Gaming) (11.33): First, Mr Speaker, let me say that the government recognises that people did suffer considerable hurt in the bushfires and that some people will require considerable assistance in the recovery process. There will be cases that you could reach out and quote, but it would I think be facile in the extreme to draw conclusions relating to everybody from a couple of genuine cases.

We do actually need to be conscious of the fact that the general recognition across the community has been that the government has acted in an exemplary fashion. The community has generally accepted that. The Chief Minister, Mr Stanhope, has achieved a status within this community unparalleled by any of his predecessors, to the point of receiving a standing ovation for walking into a restaurant. I am sure that status is something that the opposition would lust after or would like to tarnish, but I am sorry, it is there.

What I want to do is cut to the chase. I observed yesterday that the opposition has had, in recent times, a retreat, obviously to work through tactics, and that they have made the decision, "Hell or bust: let's get down and dirty. Let's try to make something out of this bushfire."

A lot of the observations that came out of the bushfire after the bushfire were to the effect that, in adversity, the Canberra community had come together, that Canberra had grown up, that Canberra had shown the rest of the nation and, in fact, the world its soul, the soul that it had always had. It brought Canberrans together.

Let me say it quite clearly brought nearly all Canberrans together, but we have a group with a different agenda, an agenda of political advantage that is not together with the community on this. This group is working and continually trying to convince people that there is foment out there in the community, when there is not. I think that is quite destructive and demeaning to a lot of the people who have been through the recovery process and who are still going through the recovery process.

Yes, we know how to suck eggs, Mr Smyth, we do know that there will be a six-month period, there will be a 12-month period. That has been taken into account. People have been writing to newspapers and thanking the recovery centre for

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following up with them just because they have asked for a copy of the McLeod report: that is the level at which the recovery process is working.

I listened to the news broadcast this morning. I happen to have the transcripts of the 7 am and the 7.45 am news when Mr Smyth spoke. If you listened to what Mr Smyth said, you would be forgiven for believing that Mr Smyth or the opposition had told this government that it should have a full community program of education, which they did not.

**Mrs Dunne:** Mind you, the Emergency Services Bureau said that we should.

**Mrs Burke:** You are not listening, Ted.

**MR SPEAKER:** Order, members! Mr Quinlan has the floor.

**MR QUINLAN:** I will in a moment read the full motion that Mr Pratt brought to this place. I found it necessary, in the last Assembly, to invent a term called “I have been Gary-ed”, because we had a chief minister who verballed members in this place. I am trying to conjure a term that describes tangential reference to something but implying a different conclusion. The best I can think of is a “Brendan bender”, because there seems to be a certain amount of bending between what happened and the claims that are made in the public forum.

The opposition, and Mr Pratt, particularly, as the spokesman for—

**Mr Pratt:** You say that with such feeling.

**MR QUINLAN:** Don’t you worry about that. That will be the extreme.

**Mr Pratt:** You lovable creature.

**MR QUINLAN:** You do frighten me, Mr Pratt, but not in the way you think. You are frightening; you are scary.

**MR SPEAKER:** Order! Mr Quinlan, direct your comments through the chair and the members of the opposition will desist.

**MR QUINLAN:** Certainly, Mr Speaker. Let me point out that this resolution, this warning, came in the words that the ACT should:

- (1) decry the loss of property and the extensive loss of natural bushland and pine forest in summer 2001-2002; and
- (2) notes that but for the excellent work undertaken by the ACT Rural Fire Services and Emergency Services greater devastation would have occurred;
- (3) notes that the majority of the fires were caused by human intervention and in many cases deliberately lit—an issue this community must confront in order to minimise dangers to the community;

- (4) notes that the fast approaching summer contains bushfire conditions that are anticipated to eclipse those of 2001/2002 with severe weather conditions likely to exacerbate a desperately dry situation;
- (5) urges the Government to immediately introduce universal bushfire prevention and safety education for all schools in the ACT, planned and coordinated by the Education Department and delivered by Emergency Services personnel and other approved trainers.

A great leap forward and a great recommendation.

There is one thing you should observe from this that was brought forward. Do you know when it was brought forward? November 2002. What happens in November 2002? Schools close down. This opposition, which was warning the government, was telling us that the sum total of this recommendation, this resolution that they brought before the Assembly, was to have a schools program that could not have been implemented until the beginning of this school year, after the bushfires, and therefore invalid to the events of the time.

Don't let that worry you. If we had taken notice of the letter of your resolution, the difference between the situation then and at the time of the bushfires would have been zero. Face it: you took from January through to November to even think of this. You brought it in at a time when schools were about to close down for the summer. You wanted us to educate the school children, and you were saying that this might have made a difference in 2002. Mr Pratt, that is just not logical. That is why you are dangerous.

**Mr Pratt:** You are clutching at straws.

**MR SPEAKER:** Order! Members of the opposition, please be quiet.

**MR QUINLAN:** That is why you are a danger in this place. I am rather concerned that, as I have said, the opposition has not made itself part of the community that wants to recover from this bushfire. You do not want to recover. You do not want a recovery; in fact, quite the opposite: you want to perpetuate the process for your own advantage.

I have gazumped, to some extent, Mr Wood, by rising to my feet before he would, as the Minister for Emergency Services, because I was, for part of the period 2001-2002, the Minister for Emergency Services. I informed this place—and you will find this in the *Hansard* of November—that, early in the year 2001, I had instructed the Emergency Services Bureau to conduct an education campaign.

The McLeod report recognises considerable elements of an education campaign. If you would like to consult a cutting service, you will find considerable advice coming out of Emergency Services, warning the public of the ACT. You will find a very large spread in August 2002, before Mr Pratt's motion, which includes advice about minimising the effect of fire. You may recall that all of those things that are on page 174 and 175 of the McLeod report were done.

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Community service announcements were conducted. I have here a transcript of one announcement WIN television ran. Some were paid for and some were community service announcements. There were 203 community service announcements and here is the description:

Footage of flames. Why are so many bushfires deliberately lit? The loss of homes and property runs into millions. The impact of those affected...Incalculable. An estimated 350,000 Australian animals die in bushfires every year. The devastation...the heartache...the trauma...Are you prepared for the impact?

There were 203 included in the program. It is not true if you go into the public forum and say nothing was done. It is misleading to say you gave us a warning, when in fact you said, "Run a schools program" and you suggested that at a time when the schools were about to close down. If we had taken your resolution to the letter and implemented it, it would have had absolutely no effect in relation to the January fire.

However, don't let that stop your grubby pursuit of some form of political point that you can gain out of this. Don't let that stop you trying to perpetuate the trauma of the bushfire calamity for your own grubby little advantage.

As I said at the start, this bushfire had some positive effects. It did bring the Canberra community together. It did show the rest of the world that Canberra has a soul. It did in fact demonstrate that the government and, for a time I have to say, the Assembly as a whole, could show leadership in this town when it was necessary. All of the people in this place showed leadership at the time, and I have to say it is a great shame that you, for grubby advantage, have fallen away from that position. I really think you should take a good hard look at yourselves.

**MR PRATT** (11.45): Mr Speaker, I rise to speak in support of Mr Smyth's motion. There are some major concerns the community feels, and about which the community continues to ask, regarding why this government did not pick up on the lessons arising out of December 2001. I will now go to the issue of education.

Mr Speaker, my motion of 13 November 2002, which has been spoken about at some length here today and yesterday, was clearly referring to the operational units of the December 2001 bushfires. That speech was not referring to management and it was not referring to government.

Look at the whole of my speech, Mr Speaker, from 13 November. Never did I say that management or government did all that they could do. I said, "All ACT residents can be satisfied that our emergency services have done all that they could possibly do to prepare for this dangerous season."

**Mr Corbell:** Hypocrite.

**Mr Stefaniak:** On a point of order, Mr Speaker: Mr Corbell called Mr Pratt a hypocrite. I would ask that he withdraw that.

**Mr Corbell:** He has two standards, put it that way.



**MR SPEAKER:** I did not hear it but withdraw it.

**Mr Corbell:** I withdraw the comment.

**Mr Stefaniak:** He said it twice.

**MR SPEAKER:** Yes.

**Mr Wood:** He says one thing and does another, or changes his mind over a period.

**MR SPEAKER:** Order, Mr Wood! Mr Pratt has the floor.

**MR PRATT:** Listen out, Bill. Mr Speaker, “emergency services” does not refer to management or government. I was stating satisfaction on behalf of the residents of Canberra with the actions—

**Mr Quinlan:** Why do you feel the need to explain yourself all of a sudden?

**Mr Wood:** You just said that emergency services had failed.

**MR PRATT:** Mr Speaker.

**MR SPEAKER:** Order, members!

**Mr Wood:** No, in a speech a few minutes ago he said—

**MR SPEAKER:** Order, Mr Wood!

**Mr Wood:** ESB is a failure.

**MR PRATT:** On a point of order, Mr Speaker.

**MR SPEAKER:** There is no point of order, Mr Pratt. Continue with your speech in support of the motion. Mr Pratt has the floor.

**MR PRATT:** Mr Speaker, the definition of “emergency services” in my speech is a damn sight different to the definition of the Emergency Services Bureau structure that I spoke about in my speech earlier today. Emergency services does not refer to management or government. I was stating satisfaction, on behalf of the residents of Canberra, with the actions taken by the emergency services in preparation for the coming bushfire season.

If we, the opposition, believe that everything had been done that could be done, then why would I have moved that the Assembly “urges the Government to immediately introduce universal bushfire prevention and safety education for all schools in the ACT—

**Mr Corbell:** Oh, it was about schools, was it?

**Mr Quinlan:** In November.

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**MR PRATT:** Planned and coordinated by the Education Department”.

**MR SPEAKER:** Order! Government members, please. Mr Pratt has the floor.

**MR PRATT:** Scratched the surface, eh, Mr Corbell?

**Ms Tucker:** Mr Pratt interjects all the time. He just cannot take what he gives out. He interjects all the time during everyone’s speeches.

**MR SPEAKER:** It is catching, Ms Tucker.

**MR PRATT:** That is all right, Ms Tucker.

**Ms Tucker:** I just cannot stand the hypocrisy, sorry.

**MR SPEAKER:** Mr Pratt has the floor.

**Ms Tucker:** I withdraw.

**MR PRATT:** I understand your sympathies.

Mr Speaker, if we, the opposition, believed that everything had been done that could be done, then why would I have moved that the Assembly “urges the Government to immediately introduce universal bushfire prevention and safety education for all schools in the ACT, planned and coordinated by the Education Department and delivered by Emergency Services personnel and other approved trainers”?

Mr Speaker, the release of the 102 recommendations made as a result of the December 2001 bushfires has highlighted the fact that integral recommendations were not carried out by management and government. Because of this we—the community—were not as prepared for the 2002-03 bushfire season as we could have been as a community.

Mr Speaker, recommendation 95 of the 102 resulting from the December 2001 bushfires stated, “Develop [a] program of public education that looks at issues from the debriefs,” and can be addressed by, “How can the public be better educated in [emergency management] matters and their responsibilities?” Recommendation 95 was given low priority by the government and, in addition, no deadline was set by which it was to be achieved, leaving it open to remaining unaddressed.

Just so that everybody is absolutely clear about how Mr Quinlan at the time recognised the issues raised about education, let me quote from Mr Quinlan in *Hansard*. He stated:

Well, I guess you can’t get enough of a good thing and, as Mr Smyth rightly pointed out, more would be better...

He was speaking about community education here, and doing something about fuel mitigation. He went on:

... but it is the easiest of politics, even though something is happening, to say, "Let's have some more," and we have seen some pretty easy and lazy politics.

He then goes on to say:

Of course, with the drought that we have, the season is on us effectively before expected so there is some fast-tracking happening. But certainly the Emergency Services Bureau has been working on a public education program. It is not just for kids; it is for the whole family. It is for people who are out and about and see suspicious activity and say that they should err on the side of conservatism and the side of safety and report it.

Mr Speaker, the important component of that comment from Mr Quinlan was "the Emergency Services Bureau has been working on a public education program". Well, what the hell happened to it? I do not recall in 2002 ever seeing a public education program that was more impressive or more superior than any other education program I had seen in previous years.

Here is Mr Quinlan talking about an education program which he thought the Emergency Services Bureau were onto. That is incorrect. He, talking about that, clearly did not follow through—ministerial breakdown—and did not ensure that such a program was put in place.

If this government is going to repeat statements to the effect that the community was complacent or in denial about the danger of bushfire, it only has itself to blame as it failed in its duty of care to implement bushfire education programs. The government was not only warned by this recommendation, recommendation 95, about the importance of public education; it was constantly reminded by the opposition throughout 2002.

Leading up to the 2003 bushfire season, I frequently asked the government what arrangements had been put in place for a schools education campaign on bushfires and, in letters and other comments and in questions without notice, I asked what other education programs were available in the community. All of these were brushed off ignorantly. Most of the recommendations that, in early August, Mr Wood claimed to have implemented failed to include those of integral importance to the community, highlighting the government's complacency and, again, its denial.

Mr Speaker, I ask members to look at the whole of my speech from 13 November 2002 and then look at the government's reaction. They laughed and they mocked at the idea of school education, but they did not act. Let me quote from Mr Corbell's response to those calls for an integrated education system:

Mr Pratt's motion is unwarranted, it is uninformed and it is unnecessary. The government has the issue in hand and there is a range of programs already in place actively educating our children and young people about the dangers of fires.

Then he went on to say, "The government will not be supporting the motion in its current form." We know that there was no universal education program in schools.

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We also know that the education program that was occurring was essentially aimed at structure fire risk education much more so than universal bushfire prevention education. People here are accusing other people of taking things and twisting them, when they are not themselves referring to the full contexts of their own speeches.

Mr Quinlan makes a lot of the timing. Yes, on 13 November we did call for urgent bushfire education in schools.

**Mr Wood:** Immediate.

**MR PRATT:** Immediate. Absolutely right. You are correct, Mr Wood.

**Mr Wood:** Just before the holidays, you said immediate.

**MR PRATT:** It is absolutely unacceptable that Mr Quinlan should now say that, on 13 November, there was no time to take any action whatsoever. What a load of rot. A lot of children were remaining in school up until 19 December. (*Extension of time granted.*)

**MR SPEAKER:** Mr Pratt, before you proceed, I want to acknowledge the presence in the gallery of students from Marist College. Mr Pratt, you have the floor.

**MR PRATT:** If the government had taken seriously the warnings of the deteriorating fire conditions in 2002, and if it had taken the alerts and the warnings seriously in the wake of the December 2001 wake-up call, it could have acted in time to alert schools to at least educate their children before the Christmas break-up period. They could have done that; there was sufficient time. For Mr Quinlan to ridicule the idea that action could have been taken is disingenuous and irresponsible.

What else has to happen? Look at the other recommendations that were not adopted. Communications and other equipment deficiencies were identified after December 2001. Calls for the urgent rectification of those deficiencies were either ignored or, if taken on board, were then treated as ongoing routine administrative programs to either acquire or repair existing systems.

In that same speech of 13 November, we called for the community to back up our emergency services units. That means that, primarily, government needed to adopt a leadership role in backing up our emergency services units on the ground. We knew, and I referred to this in my speech, that our emergency services units had been pushed to the limit in December 2001. We knew that, in December 2001, a disaster was only narrowly avoided. Others in the community had called for the government and the ESB management to back up the emergency units, because the emergency units had pushed themselves to their absolute fullest capacities.

What happened? There were three areas in which we needed to see government and management do something to improve the capacity of our units. First, we needed a better school and general community program and better information systems. The recommendations arising from December 2001 included that the government undertake a broader community education program. On 13 November, we called for an urgent bushfire prevention education program in schools.

Second, the recommendations coming out of December 2001 called for the government and ESB management to undertake better strategic planning and fuel reduction programs. Third, the recommendations coming out of December 2001 called for the government and the Emergency Services Bureau management to undertake a fast-tracking of the outstanding communication and equipment programs that were still in abeyance, and had been in abeyance for two years in some cases.

The government should have heeded those recommendations. The government should have picked up on some of those routine administrative requirements. It should have fast-tracked them. It could have come back here to the Assembly, if necessary, to seek the additional authority and resources to do just that, and it failed. This government failed to heed the lessons of December 2001. This government failed to ensure that our emergency units were better equipped when we were approaching the fire season of 2003 which, by all accounts then, was going to be a doozy.

**MRS CROSS (11.59):** I will start by speaking to the first four parts of Mr Smyth's motion, and I will address each one of those. Regarding the first one, about not implementing their proposed emergency services authority until consultation has occurred and so on: I believe that the various organisations who have the responsibility for the protection of the residents and the environment of Canberra have the experience needed to guide the proposed emergency services authority. I agree with Mr Smyth on this part of his motion. Their expertise is vital and I would have thought that any government would actively pursue these people to acquire their knowledge before jumping into any new venture.

The government should not jump into a new authority before it is really sure that it is not just creating another empire for one of the boys. The people who have acted on the ground for years are often the best to talk to, and I do hope that these people are given the opportunity to contribute.

Of course, if anyone said no to the second part of the motion "where appropriate, increase services to those in the community affected by the bushfire disaster, rather than decrease or remove services", one would have to wonder whether there was something wrong with that person's mental state. There are too many stories that have been brought to my attention about people and services not being given to bushfire victims—far too many for there to be no problems. I hope that the government would actually listen to people who have suffered, and not just the departmental officers.

Part three of the motion: I have spoken to many volunteer fire fighters who have not as yet had any of the counselling supposedly on offer that I referred to in my question yesterday in question time. Mr Wood answered that by saying that it had been dealt with. I will continue to speak to these people to determine whether the government is doing its job, and to determine the efficacy of the program.

Part four of his motion: this issue, I would have thought, has been talked about since January. I cannot understand why the government has been tardy in giving the volunteers and others the individual public recognition that would have made them realise that they really are appreciated and valued for the work they did.

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In the aftermath of the 18 January fires, the Chief Minister came out saying to the people of the ACT that, if anyone wanted to blame someone over the disaster, they should blame him. In other words, he openly took the responsibility upon himself. I was actually inspired by that. In saying what he did, he acted like a leader. And because he acted like a leader, he received considerable support and praise for his position, and he basked in that praise for some time, and deservedly so.

However, as time passed, the Chief Minister steadily changed his position. He has spread the responsibility around a bit. His position now is that the government is ultimately responsible. Acknowledgment of responsibility has now become more diffused. We have come from the early bold demonstration of leadership responsibility down to a victim-like bleating about whether people desire that he engage in a vigorous bout of self-flagellation and hair shirt wearing—his words.

Mind you, he still does acknowledge that, yes the criticism is justified, we accept it; however, the whining mode continued when he added the comment: “Now what more do people want than that?” This offensive mode is not very becoming for a leader.

In the McLeod report, there are a couple of points that are of serious concern. The first relates to what Mr McLeod describes as deficiencies in the provision of information and advice to the community. His judgment was that the provision of such information was “seriously inadequate”.

With regard to this, we have seen comments from the Chief Minister along the lines that the community was afflicted by a “culture of complacency” and that, even when it was faced with media reports about the fires, alarm bells did not ring for many people. In making this comment, the Chief Minister said that, “We all went about our business...perhaps comforted with the attitudes and views and statements being made by the ESB.”

As for the attitude of the ESB, Mr McLeod says that it seemed to have been “one of dogged optimism”. What that comment translates as, in blunt language, is that the relevant authority or authorities were doing their planning against a likely best case scenario, instead of what any decent planner would be doing and that is planning against a worst case scenario. I therefore consider any comment about community complacency to be reprehensible. It is a little bit like saying that somehow the community brought the bushfires on itself.

Instead, I see the responsibility for complacency resting squarely with the responsible authorities who were, according to the report, doggedly optimistic. I also see complacency resting with the leader of the ACT community, the Chief Minister, who, as the leader, should have been actively and personally on the backs of the relevant authorities, pressing them and putting scenarios to them.

The community is painted as having been complacent. So that is that, is it? If they were as complacent as the Chief Minister says they were, why was that? It was simply because they were not kept in the picture about the true state of things. The ESB has said it did not want to panic people. That comment is just so weak. The people are not infants, they are Australians and Australians do not have a reputation as panickers: quite the contrary, they are stoic doers. I am sure they would not have panicked.

On top of this comment, the Chief Minister has said that warnings were carried in the media. Yes, warnings were in the media, but they did not carry the sense of urgency that they should have, no doubt for the reasons the ESB has put forward—fear of panic. Communication with the people has to be honest and direct, without any hedging of bets. It is not the media's responsibility to initiate such communication or embellish it. In the end, it is the government, through its leader, that should be communicating. When it comes to declaring a state of emergency that, too, should come from the leader, the one who is ultimately responsible to the community.

Mr Speaker, despite the efforts to get things off the page, to put things behind us, not to blame anyone and to just move on, that is not the way things are going to pan out. There is considerable dismay at the nature of the failures that occurred: not so much about the inability to stem such a violent fire, as about the attempts to cocoon the people from knowing the reality.

Chickens always come home to roost. No matter how much we jump up and down and try to shoo them away; no matter how much evasion of responsibility the Chief Minister engages in; no matter how much diffusion of responsibility he encourages; no matter how quickly he just wants to put it all behind him; no matter how much name calling he engages in and how many nasty comments he makes, which he does frequently in this place; and no matter what his concerns for his own person are, the one clear fact that stands out like a blackened old gum amid the devastation is that the leader failed the test of leadership. That fact cannot be obscured.

The Chief Minister must acknowledge it because it will not go away. I asked him yesterday, "Where does the buck stop, Chief Minister?" I will tell him, Mr Speaker, through you. It stops with him, the Chief Minister.

**MR WOOD** (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services, and Minister for Arts and Heritage) (12.08): Mr Speaker, the opposition is struggling for relevance. It is trying to get into the act. It is clearly disorganised, it is stumbling, it is desperate and it is totally irrelevant. A good number of its comments are based on the frustration that flows from that. Obviously, some are simply based on ignorance, on lack of knowledge, on not having the details in their minds. This motion itself is clear evidence of that.

How seriously do we regard this motion? Mr Smyth, when he spoke, said that censure motions are serious business. Yes, true; there is no doubt about that. He said that this is the first by this opposition against this government so, yes, the words say, "Take it seriously", but not the actions they take. "This is something very serious", says the opposition. You would think that you would move that on the first sitting day of a session. No, it is not very serious, so we can wait until private members business on day two. I do not think that is the normal practice with censure motions.

How serious is it? We are doing it on this day and it is such a serious motion that it just sits there down the list. It is not something we want to take on at the beginning of business, just let it arise with the routine—

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**Mr Stefaniak:** It was pretty close.

**MR WOOD:** Yes, close, Mr Stefaniak. Down the list it is—we do other business and we come down to this. It does not give much of an impression that you regard this as a very serious motion at all. It is just a routine part of private members business, so how seriously can you take it? Not very seriously at all.

However, it is not just the manner of moving the motion but the significant confusion in that motion. We have lumped two things together. There are a few items that probably need discussion and conclusion on their own, rather than being wrapped up in a censure motion. I find it strange that you mixed up the first part and the second part of this. Why would you do that? I can tell you why: because there is not much to go on anyway, so that is the best you can get out of it. You have really become confused.

Then look at the magnitude of this confusion. Point 1 of Mr Smyth's motion calls on the government not to implement the proposed emergency services authority until consultation has occurred and so on. But what has happened today? Mr Pratt has introduced a bill. He is taking action. He wants it done right now. How do you reconcile point 1 with what Mr Pratt was talking about an hour or so ago? You are just going to bring it in, like that—click your fingers and bring it straight in. That tells me, that tells this Assembly and that tells this community absolutely how confused you have become about these things in no time at all.

*Opposition members interjecting—*

**MR SPEAKER:** Members of the opposition, come to order, please.

**MR WOOD:** There is an absolute contradiction between point 1 and the bill that has been introduced, and that is the case with so much related to this topic.

Mr Pratt tried to make something of the 102 consolidated recommendations from the earlier bushfires. I do not know whether this is ignorance, distortion, rewriting history or what, but the first comment on this was from Mr Smyth, who said nothing had been done. Now, he probably did not know and that was a mistake on his part. When we gave him the data, he started to back down and he said, "You have not done the important things. You have not done this and that and something else."

The fact is that a process was carried out fully after those 2001 fires and most of those recommendations have been implemented. Mr Pratt subsequently tried to take it on and, in his confused way, argues as a major part of his speech that we had not reacted properly. We had reacted properly: ESB had reacted properly and was taking all the measures required.

For example, one of those recommendations, 94 or 95, about community information, referred to Canberra Connect, and Canberra Connect was brilliant in all this. Why? Because, following the recommendations from the 2001 fires which had been taken on, by some time in November they were fully geared up to respond to any event at all, including a bushfire. There it was, up and running. It was just one example of how



those recommendations were being implemented, had been implemented or were under way. However, I do not think you knew about it, so I can forgive you for that.

Another major aspect—which Mr Quinlan has dealt with well—is that of education. Forget the nonsense that Mr Pratt moved in November of 2001. Education, you say, has not been undertaken, but it has been undertaken. Again, perhaps you have not read it yet, but the McLeod report, at pages 174 and 175, goes into some detail about that. Perhaps the subsequent speaker might refer to some of that. What was not in that McLeod summary was the 203 television spots shown in that period.

I was Minister for Environment at that time, and I remember the major launch we did out at one of our nature parks at Bruce, and the enormous promotion that that was. We did not have to work very hard, I might say, for community education, because the media itself was intensely interested, and there was an enormous amount of material available in that period before 18 January. We did pay attention to those 102 recommendations and there was a great deal more work done, and it is simply dissembling to say that it did not happen. It is more than misleading: I think it is deceitful.

However, I raised this theme of Mr Pratt's confusion and how difficult that is. In his speech, Mr Pratt has demonstrated to the nth degree just how this opposition is struggling. On this education matter, Mr Pratt says that we did not do enough. However, in that same speech on 13 November, there was something he did not read out. Let me quote from that speech at page 3,571, and I will read a little bit of preamble too:

I believe that all ACT residents can be satisfied that our emergency services have done all that they can possibly do to prepare for this dangerous season.

Yes. He tried to break that down a bit and a bit more afterwards, and he could not explain that away. He goes on:

Our bushfire and urban brigades have been out and about for months backburning and preparing the field. Where vulnerable neighbourhoods, particularly those fronting on to bushland on their western fringes and perhaps with western gradients falling away, have cooperated with fire units in preventive preparations and education, the fire units have been most willing and they have been proactive.

Listen to this, as he goes on, "The same applies to school education." Just before the fires, he is saying that the education has been great. However, today, he wants to change his mind about that. He continued:

Where schools have been diligent and sought to undertake education on bushfire prevention programs, employing expert assistance, fire units have been willing.

He simply wants to change his mind. The opposition want to change their minds. (*Extension of time granted.*) It is this difficulty they have. They cannot come out and say, "The government has done a good job in the circumstances." They simply cannot say that. They have to struggle for some relevance in this. They have to nitpick and move against the community's very strong general view that the situation was

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a disaster, but the outcome has been handled well. They want to break ranks, I believe, to try to claim a place in this community. Well, the place they are trying to claim is a thoroughly disreputable one.

This motion is disreputable, and I do not think there is anything in it that calls for support.

**MS TUCKER** (12.19): I will still be listening to the rest of the debate, because I have not understood some of what the Liberals are saying in their motion or heard responses from Labor. We may support parts of the motion, but I foreshadow that I will be moving that the motion be handled in sections, so that it is possible for members to support sections of it.

I do have to echo the concerns that have just been expressed by Mr Wood: I think it is very disappointing that the opposition is insisting on looking for political blood instead of showing leadership in this very difficult time for Canberra, when many people are distressed and fearful.

There has been acknowledgment from both sides of this Assembly that there was complacency and inaction. We do not need to be censuring people now, we need to be showing that we can work together to ensure the safety of people and property in the next fire season. I have had people from the community tell me they want heads to roll and political blood. I have had other people also tell me how distressing they find the acrimonious atmosphere, particularly the political atmosphere, but also generally in public debate to an extent, since the fires.

It is, of course, a predictable thing after a crisis. People stick together during and immediately after the event, and we were all very inspired by the community spirit that was demonstrated. It is actually what usually happens in a crisis. I do not think it is particularly a characteristic of Canberra or of Australians. It is about humans, and when they are put into that sort of situation they tend to work together, and we see incredible bravery and heroism occurring.

What is interesting to see is what happens after the event. There have been plenty of those kinds of sociological analyses done. What can happen is what is happening now: it all falls apart because the people are working out their grief and their anger. The anger comes from the grief, and there is blaming and the sorts of things that are happening now.

What you need to have happen then is leadership, which will actually show people how they can work through the trauma of what has happened in a positive way to actually produce a positive outcome.

I will move through the points now. It is in that spirit, with regard to the first point, that I have asked Labor, Liberal and crossbench members to be involved in a round table discussion on the structure of the emergency services authority. I assume it was in that spirit that they agreed. I know that that request is supported by the stakeholders, including the volunteer fire fighters, the urban fire fighters and many people in the community who contacted me after they saw that I was asking for that to occur.

Mr Smyth's first point is that there has to be consultation with stakeholders also, and I can agree to this point, although I understand from the government that they are doing that, so it seems rather unnecessary. However, I do not have a particular problem with the Assembly saying that is an important thing.

I am interested in the timing of the appointment of the commissioner. I am not sure that that is the right thing to do. It is not something that this motion is dealing with, but it is something that I will foreshadow I am intending to raise again in different ways. However, I do have a concern about employing someone to run an authority when we do not yet know what that authority will actually look like. I would have thought that, if you were employing someone on merit to do a particular job, you would want to know what the job is.

On the other hand—and I see the dilemma here—we have been told that we have to get things happening quickly. Mr McLeod said that, and in fact the opposition says that one minute and then in the next minute it says, “We are going too fast. The government is going too fast.” I am not sure where they are coming from in that regard, because I have definitely heard them say publicly that the government has failed, and is failing, to deal with the fire issue properly, that time is running out, that we cannot have a talkfest and so on. Now I am being told that the government is really rushing things, and I should slow it down.

Of course, the Liberals, while objecting to the government's taking action to set up the authority, have tabled their own legislation; so what they are actually saying is all rather confusing. I am interested in continuing the debate on this, because that is the dilemma: it is the tension between having to get things done reasonably quickly, because obviously there is time pressure with the next fire season coming up, and showing the community that the government is actually dealing with the concerns. It is also very important to ensure that things are done properly. That is a tension and I think it needs to be worked on thoughtfully. I do not think it is particularly useful to start making that into a combative issue in the Assembly.

The second point of the motion was about increasing rather than decreasing, or removing, services. I am really not sure what that is about. I am assuming the Liberals will say more about that. I do not know that the government is decreasing or removing services. Maybe it is and if it was discussed I may have missed it, so perhaps someone can just say more about that. I see Mr Smyth handing Mrs Dunne something so maybe she will talk about it, but obviously I want to listen to how the government responds to that as well.

I am not sure what the opposition's third point is about either. They want an analysis of the future needs of counselling and other services. I do not know what “other services” means at this point. Again, the argument on this point depends on what the government says here. If the Liberal opposition actually wants a mapping out of the needs of counselling and other services for the future, and that has not been done, it would seem very unrealistic to ask the government to do it by tomorrow. If I am persuaded that this is a very important thing and that the government is not doing it, then I would suggest that the Liberals actually amend their own motion and do not use tomorrow's date, because otherwise it makes a joke of doing the work properly.

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The fourth point was about volunteers being properly acknowledged. I do not have a problem with that. I thought that was happening, but if it has not happened enough I do not think that is controversial.

Then we get to the censure part of the motion. Regarding the first point, failing to heed the warnings in Mr Pratt's motion, I agree with other speakers: this motion was about arson and education in schools. Mr Pratt keeps saying it was about universal bushfire prevention, but what I see in *Hansard* is "Universal bushfire prevention and safety education in schools". The text of his speech was pretty well all about that so I do not really see why we should be bringing that into this debate at the moment. If you really want to get into punishment and vengeance in the Assembly, it might be more appropriate to censure everyone in the Assembly, except Ms Dundas, as they did not support my motion after the 2001 Christmas fires.

That motion called on the government to reassess land use options before replanting the pines. While I did not speak specifically about the fires in that motion, I was saying, "Hang on, can we just think about this?" It was an opportunity. Interestingly, people have said to me that they were hoping that motion would get up because they wanted to talk about the problem of pine plantations and fire. Of course, that did not get up and no-one in this place supported it, so there was not an opportunity.

I am not going to say that we are going to have to censure everyone in this place because I do not think it is a constructive use of time. The Liberals probably think this is a constructive use of time because they think it will increase their political profile, but I would have to say that there are a growing number of people in the ACT community who find their post-fires response increasingly offensive.

People are saying to me—not those who necessarily agree with my position, either—that they are concerned about the Greens' position on hazard reduction burns—probably because the Liberals keep telling them we do not support hazard reduction burns. However, they do say to me, "Even though we have a problem with the fact you do not support burning off", which I then have to correct, "we are really pleased with the way that you are trying to be constructive here and we are very disappointed with the Liberal opposition. They are upsetting a lot of people in the community." I think the Liberals do need to rethink their political strategy here.

The second point of the censure motion is about the implementation of recommendation 95 of the *Recommendations of the debriefs of the 2001 Stromlo fire*, which was about improved communication. To have a censure motion on the lack of implementation of the 95th recommendation—and I have up to 102 recommendations here—which was given low priority, is bizarre. I could point to many recommendations of extremely important reports that were never implemented by the Liberal or Labor governments, because of which failure I might be happy to support a censure motion against those parties. However, the 95th, which is given low priority, is really ridiculous. (*Extension of time granted.*)

In hindsight, of course, we can say this was actually important and it should have been a high priority, but there is no way that you can censure the government because it did not do that at the time. As I said, it was after the 2001 fires, when no-one in this place

was particularly interested in thinking about it, which was obvious from the response to the motion I moved.

We have looked at recommendation 95 of that debrief, but I would like to remind members of the history of recommendations regarding communication on fires. The vulnerability of the urban interface and the need for community education has been recognised in the ACT for many years, though not in this Assembly. It was noted in the findings of the task force on bushfire management practices of August 1995, and in the fuel management plan 1998. In the former, there were specific recommendations—16, 21 and 24—which dealt with education.

No 16 was “Education programs be implemented to inform the public of the bushfire risks in the ACT, the need for hazard reduction burning and the inevitability of some impact from smoke.” Recommendation 21 was “The Chief Territory Planner, on the advice of the Chief Fire Control Officer of the Bushfire Service, be responsible for the declaration of urban areas as bushfire hazardous areas.” Recommendation 22 was “The Building Code of Australia standards and guidelines relevant to bushfire prone areas be adopted in the ACT and the building control authority ensure their application in declared bushfire hazardous areas.” Recommendation 23 was “Urban edge guidelines be revised by Public Works and Services taking into account bushfire hazard assessments.” Recommendation 24 was “The revised guidelines be applied where feasible to all existing and future urban edge areas.”

I also know that these were pointed out to the then Liberal government, which had responsibility for this matter for six years and knew about these recommendations for that time. I also know that it was pointed out to them in 1999 that there were inadequate resources to deal with on-ground and necessary work, and that it was essential that there was communication with community groups who had already expressed an interest in having input, that they be made aware of the issues and that they be given advice on how to help themselves if necessary.

Of course, none of this happened. Mr Speaker, I do find it hard to understand how any Liberal who was here at the time these recommendations were made, whether as a staffer or a member, can dare to stand up in this place and attempt to censure this government for lack of implementation of one recommendation that was seen to be of low priority regarding community education.

I know now that concerns were being expressed to the Liberals when they were in government about their tardiness in dealing with these recommendations. Unfortunately, I did not know it at the time, and I do feel responsible myself for not challenging and questioning the Liberal government on its response to recommendations regarding community education.

I was aware that the recommendations regarding fuel management were picked up in the bushfire fuel management plan, but should not have assumed that there was work happening on the other recommendations. Now we know nothing was happening. Certainly, the current Labor government should have done more as well, but the Liberal government did nothing for much longer.

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I am assuming that the third point is referring to statements regarding Steve Pratt's motion which, as I have said, was about arson and children. I also read with interest the comments made by Mr Pratt which Mr Wood read out.

In conclusion, I want to say that I am prepared to support a couple of the points in the first part of the motion, although I will listen to the rest of the debate. I will not support the censure unless someone wants to move an amendment to censure the previous Liberal government for its failure, from 1995 to 2001, to implement those significant recommendations that I have just read out. I am not suggesting this amendment should be made.

I think we should not be supporting the approach of political bloodletting so favoured by the Liberal opposition. We should instead be looking together at how we can prevent a similar fire disaster from occurring in the city we all love and care for.

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

**Sitting suspended from 12.34 to 2.30 pm.**

## **Visitors**

**MR SPEAKER:** Before I call for the first question, I wish to acknowledge another group of students from Marist College who are in the gallery.

## **Questions without notice**

### **Hospital waiting lists**

**MR SMYTH:** My question is to the Minister for Health, Mr Corbell. The long-overdue waiting lists for June showed a totally unacceptable number of five patients in category 1 who were overdue for surgery after 30 days. It is considered as potentially life threatening if category 1 patients do not receive surgery within those 30 days. The *Canberra Times* of 8 August reported that four out of the five were booked in for surgery during July, meaning that one of the patients who should have been seen in June was waiting until August for lifesaving surgery.

Has this patient had his or her surgery yet and why did you fail this patient by not providing lifesaving surgery until August, when the patient should have received it in June?

**MR CORBELL:** Mr Speaker, it is quite mischievous of Mr Smyth to describe the lack of that surgery as potentially life threatening, which is essentially what he is doing. Of course, if it was life threatening, if it was a case of life or death, that patient would have had his or her surgery. It would be emergency surgery and the patient would have had it.

Category 1 is the most urgent category of elective surgery. It is not emergency surgery: it is the most urgent category of elective surgery, Mr Smyth, and it is dealt with in accordance with timeframes that are set out by the relevant body. As far as

I am aware, all of those individuals have either had their surgery or have confirmed appointments for surgery. I am happy to provide those details to Mr Smyth.

Of course, Mr Smyth likes to pick and choose when it comes to waiting lists because, for the past two months, we have seen a decrease in the number of people waiting for elective surgery in the ACT. As well, we have seen a significant level of activity in the actual surgery undertaken. That is really the point that Mr Smyth fails to mention. We have seen a decline from May to June, and that is quite an encouraging figure, Mr Speaker.

That is something that the government is going to keep working on because, unlike the Liberals, the government is making sure that we pay our own way when it comes to providing elective surgery.

*Opposition members interjecting—*

**MR CORBELL:** This government has put in place an extra \$2 million per annum for the next four years. I notice the Liberals laughing about it but they should not be laughing at the fact that an extra 600 Canberrans will have access to elective surgery this year who otherwise would not, Mr Speaker. There are an extra 600 Canberrans, on average, every year, who will get access to elective surgery that they would not have had if the government had not put in place that initiative.

That is the government's record. The government's record is one of improving access to elective surgery, of paying its own way when it comes to access to elective surgery, and of a decrease in the waiting list for both May and June.

**MR SMYTH:** Minister, why do you consider that it is excellent service for a patient in category 1 to wait for two months when he or she should have received surgery within 30 days?

**MR CORBELL:** I challenge Mr Smyth to tell the surgeons and the nurses that they are not providing excellent service and that is exactly—

**Mr Smyth:** No, you said it was excellent service. It was in your press release. You are twisting and dissembling. You did not meet the target.

**MR CORBELL:** What I am saying, Mr Speaker. What I am saying, Mr Smyth, is that they get excellent treatment.

We perform extremely well compared to almost every other jurisdiction. Mr Speaker, it is excellent service. In fact, I had a letter just the other day from a constituent who wanted to praise the Canberra Hospital for the excellent service it provided him when he had a hip operation. That was, I think, indicative of the very high standard of care provided by our clinicians and our nurses, and the government is backing that.

The government is supporting that with an extra \$2 million per year for the next four years to ensure that, on average, an extra 600 Canberrans have access to elective surgery. That, I think, is a strong endorsement of this government's commitment to providing access to elective surgery.

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## **Workers compensation**

**MR HARGREAVES:** Mr Speaker, my question, through you, is to the Minister for Industrial Relations—a second brilliant minister for industrial relations under the Stanhope government, I might say, Mr Speaker.

**MR SPEAKER:** Come to the question, Mr Hargreaves.

**MR HARGREAVES:** Minister, yesterday in this place during debate on the Civil Law (Wrongs) Amendment Bill, and again this morning with Chris Uhlmann on ABC radio, the Leader of the Opposition, in discussing the recent changes to the Workers Compensation Act, stated:

What we are seeing is a calming in the premiums—is the indications I'm receiving and we are seeing a drop in the number of claims.

Minister, was it this sea of tranquillity in premium setting that led to you write to all workers compensation insurers recently?

**MS GALLAGHER:** I thank Mr Hargreaves for this question. Can I begin by saying that the introduction of the new workers compensation arrangements with their increased emphasis on early intervention and rehabilitation has the government's wholehearted support. However, my office has had many reports and representations from employers and industry bodies such as the Master Builders Association citing increases to their premiums. For example, there are six large bricklaying companies operating in the ACT employing 150 workers that have all had increases in their workers compensation premiums for the current year, with the largest company recording an increase from 19 per cent to 29 per cent of payroll.

In response to this, on 25 July I wrote to all workers compensation insurers requiring that they provide me with information on how they calculated their premiums for 2002-03, along with information on adjustments that they made to their premium setting models to accommodate the changes to the workers compensation arrangements.

So where Mr Smyth sees calm, others see turbulence. I do not know whom you are listening to, Mr Smyth, or who is advising you on this but I am hearing a very different story, and that is why this government has acted. So if the Leader of the Opposition is looking for examples of where a scheme with a focus on early intervention and rehabilitation will reduce premiums or even stop premiums from increasing, then he will have to look elsewhere because there is no evidence that we have seen that there have been reductions in premiums and certainly no calming of those premiums.

Insurers need to meet their obligations under the act and I intend to use my powers under that act to ensure that businesses and their workers' interests are protected.

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



**MR HARGREAVES:** Thank you very much, Mr Speaker. Minister, why is it that we are not surprised that the Leader of the Opposition could have got it so wrong, and probably got this one wrong, too? Minister, are we seeing a drop in the number of workers compensation claims?

**Mr Cornwell:** Mr Speaker, I take a point of order. The first part of the question is clearly asking for an opinion, sir.

**MS GALLAGHER:** No, Mr Hargreaves, we are not. Mr Smyth was wrong on that, too.

**Mr Cornwell:** Minister, before you begin answering the dorothy dixer, the first part is asking for an opinion, sir.

**Mrs Dunne:** It's out of order.

**Mr Cornwell:** It is.

**MR SPEAKER:** Minister, ignore that part of the question which asks you for an opinion.

**MS GALLAGHER:** In relation to the part of the question which asks whether there have been reductions in claims, there have not been reductions in claims. So Mr Smyth is wrong on that too.

**Mr Stanhope:** Another untruth.

**Mr Corbell:** Another untruth.

**MS GALLAGHER:** The amendments to the act include strict obligations to report any injury, however serious, and this has led to significant increases in claims as each report constitutes a claim. So whereas injuries might not be increasing, claims certainly are.

**Mrs Dunne:** On a point of order, Mr Speaker: this is the second time in two days that the Chief Minister has accused the Leader of the Opposition of misleading, and I want it withdrawn.

**MR SPEAKER:** I didn't hear that; he didn't say that.

**Mr Stefaniak:** Mr Speaker, I take a point of order on the use by several members of the government of the word "untruth", which I do think is unparliamentary.

**MR SPEAKER:** Mr Stefaniak, if one says something is untrue, that is hardly unparliamentary. We have gone through this issue before about wilful lies and all that sort of thing, and that is just not supportable and will not be accepted in this Assembly. But to say that it is unparliamentary to say that something is not factual or not true I think is stretching it a bit.

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**MS GALLAGHER:** We are certainly seeing an increase in the number of claims because the nature of the new arrangements means that each report constitutes a claim. So whereas injuries are not necessarily increasing, claims certainly are.

As a Labor government, we see it as a core responsibility to ensure that injured workers are provided with the earliest assistance and rehabilitation by which they can regain their health, return to work, resume their income and earn livelihoods. So I certainly agree with Mr Smyth on that.

Mr Smyth made three points this morning, using the workers compensation scheme as an example. The first was that there has been a calming in premiums; the second was that claims are down; and the third was that under the scheme there is a focus on early intervention and rehabilitation. So, I guess in the end, one out of three, Mr Smyth.

### **Adopt a Road program**

**MR CORNWELL:** My question is to the Minister for Urban Services. Mr Wood, in response to me, regarding the Adopt a Road program, on 28 July this year you confirmed that public liability insurance negotiations were still taking place. That was a month ago. Minister, has the insurance issue since been resolved? If not, to what extent is City Management making up the shortfall in litter and rubbish collection along the Adopt a Road zones while the Adopt a Road groups are sidelined?

**MR WOOD:** I do not have current information about whether all issues are concluded. There is a matter where the relevant insurance company is working through issues. I issued you something yesterday—a question on notice. It did not indicate that that had been concluded.

As to picking up rubbish, I say again that, where there appears to be a problem, if rangers and others do not pick it up and react to it, we respond to any calls we get.

**MR CORNWELL:** Could you find out what the current situation is, Minister?

**MR WOOD:** Yes.

### **Public housing tenants**

**MRS BURKE:** Mr Speaker, my question, through you, is to the minister for housing, Mr Wood. Minister, I note in this week's *Chronicle* that you reject a challenge to join me on a tour of public housing properties. A spokesman from your office said, "Mr Wood has 14 years experience and is well aware of the problems facing public housing, including ageing stock, quality of stock, shortage of housing, and security issues for residents."

Why then, Minister, with all this experience, are you still not satisfactorily addressing personal and property security issues; structural and maintenance issues; drug dealing and prostitution; a minority group of tenants determined to blatantly flout their agreements, causing the majority of good tenants, often elderly tenants, great angst?

**MR WOOD:** I don't know what to say. I want to praise Mrs Burke. Mrs Burke is the first of the Liberals in my 14 years to have an interest in housing and to be out there doing things. The record of others on that side, when they have been ministers, is to run down the housing stock.

**Mrs Burke:** On a point of order, Mr Speaker: can the minister please answer the question. With all his experience, why is he still not satisfactorily addressing personal and property security issues; structural and maintenance issues; drug dealing and prostitution, as advised to me by people in the community; a minority group of tenants determined to blatantly flout their agreements, causing the majority of good tenants, often elderly tenants, great angst? Answer the question, please, minister.

**MR WOOD:** This from the people who took \$20 million out of ACT Housing on demand from Mr Howard. They simply wanted to close down ACT Housing.

**Mrs Burke:** You've got no answers.

**MR WOOD:** Mrs Burke, I continue, with fine officers in ACT Housing, to address the complex issues that arise in some cases. For you to stand up here and read out a list like that, as though ACT Housing tenants are some sort of second, third or fourth-rate citizens and make all sorts of claims—

**Mrs Burke:** They're your words; you used them.

**MR SPEAKER:** Order! Mr Wood, resume your seat, please, just for a moment. Yesterday I complained about the level of interjection during question time. Most of you know that I have a wish that during my occupancy of this chair I don't get around to throwing anybody out. But you challenge me. I just think—

**Mr Quinlan:** Warn them.

**MR SPEAKER:** Somebody just called for me to warn you. I don't believe in taking out the pistol unless you intend to use it. I don't want to be issuing warnings in vain. But you can take this as a reminder that I'm going to take my responsibilities seriously to ensure that the Assembly doesn't descend into chaos.

**MR WOOD:** Mr Speaker, let me put it this way: I am, I believe, quite well briefed and very familiar with all the good things that happen with our public housing tenants. I would expect that most of the bad things occur from time to time are with a number of those tenants. With ACT Housing officers, as before, we are working assiduously to resolve issues that emerge, to see that tenants live happy and satisfactory lives within that property they occupy.

**MR SPEAKER:** Supplementary question, Mrs Burke?

**MRS BURKE:** Thank you, Mr Speaker. Minister, thank you for that brief overview. If, as you say, you know all the problems and are fixing up housing, why is my office receiving so many telephone calls and other contacts every day, as your office staff can well vouch, from an increasing number of angry, frustrated residents unable to get any satisfaction and resolution to their basic housing problems?

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**MR WOOD:** One of the reasons—and I think quite a reasonable reason—why you are getting those calls is that you’re generating them; you’re out there and you’re doing things.

**Mrs Burke:** So we’re making them up?

**MR WOOD:** Don’t misunderstand me. You are—

**Mrs Burke:** Oh, Minister!

**MR WOOD:** If I may speak: you are seeking responses from that community.

**MR SPEAKER:** Minister, direct your comments through me.

**MR WOOD:** You are generating responses from that community. Can you understand that?

**Mrs Burke:** So, it’s their fault.

**MR WOOD:** I didn’t say you were inventing them; I say you are generating them.

**Mrs Dunne:** On a point of order, Mr Speaker: I draw your attention to standing order 42. I ask that the minister address the chair, rather than Mrs Burke.

**MR SPEAKER:** Thank you, Mrs Dunne.

**MR WOOD:** I would much rather address the chair. If Mrs Burke sends out a survey to large complexes and says, “Please advise me of any problems you have,” yes, I think you do get a response. You’re not the first member of this place to do so. Please keep doing so. I’m pleased for you to be doing so. We continue to respond.

### **Green power**

**MS DUNDAS:** My question is to the Minister for Environment. I note that the ACT government plans to increase its purchasing of green power to 100 per cent by 2008 off a base of 10 per cent in 2001. Can you tell me what proportion of ACT government power currently being consumed is actually green power?

**MR STANHOPE:** No, I cannot, but I am happy to take the question on notice.

**MR SPEAKER:** Is there a supplementary question or a requirement for supplementary information?

**MS DUNDAS:** I would like some supplementary information, thank you, Mr Speaker. Minister, can you tell me whether territory-owned corporations are also being asked to meet the target of 100 per cent for green power by 2008?

**MR STANHOPE:** I am happy to take the question on notice.

## Disability services

**MS TUCKER:** My question is to the minister for disabilities and relates to unmet need in the provision of services to people with a disability; in particular, the provision of therapy services. I understand that work commenced this year on the production of a profile for people with a disability in the ACT and that the government made a pre—election promise to conduct an independent research study of unmet need in the ACT. Can the minister tell the Assembly when the profile will be published and how far the independent research study has progressed? Also, can the minister confirm whether this study includes the identification of future and new need?

**MR WOOD:** Quite a deal of work is going on, as Ms Tucker suggests, and not all of it within Disability ACT. As part of the development of a social plan—one of your strong points of presentation over the years—this work is also being collated. Indeed, one of the difficulties we have had in arguing for improvements and for more funds is the need to identify the extent of the unmet need. I will have to come back to you with the details as to when we expect reports and where we are at. The task is pretty complex. We are getting assistance. I have had a number of reports from community agencies in that area. The work is taking some time. I will get back to you with fine detail on that.

**MS TUCKER:** I have a supplementary question. Minister, could you also table in the Assembly by the end of the next sitting week, if you need that long, information on the caseload of therapists, including OTs, speech therapists, physiotherapists and social workers, who were working in what was called the multidisciplinary team before it was merged with CHADS and, similarly, the caseloads of therapists in CHADS?

**MR WOOD:** Okay.

## Hospital waiting lists

**MRS DUNNE:** My question is to the Minister for Health, Mr Corbell. It refers to an article in the *Canberra Times* of 8 August regarding a Mr Darrell White, who was put on the waiting list for back surgery in October 2002. After a number of cancellations, Mr White was admitted to hospital for surgery on 2 June, and it was cancelled again. He was admitted again on 23 June and it was cancelled.

Another thing we need to know about Mr White is that, in addition to having to have back surgery, he is an insulin-dependent diabetic, and doing the fast really messes up blood sugar levels. And this was done unnecessarily.

He eventually had the surgery done as a private patient on Sunday 3 August, after receiving money from an insurance payout. Mr White said, in the *Canberra Times*, “My story emphasises that there continues to be a problem with the ACT’s health system.” Why do you remain doggedly optimistic that the elective surgery system is improving when you continue to fail patients, like Mr White, who require extensive and urgent elective surgery?

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**MR CORBELL:** I remain doggedly optimistic because in the last two months I have seen waiting lists decrease. At the same time, the government is increasing the money available to surgery by \$2 million per year for the next four years, which will see an extra 600 Canberrans receive access to elective surgery. That is a pretty good reason to see that we are taking action on this very important issue.

**MRS DUNNE:** Are you fiddling with the elective surgery lists by dealing with the quick and easy procedures and leaving people like Mr White, who need more extensive surgery, to languish on the list?

**Mr Hargreaves:** Mr Speaker, I rise on a point of order. I consider the phrase “Is the minister fiddling with something?” a reflection on the minister’s character. I would like a withdrawal.

**MRS DUNNE:** Okay, I am quite happy to rephrase it.

### **Hospital waiting lists**

**MRS CROSS:** My question is to the Minister for Health, Mr Corbell. Yesterday, the Canberra Hospital informed one of my constituents that the wait for surgery as a category one patient would be five to six weeks at least. Minister, as you would be aware, the category status of a patient is determined by the surgeon. In fact, I have spoken to a constituent who waited up to seven weeks for acute cardiovascular surgery. That person also was a category one patient.

Minister, are you aware that the usual clinically desirable time is 30 days, which is far more like four weeks? Have you ever spoken to the actual patients to get accurate information on how long they are waiting?

**MR CORBELL:** My office receives regular representations from constituents concerned about waiting times or simply making inquiries about surgery; so, yes, I do speak to people about that issue. I am happy to confirm to members that as of the beginning of question time today, following communication with the Canberra Hospital and Calvary Hospital, there are no overdue category one patients on the waiting lists.

**MRS CROSS:** I have a supplementary question. Minister, are you able to inform the Assembly of the increase in adverse incidents as they relate to the longer than clinically desired waiting period for category one surgery?

**MR CORBELL:** Mr Speaker, I cannot provide details on Mrs Cross’ question now, but I am happy to investigate that matter and provide further advice to her.

I think it is worth making the point that over 90 per cent—in fact, it is significantly higher than that—of the patients in category one get their treatment within 30 days, but in a small system such as the ACT’s any number of slight changes can affect the capacity of the system to deliver within that period. For example, if a surgeon goes on leave and that surgeon is the only one that performs a certain type of procedure, that can impact on the waiting time for people needing the services of that surgeon. In a small system, such changes can have an impact.

I think it is worth making the point that the performance of our public hospitals is outstanding when it comes to meeting those clinically appropriate times. Compared with any other jurisdiction, we have a very strong record indeed, but where we lag and where I have publicly accepted that we need to do better is in categories two and three. That is why the government is spending additional money in our public hospitals—an additional \$2 million a year, \$8 million over the next four years, fully budgeted for, that will ensure that an additional 600 Canberrans every year will get access to surgery. That is on top of the 4,000 or so Canberrans who already access elective surgery every year.

**Mrs Cross:** Are you going to take that supplementary question on notice, Simon?

**MR CORBELL:** I have just said that, Helen.

### **Cleaning industry**

**MR PRATT:** Mr Speaker, my question, through you, is to the minister for education, Ms Gallagher. Could I just preface this question by saying that I do hope the government could answer this question of concern without their arrogant laughing, which has characterised the day so far. See if you can try it for size; see if you can take it seriously. Can you be serious?

**MR SPEAKER:** Order! If you want to raise a point of order, please do so. But try not to include it as part of your question. Come to the question, please.

**MR PRATT:** I do look for a serious response from a government supposedly seriously concerned. Mr Speaker, my question to Ms Gallagher is this: the *Canberra Times* of 11 August reported that the cleaners union had accused you of dragging your feet on approving the code of best employment practice, which has already been endorsed by the cleaning industry. All of the other members of a special task force have agreed on the code.

Why have you been dragging your feet on approving this code of best practice which would improve standards of school hygiene and protect low-paid and vulnerable workers?

**MS GALLAGHER:** Obviously, last night wasn't enough for Mr Pratt. We need you on this side, Steve. The workers' friend continues. It's the most progressive IR agenda I've seen coming out of any Liberal government around Australia, I have to say. I welcome your support on these matters. I'll do IR AO2 because I did AO1 last night. We'll move on to the next level of competency in this.

The code of best practice is, essentially, an enterprise bargaining agreement. What the LHMU want this government to agree to is that we require that people wanting to win contracts to clean government schools must enter into a certified agreement with the LHMU; that we require a third party to negotiate a union agreement before this government will give them work. It would also require us to ensure that, if you were going to get business in our government schools, you hand out union information, membership forms and other information relating to the union, Mr Pratt.

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Essentially, the problem we have with it and that we are working through with the union at the moment is that what the union is after is enforcing a closed shop amongst cleaning contractors in our schools. Politically, I don't have a problem with that. In fact, I have no problem with closed shops. Nearly every workplace I've worked in has been a closed shop. That's not a problem.

But whether the government can legally require someone vying for government business to sign up to this is another matter. You might call it dragging our feet; we actually call it good public policy.

**Mrs Burke:** You've got good, strong unions working for you.

**MS GALLAGHER:** Sorry? I won't respond. What we're trying to do is clean up the mess that your party when in government left us in terms of outsourcing contracts without any look at what was going on. Now we're saying, "Yes, we do need a pre-qualification system; we do need to say to people wanting to work for the government, 'You have to agree to certain things'." They include: pay award wages, pay your super, pay your workers comp, pay your long service leave.

We are putting in place checks against this because you guys didn't; you didn't care. You just went, "Here's the money; go and do it, for the lowest possible price." That's the problem that we're addressing now. We're happy to do that. We are working with the union. We are working with the union to get it through.

I'm pleased to see that you are now supporting closed shop arrangements, Mr Pratt, against your federal Liberal's own workplace relations policy. This is a leftie radical. We've got that seat left in Caucus for you. "Mr S Pratt, welcome."

### **Sportsgrounds—watering**

**MR STEFANIAK:** My question is to the Minister for Urban Services, Mr Wood. Minister, on WIN news on 11 August this year, Mr Stanhope said in relation to the proposed 40 per cent reduction in the watering of ovals, "we'll do what we can to make sure our major venues are playable". The *Canberra Times* of the next day ran a list of 23 sportsgrounds across the ACT that will be sacrificed as a result of the proposed reduction.

Minister, many sporting organisations are fearful that they will have to cancel junior sporting competitions because many of the ovals will be unplayable. Will you guarantee that all junior competitions will be able to go ahead and that there will be sufficient playable sportsgrounds for our kids to play on?

**Mr Stanhope:** Do you want them to have water to their houses, Bill?

**MR SPEAKER:** Please, Chief Minister. Mr Wood has been asked to answer a question.

**MR WOOD:** Mr Stefaniak asked me if I can guarantee that we are going to have very good, well-watered ovals into the summer period. No, I cannot guarantee that. We do



face a significant crisis with water usage. There is no question about that. The people responsible for running our parks, CUPP, are examining all options. They are looking at how they may share the loads and reduce water usage by the amount required, but effectively maintain the best possible surfaces on those grounds in the circumstances.

It is not going to be easy and there will be some detriment to playing fields, there is no question about that. We may put more water on prime playing fields to protect those first quality fields. I think that is essential. Some playing fields may get no water at all. That will not have a good effect on those surfaces and there will be problems for those who play on those surfaces.

As yet, I cannot tell you exactly what the outcome will be because we are working extensively on it but, Mr Stefaniak, I cannot guarantee as you seek.

**MR STEFANIAK:** I thank the minister for that answer. Minister, I accept that you cannot guarantee that. Will you then commit the government to restoring each and every oval that dies as a result of that policy or will you look at actually flogging off the land for development, with the funds going into consolidated revenue?

**Mr Corbell:** That was your plan. Remember that one?

**Mr Stefaniak:** That was yours.

**Mr Corbell:** Building on all the ovals—you remember that one now.

**Mr Stefaniak:** I remember your comments.

**Mr Corbell:** That came shortly after you wanted to sell all the pools.

**MR WOOD:** I think Mr Corbell has accurately answered the question for me. I think it was a pretty dumb supplementary to ask, really. Let's leave it at that.

### **Stamp duty**

**MS MacDONALD:** My question is to the Treasurer. Mr Quinlan, could you advise the Assembly of the government's policy with respect to stamp duty? Are you aware of any other approaches regarding this issue?

**MR QUINLAN:** Yes, I am. This question requires some national context. Recently, we heard the Prime Minister suggest that the cost of housing has been driven by state charged stamp duty, a sentiment echoed by his very loyal deputy, the long-serving Peter Costello, God bless him.

This is part of the John Howard dumbing-down of Australian politics. He occasionally throws the odd grenade into the public forum, particularly when the pressure is on. We have had, "Schools should remain open until 5.00 to save on the after-school care." It just so happens that Commonwealth responsibility is after-school care and the states are responsible for schools.

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It is usually at a time when Mr Howard is under pressure because of doubts about his truthfulness in relation to children overboard—or “truth overboard”, as they call it—pre Iraq war intelligence, weapons of mass destruction or, more recently, ethanol.

*Opposition members interjecting—*

**MR SPEAKER:** Resume your seat, Treasurer. I am not going to put up with any more of this, and I want to warn people that from now on interjections are going to be dealt with rather swiftly. I have just about had enough. Mr Quinlan, please respond to the question.

**MR QUINLAN:** Thank you, Mr Speaker. If any member of the opposition believes at this moment that the housing industry is cost driven, then they are delusional. Look at the effect of the federal home owners grant, which was brought in by the federal government at a time when they were expecting a downturn. It did not happen; they got that wrong. These things happen.

However, it generated activity within the housing market, and immediately housing prices went up by \$7,000 and \$14,000 to compensate for it. What the first home owners grant did was equip first home owners with an earlier capacity for a deposit, but it did not affect the overall cost of housing at all. In fact, there is clear evidence that the first home owners grant accrued, and is still accruing to this day, to the sellers of houses.

The pressure in the housing market is a function of the pull forward that the federal government deliberately put in place: low interest rates and, therefore, increased disposable income in terms of purchase capacity; and the flight from paper investment because people are concerned about stock markets.

Any talk of stamp duty, at whatever level, affecting the cost of housing and housing affordability presumes that the cost of housing on the market today is cost driven. Well, that is simply not so. As I said, it is market driven, and anyone who believes that it is not is delusional. This is one of the little hand grenades that Mr Howard throws in, and I am amazed at how the Australian media slavishly pick up these things without taking to them with a little op-ed comment from time to time.

**MR SPEAKER:** A supplementary question, Ms MacDonald?

**MS MacDONALD:** Thank you, Mr Speaker. Thank you, Treasurer, for that informative answer. Can you advise the Assembly if you will be considering a reduction in stamp duty?

**MR QUINLAN:** Thank you, Ms MacDonald.

**Mr Cornwell:** On a point of order, Mr Speaker: is this a statement of policy? If so, it is out of order.

**MR SPEAKER:** Could you repeat the question, please?

**MS MacDONALD:** I asked if the Treasurer would be considering a reduction in stamp duty.

**MR SPEAKER:** It's not an announcement of policy. The questioner hasn't asked for an announcement of policy; she's asked whether the Treasurer will be considering such a matter.

**MR QUINLAN:** I will speak in the first person, if you like, Mr Speaker. Certainly there is some discussion in states in relation to stamp duty, and there may be a national move. But let me say that what concerns me more is the occasional claim that the ACT government's got a surplus; we've got plenty of money; why don't you do this or that? I think as recently as yesterday Mr Pratt was talking about pay more to teachers because you've got more money.

The case is that there is a housing boom, and to quote Peter Costello: "Booms do not last for ever." There is an anticipation that the level of income from stamp duty will come off, and it would seem to me to be folly in the extreme to be suggesting that a government should set its budget based on revenues at what is perceived the peak of a boom.

**Mr Pratt:** It doesn't mask—

**MR QUINLAN:** That, apparently, does seem to be the financial intellect of the opposition that we have, but I have to say—

**Mr Pratt:** It doesn't mask the fact that you don't—

**MR SPEAKER:** Mr Pratt, I name you. You're named.

**Mr Corbell:** I move:

That Mr Pratt be suspended from the service of the Assembly.

**Mr Cornwell:** Excuse me, Mr Speaker—

**MR SPEAKER:** Resume your seat. This has to be resolved without debate.

The Assembly voted—

	Ayes 11	Noes 6
Mr Berry	Ms MacDonald	Mrs Burke
Mr Corbell	Mr Quinlan	Mr Cornwell
Mrs Cross	Mr Stanhope	Mrs Dunne
Ms Dundas	Ms Tucker	Mr Pratt
Ms Gallagher	Mr Wood	Mr Smyth
Mr Hargreaves		Mr Stefaniak

Question so resolved in the affirmative.

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**MR SPEAKER:** In accordance with the standing orders, Mr Pratt is now suspended for three hours.

*Mr Pratt thereupon withdrew from the chamber.*

**MR QUINLAN:** Just to round off: yes, the government is concerned that there have been statements arising in relation to a number of issues where our opposition seems to believe that what appears to be a temporary increase in revenues should be factored into recurrent expenditure. That, I want to advise this house, would be folly in the extreme, and I do ask members to think a little more deeply than the immediate generosity they want to display to the people of Canberra on some issue or other at a particular time.

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

### **Supplementary answers to questions without notice**

#### **Disabled persons**

**MR WOOD:** Yesterday, Ms Dundas asked a question about a new footpath on Nyrang Street in Narrabundah. The Department of Urban Services has completed the design for this path, and provision has been made for wheelchair access. Construction is expected to be completed by the end of September 2003.

We regularly take calls on this sort of thing. The other day one of my staff members was driving along and saw a mobile scooter stuck across a gutter, so he stopped, got out and pushed it over. My office was able to see that that hollow was levelled out and made accessible during the week. We do respond to these issues.

#### **Legal age for entering retirement units**

**MR CORBELL:** On 25 June Mr Cornwell asked me a question in relation to the proposed supported housing development for the St Anne Convent site in Campbell. I have responded to Mr Cornwell separately, but for the purposes of the *Hansard*, I advise members that the ACT Planning and Land Authority has not ignored the community needs assessment prepared by the proponents of the St Anne Convent site. The assessment did not conclude an appropriate entry age for supportive housing on the site; it was the proponent who expressed a preference for the age to be set at 55 years.

With regard to the draft guidelines Mr Cornwell asked me about: it is important that we specify restrictions to the ongoing use of the site to ensure that the policy objectives for the provision of accommodation for the aged and infirm are achieved. By doing so, the ACT Planning and Land Authority is endeavouring to ensure that the proposal does not become just a de facto multi-unit housing development on a community facility site.

#### **Bushfires—preparation**

**MS GALLAGHER:** Yesterday during question time, Mrs Dunne asked me a question about the Department of Education, Youth and Family Services

preparations on Friday 17 January and Saturday 18 January. I table the department's submission to the ACT bushfire recovery task force, which was included in the McLeod report. I present the following paper:

Department of Education, Youth and Family Services—Role of the Department in the lead-up and on the day of the Canberra bushfires.

### **Bushfires—compensation for volunteers**

**MR WOOD:** Mr Speaker, I have a fairly detailed answer in response to a question asked by Mrs Cross yesterday, so I will table it. I present the following paper:

Support provided for Bushfire and Emergency Service Members since January.

I seek leave to incorporate the answer in *Hansard*.

Leave granted.

*The document read as follows—*

Support provided for Bushfire and Emergency Service Members since January

#### Individual Support:

IPS Counsellors at ESB and Staging Area from January 19<sup>th</sup>. Available for general support and advice.

Contact phone numbers for EAP promulgated with Brigade members through Staging Area and ESB from January 19<sup>th</sup>

Volunteer Support Officer at Bureau and subsequently Curtin Staging Area from beginning of campaign. Started follow-up on affected members, including individual phone calls as notified from January 19<sup>th</sup>.

Chief Fire Control Officer sent a letter to each volunteer recognising their efforts so far and recommending that they take the opportunity to speak to one of the counsellors that are readily available.

Scheduled change over of EAP on January 31<sup>st</sup> managed by bring new provider on board earlier, and former provider continuing with clients with whom they had already had contact.

Continued availability of de-briefing advised at every possible forum, and through individual contact. Posters and phone-cards provided to all locations

27% of new referrals to EAP provider between Feb 3 and Feb 28 were from Bushfire and Emergency Services. (7 members)

#### Group Debriefing

Available on request from January 19<sup>th</sup>, at ESB or on site at sheds as requested.

Formal debrief schedule developed with Davidson Trahaire. Group debriefing offered through all Captains and Commanders; counsellors went to Brigade sheds between end of January and early March. Mostly after-hours. 8 completed by February 25<sup>th</sup>, for up to 30 members at each brigade.

#### Organisational Recovery

Steering Committee including HR staff and EAP provider established February 5<sup>th</sup> to identify recovery needs, and develop strategies to address.

24 members trained to deliver a "Self Care at Work and Home" workshop for fellow members. Course details the effects of stress and strategies for managing.

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Workshop with Government Solicitor's Office arranged for senior members to reduce concerns about Inquiry and Coronial processes. Ongoing support for individuals being provided.

Two Focus Groups run to-date, another planned, to identify issues still affecting members, needing resolution to ensure a healthy workforce.

Material Losses

All claims made by volunteers in relation to losses sustained in January, have now been settled, to their satisfaction.

Organisational Preparedness:

Volunteer Support Officer appointed 2001

Members trained in CISM and Peer Support to provide education and support within Brigades.

CISM awareness for managers raised at pre-season ICS training.

## **Genetic information**

### **Discussion of matter of public importance**

**MR SPEAKER:** I have received a letter from Mrs Cross proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

Protection from discrimination resulting from the misuse of genetic information.

**MRS CROSS (3.21):** I rise today to encourage the Assembly to consider and be aware of the important issues surrounding genetic information and its use or misuse in our society. A person's genetic information is the blueprint of their very being. The general community has a right to be protected against the unscrupulous use of information procured through genetic technology, and we as legislators have a responsibility to make sure that this protection is in place. It would be nice if health ministers remained in the chamber on this one.

Genetic information can be used to give an indication of a predisposition to certain illnesses a person may be susceptible to in the future. It can give an indication of the susceptibility of an individual to particular conditions. It can be used to determine the parentage of individuals for use in disputed custody situations.

It is absolutely essential, in this time of amazing scientific advances and discovery, that this information be used for the purpose of preventing, treating and healing diseases, not as a basis for discrimination. There is also the forensic use of genetic information, which is very important and has shown its worth over the past few years, determining the true culprit in some criminal cases. It has been used to great advantage in some cases for prisoners on death row in the United States of America.

With the great improvement in forensic science and the use of DNA as an important tool in this area, I am concerned that as yet there is little, if any, protection for individuals. Members of the community have indicated to me that they are worried about providing DNA samples for testing with respect to possible inherited diseases. One worry is that genetic information can reveal personal information about family members. It must be protected from being used indiscriminately without the permission or knowledge of those people. Genetic privacy needs to be assured.

There are real and positive benefits in the use of genetic information; however, there is another side to this story. It is probable that this genetic information will be used to discriminate against some people in the community. Genetic discrimination is the use of genetic test results in an out-of-context manner that prevents an individual receiving fair and equitable treatment because of predictive genetic information. The most common contexts this discrimination is likely to occur in are the workplace and the provision of insurance services.

Genetic discrimination is similar to gender, religious or race discrimination because it is based on an unchangeable characteristic. We have fought against these types of discrimination in Australia for years; now we need to take the next step. People need to be aware of where and how genetic information can and will be used, and they must have the ability to prevent it being used to discriminate against them.

While there are many potential benefits in genetic science and technology, these must be balanced with protection of privacy and from the non-discriminatory use of genetic information. We could wait for someone else to look after us, or we could act. In some other countries—for example, the United States—there has already been a move to use this blueprint, of each and every individual, in workplace situations and by insurance companies. These companies stand to gain an enormous amount through the ability to look into the future.

It is disappointing that there is no Australian federal legislation covering genetic testing. The federal parliament has procrastinated about genetic privacy laws for the past five years. It is already in place in the majority of American states, and federal US legislators are considering national laws at the moment. It appears many of our own federal politicians continue to have a complete lack of understanding of issues regarding new technology.

Three years ago, former US president Bill Clinton banned American federal agencies from genetic discrimination against existing and potential employees. In Washington, the members of Congress are debating a bill to bar genetic discrimination nationally and are hoping that this will help remove the fear that patients who undergo genetic testing could lose their health insurance or their jobs.

Four years ago, the Australian Senate Legal and Constitutional Legislation Committee decided to address the issue of discrimination through amendments to existing legislation. Still nothing has been done. We cannot sit on our hands while our federal legislators continue to procrastinate.

Until the public has confidence that their genetic information will be treated in total confidence and without discrimination, there will continue to be serious mistrust in the use of this new technology. This would be a great shame, as it is likely to inhibit the benefits from being realised and restrict the success of future applications. Genetic technology can produce wonderful benefits for the community but, until the community has confidence that the information collected will be treated appropriately and there are sufficient deterrents against the misuse of that information, the benefits will not be realised.

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As an aside, members may remember the Australia Card. This card created a great deal of interest last century—a long time ago. It prompted concerns in people, as it was to hold their name, address and date of birth. It was to be held centrally and could have been used for easy identification. In its day, it was the Big Brother. We did not get the Australia Card at the time but, as we know, that information is now held in different ways, through licences and tax file numbers.

We have moved from the thought of others holding our birthdates, names and addresses to the very real situation of others being able to access our own personal blueprints. This is much more like Big Brother and far more daunting for the human race. I can give you a few examples of genetic discrimination.

There is the loss of a job or failure at interview because a business has genetic information saying that the person may be predisposed to depression. Then there is discrimination by insurance companies who may not insure a person if they find that the person has genes that may predispose them to particular diseases or conditions. There is also discrimination by governments or parts of governments with respect to licences, visa and pension payments, et cetera.

The goal of averting genetic discrimination is to allow people to get tested without worrying about having the information misused. It is private and very personal. I have recently issued drafting instructions for a bill to protect individuals in the current situation of a lack of safeguards in regard to genetic discrimination and the collection and use of genetic information in the ACT.

The possibility of identifying susceptibility, reducing risk and preventing disease is a wonderful new fruit of genetic knowledge. That will all be stopped in its tracks if we do not provide this kind of protection. It is wonderful to welcome new developments in the scientific and medical worlds. We have so many benefits; we just have to make sure that we are protected from any possible misuse. I commend this MPI to the Assembly.

**MS DUNDAS (3.29):** Mr Speaker, with the recent sequencing of the human genome, great advances in science and health are just around the corner and, with the next generation of genetic research, an end to endemic diseases, crippling defects and cancers is not unforeseeable. However, there is a real risk of the information gathered from the human genome project and other research being misused. There are cases where it already has been.

Researchers at the University of Melbourne have found at least six cases where individuals were refused jobs, bank loans or health insurance because of known or suspected genetic traits. The Democrats have long been aware of the potential dangers of genetic discrimination. It was my Senate colleague Natasha Stott Despoja who introduced a private members bill five years ago to stamp out genetic discrimination in insurance and employment.

However, the federal government has not acted, and Australia is sadly behind other parts of the world in regard to protection from genetic discrimination. As it is obvious that we cannot rely on the federal government to act quickly on this, it is imperative that legislation be brought to the Assembly. I welcome Mrs Cross' comments today



and hope that legislation comes swiftly, so that at least ACT residents are protected from genetic discrimination.

Genetic research creates unrest and unease in the community, who feel concerned—and quite rightly so—that current research can be used against them in the future. The science community, therefore, feels torn between the excitement of scientific breakthroughs and the disquiet these may be met with because Australian governments have not provided the legislative framework to protect the community from the misuse of such genetic information.

Parliaments cannot hide behind the excuse that science is moving too quickly for legislation. That would be nothing short of negligent. There are fundamental rights that people should have that they currently do not have. We know what we have to do to protect this fundamental right. We have 144 recommendations from the Australian Law Reform Commission and the Australian Health Ethics Committee of the National Health & Medical Research Council, who have recently completed a two-year inquiry into the very topic of genetic information and genetic discrimination.

Basically, we have no more excuses. Even some elements of the private sector are ahead of governments in this field. Insurance companies have agreed not to increase the premiums of people with genes for the disorder of certain diseases, provided they follow a lifelong treatment regime. All governments need to act to ensure that people are protected from discrimination arising from the misuse of genetic information. The residents of the ACT cannot be left behind in this debate.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (3.32): There are two aspects of this discussion upon which I would like to comment. The first concerns the specific issue of discrimination in relation to the use of genetic information. The second is the issue of the need to regulate the use of genetic information more generally.

As members will be aware, advances in medical science, particularly in the area of genetic information, mean that it is possible to determine that some people have a greater likelihood of developing an impairment than others. Such predictions are undoubtedly going to become more common and more accurate as time goes by and the science is refined.

The Discrimination Amendment Act 2003, which was passed by the Assembly in March, contained, among other things, an amendment to expand the definition of “impairment” in the act to make it clear that discrimination on the basis of possible future impairment is not lawful. The government put forward this amendment to ensure that the Discrimination Act 1991 was effective in providing protection from unfavourable treatment based on genetic or other medical information indicating a predisposition to develop some form of impairment.

In the Discrimination Act “impairment” includes malfunction of the body, loss of bodily functions, intellectual disability, mental illness and the presence in the body of organisms capable of causing disease. With the amendment in the Discrimination Amendment Act 2003, the meaning of “impairment” was expanded to include an impairment that a person has or is thought to have; an impairment that a person had,

or is thought to have had, in the past; and an impairment that a person will have, or is thought will have, in the future.

In this way the Discrimination Act has been made to give broader protection from discrimination based on past, present or future impairment. The approach adopted by the ACT and by this government in the amendments to the Discrimination Act earlier this year is consistent with anti-discrimination legislation in Tasmania, New South Wales and the Commonwealth, which have all expanded the definition of “disability” to include disabilities that may exist in the future.

The issue of discrimination and genetic information, having been addressed by this government in its March amendments, is also, as has been mentioned, the basis of the consideration of the Australian Law Reform Commission and the Australian Health Ethics Committee in the joint inquiry into genetic testing information.

The Australian Law Reform Commission’s report on the inquiry *Essentially yours: the protection of human genetic information in Australia* was released in May. The report is the end result of a two-year joint inquiry into genetic testing and information by the Australian Law Reform Commission and the Australian Health Ethics Committee. This brings me to the need to regulate the use of genetic information more generally, an issue that is examined in great detail in the report that the Australian Law Reform Commission has just concluded.

The terms of reference for the inquiry directed the Australian Law Reform Commission and the Australian Health Ethics Committee to consider, with respect to human genetic information and samples of human genetic information, how best to protect privacy, protect against unfair discrimination and ensure the highest ethical standards in research and practice.

The report’s recommendations cover a comprehensive range of matters related to privacy, protection from unfair discrimination in employment and insurance, the use of genetic information in forensic investigations, parentage testing and ensuring the highest ethical standards of medical research and practice. These recommendations are directed to the Commonwealth, the state and territory governments, as well as other bodies involved in handling genetic information.

The recommendations seek, and highlight the importance of, a national approach to these issues. In enacting responses to the report, the recommendations seek to ensure that we:

- have legislation that is harmonised in relation to genetic privacy, discrimination and other laws relating to genetic testing information, so that we do not have an ad hoc, piecemeal approach to these critical issues;
- develop a model criminal offence related to non-consensual genetic testing;
- enact legislation requiring genetic testing laboratories to be accredited;
- develop strategies for parentage testing;
- develop strategies for the provision of adequate genetic counselling and recognition of genetic counselling as a health profession;
- develop minimum standards for and regulation of the collection, storage, destruction and index-matching of forensic material; and

- clarify interjurisdictional arrangements for the handling of forensic material from a missing or deceased person.

These issues are immediate and relevant to all of us. For example, ACT public and private hospitals, like all Australian hospitals, offer screening for all newborn babies for a number of metabolic disorders. Newborn screenings, samples of blood dried on filter paper, are collected from all babies for testing in New South Wales and the ACT. These samples, which are commonly referred to as “Guthrie cards”, are stored until the child is 18 years of age. The stored collection of Guthrie cards is thus a comprehensive and very valuable human tissue collection.

Access to this type of collection for other purposes, medically related or otherwise, is a matter for the careful consideration of many affected interests. The issue is addressed by the Australian Law Reform Commission report. Implementation of the recommendations will involve governments in both internal and interjurisdictional consultation and cooperation to ensure that we do get a national response, coordinated by governments across Australia, to these very important issues.

These are significant issues, and they require a consistent and coordinated approach. This government is certainly committed to working cooperatively to ensure that these issues are addressed in an appropriate and timely manner, and our officials are determined to ensure that that occurs.

**MR CORBELL** (Minister for Health and Minister for Planning) (3.38): Mr Speaker, I welcome the discussion of this matter of public importance. It is worth highlighting that the Australian Law Reform Commission and the Australian Health Ethics Committee did a report on the protection of human genetic information, which contains 144 recommendations for reform.

The government has welcomed the report and has supported its reform agenda. The central themes of the inquiry were ethical standards, privacy protection and protection from unlawful discrimination. The report presents the ACT with the challenges of providing skilled genetic counselling services and achieving reform of occupational health and safety legislation, harmonisation of information and health privacy legislation as it relates to human genetic information. Finally, there is the challenge of balancing all of these to ensure the benefits of genetic science for improved diagnostics and therapies.

To be truly effective in the protection of genetic information and to make the most of our resources, collaboration and consistency between governments, health professionals and the community are essential. The report provides some direction on how to achieve this. I am pleased to advise the Assembly today that the ACT is well placed to respond to these recommendations.

Central to this report is the protection of the community and meeting the needs of the consumer. As an example of our capacity to respond to consumers, only last week I launched the consumer feedback project standards. This project saw consumers and health professionals coming together to work out their needs. The standards have laid a solid foundation for effective collaboration and the support of quality initiatives in the ACT.

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The report also calls for a strengthening of ethical standards. The issue of maintaining correct ethical standards will be discussed next week at a workshop held under the auspices of the ACT quality and safety forum. The workshop will review the interface between quality assurance and health care, and independent ethical review. The report's recommendations also highlight the importance of medical education and training in human genetics. The ANU medical school will clearly play a major role in directing medical vocational training in the ACT.

The ACT health research council is being established by the government to provide advice on the development of the health research effort in the ACT and the surrounding region. The council will provide advice on research and development policy and on medium and long-term global trends in health and medical research. Membership includes representatives of institutional and government interests in health and medical research and development at senior levels. Again, the establishment of this body fits well with the intent of the report into the use of genetic information.

As I have outlined, the ACT government is well placed, through its existing institutions and forums, to respond to the important issues that privacy or genetic information raises. I would like to assure the Assembly that ACT Health is committed to working in partnership with other departments and governments, and the community, to ensure the highest quality health services for our community and the protection of human genetic information.

**MR SMYTH** (Leader of the Opposition) (3.41): This matter of public importance raises many issues, which I suspect will take many years to sort out. For instance, the Kendall cards the Chief Minister raised are a valuable source of genetic information that in time may lead to cross-matching and people surviving what are currently illnesses because they cannot get a suitable donor for transfusion or transplant. At the same time, it is about protecting people.

I am reminded of the film *Gataca*, which stars Ethan Hawke and Uma Thurman, where only the genetically pure get to reach for the stars and take the metaphorical flight to the moon, and those that are judged impure are allocated the more lowly positions.

**MR SPEAKER:** They were probably sent to a parliament somewhere.

**MR SMYTH:** It could well be, Mr Speaker. I do not believe anybody in this place would like to see a situation like that. I agree with the point made by the Chief Minister and the Minister for Health that the work done by the Law Reform Commission and the report that came down earlier this year will need a concerted approach across government and across jurisdictions to make sure that we get the balance that is required. I suspect, like many arguments that we have, it will be about where the point of balance is situated.

So the opposition thanks Mrs Cross for raising this issue. We need to get it right because it would be a terrible thing to lose the good tools and information and the advances that will come out of the use of genetic information. At the same time, I do

not think anyone in this place would like to see that genetic information being misused in a discriminatory or unlawful way. With that, we simply thank Mrs Cross for bringing the matter to the attention of the Assembly.

**MR SPEAKER:** The discussion of this matter has concluded.

**Mrs Cross:** Can I seek leave to speak again?

**MR SPEAKER:** It is open to you to do that, but it has not been the convention here on matters of public importance.

**Mrs Cross:** Mr Speaker, I seek leave to speak for a moment.

**Mr Stanhope:** We have a convention, which parties in this place have always respected, that speakers speak once on matters of public importance. I am not inclined to give leave.

Leave not granted.

## **2002-2003 bushfire season**

Debate resumed.

**MR CORNWELL (3.45):** Mr Speaker, I wish to make some brief comments on this censure motion. Obviously, I support the comments of my colleague Mr Smyth. A couple of things have come out of this debate, however. It seems to me that the government protests too much. Mr Wood spoke earlier today of his disappointment that the opposition were putting forward certain information because, in his words, we were breaking ranks.

I do not see it as a breaking of ranks in respect of this motion, because we also have a responsibility to the people of the ACT to be a watchdog, to make sure that the government is kept up to the mark in terms of its promises and commitments. I am afraid that, in relation to the points raised in the censure motion, these promises and commitments have failed. I do not believe that we have all the answers; nor do I believe that the people of the ACT have been given all the answers by this government. Mr Smyth's motion, at paragraphs (5), (6) and (7), sets out some of the points on that.

There has been a plethora of reports and inquiries, just as there will be a continuing number of reports and inquiries relating to this matter, and there is a real danger, regrettably, that we will find ourselves buried in so many bits and pieces, so many aspects of the 18 January wash-up, that we will become confused. It is important, therefore, to remain focused on the main points. I wish to focus upon two points in relation to the Chief Minister's comments and criticisms of Mr Smyth and the opposition in relation to our stand on matters relating to 18 January.

Firstly, Mr Stanhope, as Chief Minister, although he has backed away from it a little subsequently, has said that he took full responsibility for what happened. Mr Stanhope, that is very generous of you, but you must remember that if you are

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taking full responsibility, you also have to accept the consequences. I have not seen any evidence of your accepting the consequences. You may claim to accept the responsibilities, but you have not yet accepted the responsibilities, that is still in the future.

The second point I would make is about the claim that the people of the ACT were complacent about these matters. Mr Stanhope, I would suggest that this attempt to involve everyone else in the ACT in your attitude ill-becomes you. I do not believe that the people of the ACT were necessarily complacent. I would suggest that before you use that term in future you look up a decent dictionary, because what you are really talking about was not complacency, as my colleague Mr Smyth said earlier today. People were not complacent in the ACT prior to the bushfires of 18 January; they were simply unaware. There is a great difference between being complacent and being unaware.

Do you think that the people of Weston Creek who suffered so grievously could possibly be accused of being complacent? That is an insult. It is an insult to all the people in the ACT, but it is a particular insult to the people of Weston Creek and an even greater one to those who suffered and lost homes and in some cases family members. There was no complacency involved in this regard; it was a lack of awareness. Had they been aware of the threats posed to them they certainly would not have been complacent. I think that this is something that Mr Stanhope needs to bear in mind before he throws that word around so loosely on future occasions. I believe, therefore, that the motion put forward by my colleague and leader, Mr Smyth, and the censure incorporated in it is accurate and should be supported.

**MRS BURKE (3.51):** Mr Speaker, many things have been said over and over and I do not wish to belabour the point, but this subject is worthy of debate in terms of the motion put forward by Mr Smyth.

In an interview with Louise Maher on 2CN on 31 January of this year, Mr Stanhope did say, "This government has no desire to hide anything. I don't want anything hidden." Chief Minister, I was pleased to hear those words. Obviously, you will not mind if we of the opposition continue to pursue our inquiries. We are the watchdogs and we will take your advice and continue to ensure that nothing is hidden. We will leave no stone unturned.

My question to the Chief Minister is: how can people be complacent when they are unaware of what is expected of them in an emergency? My colleague Mr Cornwell has just mentioned that. I have thought long and hard about what you said and I think that there is a wrong implication for people there. People just were not complacent.

Does the Chief Minister think that people would have gone on holidays, shopping, out for a coffee or lunch, or simply done nothing knowing that their house was about to be burnt down? I do not think so. It is simply absurd yet crass and downright insulting, I would have to add, to say that, particularly when the community's expectation is that the government and associated personnel have the procedural matters under control.

There is a level and degree of trust that comes with governments and associated personnel. We place our trust in elected members, particularly in people in leadership

and with authority over us, to do the job that they are called, paid and elected to do. I do not think that at that time the government advised the community otherwise. The government gave them no reason to believe that things were not well, whereas we know now that things were not good.

I was so pleased to see the McLeod report bring down some very sensible suggestions. There are many gaps; things still have not been answered in full. There is a process—I think Ms Tucker spoke of this—that humanity works through and we are only at probably the third level of working through all this. It is not about digging up the past, pointing fingers and so on, but we need to be sure in our minds that everything is revealed and out in the open. I am sure that that is what the Chief Minister wants; they were his own words.

I am pleased that the government has agreed to recommendation 33 of the McLeod report regarding rural pumpers. That is a tremendous recommendation. It certainly will help in the future. I met with some residents of Uriarra last evening, I was out there with them, and, as an example of the resilience of the community, one guy said to me, “Jacqui, we managed to save our old school using ice cream containers. Just think what we could do with more support, resources and equipment.” We may smile at that, but that was the reality those people were faced with.

Recommendation 40 is, of course, now like shutting the stable door after the horse has bolted. It talks about initiatives such as a fire guard and other forms of direct community support that should be introduced to help encourage self-help arrangements in the community. I welcome the government’s response and I look forward sincerely to their actions: actions do speak louder than words.

The Labor Party keep scoffing at the opposition because, it would seem, we are saying things that they do not like to hear, which is rather sad. We have a situation in which the whole of government must grapple with this issue and work through it. As Ms Tucker alluded to, we are working through it and there has been good progress. Hindsight is a great gift. We can all be wise after the event, or can we? It would seem not. Whilst this government did not learn from the bushfires of 2001, I truly hope that it most certainly has now learned from the tragic events of 2003.

Mr Speaker, I also thought about what is a government’s role. I have done a lot of soul-searching, as I am sure has everyone else in this place, no less than the Chief Minister himself. What is a government’s role? It is to lead, to create a good, safe and secure environment for us to live in, to give us the infrastructure for that to happen, to reassure the community in times of emergency. Those are just some of the things I thought about.

Did our current government fulfil some of these things? I am sure they did so and did some of them well. But there are holes, there are gaps. When somebody owns up to something, there has to be a following through of that action, however extremely distasteful and hard that may be. We have seen that happen before in this place with people in leadership. As the events unfold, and they will, we will all find out, we will know. This is not about convincing people one way or another. People need to hear the facts to make up their minds so that they are enabled then to make an informed decision about things.

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This matter is about the truth. We should stand for truth, justice and equity. This is about people having closure and answers. I know that the Chief Minister wants that. All his ministers do, I am sure. Sometimes we have to take things on the chin, we have to take the hard punches that come with such responsibility. As I said, it is about the truth; it is about people having closure and answers.

The people I talk to, some of the community that I mix with, certainly have not got that yet. They are away from it; they are moving towards it. The government has implemented some things, and I applaud and acknowledge them for that. The government might like to avoid some of the hard issues, but the community deserves the truth.

This government continually says it is not about a blame game. Why, then, do they keep leading the charge on this matter? Why does the Chief Minister continually keep naming—he names them; we of the opposition never have—the very people he purports to protect? It is extraordinary; I am just lost for words on that one.

It seems now that the shift is fairly and squarely on the community. I find that very hard, given that I speak to lots of people in the badly affected communities. When you sit and look at their faces as you talk to them, you see the anguish, the unresolved issues that they are still going through. Let's face it: they see us as the government, whether we are in opposition or in government at the time; the 17 members here are held accountable and responsible and when one speaks we all speak.

This government continually says that it is not about the name game. The shift has been fairly and squarely onto the community, which, under extraordinary pressure, has coped amazingly to date. Why does the government seek to tell them now that they have been complacent? Why now? Indeed, I truly hope that the government now realises, if they have fully digested their own report, that the Canberra community had not been sufficiently well prepared to understand the nature of the bushfire risk that was present as a consequence of the siting of the city in a bushland setting, as referred to on page 173 of the McLeod report.

How can the Canberra community be wrongly blamed and accused by the Chief Minister of being complacent when they were unaware? Yesterday in this place, he seemed very proud almost to announce that he was complacent, and promptly included all of the community in that bag. McLeod himself explicitly says on page 172 that the first step is to increase awareness of the nature of the risk faced. Being unaware or uninformed is not complacency.

I am disappointed and sad that a community which has been through so much and which, for some, is still living the horror of that day is now the fall guy for a government that was, in fact, complacent itself. A very positive point was made by McLeod on page 174 when he said:

In terms of bushfire protection in Australia, the best-prepared communities are those that have accepted the sharing of responsibility between government and citizens.



But government needs to take its responsibility. There is a corresponding action with that responsibility. However, all too sadly this government's lackadaisical approach put our community in great danger, by the Chief Minister's own admissions and failings—he would stand by that, I am sure—knowing what it knew in relation to the fires of 2001.

McLeod, at page 175, talks of a higher profile campaign. It is still needed. I would have thought that we had a prime opportunity to educate and advise people. The government failed in its duty to do that after 2001. I believe Mr Quinlan even pooh-poohed the idea of more education. It seems now he was wrong. (*Extension of time granted.*)

Our community deserve to be treated with a little more compassion. They deserve to be treated with a little more intelligence. Our community deserve to be treated with more respect. Ah, respect! How about the lack of respect shown for our volunteers, Mr Speaker? I have talked to many who were on the frontline that day. Does the government truly believe that it has done enough in this area? Certainly, it has not. We are now some eight months down the track with still no formal recognition of our volunteers. They are having to come to grips not only with the events of that day, but also with a feeling of unworthiness, a lack of recognition. This is extremely alarming. The government must be held accountable for its inaction.

I support the motion put forward by Mr Smyth and supported by my colleagues in their calls to take this motion seriously and act accordingly. Censuring a government is a serious matter. Mr Speaker, I have no hesitation in censuring this government for failing to heed warnings that additional bushfire education was needed in the lead-up to the 2002-03 bushfire season, failing to implement recommendation 95 of the recommendations of the debriefs of the 2001 Stromlo fire, and telling the Assembly that its bushfire education programs were adequate when they clearly were not.

**MR CORBELL** (Minister for Health and Minister for Planning) (4.03): Mr Speaker, every day when I drive home I drive past burnt houses on the street next to mine. Every weekend when I drive up towards Mount Stromlo, just a kilometre or so from my house, I see cleared blocks. Every day on my way to work I drive out onto Dixon Drive and see the very real impact of the fires on my neighbourhood.

I speak to my neighbours, I speak to people in the community, as do all members, and I speak to people whom I volunteer with in the local volunteer brigade—I speak to a range of people who have been directly and immediately impacted upon by these fires—and the overwhelming impression I get is not of the culture of blame that we have seen from the other side of this place. The overwhelming impression I get is of people who want to learn from what happened and make sure that it never happens again and people who want to make sure that those who have been most seriously affected, who have lost their loved ones, their homes or their possessions, are supported and assisted through the recovery process.

That has been the approach of the government as well—to look in detail at the issues that are faced by those communities most directly affected, to provide support to them and, at the same time, to look at what we did, what we did wrong, what we did right, and how we can make sure that we learn from that.

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I said in the debate yesterday when we were discussing the government's response to the McLeod inquiry that what Mr McLeod does is he talks about developing a culture of learning, of learning from what happened, and putting in place a response based on our assessment of what happened, what went wrong and what went right. But that is not what we hear from those opposite. What we hear from those opposite is, essentially, "We told you so" and now "It's all your fault." That, essentially, is what the motion is about: "We told you so" and "It's all your fault."

Mr Speaker, I do not know whether anyone else—certainly my colleagues on this side of the house—has looked at the debate of 13 November last year, the so-called debate when Mr Pratt was alleged to have told us so about additional bushfire education being needed. If you look carefully at that debate—in fact, you do not even have to look at it carefully; you just have to read it—you will see that it is very clear what Mr Pratt was on about. He was on about education in schools. Every single member who participated in that debate responded on that point.

They did not talk about broader community education. They did not talk about the need for warnings to the general community. That is not what that debate was about. To say anything else is simply untrue and rewriting history after the event to suit your own purposes, and crude purposes they are, too. It is very clear that it was not about community education; it was about education in schools.

We have all heard the quote about how Mr Pratt believed, as the opposition's spokesperson on emergency services, that the emergency services had done everything they could and he saluted them. Those were his words, Mr Speaker, and I think they make pretty clear what his position was at the time.

Even if Mr Pratt had provided information along the lines that he alleges he did in the debate last November, the Liberal Party has still failed to demonstrate how that would have made any significant difference because, as the Chief Minister has said, as a community we had overall, up until January, become quite isolated from the perception that we could be impacted upon by a major bushfire event. The reality was that there had been no dwelling lost in the ACT to bushfires since 1950. I think that lots of Canberrans thought that it was probably going to stay that way.

That is not blaming anyone. That is not saying, "It's your fault, not the government's fault," because that is not what the government is saying. It is simply saying that they were the circumstances in which we as a community found ourselves. The events of January 18 have changed all that and the challenge from now on is to learn from those events and make sure that we are better prepared into the future.

Mr Smyth in his motion calls on the government to do certain things. In particular, he makes a request at paragraph (3) of his motion for the government to outline to the Assembly an assessment of the future needs of those affected by the bushfires in regard to counselling and other services.

Mr Speaker, I happen to think that the response of the government to the disaster of January 18 has been a very credible one and a very comprehensive one. The work of the people in the recovery centre, the Bushfire Recovery Taskforce and every single

ACT government department has been, I think, outstanding. In the constituent inquiries that have come to me, where they have become difficult or complex to resolve, the response has been immediate by government officials and by the recovery task force to those issues. I would have to say that we are, I think, best practice when it comes to recovery. When you look at what other jurisdictions provide, they do not even come close in terms of the comprehensiveness of the response.

Mr Smyth suggests that there has to be an assessment of the needs for counselling for people. He is right to say that the emotional impact, the impact on someone's mental health or overall wellbeing, is still an ongoing issue, even nearly 10 months after the fire. That is why ACT Health is continuing to address this important issue in regard to counselling services.

An additional 100 hours a week of counselling is currently being provided by ACT Health to provide assistance to those who need further counselling and support following the fires. It is difficult to estimate the full extent to which people are seeking counselling, given that many people are seeking counselling through private counsellors, psychiatrists and psychologists. But anecdotally it is quite clear that there has been an increase in the number of people seeking assistance through private counsellors, psychiatrists and psychologists, and the government is providing counselling services as well, to the tune of an additional 100 hours a week.

The government is responding on this important issue and continues to talk with professional bodies which represent counsellors, psychiatrists and psychologists, to understand the level of community demand. We are also speaking with the Division of General Practice because quite often it is the GP who is the first point of call when someone is looking for some additional support and assistance. So we do have contacts with the other professional bodies to gauge what is happening, to gauge the level of demand, to gauge the level of need for a service and respond appropriately, and the government is providing those important services in relation to people's mental health.

Mr Speaker, fundamentally for me, what is important about this event of January 18 is that our response to it demonstrates that we can work together in a collaborative way to address the issues that have been raised. We may have disagreement on some issues, particularly on structures and new organisations. *(Extension of time granted.)* But, fundamentally, we can be either negative or positive on the issue. What we saw yesterday in question time and what we saw today in the first part of the debate on this censure motion was simply an attempt to point the finger. It is not constructive, it does not serve any useful purpose in the recovery and it certainly does not address the needs of people needing support as a result of the bushfires.

The government has nothing to hide and the government has hidden nothing when it comes to what happened on January 18. We have accepted in full every recommendation put forward by the independent inquiry into the operational response. I do not want to pre-empt our response to the coronial inquest, but I think that it would be fair to say that our approach will be consistent in that regard as well.

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Mr Speaker, this motion is unwarranted and it is unfair. It is a motion which simply seeks to apportion blame for political advantage. It is not the sort of response our community would expect to the worst natural disaster our city has ever faced.

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (4.14): Mr Speaker, I endorse all of the sentiments just expressed by my colleague Mr Corbell, and expressed extremely well, as somebody who is a member of a volunteer brigade and who lives in the affected Weston Creek community. Mr Corbell touched poignantly on all of the points in this debate that I would seek to make.

I do not propose to speak at length. I do wish to address particular points of the motion that has been moved today by the Liberal Party. Suffice it to say that I reiterate the point just made by Mr Corbell that the government has absolutely nothing to hide, nor does it have any desire to hide anything. Our approach from day one has been to be open and to explain fully, to the extent that we have it within our capacity to do so, events as we saw them unfold.

We put in place an independent inquiry. We chose for that somebody of unquestionable integrity and independence and somebody unknown to me in a personal sense. He was selected for that particular task because of his experience, because of his integrity and because of his independence. He has produced, I think, an excellent report which is independent, objective and rigorous and which forces us to face some hard issues in relation to the events that did occur and the way in which we responded to them and handled them. There are significant numbers of lessons there for us to learn and we are learning them.

We have responded quickly to those. We have been criticised around the chamber for the alacrity with which we have responded. I can understand the point that has been made in relation to that, but I do ask all members of this place to put themselves in the shoes of the residents of Canberra who do experience high levels of alarm and concern, who are anxious about the upcoming fire season. The government was mindful in its fast response to these issues of the needs of the people of Canberra.

There are continuing high levels of concern and anxiety in this community about our fragility in the face of fire. The government is responding to the needs of the people of Canberra in the way that we have established the terms of reference, the timeframe, and now our determination to respond speedily and effectively to the recommendations that are laid before us. That is why we responded in the way that we did, that is why we responded fast and that is why we are moving fast.

We have a responsibility to respond to the needs of the community, we have a responsibility as a government to respond to the levels of concern and anxiety that exist within this community. We will respond to the needs of the community and we will do so in the face of the criticism that we are working too fast for some in this place.

I can assure you that we are not working too fast for the people of this community, for the people of Canberra, for those people who still have high levels of concern, who remain traumatised by the events of last summer. The suggestion that we should go

slow and that we should not have taken these decisions, that we should not be seeking to prepare ourselves as fully as possible, flies in the face of the needs of the people of Canberra and I will not countenance that. That has been the basis of some of the decisions that we have taken.

I will make this point now and I will not dwell on it: the point has been made about the need for us as a community to heal—to heal the trauma, to heal the pain, to heal the harm, to assist those who have been deeply hurt, who are grieving, who are living with sadness, sadness at a loss at a number of levels, sadness at the loss of family, friends and loved ones and sadness at the enormous loss of a lifetime of history, enormous deep grief and sadness which from time to time will express itself in anger, and does. We accept that and understand it. There is a healing process and governments have a place, as leaders of communities, in assisting in the healing process.

What we are going through in here is not part of the healing process; it will not assist in healing the wounds. We have wounds. This sort of debate, these sorts of initiatives—playing politics with this issue, seeking to find someone to blame, seeking to lay some responsibility at my feet, seeking to lay some responsibility for this fire and its impact at the feet of this government—simply open the wounds, simply cause them to suppurate.

You are scratching at the wounds; you are not participating in the moves which we as a community have taken and which we as a government are leading to heal this community. We are seeking to heal the wounds; you are deliberately keeping them open. As much as we seek to heal, you are determined that we not heal.

We do have to note the hypocrisy of the first point of this motion: on the very day that the Liberal Party table detailed legislation to create a new structure for an emergency services organisation, they move a motion directing the government not to do precisely what they have just done. That is just the most appalling hypocrisy. On the very day that you have tabled detailed legislation, complex legislation on a complex subject, you direct through a motion to the Assembly that the government not do what you have just done. I think I need say no more about that.

In my detailed response yesterday—it is in the *Hansard*—I went through the process in which we will engage in relation to the creation of a new organisation. We will consult with every one of the stakeholders. I will be meeting in 10 minutes with the volunteers brigade to outline that process. We will meet with all of the stakeholders. In my formal response yesterday I indicated that I had been approached by Ms Tucker in relation to working cooperatively with members of this Assembly. I indicated yesterday in my formal response that the government was not averse to Ms Tucker's suggestion of a round table, that we would work with all members of this place. I outlined yesterday all of the things that are in point one, and I did that before laying on the table of this place detailed legislation.

Turning to point two—where appropriate, increase services for those in the community affected by the bushfire disaster, rather than decreasing or removing services—we do that constantly. We have put in place a detailed structure through the Bushfire Recovery Taskforce, through the community and expert reference group, and

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through the recovery centre to ensure that the needs of the people directly affected are monitored constantly. They are monitored daily.

As Mr Corbell said, the processes and procedures we put in place here are now being studied by disaster organisations from around Australia because of the best practice model which we have created. What we have created, and we are not just saying this boastfully, is now regarded around Australia and by Emergency Management Australia as the benchmark, as best practice in disaster relief and recovery.

We have done it through the systems we put in place—the Bushfire Recovery Taskforce and the community and expert reference group, backed up by an exemplary recovery centre. We case manage all of those directly affected by the fire. Every person directly affected who wishes has a case manager. It is best practice. We monitor daily the needs of people and we have responded directly and explicitly to every need—to the point, for instance, where we have engaged and have available full time three counsellors at the recovery centre. I am advised by my officers that there is no waiting time for counselling services. Requests for an appointment to see a counsellor are met immediately. I am advised today there is no wait. We respond on the day of the request to a request for counselling. Those are the systems that we have put in place and that we are committed to continuing.

I am advised that over 200 individuals have sought and received and many continue to receive counselling since we established that service at the recovery centre. Much of it is outsourced. A whole range of providers from throughout the community have provided invaluable support and continue to do so in relation to the full range of issues that people are dealing with in that regard. We are counselling people to deal with all those issues around stress, anxiety and depression, and the relationship pressures and strains that have been created by them. Of those 200 individual clients, 10 per cent continue to receive ongoing care and support.

The motion calls on the government to outline to the Assembly by the close of business tomorrow its assessment of the future needs of those affected by the bushfires in regard to counselling and other services. I am more than happy to ask the bushfire task force to provide members of the Assembly with the details of the programs we have in place and our determination to keep the recovery centre open until at least March next year for monitoring. (*Extension of time granted.*)

The Bushfire Recovery Taskforce will be continuing, but will be wound back. The work that the Bushfire Recovery Taskforce is currently doing and has done in the most exemplary way has begun to wind back. We do not expect the task force to be utilised as fully or to have the role that it currently has beyond perhaps September or October this year. We are taking account of that by putting in place other mechanisms.

We have changed the nature of the secretariat supporting the task force because of the lessening amount of work. There have been some changes in personnel in relation to the community and expert reference group, but we recognise the need for an ongoing reference group to provide input from all aspects of the community to the task force and to the government.

I am reported to regularly on every aspect of the recovery. All departments report to cabinet weekly on their response to issues around the bushfire. All members of cabinet receive a weekly cabinet brief on all aspects of this recovery. I am happy to make available the plans we have for the future. They are detailed, they are strategic, they are constructive and they have been funded.

The motion also calls on the government to provide suitable recognition to volunteers, emergency services personnel and community groups. We did that through Canberra Day this year in our determination to ensure that they were recognised. I have applauded the volunteers from day one. I have defended them against outrageous allegations that in some way it was our firefighters that failed us on the day of the fire. I supported them strenuously and strongly at that time and continue to do so, and I will continue to do so forever. Surely nobody is suggesting that I have not supported our volunteers or our firefighters in the most forthright and rigorous way.

In addition, I have provided 2,500 certificates of recognition to people nominated to me following extensive public calls for nominations for people to receive them. I received 2,500 nominations from the public and from organisations for me to recognise individuals through a signed certificate of recognition on behalf of the ACT government of their efforts in the fire: 2,500 people responded to that detailed public call for nominations and the government's response was to personally recognise through a certificate signed by me 2,500 Canberrans, the very people that are the subject of this particular dot point.

I anticipate, without pre-empting it, that in the next round of Australian honours and in the next round of nominations for public service medals our existing honours arrangements will recognise people involved in the fire. That is a matter for all Canberrans to respond to. Those nominations are not necessarily made by government. They can be supported by government, but those are responses which I have no doubt the community will make. Already I am receiving requests to provide supporting information in relation to applications for honours and awards for people involved in our response to the fire.

Paragraphs (5), (6) and (7) really are derisory. I will not pursue this too fully now; I am out of time in any event. But to seek to censure this government in relation to purported failings in regard to this fire—a fire started by lightning strike in the midst of the worst summer on record, a fire that simply enveloped us, that overran us, and with the benefit of hindsight we can make some judgments about decisions that were or were not taken, to some extent harsh decisions—is to seek to rewrite history. That is what this motion is attempting to do.

This motion is a blatant attempt for political purposes—shallow political purposes, too—to rewrite the events of that day and the events leading up to that day. The bushfire was a major disaster. That fire came down out of those mountains, as I said yesterday, like the wolf on the fold, in a way that we had never experienced.

Matt O'Brien, a helicopter pilot employed by the Emergency Services Bureau, reported in his submission to the New South Wales coroner having been sent to inspect the fire at 1.30 pm on the Saturday and reporting back to the Emergency Services Bureau that it had not broken into the pine forest and he could not see

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anything to be alarmed about. That was the report of an experienced bushfire fighting pilot, our pilot. At 1.30 pm he could not see what there was to be unduly alarmed about, yet we are having a rewriting of all this history from the benefit of experience of the past six months.

This motion is cheap. We will not support it. You should be ashamed of yourselves.

**MR DEPUTY SPEAKER:** Order! The Chief Minister's time has expired.

**MS DUNDAS (4.30):** I have circulated an amendment but, after listening to the debate today, I will not be moving that amendment. I could not support a censure today of the government in relation to the bushfires. I think that would be unnecessary and, to a certain extent, uncalled for. I would like to see the coroner's report into the 2003 bushfires before arriving at these kinds of conclusions. I think that that information needs to come through before that aspect of the debate can continue.

To address paragraphs (5), (6) and (7) of the motion, this morning we had a very long debate about the motion moved by Mr Pratt in November 2002. I have read *Hansard* from the beginning of that debate to the very end and I cannot find why it has ignited such passion. The motion was supported by the Assembly, as amended by the government. We all agreed in that debate that bushfire education was needed. The specifics of that debate, though, related to arson attacks and educating our children about the dangers of playing with fire.

I raised a question during that debate about the number of fires that are started in and around the ACT by arson versus naturally occurring events and the statistics were not available, but the statistics that I could find in relation to other places in Australia indicated that only 14 per cent, I think, of the major fire incidents were started by arson.

The whole debate that was raging this morning about who told whom what and when and who did not listen to whom whenever actually missed the point of the 2003 bushfire incident, which was started by a storm. There were four lightning strikes across the valleys. Lightning strikes in Victoria sparked the major fire incidents of January 2003. I said then, and I will say it again, that bushfire education is important, fire education is important, but there are programs in place already for that to happen, so I do not think that it is something about which we should be censuring the government.

I turn to paragraph (6) of this motion, concerning the failure of the government to implement recommendation 95 of the recommendations of the debriefs of the 2001 Stromlo fire. As I said yesterday, the McLeod report discussed a number of reports that have been written over the last 20 years relating to bushfires in the ACT and how to manage them. Not all the recommendations of all of those reports were implemented by government. In some cases, I am glad that not all of those recommendations were implemented.

The point is that the move to censure the government over one recommendation fails to take account of what I said yesterday, that is, that the many things that led to the January 18 bushfires had been building up over 20 years at least and we cannot



immediately point the finger at any one person or any one incident and say that that was why they happened.

With regard to the government's decision to establish a new Emergency Services Authority, I understand that everyone is in agreement on the need for the emergency services, both professional and volunteer, to operate in a more coordinated way when the next emergency strikes the ACT. We all hope that we will never see another disaster like the fires of January 2003, but we know that we have to be, and should be, prepared.

Because our volunteer firefighters are such a crucial part of our emergency services capability, it is vital that we make them equal partners in decisions about changes to the management of emergency services. People do not have to risk their lives for their fellow residents and they do not have to keep turning up over weekends to train or keep attending emergencies whenever they are required, but they volunteer to do so because they want to fulfil a civic duty. Their community spirit and the pride they have in their work keep them serving the broader community. We cannot afford to put this contribution at risk and treat it with disrespect.

The McLeod recommendation that professional and volunteer firefighters be brought under one management structure is explained by the need to improve communication and coordination. However, this change has the potential to severely erode morale among volunteer firefighters. As I have said, and many people have said, we have had volunteer firefighters expressing serious concerns about the government's decision to accept this recommendation without consultation.

They have well-founded concerns that, if volunteers are integrated into organisations staffed by paid professionals, they will end up marginalised. They are also concerned that their particular skills in fighting bushfires, which complement the primary skills of professionals in fighting structural fires, may end up being devalued and possibly eroded.

In the debate yesterday, Mr Stanhope stated that volunteers will be consulted about the detailed structure of the new authority, but the creation of this new authority is still being treated as a *fait accompli*—so much so that the government has gone ahead and advertised for the new head of the ESA before consultations have even begun about how it will operate.

Further, Mr Stanhope stated up-front that the final structure may not satisfy everyone who has an interest, which is a remark that I believe will set the consultation process off on the wrong foot. The best way of ensuring the optimal outcome from the reforming of our emergency services is to fully involve all affected parties in decisions about how, when and if at all the recommendations of McLeod will be implemented.

I am fully supportive of the first part of this motion. Another reason for being so came forward today when the Chief Minister tabled a revised government response to the McLeod inquiry. Yesterday, I raised the three recommendations that were agreed to in principle, because I thought that they were a very important part of the government's consideration of the report. It is interesting to note that there were changes to take out

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the words “in principle” and some other paragraphs about the actual implementation of the recommendations and how the government was considering all of the 61 recommendations of the McLeod report. It was actually disappointing to see those being removed from the government’s response. I think we do need to take the time to get this right, as I said yesterday.

I am happy to support paragraphs (2), (3) and (4) of this motion. I believe that the government’s response to the bushfires through the recovery centre and the task force definitely has been commendable, but I believe that the point of these paragraphs is to get more information about future planning. Of course the Chief Minister should be briefed daily on the recovery process, but the Assembly needs to receive information as well. The briefings run by the task force have been helpful, but getting some information on the public record, as this motion calls for, is an important aspect of the ongoing debate about the future resources and economic management of this territory as we continue to deal with the outcomes of the bushfire emergencies that have hit our city over the last three or four years.

In terms of the education discussion, we know that prior to the January bushfires few households took notice of the need to clean out their gutters, look at untrimmed trees or be concerned about their proximity to bushland. That message certainly has been received loud and clear by every member of the community now. But there were messages reaching the government before the fires that should have made them aware that more targeted bushfire education was necessary for Canberra residents.

The advertisements that Mr Quinlan spoke of this morning were about arson attacks and did not actually provide any information on how to be prepared; they just asked, “Are you prepared?” Yes, there was some awareness raising of the dangers of fires but not how to deal with them. One thing that we have definitely learned over the last number of years, and specifically from January of this year, is how to refocus our educational communication about being ready for bushfires and being prepared for summer in Canberra.

I hope that this motion will be voted on in parts, because there are some parts of it that I think are very pertinent and should be supported; but, as I have said, the censuring of this government is, at this stage, uncalled for.

**MR STEFANIAK (4.40):** Mrs Burke, leaning over my shoulder, just made a good point: regardless of anything, at the end of the day the buck does have to stop somewhere. In this instance, it does have to stop with the government of the day.

Having listened to this debate, I would find it very difficult to understand how people could not possibly support the first four paragraphs of this motion, especially after what Mr Stanhope said in relation to them. I would naturally assume that the Assembly, being the assembly that it is, will support them.

I have never seen a government agree to censure itself and I can understand why the government would never support paragraphs (5) to (7). I am well aware, having been in the Assembly for many years, that quite often the government of the day—we certainly did—will accept obvious, sensible, non-controversial parts of a motion.

I would have hoped that this government, after what it said, would have no difficulty with paragraphs (1) to (4).

Paragraph (1) calls on the government not to implement the proposed Emergency Services Authority until the government has consulted with a number of groups. Mr Stanhope has just gone off to consult with one of those groups. He seemed to indicate, if I heard him right, that he would certainly be consulting with them. He seems to accept that point. I think he misses the point in terms of Mr Pratt's bill in that it is something that should help the government to consult in relation to the proposed Emergency Services Authority.

What is the proper type of authority to have? What do we need? Mr Pratt's bill, without wanting to get into further debate on it, is, to my understanding, along the lines of what the key players want. As to Mr Stanhope's point about how we could bring forward this motion when we have put forward Mr Pratt's bill, Mr Pratt's bill should help the government in its consultation process. I did hear the Chief Minister say that he is consulting, so how can the government not support paragraph (1)?

Turning to paragraph (2), I think I heard him say, in terms of increasing services to those in the community affected by the disaster rather than decreasing or removing services, that the government denied that it was decreasing or removing services, that the government was providing services to those in the community affected by the bushfire. How could the government not support a motion which says that, where appropriate, those services should be increased?

As to outlining to the Assembly by the close of business tomorrow the government's assessment of the future needs of those affected by the bushfires in regard to counselling and other services, I thought I heard the government say that it was providing counselling services and doing so within a day of being requested to do so. What is the problem there with the government accepting paragraph (3)? By the government's own admission, it is doing these things already. Surely that is not a huge ask of the government.

The Chief Minister stated in relation to paragraph (4) that he had written to 2,500 volunteers, and so he should. I am delighted he has. He highlighted that in awards coming up—Australia Day awards, et cetera—no doubt many wonderful people will be rewarded. Why not look to provide other suitable recognition to volunteers, emergency services personnel and community groups? My colleague Mr Smyth has made some excellent suggestions about how people in our community who performed so magnificently in January of this year could be further honoured. What is wrong with the government supporting that?

I come now to censuring the government. In doing so, I address my remarks more to the crossbench members. I do not understand why people should be so wary about doing so, why people should be so accepting of some of the government's propaganda. The Assembly does not have many avenues open to it to express its concern. Ms Dundas has circulated an amendment expressing concern, but will not proceed with it. The first step often is a censure motion. As Mr Smyth has said, we do not take this step lightly.

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When you look at exactly what Mr Smyth is doing you will see that he is hardly censuring the government on the basis that it is all the government's fault. I do not think that Mr Smyth or anyone else on this side of the chamber has ever said that it is all the government's fault. This motion is a very specific censure motion. It is a limited censure motion in relation to specific points. I think that the motion is well worth supporting because it is limited, it goes to the point. The motion is not saying, "It's all your fault." It is not being totally political about the whole thing and saying, "Nothing you people can do is right." It is very specific indeed.

I think that this is the first censure motion that this opposition has brought forward in over 18 months. There were lots of censure motions in previous assemblies. In one particular year, Tony De Domenico was censured about 10 times. Every minister in the previous government was the subject of a censure motion at least once, and often the motions were successful. Sometimes, apart from just playing politics, there probably was good reason for it. Indeed, when there was a Labor government previously, ministers were censured. I think that it is appropriate for the Assembly to use this means of saying, "There are things you can do better. There are things for which, because you are the government and you are ultimately responsible, you deserve to be censured."

Mr Smyth makes three points in this regard. The first is about failing to heed warnings that additional bushfire education was needed in the lead-up to the 2002-03 bushfire season. Mr McLeod seems to indicate on page 175 that that was needed. I saw various ministers hold up something from the *Canberra Times*. I remember reading that. I actually found it reasonably helpful. But at the end of the day there were other things, especially after the wake-up call in December 2001, that could have been done to further educate the population in relation to bushfires.

We have had some calls from people saying, "All we wanted was just some warning. If we were told, we could have got our photos out and moved family members out." I have heard it said in various debates on this subject to date that in December 2001 people in certain suburbs were warned and took certain steps. Thankfully, that year no houses were lost, no persons were hurt. Still, considerable damage was done, and it was a wake-up call.

It probably would have been unreasonable for us to bring forward this limited censure motion had it not been for what occurred in December 2001. If a government is totally unaware of the possibility of something happening and it happens, it is probably unfair to blame the government for that event; but it should fix up things for next time, do something as a result of that, heed those warnings, heed the warnings of its experts. For example, emergency services might have been telling the government to do things which it did not do.

There is far less of an excuse if you are aware and you do not do anything or you do not do as much as you should. There is a certain degree of culpability then in terms of a government not doing everything it is expected to do. In terms of the ministerial responsibility that is expected to be accepted there, such failure is worthy of censure. I get back again to the fact that Mr Smyth has raised very specific items: failure to implement recommendation 95 of the recommendations of the debrief of the 2001 Stromlo fire and telling the Assembly its bushfire education programs were

adequate whereas, obviously, they left something to be desired. The areas of censure are limited, but on all the evidence the case quite clearly has been proven.

Members made some excellent points in relation to that. A very good point was made by Mrs Cross when she said that the people of Australia are not panickers; they are stoic doers. I think that it was painfully obvious to everyone that when warnings were given the people of Canberra responded magnificently. The people responded magnificently with virtually no warning on 18 January. Certainly, the steps taken when other areas were threatened and, thankfully, nothing happened after 18 January just showed how responsible the people were, how stoic they were, how they got in there and helped their neighbours and made sure that their neighbours were right.

We saw that on the day and in an even more organised and able fashion when people were given some warning. It is an old adage that if you trust people, give people clear information, clear guidance, as to what they can do, what can be done to help them, what they should do, invariably they will come through with flying colours. (*Extension of time granted.*) The point that Mrs Cross made there was a very good one.

Mr Speaker, I will not go on any further in relation to this motion. It is quite clear that the government did have warnings as a result of the fire in December 2001. There was a need for it to heed those warnings with additional bushfire education and with additional warnings to people, as occurred in 2001. Why on earth wasn't that done this time? There were some areas in which the government did not do what a reasonable, prudent person would expect a government to do. In that respect, the government has failed in its responsibility in these specific areas and, for that reason, is worthy of censure.

**MRS DUNNE (4.51):** Mr Speaker, this is an important debate because it goes to the heart of the recovery of our community and it goes to the heart of what is expected of governments. Mr Smyth's motion today is in seven parts, as has been discussed, and covers some of the issues relating to our recovery from the bushfire and learning the lessons of the bushfire of January 2001.

When everyone's blood was up before lunch we had members of the government coming in here and uttering contemptible things about this opposition and what we were trying to do. Mr Quinlan said that we were trying to get down and get dirty. There has been no dirt from this side of the house on this fire matter. The matter of the fire is one that goes deeply to the heart of every Canberran and there has been no muckraking, there has been no dirt, there has been no calling for heads on plates and there has been no baying for blood. This opposition is not getting down and getting dirty.

A constant theme here is the Goebbels theory of propaganda, the one big lie, that if you keep saying something often enough people will believe it. I do not know how many times today I heard Mr Wood and Mr Quinlan in particular—I have to say that I was quite pleased at the restrained and thoughtful approach by Mr Corbell in contrast—speaking of things like the culture of blame, getting down and getting dirty, and struggling for relevance.

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Every time the bushfires are mentioned, the one big lie that comes from the government is that this opposition is struggling for relevance. This opposition is not struggling for relevance. This opposition has a part to play in the ongoing community debate about this bushfire, this tragedy, this disaster that struck this town. All of us in this community talk to one another about what has happened.

Yes, there are many people who just want to forget that it happened, who at the moment just want to cover up and get on with their lives, or so they think. But there are many people, countless people, that I speak to on a regular basis who just want answers, who just want to get to the bottom of what happened, why it happened, and whether we can learn something from it. What we are not getting so far is the answers that the people of the ACT community are crying out for.

I would contend that even those people who are saying that they want to get on with their life will at some stage want to seek out those answers. There are many phases of dealing with a disaster like the one that we have had. Some people are angry, some people are confused, some people are in denial and some people are in torpor. All of us in this community, to a lesser or greater extent, will go through all of those phases once or more often than that in the process of getting over this fire.

I touched yesterday on the experience of own family experience with fire. It was not a disastrous fire. We were just an isolated family who were not completely left bereft. My children say to me from time to time, "Mum, we weren't like that. People didn't talk about it all the time." In fact, people did; people talked about it to us for months and months afterwards, perhaps when we did not want to do so, especially when the kids did not want to. Multiply that by the thousands of homes and households that were affected and the sense of urgency, fear, terror and all that was in the community at that time and you will see what effect that has had on the community.

I know from personal experience how hard it is to get over a fire. You think it is all right, but suddenly you realise that there is something you want that is no longer there, something about your life which has been taken away and you cannot get it back. They might seem to be material things, but from time to time they are things that you really do regret their passing. That is why we need to take a concerted approach to keeping asking the questions, because the community requires us to ask questions to keep the momentum going so that we do not actually run out of puff and fail to learn the lessons that we need to learn.

How many times have fires hit Australian communities and we have had inquiries, royal commissions and all sorts of things looking into them and somewhere along the line everyone loses impetus? Ms Tucker and Ms Dundas spoke today about the inquiries into fires and such things that have happened over the past 20 years and we have not done enough. I remember reading an article in, I think, the *Sydney Morning Herald* straight after the fire in which a journalist said that after the Ash Wednesday fires in 1983 people said we should learn the lessons from it so that we would never have to go through that again, but we did not learn the lessons of the Ash Wednesday fire.

The role of the elected members of this place is to ensure the vigilance of the community so that we limit the opportunity for making the mistakes from history that

we do not learn. That is what we are about. But there are other issues here as well. Before this report was off the press, the Chief Minister was saying, "We are going to implement everything and that is gospel," but then he came in here yesterday and said that some of it is not gospel. However, as soon as someone points out that there is an inconsistency, the government produces the revamped version of the government response that makes sure that it is all gospel again.

That is not the way to take the community with you. That is not the way to ensure that the community has confidence that what comes after will be the right answer. The thing that people on this side of the house are concerned about on this matter is that members of the community may not have confidence in what comes afterwards. The volunteers may not turn out. Volunteers are just that, volunteers. They act of their own volition. If they are not confident in the structure that underpins their voluntary activity, they may not turn out. That would be a huge disaster.

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

**MRS DUNNE:** Just to recap: my concern is that if there is not confidence in the community the volunteers will cease to volunteer.

The second point is the one that I really want to deal with most. It is the one about making sure that individuals in the community are able to heal as much as is possibly the case. The Chief Minister said some things that on the surface seem quite laudable. The recovery centre, the bushfire task force and the community reference group are fabulous. No-one faults the personnel and management that have gone into them, and the thought and care of countless volunteers and officials who have really taken this task to heart. Those people deserve a medal. But there are still people who are falling through the cracks. I will read an email from a parent of a family whose house was burnt down in Duffy:

At present, our children have to wait a fortnight for an appointment with our assigned counsellor simply because there are not enough counsellors and because the needs are increasing. Further, their government school has discontinued counselling.

The Chief Minister has said that no-one has to wait, but this constituent has to wait for a fortnight for his children to get counselling when they need it. In the circumstances, speaking from personal experience, that is not good enough. When you need counselling to overcome a trauma, you need that counselling to be responsive. Until I can get guarantees from this constituent and others that this is the case, I want this Assembly to support the second element of this motion.

I speak to the rural lessees on a regular basis and a number of rural lessees have said to me, "We've been forgotten in this, Vicki; we've just been forgotten. We have to beg and plead to get things." There were rural lessees who were burnt out for the first time in the fires of 2001 and who were subsequently burnt out last year and went for weeks without power and water. (*Extension of time granted.*) It was only the intervention of the coroner's office that got their power and water reconnected. These

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people feel abandoned, feel left out of the system. It is not for want of trying. Perhaps they are a bit more stoic than the rest of them, because bushies are like that, but they should not feel left out and they should not have to go begging for services. Until people do not continue to say to me, "We are begging for services and we are being ignored," I want the second part of this motion supported.

We have talked about looking after volunteers and the Chief Minister said that he has signed lots of certificates and he thinks that in the Australia Day awards some people might obtain recognition. That would not be this government supplying recognition; the Australia Day awards are not this government's recognition. After the Christmas fires in 2001, as Mr Smyth said, there was a public parade at the instigation of myself, as the then emergency services spokesman, and other people, including Mr Smyth himself as a volunteer. There was a patch and a lapel badge to be worn. None of those things has happened this time. There are many volunteers out there who are still feeling as though they have been left behind.

The number of volunteers who have said to me in emails and to my face that they have still not received a debriefing is a disgrace. It is a disgrace and an indictment that seven months down the track there are emergency services personnel and volunteer firefighters who have not received a debriefing on the greatest natural disaster that has ever hit our town. I do not care how well everyone is doing generally speaking; that is a disgrace and it must be remedied.

The last part of this motion is about how prepared we were for the fires. There has been a whole lot of argy-bargy today about not being able to talk about that because we were actually talking about arson and school kids last year. It is about the wake-up call that was the January 2001 fires. The January 2001 fires said, "Look out, it's coming." From the January 2001 fires onwards the situation got worse.

The Chief Minister said in here the other day that he was complacent. What he talked about there was not complacency; it was lack of warning and lack of awareness. You are complacent if you know something is going to happen and you do not do anything about it. If you are inexperienced in fire and do not actually think it is going to come about because it never crosses your consciousness, that is being unaware. Being unaware is not a hanging offence, but complacency can be.

My contention and the contention of the members of the opposition is that there has been complacency. There was, as Mr McLeod says, an overoptimistic approach to the fires. I received briefings from emergency services and from Environment on bushfire fuel management. There was a view that everything was hunky-dory and everything was fine, but it was not. We failed to learn the lessons of 2001. That is what paragraph (6) of the motion is about; we failed to learn from the messages.

Messages came from volunteers, experienced people in the bush, people who knew about fire, and other people did not do enough in response. They thought that Fred or Jack always runs that line, that there are modern ways of doing these things and their views are outmoded. But these people were proved right. Val Jeffery was proved right about the fires. Val Jeffery has spoken about the disaster that is waiting for us on Black Mountain if something is not done. I do not want Val Jeffery to be proved right again. Let us learn from the messages. Let us learn the lessons that we did not learn



after 2001. But at this stage we have to censure this government for failing to learn those lessons.

*Ordered that the question be divided.*

**MR SMYTH** (Leader of the Opposition) (5.07), in reply: A lot of spin has been put on what is happening here today. I want to address what some members have said before I speak on behalf of the community in terms of what they are telling me.

I thank Ms Tucker for coming back to the chamber. She did say at some stage that perhaps the previous government was accountable. We have said that we take responsibility for the bits we may or may not have done or what we may or may not have done as well as we could have. But we did do much on coming to government in setting up the ESB and implementing the recommendations of the McBeth report. We set up the Emergency Management Act following the 1994-95 fires in Sydney to which we sent units. We upgraded equipment and fire sheds and we implemented training. I could go on about the things we did. There was money for communication systems and there was extra money for ESB. I could go on and on. But things were done.

The issue of dividing the community is something that I want to talk about. If you raise a point contrary to the thinking of the government, you are attempting to divide the community. I think the community is divided. I do not think it is divided in a nasty way and I do not think it is divided in an aggressive way against each part, but a large part of the community can actually move on because it has not been directly affected by the fires.

It is that sort of burnout that Lieutenant Colonel Don Woodland spoke about. This was not being said by me. This was a Salvation Army specialist saying that the people who were affected are locked into the recovery process and are battling red tape and insurance companies, whereas other parts of the community are able to move on. The Salvation Army specialist is seeking a meeting with Mr Stanhope, claiming the government's assessment that the recovery process is going well is not correct. That is being said by an independent expert in recovery. Another expert, Rob Gordon, said exactly the same thing. He said that after six months the rest of the community was moving on from the disaster but victims could not and that often those who had been coping so well until then were feeling very exhausted and that needed to be respected.

Ms Tucker asked whether services had been cut as she had missed that part of the debate. For her benefit, I will read the following email:

At present, our children have to wait a fortnight for an appointment with our assigned counsellor simply because there are not enough counsellors and because the needs are increasing. Further, their government school has discontinued counselling.

I believe that at that school there are six or seven children who were victims of the fire and who now go to that school because they have moved out of the affected areas.

Mr Corbell, who spoke quite well, talked about the opposition wanting to pursue a culture of blame and the government trying to heal the community. He said that we

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tried to portray the situation as: "We told you so and it's your fault." That is not what we have said. We have not blamed a single individual or named a single individual and said that it was all their fault. If we were going to do that, we would have been moving motions of no confidence. We do not have the facts to do that. Until we get the facts, we will not do that, because we do not want to be like those opposite, who so devalued the notion of censure and no confidence that they raised it willy-nilly at any time they wanted.

Mr Corbell said that the emergency services had done everything that they could, so why move the motion? The motion looks at future needs in the first four points and it does look back at the last point, because we did raise the issue of the need for more education. Yes, the other motion certainly said primarily in schools, but at the heart of the speeches it was certainly said that there was a need for an across-the-board community education program, and that is one of the McLeod recommendations. McLeod validates what we said last year.

Mr Wood said that we are not serious because we have said to the government that they do not need to put in place their model and that we lack seriousness because we have put forward our own model. Our model provides the framework that would allow, that would facilitate, the model which the Volunteer Brigades Association, the emergency services group leaders and, I think, the UFU have all said is the model that they would prefer. That is the difference. We have actually been out talking with these people. I understand that Mr Wood will be meeting today and Mr Stanhope will be meeting tomorrow with the Volunteer Brigades Association. We saw them weeks ago. We have been talking with them constantly since the fires.

Mr Wood's defence seems to be that many of the reforms from 2001 have been implemented. Okay, let's have a chart of the 102 recommendations and see which have been implemented partially or fully. I would be very interested in that. The defence seems to be that most of that work has been done. Okay, which bits have you done and which bits have you not done? If you have that information, Mr Wood, it would be of benefit to members if you tabled it.

The curious thing about Mr Wood's speech was the fact that he said that Canberra Connect had geared up in November, that Canberra Connect was told to get ready to be able to deliver services in case there was an emergency. If you were gearing up in November, doesn't that raise with you the vague notion that maybe you should have told the public that you were gearing up? You were going to crank up Canberra Connect in case something went wrong in the coming bushfire season, but you were not going to tell anyone. That is the cause of the angst that is formulating out in the public. They are uncertain of the facts and they do not know the full story. McLeod was meant to tell us that story. He says that his report is a broad overview. It does not go into detail, which is the problem.

The Chief Minister said that he would like things to heal. I think that we all agree. Perhaps we disagree on the method of the healing, but I think all in this place would like to see the scars that we carry heal. Earlier in the debate, Ms Tucker and Mrs Dunne spoke about denial, anger and bargaining. They are from the works of Elizabeth Kubler-Ross, who wrote a book on death and dying. It is often transferred to

the resolution of grief. She says that the five stages are denial, anger, bargaining, depression and acceptance.

The problem for us is that many people are at different levels in this process. Some are still grieving, some are still angry, some are bargaining, some have accepted and some have moved on, but they are not all doing it at the same rate. I think that the largest problem for the government is the one of which the Chief Minister was so dismissive in regard to my motion when he criticised me for having the temerity to suggest that he had not recognised volunteers. I did not say that.

The Chief Minister twists things eternally; he is always twisting things. He said, "We named everybody as Canberran of the Year; there's recognition for you." Yes, it is, but if you look at what was done at the end of the 2001, you will find that there was a lapel pin given, there was a civic function in Garema Place, there was a large patch to be sewn onto overalls if people so chose, and there was an off-season barbecue at which people could come together and celebrate. Some of the MLAs were there and did the cooking. I remember Mr Hargreaves being there cooking; he does a mean sausage.

But for what was really a one or two-day campaign, a one day serious event with a couple of days mopping up afterwards, we had four or five specific initiatives to say, "Volunteers, thank you very much." This year, we had a campaign that ran from the lightning strikes of 8 January through to 31 January, almost 20 days of constant activity, and the volunteers think that they have actually been slighted.

For those who do not believe me on this, I am going to read a series of emails. I foreshadow that I will be going over time and will be seeking an extension of time, but it is important that people understand that there are problems out there. You cannot say, "Things are healing; make it go away." It does not work like that. Sometimes you have to lance a wound before the wound can heal. If you want real healing, Chief Minister, you have to have a debate about it sometimes. I have been contacted by a gentleman who used to live in Eucumbene Drive. He said, "Why is there no debate? Why do we accept these things because somebody said they are right? That does not make them right."

I want to read two emails. The first is from a volunteer who wrote to me first on 6 August. Some of it is personal, so I will leave out bits of it. The email reads:

Dear Mr Smyth

I am writing to you as a volunteer firefighter who is feeling betrayed by the political leadership of the ACT. I believe that we covered some of the same ground at Tidbinbilla Nature Reserve on the evening of 17 January 2003.

To his credit, Mr Corbell was at Tidbinbilla on 17 January as well. The volunteer continues:

I am becoming increasingly frustrated and angry with the political point scoring from all levels of government and the total lack of support for the volunteer. We have had no debriefings, no contact with ESB management or incident controllers, and no real chance to have our say in the public arena. We seem to

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be forgotten participants in this whole sorry affair with no-one game enough to seek our input. The views of the volunteer seem to emanate from ACT Emergency Services Bureau management, not the volunteers.

He makes some personal comments about some identities, and I am not going to repeat them, but his final line reads:

Put our views on the public record for all to see. It is my belief that a backlash from volunteers is building momentum and I am certainly an active supporter of such a move.

*(Extension of time granted.)* I spoke with this individual and he came back on 8 August, two days later, and said:

I am becoming aware by talking with and listening to people that there are many unhappy, irritated and sometimes angry volunteers out there that would like to be heard by ESB, the ACT government and the community, and I include myself in all three categories. I am simply one of a group of people who each year serve their community by pulling on a set of overalls and getting in harm's way. I believe that we as a group, a large group, have a lot to give this process and fear that without strong and vocal representation we will simply be spectators.

That was from an individual firefighter over a couple of days. Another one also wrote to me. His first email came on 30 July, and reads:

Hi, Brendan, how are things going? I saw you on the television the other night making comments in relation to Jon Stanhope's remarks about the findings of the inquiry up to this point. I was pleased to see someone taking a stance against the line that the Chief Minister would have the general public believe.

He then makes some comments about some identities and I am not going to go into that. He went on to say:

As to the suggestion that with better training the outcome may have been different, you'd have to agree that everyone we know or worked with regardless of brigade certainly put in the effort and was professional in every way. I don't believe our level of training, competency or commitment was ever questioned and I certainly don't think any ACT brigades let anyone down. You may not read their comments as suggesting this, but I do know many who do.

The problem is the lack of communication from the government. The government is simply saying, "All is well. We've taken responsibility and accepted some recommendations. Let's move on." It is leaving people behind. The group that they are most leaving behind is the volunteers. The email went on to say:

If the brigades had been allowed to attack those fires immediately in their own way, there may well have been a substantially different outcome. My experience, of which you also have plenty, tells me that if the brigades had been allowed to go into the hills immediately or first thing the next day Southern would have gone, Geyser's Creek would have been hot on our heels, as would have been Rivers and Jerra. If anything was amiss last January it was the ability of those in charge to make a decision. ESB allowed five fires to burn within containment lines unchecked indefinitely, containment lines that only existed because of

a week of favourable weather that should have seen the fires contained in two to three days.

He goes on:

I am concerned that we are going to be the scapegoats here. To this point, there still has been virtually no feedback to brigades or personnel that I have seen and no debrief that I had seen. Many that I have spoken to are still unsure if they did a good job or not, if they were in the right place or not, whether they were effective or not and that's not good enough for a volunteer work force. On top of that, the best message ESB can come up with is that we need to be better trained. That's positive feedback, isn't it?

He then says:

I'm sorry for the length of the note. I did want to offer my support and thank you for putting the questions to the Chief Minister and ESB on this issue and suggesting that things may not be as they would have us believe. See you on the highway or the fire ground.

That was on 30 July. The same volunteer wrote back on 15 August and said:

I thought you'd be interested in this.

There was a meeting—I think it must have been on 14 August—where Davidson Trahaire talked to the brigades on behalf of ESB. It goes like this:

I think the overriding question is why did the current administration—

which I assume is the government—

allow this resentment of ESB and the administration to go on. It has really come out of the apparent lack of interest in volunteer brigades, something that could have been so easily avoided.

He then gives a summary of the meeting, before saying:

The night was organised by ESB, facilitated by an independent consultant, Davidson Trahaire, with the objective of gauging the state of brigades at the moment. Attendees were from Jerra, Rivers, Gungahlin, Hall, HQ, Geysers Creek and Southern. One of the most interesting things to come out of the meeting is that all the brigades have a lot of issues to offload before the recovery process can proceed. In particular, the negative feelings towards ESB and their apparent lack of interest in the volunteer brigades and the lack of follow-up at any level after the January fire. The meeting was very vocal, aimed at ESB, through what is perceived as a lack of appreciation of the volunteer brigades in the ACT.

He then lists other concerns, as follows:

ESB's focus on training seen as a negative message and an insult to firefighters. The training deadlines proposed are ridiculous and brigades will ignore them. The emphasis being put on meeting competencies on paper rather than gaining

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years of experience in the field. The lack of debrief, feedback or closure process for those that need it and the lack of interest from ESB on the impact of the fires on rural ACT.

*(Further extension of time granted.)* This city has a problem and this government has a problem because it thinks that, if you move the caravan on, it makes things better. It does not. The government's attack on us is, "It's political". We are in the Assembly; everything that is said here is political. But this is about what the community is saying. It is saying that the healing is not occurring because of the urgency to move on and not debate things and talk about the bushfire. If the government wants confidence in the future and it does not want angst in the brigades, the government will have to do something.

There seems to be some dilemma today about our putting a motion on the notice paper in the way that we have. We did it because we wanted to give the government warning and time. Members of the government, in opposition, used to roll in here and bring on a motion of no confidence or censure at the drop of a hat. We were being courteous. We put it all in one lump because there are several issues that have to be discussed and, because of the weightings for private members business, the chance of our getting up two or more motions is very slim. We put it all into one so we could have the one debate. We arranged it so that, as Ms Tucker asked, we could do so by splitting the question.

There are claims of confusion and hypocrisy about the fact that we are asking the government to go slow while we are doing something else. We have been out discussing it and we have actually done the consultation with the brigades. Indeed, I was at the voluntary brigades meeting the other night at which, unfortunately, the Chief Fire Control Officer was unable to answer any questions about the new structure that the brigade members put to him because he had not been told by the government.

We did some work on some whiteboards. I got to do the scribing. I put up the existing structure, I put up the structure as proposed by McLeod, I put up the Liberal Party structure and I put up another structure. Eventually, the brigades voted the others down and they modified the structure that I put up. I deliberately said, "Guys, this is political. There's the Liberals' structure." They liked the concept, but modified it to meet their own.

The brigades have an idea on that because they have experience and they want to be listened to. There is no hypocrisy. What we are saying is that there is concern in the community about the model that the government is proposing, particularly when emergency services, the volunteers and, I understand, the UFU would prefer a model similar to the one that the Liberal Party has proposed.

Mr Speaker, this motion really is about healing. It is about stopping the caravan that just says, "Let's get on with it. No debate, let's just push through, let's just go on." We are not saying that the government is rushing headlong into something. The government has done many things well and we have said that to the government. For instance, tonight Mrs Dunne praised the recovery centre. The recovery centre has done very well, but we need to do more.

I would simply like to close with the words of Lieutenant Colonel Don Woodland of the Salvation Army, who knows more about this matter than any of us here. Colonel Woodland said, "People seem to be locked into the physical recovery, battling red tape and insurance companies to rebuild, and have not been able to consider their emotional and spiritual needs." He is seeking a meeting with Mr Stanhope, claiming that the government's assessment that the recovery process is going well is not correct.

It is not the Liberal Party saying that, it is not I, it is an expert out of the community. That is why we have moved this motion. Paragraph (1) calls on the government not to implement the proposed Emergency Services Authority until consultation has occurred because those agencies, units, volunteers and community people out there want to be asked.

Paragraph (2) calls on the government, where appropriate, to increase services to those in the community affected by the bushfire disaster rather than decreasing or removing services. The feedback that I am getting—I have given one very concrete example of a school that has removed it—is that people cannot access these services when they need them.

Mr Stanhope said earlier that there are three counsellors and there is no waiting at the recovery centre. That is great. Let's make sure that that continues; but let's make sure that there are adequate resources for unmet need, because I know that there are people who still shake when they talk about the bushfire and have not yet started down the road to recovery.

Based on that, I have asked for the government to outline to the Assembly by the close of business tomorrow their assessment of the future needs. They have put money in the budget and they have said that they are getting on with the job. They must have based that on something. Let's see the basis of that.

Paragraph (4) calls on the government to provide suitable recognition to volunteers, emergency services personnel, et cetera. We need to do that because, as you can tell from the angst in those emails, the cry in those emails, volunteers are still suffering.

We do seek to censure the government for failing to heed the warnings. Their own reports said there should have been better education, but it was not delivered.

Preamble and paragraphs (1) to (4) agreed to.

Question put:

That the preamble and paragraphs (5) to (7) be agreed to.

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The Assembly voted—

Ayes 5

Noes 11

Mrs Burke  
Mr Cornwell  
Mrs Dunne  
Mr Smyth  
Mr Stefaniak

Mr Berry  
Mr Corbell  
Mrs Cross  
Ms Dundas  
Ms Gallagher  
Mr Hargreaves

Ms MacDonald  
Mr Quinlan  
Mr Stanhope  
Ms Tucker  
Mr Wood

Question so resolved in the negative.

## **Electoral Amendment Bill 2002**

Debate resumed from 6 March 2002, on motion by **Ms Tucker**:

That this bill be agreed to in principle.

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

## **Older Canberrans**

**MR CORNWELL** (5.34): I move:

That this Assembly expresses its grave concern at the Government's lack of commitment to addressing the needs of Older Canberrans, particularly through the provision of aged care facilities and calls on the Government to:

- (1) give priority to aged care facility applications in planning policies and processes;
- (2) be proactive by listing twelve potential sites for future aged care facilities so that applications for Commonwealth funding for beds can be expedited;
- (3) plan a Step-Down facility for southern Canberra;
- (4) improve the location, frequency and quantum of respite care places.

Mr Speaker, this problem of the crisis in aged care accommodation was discovered, at least by the media, about six weeks ago, though it has been around for much longer than that. It seemed, therefore, timely to raise the debate this first week we are back from our winter recess because I maintain that nothing has changed in terms of the crisis that is facing aged care in this territory, except perhaps that the numbers on the waiting list have increased. Indeed, I think we have a situation that I can correctly call a crisis.

Let me give you the facts. These are from newspapers. The ACT has a target of 1,699 aged care places but only 1,525 actual places. There is a shortfall of 174, and a further 201 phantom places approved by the Commonwealth are yet to be built. We have more phantom aged care beds, Mr Speaker, than Floriade has flowerbeds, I would suggest.



The waiting time for aged care places in the ACT is amongst the highest in the country. The median number of days between assessment and placement in a high care bed in the ACT is 27, compared with 12 in New South Wales and 21 nationally. The median waiting period for all aged care services is 57 days, compared to 22 in New South Wales and 37 nationally.

In response to the quite heavy media criticism six weeks ago, the government responded by, first, setting up a new aged care advisory council. That was useful for providing beds, wasn't it? It then seized upon my question on notice No 733, which was provided on 17 July, and the minister published a statement using those figures on 21 July, but still nothing was done.

There was a media release published at the same time, 21 July, called "High interest in developing Aged Care accommodation in the ACT". Please tell me something that we do not know: there has always been a high interest in developing aged care accommodation in the ACT. But wait, that may be the headline but the actual release goes on to say and I quote,

The Land Development Agency and ACT Planning and Land Authority are aware of 14 new developments and six extensions to existing facilities being considered—

being considered, that is where the high interest came in—

in Woden, Weston Creek, Tuggeranong and Belconnen. Some of these proposals are still at the formative stage and some may not come to fruition due to a number of factors, including commercial decisions and planning requirements.

Tell me something we do not know. Is this an improvement, Mr Speaker, in the crisis in aged care accommodation, that some proposals are still in a formative stage?

**Mrs Burke:** Where is the urgency in that?

**MR CORNWELL:** Yes, indeed. However, let us turn now to the real issues. Let us leave aside the hype and leave aside the public relations exercise and examine some of the initiatives that this government has failed to take.

Calvary health care was granted a licence for 65 nursing home hostel beds in January 2002. Where are they? Twenty months later, nothing has happened. They are meant to be up and running, but nothing has happened. However, the Stanhope government produced another media release, "Calvary development to proceed". Don't get too excited, read further: "Further work needs to be done before a final offer of lease can be made and development can commence." Indeed, the Little Company of Mary went on to say, "The Government's announcement yesterday clarified the size of the land...but we are still awaiting the price."

Please, this is not an initiative being taken by the government in addressing aged care. In any case, we have a major problem with the Greens about the Calvary site because Ms Tucker does not like it. The buildings will cover 40 per cent of the site and, while the original plans were for 64, this has been changed to 70, and now to 84. I am not

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surprised: if we have to wait 18 months before anything happens, of course the demand is going to increase, and it will continue to increase if we take much longer.

However, what disturbs me most about Ms Tucker's media release is the concluding paragraph:

I can see why people would look on this latest version of the proposal as nothing more than a land grab, using community facilities as an excuse. As much as we need aged care facilities, the Little Company of Mary cannot use that fact to justify inappropriate land development.

What is inappropriate about providing aged care facilities? It appears that the Greens are prepared to hug a tree, but not a senior citizen.

The second example I want to give is the 68-unit facility that was required and being planned for the Chinese community over in Kaleen. On 6 April, there was a rather sad photograph of an elderly Chinese gentleman who is staying at a nursing home where he is not really happy, because the other residents are not of the same ethnicity, the food is not to his liking, and so forth. Numbers of people, including Annette Ellis, Senator Kate Lundy and Kate Carnell were all very interested in this. I asked question No 709: what is happening please? Mr Corbell replied on 28 July, "The National Australian Chinese Association is proposing to develop a number of living units." The previous government gave in-principle agreement to block 7 section 85 Kaleen.

Since that time, would you believe that there have been discussions with the association about the proposed use of the land? The minister continued:

Initially, it was considered that the proposed use of the land fell under the definition of "retirement complex". Based on current information ACT Planning and Land Authority advises that the proposed use is defined as "supportive housing".

To progress the development of Block 7 Section 85 Kaleen it will be necessary for the Association to prepare a Community Facility Needs Assessment and produce a design concept.

Again, does this advance aged care facilities?

Who is being fair dinkum on this? Look what happened when somebody tried to use a section of the golf course over there at Belconnen for some aged care facilities. The minister said it could not be done or should not be done and, as far as I am aware, the matter is dead. Again, what sort of commitment does this show to aged care facilities in this city?

I turn now to a question I asked, No 727: "is land set aside for such facilities: Near John Knight Park, Belconnen; and Gungahlin Town Centre"? They picked one out as a possible site for aged persons' facilities—block 6 section 87 Belconnen. "A Planning Study has just been completed that looks at the suitability of the site for a retirement complex." That is as far as that has gone. A number of sites in Gungahlin have been identified as suitable for aged care and "the Gungahlin Development Authority has had ongoing discussions ... It is planned for the release of suitable sites

in the near future.” I, for one, am not holding my breath, thank you, because I think we may be waiting a long, long time.

I asked what was happening to block 12 section 28 in Hughes. This adjoins St Andrews Village. They wish to expand, in fact I think they wish to use it for caring for those with dementia. I may be wrong there and I do not want to pre-empt that. The answer says, “Part of the site has been identified as a possible area which could be developed.” This has been going on for several years, I hasten to add. “The Land Development Agency is awaiting a response from St Andrews,” who are probably tearing their hair out wondering what they have to do next.

However, there is some assistance—

**Mr Corbell:** We have to change the Territory Plan, actually.

**MR CORNWELL:** Why the delays?

A 60-bed aged care facility was announced in the last budget. I commend the minister for that. Of those 60 beds, 30 would be allocated to rehabilitation, 10 to transitional care and 20 to psychogeriatric, dementia type clients. I welcome that. What concerns me is that the timeframe is December next year, 2004. Frankly, with the government having the track record that I have just outlined, I am very sceptical that we will ever get to it.

Yet, we find that, in its older Canberrans policy, the Labor Party will “Support a draft variation to the Territory Plan which will allow land designated ‘community facilities’ to be used specifically for aged care accommodation as well.” It does not seem to me that Labor has followed through on its own policy. I do concede, Mr Speaker, that there are problems in the relationship between the Commonwealth and the states in relation to responsibilities and other issues involved in aged care. It is a major headache that bedevils all states and territories and the federal government.

However, these problems are exacerbated at the local level, I submit. I can illustrate that with the following point. Since 1999, funding for 349 aged care beds, at a value at some \$7.9 million in recurrent funding, has been issued by the Commonwealth government to the ACT. In addition to the 349 beds, this year’s round of allocations added 90 residential and 14 community care packages for aged care. This is a total of 430 places. Where are they?

We have already identified one of the ridiculous delays in building the 65-plus bed facility at Bruce, approval for which Mr Corbell, incidentally, sees fit to announce and reannounce. However, we still have no firm commitment to the completion date, Mr Speaker. Meanwhile, of course, our elderly people continue to languish on waiting lists, continuing to take up—and this is important—much needed hospital beds while being categorised as nursing home patients. Thus, they exacerbate the hospital bed crisis that we are continually hearing about from this ALP government and, of course, they are blaming the Commonwealth.

Mr Corbell, it is claimed that some 80 plus acute care hospital beds are taken up by nursing home patients. If we could get some aged care accommodation, we might be

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able to get another 80 people into hospital beds. All right, you shake your head. I will await the result within interest.

You have publicly and enthusiastically acknowledged the ACT's ageing population boom but you have not attempted to expedite approvals. Even the amendment which is foreshadowed to this motion still does not say anything about doing something. There is no run on the board in relation to this. It has all been talk. We cannot afford to ignore this because the forecasts for the next 10 years in the ACT alone show that the number of Canberrans in the 40 to 65 age group will increase to 63,000 people. That will place a greater demand on the facilities, understandably.

We cannot, however, wait until that situation arises. We must deal with the problem now so that we can reduce at least some of the waiting list. The minister recently announced proposals for some 500 independent living units. (*Extension of time granted.*) Plans for some 500 independent living units and 300 aged care beds have been submitted for planning approval by the non-government sector but, again, Mr Corbell there is no commitment as to how quickly these facilities would be passed through the approval process. That is what is concerning me as well as how long some of these applications have been waiting for approval already.

I find it extraordinary that planning approvals can take precedence over the needs of elderly, vulnerable people in this community. I find it extraordinary that these can be held up—

**Mr Corbell:** It is called the law, you goose.

**MR CORNWELL:** No, it is not called the law. What it is called, and what it should be called—

**MR SPEAKER:** Order, members!

**MR CORNWELL:** Is some fast-tracking and a bit of compassion. That is what it is called, and what it should be called. However, instead, you say, "No, we will stick to the old rules and regulations." I do not expect you to be cutting corners. I do expect you to be giving some priority to these matters because of a crisis.

In summary, I do not believe that this ACT Labor government, especially in the area of planning, is seriously committed to doing everything in its power to alleviate this aged care emergency problem that we are currently experiencing and that we will experience in the future. I believe that the government is failing to recognise, and certainly failing to act upon, an obvious crisis. I suggest that you probably will do so until the last possible moment. The amendment suggests so.

We cannot afford to allow this to continue. It has nothing to do with funding. The beds are there, they have been approved—you cannot keep blaming the Commonwealth. What I want to know and what the people of the ACT want to know, particularly those people who have elderly relatives and are looking desperately for somewhere to accommodate them in the last years of their lives, is what you are going to do. We want some action. We do not want more words. So could we please stop shuffling the papers and settle down and do some work on this urgent matter?

**MR CORBELL** (Minister for Health and Minister for Planning) (5.52): Mr Speaker, I find it extraordinary that Mr Cornwell seems to think that the planning laws as enacted by this place are for some reason an awful hindrance that just gets in the way of providing older Canberrans with their homes. It is both a simplistic and an absurd assertion that the planning laws should not apply to a particular application simply because one member thinks that the applicants have a particularly worthy cause. Either the planning laws apply or they do not, and they do.

I am happy to outline to members what steps the government is taking to ensure that the issues affecting older Canberrans in relation to accommodation are being addressed in a responsible and comprehensive way. I think it is important to make clear that, in discussing aged care facilities, we are talking about residential care, facilities that were more commonly known as hostels or nursing homes.

The government is committed to planning for the needs of our ageing population by working with the non-government sector, private and community sectors to respond to our community's need for more aged care accommodation. There is also a need for an improved involvement with the Commonwealth in the provision of aged care facilities. Mr Cornwell would like to make the argument that this is all the government's fault. The reality is that there are three players. There are the private and community sectors, there is the Commonwealth government and there is the ACT government.

Our commitment to the provision of aged care facilities is being addressed in a number of ways. Members would be aware of my recent announcement that the government has agreed in principle to the direct sale of land in Bruce to the Little Company of Mary/Calvary Healthcare Holdings. Part of the site will be redeveloped for a 100-bed aged care facility, funding for 65 beds of which Calvary has received. It is also proposed that 86 independent living units will be provided on the site.

Further work does have to be done before a final offer of lease can be made and the development can commence. Again, Mr Cornwell's simplistic and quite childish assertions simply ignore the complexity of a direct grant process. The reality is that, every time the proposal for the development changes—in terms of the scale of units, the number of units or the scale of the development—its value changes. It has to be revalued and that, Mr Cornwell, is something that you appear to conveniently forget.

However, the government has agreed to a direct grant of land and the finalisation of this process is now being undertaken. A final concept plan prepared by Calvary will have to be agreed to by government agencies and a preliminary assessment into the impacts of the use of the land undertaken. Again, particularly in the latter case, these are requirements of the land act, and I do not think Mr Cornwell would want the government to undertake a process which is contrary to the land act as approved by this place.

The government is also presently considering an application for the direct sale of block 53 section 8 Garran to Southern Cross Homes, to develop a 65-bed aged care facility plus 18 independent living units on the site. Assessment of the application has progressed well and I expect that a decision on the application will be made by

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cabinet shortly. It is worth pointing out, Mr Speaker, that this is different from the original application made to the previous government. The previous government, the current opposition, should not claim that this is simply the original application still being considered. It is not; it is a new application and it is from a different body.

Southern Cross Homes New South Wales will have to obtain funding for the beds from the Commonwealth. To this end, Southern Cross Homes has been negotiating with the St Vincent de Paul Society about taking over the aged care facility it operates in Campbell. The transferral of these 34 beds, and a subsequent application for a further 31 beds, will have to be considered and approved by the Commonwealth. The transfer of the lease will also have to be approved.

The government has taken steps to ensure that the in-principle direct grant of the land has been addressed so that, when Southern Cross Homes New South Wales goes to the Commonwealth, it can make application for the bed funding it wants with the certainty that the ACT government backs it and is prepared to give it the land it needs.

The Land Development Agency has also been dealing with the operators of the Kankinya Nursing Home in Lyneham regarding the acquisition of land to enable the expansion of the nursing home. It has liaised closely with the Commonwealth Department of Health and Ageing about the matter.

In addition to these immediate proposals, work is also progressing on sites in Belconnen and Greenway that can be developed for the future provision of aged care facilities. There is a site in Belconnen, block 6 section 87, near Lake Ginninderra. The intention is that the site be developed for a mix of aged care facilities, of approximately 100 beds and 150 independent living units.

Despite opposition from the local area planning advisory committee, the government, if Mr Cornwell would care to look, has already placed this land on its land release program for this financial year. The planning study has also been completed for this site and it is proposed that a preliminary assessment commence shortly, again, a requirement of the land act. Depending on the outcome of the preliminary assessment, it is proposed to release the land through a competitive process in the first half of 2004.

The exact timing of the release of this site is contingent on funding being available for the aged care facility component from the Commonwealth. This is important, not only for this site, but for all future sites for aged care facilities. Accordingly, the territory will continue to work closely with the Commonwealth in the funding and announcement of site releases.

Work has also commenced on identifying a site for an aged care facility on part section 46 Greenway, which is on the western side of Athllon Drive near the Tuggeranong Town Centre. The final mix of the facilities is yet to be finalised, but it is anticipated that something similar to that proposed for Belconnen will be developed. Preliminary site investigation work has been carried out and further planning work is required before a decision can be made on whether the site is suitable for an aged care facility. A preliminary assessment and a Territory Plan variation are required, as the existing land use policy does not allow an aged care

facility. Again, I would be surprised if Mr Cornwell is advocating that we ignore those processes.

While substantial work has been done to identify sites that can be used for aged care facilities, I have asked both ACTPLA and the Land Development Agency to give priority to identifying further sites for these facilities.

Members will also be aware of variations that have been made to the Territory Plan that are designed to improve the ability of organisations to provide accommodation suitable for the aged. In September 2002, the Territory Plan was varied to introduce the concept of supportive housing, in full compliance with the election commitment that Mr Cornwell just chided me about.

Supportive housing is residential accommodation with on-site support provided for people who need such services, usually because of age or disability. The housing may be self-contained dwellings. There is a requirement that the development be managed by a territory-approved organisation that has the capacity to provide the necessary support and services.

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

In identifying sites, a range of issues is taken into consideration, including locational guidelines. The guidelines for site assessment for aged care facilities are being reviewed by ACTPLA. These reviewed guidelines will be used to assess sites for aged care facilities.

It is worth making the point that, just because there is pressure to provide additional aged care facilities, the government should not automatically agree to every aged care facility proposal that comes along. I copped some criticism, Mr Speaker, from Mr Cornwell for not accepting the proposal for the redevelopment of part of the Belconnen golf course. That proposal would first of all involve a variation to the Territory Plan but, more importantly, it would involve the government breaking an election commitment to the people who live on the estate currently, as we said we would not permit further residential development on the site.

Mr Speaker, I do not know about you, but I would imagine that your constituents feel fairly strongly about that issue and the need for the government to honour its commitment not to permit further development on the golf course. Just because it is for aged care does not mean it is automatically in the right place. You look at each case on its merits. Again, Mr Cornwell has unfortunately presented a very simplistic assertion of the facts.

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Mr Speaker, in a broader sense, the territory is also working with the Commonwealth in a forum that will look at ways of improving the processes associated with the planning for and development of aged care facilities. I have agreed to a request from the federal Minister for Ageing, Mr Andrews, to ensure that ACT officials and Commonwealth officials engage in joint planning exercises when future proposals for bed allocations are made in the ACT.

To date, Mr Speaker, most of the land sold for aged care facilities has been sold by way of direct grant. I have asked the Land Development Agency to initiate a review of the processes for the direct sale of land with a view to implementing changes which will improve the way such applications are handled. Mr Speaker, it is important that the Assembly be kept informed of progress with this work on identifying suitable sites, and I undertake to do so.

Mr Cornwell also outlines the need for a step-down facility for southern Canberra and it is worth noting that the ACT government currently funds a range of services which provide step-down care for patients in community and residential assessments. These include the ACT Convalescent Service, which is currently located on the Calvary Hospital campus at Bruce; Burrangiri crisis respite centre for the aged, located in Rivett, which provides an excellent component of post-hospital care; and the ACT transitional care program, which provides a residential component of transitional care, is located in Red Hill and also provides community-based packages which are delivered in the client's home; and, finally, the community options transitional support program which, similarly, provides support and care in the client's home.

These are all services the ACT government currently funds, the last being the new pilot program referred to in my foreshadowed amendment. In addition to these services currently being provided, the ACT government has allocated \$5.15 million in capital works for a new subacute facility in the ACT. In broad terms, and for the first time, this facility will provide services in the areas of post-acute rehabilitation, transitional care in a separate facility and dedicated psychogeriatric services in the ACT. The service modelling, including its potential location, is currently being developed by ACT Health.

Mr Speaker, as the ACT is a relatively small geographic area, with a small population, the government does not accept Mr Cornwell's assertion that this service should be provided on both the north and south sides of Canberra. A single facility in a central location can adequately service the entire city. Ensuring smooth transitions across services and maintaining care links with a focus on client outcomes will assist clients to access services, regardless of their location.

This is important to know: the provision of residential respite places is primarily the responsibility of the Commonwealth government. As at April 2003, the Commonwealth funded 14,447 respite days in the ACT, including high and low care places. The Commonwealth has a benchmark of an upper limit of three places per 1,000 people over 70 years. The ACT benchmark is 56 respite beds with the current allocation being 51 respite beds.

The ACT government is aware of the access issues that people in the community and their carers are facing when trying to access respite places. In the 2003 aged care



approvals round, the Commonwealth has allocated 90 residential places for the ACT and has identified priority areas in relation to bed readiness, dementia care and respite care. The latest round of allocations will assist in meeting some of the pressures within the community. I will continue to urge the Commonwealth to undertake future planning of the provision of respite care places to meet the needs of our community.

The ACT government is also prepared to respond to respite care needs in the ACT community through particularly the Burrangiri crisis respite centre, which is a 15-bed facility. The centre provides a valuable role in providing short-term emergency respite care. Clients are not required to have an aged care assessment in order to access Burrangiri's services, which allows carers to access the service during times of crisis. *(Extension of time granted.)*

The government has also implemented its other election commitment to undertake an assessment of met and unmet need in respite care services in the ACT. I released this report in the Assembly during the last sitting. The consultation phase of the respite report highlighted the need for more flexible responses to respite care requirements that go beyond the provision of respite hours and also support families in sustaining their caring role.

The government has responded to this need with the establishment of a \$450,000 pilot program through three community agencies—Community Options, Community Connections and Carers ACT. The program will provide flexible family support to people and families who are caring for an older person who needs support, a person with a disability, a person with mental health issues, or a person with an acquired brain injury. This model represents a significant change in approach from that of the traditional provision of respite care, in that it allows families and individuals to make decisions on the support that they require to help them in their carer role.

Mr Speaker, the government has responded to key findings in that report, is acting on them and is providing new services to help meet the need. The government is also currently examining the other recommendations of the report and will respond fully to them. The government is committed to meeting the needs of older Canberrans, and we are working to facilitate additional places, additional land grants, additional support and a new step-down facility. The government has a good and strong track record on addressing these issues.

The pressures we face in relation to aged care accommodation are not unique. They are faced right around the country and they require a approach based on collaboration between all agencies and all levels of government. That is the approach I am endeavouring to foster here in the ACT.

Mr Speaker, given the issues I have addressed in my comments, I would like to move an amendment to this motion, which I have circulated in my name, which outlines what steps the ACT government has undertaken, expresses the Assembly's concern at the difficulties older Canberrans face in accessing appropriate accommodation, and urges the ACT and Commonwealth governments to continue to adopt and implement measures to address this growing level of demand for appropriate accommodation for older Canberrans.

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I note that Ms Tucker has also foreshadowed an amendment to my amendment. The government would be happy to support Ms Tucker's amendment.

I move the amendment circulated in my name, which reads:

Omit all words after "That this Assembly expresses its", substitute the following:  
"concern at the increasing difficulties older Canberrans are facing in accessing appropriate accommodation and:

- (1) Notes that the ACT Government:
  - has given priority to determining applications for direct sale of land for aged care facility proposals providing for approximately 269 beds;
  - has been proactive in initiating work for sites in Belconnen and Tuggeranong with the potential for a minimum of a further 250 beds;
  - has allocated \$5.15 million for a sub-acute facility for the ACT providing post acute rehabilitation, psycho-geriatric and transitional care services;
  - provides respite care through the Burrangiri Crisis Respite Centre for the Aged and has provided \$450,000 for a new pilot program to provide flexible family support for people who care for older Canberrans.
- (2) Urges the ACT and Commonwealth Governments to continue to adopt and implement measures to address this growing level of demand for appropriate accommodation for older Canberrans and their families."

**MS TUCKER (6.11):** I will move the amendment circulated in my name, which reads:

- (1) Add new point
- (2) Calls on the ACT Government to report to the Assembly on the extent to which the above measures meet the unmet needs in all sectors of the population of older Canberrans, and strategies and timelines to meet the remaining unmet need;"
- (2) and renumber point 2 as point 3.

This is a pretty self-evident amendment. I am putting an extra call on the government, amending Mr Corbell's amendment, which would produce what I am hoping would be a clear analysis of unmet need. If we had that, we would have something concrete on which to base an assessment of the situation now and into the future. I am assuming that "unmet need" would be understood as encompassing projected need as well, because that would be basic.

**MR SMYTH (Leader of the Opposition) (6.12):** Mr Speaker, I think I am being granted a courtesy, because I have to fly at 6.30 to attend a public meeting, so I thank Mrs Cross for that. I will be brief, given that many members want to speak on this. I just want to make a couple of quick points.

I do not think we should be supporting Mr Corbell's amendment because his first dot point says, "has given priority to determining applications for direct sale of land". I do not believe that is true and, if his definition of priority is that an application takes two years to process, then God help a normal application going through ACTPLA, because it will take a whole lot longer than a priority application.

The agreement in principle on the sale of a block of land at Bruce to Calvary Hospital was given by the previous cabinet almost two years ago. Why it had to be given again and why it has taken two years is beyond the ken of ordinary people.

Then Mr Corbell goes to a second dot point that says "has been proactive in initiating work for sites in Belconnen and Tuggeranong". I wonder if that includes the site in Monash that a local church group wants to develop as a combined church and aged care site. It had been waiting, I believe, for the best part of a year just to get a valuation on the block of land. I think people should be very scared that Mr Corbell's idea of priority is two years. His idea of proactivity is not assisting groups to get on with that which they want to do.

I think the most disingenuous comment that we have heard in the debate so far is Mr Corbell's when he said that Mr Cornwell had said that he should suspend the law for one group of Canberrans. He said nothing of the sort. He simply said—and the motion makes it quite clear—that we should give priority to aged care facility applications, and that is quite acceptable. You can assist an application to go through the process, particularly if it is for a high quality design and sustainability project. The whole purpose of HQSD was to make applications that met the criteria move far more swiftly through the process as a way of rewarding the applicant for making a more desirable application. It seems that Mr Corbell's idea of priority and proactivity are rather sad and I think that will scare people who think that ACTPLA is going to be better than it is already.

Mr Speaker, it was quite interesting that the organisers of the recent Australian health care summit invited the Premier of New South Wales, Mr Carr, to attend. Mr Carr made a couple of statements of which Mr Corbell should take note. The first was that we need to get better value out of the dollar spent, whereas this current government seems to spend dollars on health but get no better value, actually getting a decrease in service to the people of Canberra.

However, the more interesting thing was that Mr Carr made a statement about bed block and its influence on hospitals, and on waiting lists in particular. He gave the example of Newcastle's John Hunter Hospital, which serves an area about the same size as Canberra: there are 300,000 people in Newcastle and approximately 300,000 people in Canberra.

He said that they had gone back through the records and found that approximately 30 beds a week, on average, were occupied by people who really would have been better off in aged care facilities. That is where they should have been but, unfortunately, because of the lack of facilities in the Newcastle region, they could not get a bed. Their estimate—this is the New South Wales government's estimate and I have not heard this before; so Mr Corbell can take it up with Mr Carr if he has a problem with it—is that that costs them, on average, because of the length of stay in

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those 30 beds, the ability to perform 2,200 operations a year. That is something that we should look at, Mr Speaker, because that would end some of Mr Corbell's waiting list woes immediately.

The national average cost of an acute care bed is \$427. The national average for an aged care bed is \$80. If Mr Corbell's priority applications for direct sales of land take two years and his proactivity takes more than a year to initiate works for sites in Belconnen and in Tuggeranong, it would seem that people in the ACT and older Canberrans will be waiting a very long time before they see any end to the crisis in aged care in the ACT. It is just going to get worse.

Canberra currently has something like 200 of what I have termed phantom beds. My understanding is that another 100 beds are on the way, so that is 300 beds, 300 Canberrans who could be receiving more appropriate care, unblocking the bed block in the hospital, helping with the waiting lists and actually saving the health budget a significant number of dollars every year.

Mr Speaker, members should support the motion. It is a far better motion than the pat on the back, self-congratulatory amendment that Mr Corbell has moved, which really says, "Things should stay the same. Why change? We are doing a good job. Let the crisis go on." The government's amendment simply says things should stay the same.

What we are urging them to do is to get a hurry on and push aged care applications through. We are asking them to be proactive by finding a dozen sites. We started work in July 2001 when I made the statement on the search for a dozen sites across Canberra that could be released progressively over the coming years, so that people could actually make applications to the federal government for beds to be provided.

Mr Corbell said that we do not need a step-down facility for southern Canberra, but would I be right, Minister, in saying the step-down facility was planned for Calvary Hospital, or has that changed to a different site?

**Mr Corbell:** It has not been decided.

**MR SMYTH:** Mr Corbell says the site for a step-down facility has not been decided. That is two years of inactivity—

**MR SPEAKER:** Question time is tomorrow, Mr Smyth.

**MR SMYTH:** It was just a general question, Mr Speaker, and the minister kindly answered. There again, that is two years of inactivity by this government on the issue of a step-down facility.

I do note that respite, in the main, is the domain of the federal government, but I think we do have a role in the way such services are delivered, in making sure we are getting it right and in providing appropriate advice to the federal government.

I would ask that members leave the motion as it is. I think that to have something that is self-congratulatory and says "Leave it as it is" is not the way to answer this question. Therefore, I ask Ms Tucker to withdraw her amendment and her support for

Mr Corbell's amendment, because all it says is, "Steady as you go. Things are okay. She'll be right mate." That attitude will not solve the aged care crisis in the ACT.

**MRS CROSS (6.19):** I want to thank you, Mr Speaker, for suggesting that I wait until the amendments were circulated, because you were absolutely right. I want to commend Mr Cornwell for his motion, which I will support. It is always interesting to me that, when people come up with different good ideas, whether in the form of bills, motions, MPIs or whatever, all of a sudden people have all sorts of different amendments to put forward that did not come up with the original idea. They have different additions and subtractions, or they do not like this or that.

There is nothing wrong with that because it is our right as members of this place to make our contribution, but I would have thought that the older person's needs, in this city and in fact in any city in Australia, have been on the agenda for such a long time that you would not have to think very long and hard about what you felt was important.

I commend Mr Cornwell for bringing this into the chamber because it is an area that has been somewhat neglected. I know from my conversations with Mr Cornwell, and from having watched him with the senior citizens in this community, that he actually does an outstanding job. I commend him for that.

I am concerned about a few things. I look up to the members of this place for inspiration at times and to set a good example. I look to you, Mr Speaker, because you carry out your duties in a dignified way. It concerns me that there are some members in this place who find it very difficult to show diplomacy, graciousness or a willingness to support initiatives that are instigated in this place but that did not come from them. This manifests itself in a very nasty, spiteful and unstatesmanlike way. That is very disappointing for a new member such as me.

It is also a pity that some members in this place do not heed the advice of their parents, particularly about respecting their elders. I know some people have a problem with age discrimination and, yes, it has its place, but I truly believe that those who have been around longer and have experience deserve to be respected. I think probably the youngest member in this place truly behaves in a much more professional way than some of those a few years older than her.

**Mr Corbell:** On a point of order, Mr Speaker: if Mrs Cross has a problem with my behaviour, she should have the guts at least to name me, rather than making some assertion about members being a little bit older than Ms Dundas and so on. Talking about cowardly and spiteful behaviour, Mr Speaker, I think that is quite unparliamentary.

**MR SPEAKER:** Order! That is entering the debate, Mr Corbell. I do not think you have a point of order.

**MRS CROSS:** One of the most important elements in the debate on general aged care in this city is the need for choice in accommodation. Unfortunately, this issue of choice is not even mentioned by most people who are engaging in the talkfests.

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There is a great deal of discussion about the need for older persons' units and where they should be placed. Departmental people often dictate the needs of older people in our community. Unfortunately, these dictates are designed for a certain section of the older community, but not the majority. Yes, we have to be able to provide accommodation that provides easy access to shopping, medical and community facilities for the very small percentage of people who use public transport. I think the latest figures on public transport use show around 7 per cent usage by older people.

There is a majority of the older population who are independent and would like to have aged care accommodation that is not boring set around a shopping centre or next to a bus stop. There are many who would like views, a good residential ambience and some pleasant parks for walks nearby. Of course, there is a need for high-dependency units, nursing home accommodation and the hostel-type accommodation. We are still waiting for the battle between the federal and ACT governments to end on this issue. Frankly, there are many members of the community who are just sick and tired of the arguments. They say to me when they contact me, "Why can't they just get on with the job rather than playing dirty politics?"

I think it is important that we give people a choice and give them a real life. I do support Mr Cornwell's thoughtful motion, and I also want to comment on the amendments that have been circulated by Mr Corbell and Ms Tucker. Ms Tucker kindly brought to my attention that her amendment related to Mr Corbell's amendment so I will address Mr Corbell's.

I am always open-minded about looking at amendments if they have merit, but when I look at this amendment of Mr Corbell's it seems to me to be like a self-congratulatory note and, frankly, it has very little to do with the depth of the sentiment of Mr Cornwell's motion.

If the government was in a position to prove that it was doing an outstanding job, which is what this seems to imply in some ways, then we would not have a problem and we all know there is a problem. We all know there is a serious problem for older people in this city, and I think what we tend to forget is thinking about the long term. Most of us think in the short term because we do not think we are ever going to get old, therefore we do not plan for the long term.

I am not going to support Mr Corbell's amendment because, frankly, I think it is a shallow motion. Ms Tucker's amendment relates to part 2 of Mr Corbell's amendment. If we were to vote on his points separately, I would not have a problem supporting that point because it is a fairly generic statement, but it does not really address the severity of the problem that exists now. The first part of Mr Corbell's amendment basically says there is no problem. We know there is, because we would not be getting hundreds of complaints as members in this place if that were not the case.

I have concerns that the government feels, as is expressed in this amendment, that there is no issue. There is an issue. I have had a number of senior citizens over many months come to me, appalling my office and my staff with complaints about the housing issue in the ACT, older people's residences and the availability thereof.

Planning does come into it. It is interesting to me that someone who is far off from making decisions for his old age does not understand that we actually have to look after the senior citizens today because one day we are going to be those same senior citizens. We do not want to be chucked out on a heap and treated as though we are insignificant. They are also voters, may I add, but we tend to forget that—they also vote. It is not only the 18 to 55s who vote; our senior citizens are very important.

I would not mind doing a poll, Mr Cornwell, through you, Mr Speaker, to find out how many of those votes went each way at the last election. That would be interesting. Anyway, I will not support Mr Corbell's amendment. I will support Mr Cornwell's motion, and I commend him once again and thank the chamber.

**MRS BURKE (6.27):** Mr Speaker, I would like to speak to the motion as a whole, including the two amendments, if I can.

**MR SPEAKER:** You can speak to them all.

**MRS BURKE:** Okay, I will go for it.

**MR SPEAKER:** It is a smorgasbord.

**MRS BURKE:** Thank you, Mr Speaker. I certainly congratulate my colleague Mr Cornwell and welcome his bringing this matter to the attention of this place today. We cannot have such important issues simply being pushed under the carpet, or the blame game coming into play once more.

Mr Cornwell has outlined many statistics—and I will not go through those—and examples of the problems. We are all aware of the problems, even the minister it would seem. I do have some concerns in that I have heard, only recently, of two residents who gave up working in order to look after elderly parents who cannot access aged care facilities in this city, and a third woman who works in Sydney and has been extremely distressed by the fact that the only aged care place her father could access was in Sydney. He does not want to move there. It is a very distressing situation. Those are just a few examples.

The fact is that beds have been allocated by the Commonwealth, and my colleague Mr Cornwell alluded to those 201 phantom places. The Commonwealth is doing its bit; the territory, and particularly this government and the minister, have to face up to the responsibility.

Mr Speaker, this is the capital city, for heaven's sake. When are we going to hear less rhetoric and have more action? We have heard all the excuses but we need action. People need answers yet again. This government has played petty politics with this issue for too long and who suffers? Once more, the community. This government are becoming past masters at twisting the facts to suit their inaction. It is not good enough.

Why is this government letting down our elderly? One day we are all going to be there, some of us sooner than others, but we will not go there. This has huge impacts on the rest of the families involved and the broader community, many of whom I see

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and I know Mr Cornwell sees as well. It is shameful for us, residents of the nation's capital, to be treating our aged residents in such a way. At the twilight of their existence we make their lives a misery. We should be allowing them to undertake this transition without putting hoops, hurdles, barriers and stress in their way.

We owe it to these people, who have made a long contribution to the life of their community, to ensure that they spend the remainder of their years in dignity, not in uncertainty and stress. Mr Speaker, I would suggest that the minister spends much time on playing games, playing with words, trying to be smart about the matter and playing Commonwealth against territory. It is not good enough. People do not want that; people are sick of that.

I say get on with the job and meet the needs that exist out there. We are well aware of the needs and I do like Ms Tucker's amendment, which adds a little bit of accountability to the whole process. I like that part of it. I do not like the fact that it is added to Mr Corbell's amendment.

Mr Speaker, we have been reviewed out and inquiry-ed out by this government. We are tired of the excuses. We know too well the problems. How much more time and information does this Labor government and this minister need? Does he not have the power and authority to fast-track a process with the approval of this place? Is he not able to use his initiative to find new ways to move on and make sure people are not suffering?

When are they going to stop playing the blame game with the Commonwealth? I have already said that but I will say it again: the Commonwealth has come to the party but when is this government, this minister, going to meet that responsibility? When is he going to make some tough decisions regarding planning to ensure we have sufficient aged care facilities? I am sure that my colleague, Vicki Dunne, will talk about that more.

We have heard some of the good things that have been done and we are not knocking those. They are wonderful, but it is no good having this self-congratulatory exercise: we need to make sure we are meeting needs, and we are not. It is clear that we are not meeting needs. How long will the minister allow the elderly in our community to suffer?

Mr Speaker, I fully support and commend Mr Cornwell for bringing this serious matter to the attention of this Assembly, and again commend Ms Tucker on her amendment, but would recommend that it simply be added to Mr Cornwell's motion. It does address an issue of accountability, which is to be welcomed. I cannot support Mr Corbell's self-congratulatory exercise.

**MS TUCKER:** I seek leave to speak to the motion.

Leave granted.

**MS TUCKER:** Aged care and particularly residential aged care has tragically been a political football for successive federal and territory governments, both Labor and Liberal in both positions, and it is not good enough, as Mrs Burke said. I do not think



it is really fair for Mrs Burke to be saying that it is all about this government—this has been going on for years. In 1995, Mrs Carnell was complaining that the federal minister, Carmen Lawrence, was not taking seriously the need for specific dementia care facilities.

Mr Cornwell has, to his credit, raised this issue a number of times in this Assembly. His motion today suggests that the Assembly note with grave concern a lack of commitment on the part of this government. I am not prepared to support that, although I have to say that I do not particularly like the government's amendment either and that is why I have added the accountability mechanism. I am glad to hear that the government is going to support that.

It is a bit of a difficult situation, because there are some fairly serious problems with Mr Cornwell's motion from my point of view. I would like to see something a bit stronger than what we have here amending Mr Corbell's amendment, but I have not had time to do another whole version. I think, by adding my amendment, I have inserted something tighter into what Mr Corbell has done.

I need to talk about why I have concerns about Mr Cornwell's motion, although I certainly agree with him that there are issues in aged care accommodation. However, Mrs Cross was saying that Mr Corbell's amendment to Mr Cornwell's motion was saying that everything was okay, but that is clearly not the case because Mr Corbell's amendment says that "This Assembly expresses its concern at the increasing difficulties older Canberrans are facing in accessing appropriate accommodation". Therefore, in the amendment to Mr Cornwell's motion, there is an acknowledgment that we have a problem. It is not correct to say that the government is totally self-congratulatory.

However, I do agree with some speakers and, as I said, I think it could be a bit stronger. I will talk about that. Mr Cornwell says, first of all, that he wants to give priority to aged care facility applications in planning policies and processes. I do not know what that means and I would not support it for that reason. He has not really explained it clearly.

I would certainly not want to see aged care being given a priority against other very needy groups in our community, whether they are concerned about people with disabilities, people with mental illnesses, affordable housing or whatever. Obviously, we have to have a broad approach to helping people in need in the ACT and so I would be very cautious about supporting this. I understand that there are ways that the government has sped up processes for applications concerning aged care facilities. That is something that is occurring but I could not support this kind of broad statement.

If, in fact, Mr Cornwell just means that the processes should be sped up by running them concurrently which is, as I understand it, what the government has done, then that is fine and it is doing that anyway. If he wanted something else, then that would be a concern to the Greens.

The second point is "be proactive by listing twelve potential sites". I have not heard a really good argument for the 12 and what analysis that is based on, so I would also

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be wary of supporting that. Regarding planning a step-down facility to southern Canberra, I do not understand Mr Cornwell's argument about why we need two. We know the government is doing one. Why does it have to be in the south?

The last point, "improve the location, frequency and quantum of respite care places", is the one I probably would have supported coming into this motion. I will put it on the record that I think we have enough evidence to say that we do need to see a greater provision of respite services.

The Standing Committee on Health and Community Care in the last Assembly recommended in its report on respite care services in the ACT that "the unmet needs of people with dementia be accurately assessed and that an appropriate methodology is utilised to achieve this purpose". Has this happened? The then government's response claimed that it had already been done and quoted significant studies such as the *ACT Home and Community Care Needs Profile*, Spice Consulting, August 1999, data from the 1999 *Computer Assisted Telephone Interviewing Older Person's Health Survey*, and anticipated data, in July 2000, from the *Home and Community Care Minimum Data Set* collection.

Also, in response to that committee report's call for the government to accept that a substantial increase in respite care is of the highest priority, the then government said that they agreed. However, having noted that increased respite care is a high priority for both younger people and older people in Canberra, the government also said that "The majority of respite care is however a Commonwealth responsibility and as such the ACT has limited capacity to substantially increase respite care". So it really cannot accuse this government of playing around with whose responsibility it is.

Successive ministers and governments have responded to calls for improvements by claiming to be addressing the problem in various ways, or by saying, as in this instance, that it was really a Commonwealth responsibility. I repeat that that was the last government. What we need to know is how much the measures in place, no matter who they are funded by, have gone towards meeting the needs that have been identified. We also need to know about what we do not know and how to meet that need.

There is an argument that, if the support services were provided to a high enough level, then there would not be such a need for respite. I notice that Mrs Cross talked about choice and that is certainly something that has come up regularly in discussion. It is not something that has been ignored at all. When we were looking at the respite issues in the last Assembly, for example, ADACAS, in its budget submission, noted in response to recommendation 10 of the committee inquiry into elder abuse, which recommended an increase in respite care, that other options could be investigated first. It suggested that, if adequate support were provided, respite would not be a usual part of life, and would only be necessary when external crises come up.

There are, of course, alternative views to this one but the point here is that the level of unmet need has been raised many times. There should be enough information available to government to tell the Assembly how much of that unmet need will be met, if not, why not, and when that need will be met.

That is why, again, I am putting that amendment up today. I think that, if we can obtain that, we will have an instrument in this Assembly to make the government more accountable than we have ever been able to do with this government or previous governments, because we just do not know. All we know is that there is a problem and that successive governments have told us, "We are doing this", but we never have a measure by which we can judge whether what they do is enough.

Mr Corbell's amendment takes out the clause calling for more and better respite care. It does provide some indication of work that has been done to deal with this need, but it gives no indication of whether that is enough or appropriate. As I have said, this need has been identified many times and that is why I am introducing my amendment.

Aged care needs in the Aboriginal and Torres Strait Islander population of the ACT and region have not been specifically covered in Mr Cornwell's original motion, nor in Mr Corbell's alternative. The previous government's ACT Aged Health Care Services Advisory Council completed a study of unmet health needs for older people in the ACT, the results of which were delivered in February 2002. COTA noted that they had not surveyed any Aboriginal or Torres Strait Islander older people. COTA also noted that their survey had been rushed and not well resourced, and so further detailed work was needed.

The National Centre for Epidemiology and Population Health completed a study on the needs of indigenous older people in the ACT. They found:

Very few people were aware of existing information which could help them access services, notably the *Directory of services for the ageing in the ACT* by the ACT Council on the Aging and *Care options for older persons in the ACT and Queanbeyan* by the ACT Office of the Commonwealth Department of Health and Aged Care. There would also be value in developing information resources specific to older Indigenous people. Ninety-eight per cent thought a booklet would be useful and 88 per cent thought a video would be useful.

Few were aware of Community Aged Care Packages, but when these were explained, 73 per cent thought this would be their preferred service, rather than Home and Community Care.

This contrasts with the findings of COTA's survey: 23.8 per cent of that population, which as it happened did not include any indigenous older people, reported inadequate information.

This is why my amendment does refer to meeting the needs in all sectors. The different cultures, life experiences and socioeconomic statuses, and of course genders, within the community may need addressing in different ways. Mr Cornwell claimed incorrectly again that the Greens prefer trees to older people. Let me explain to Mr Cornwell that it is possible to care for both, and in fact we have to do that.

He talked particularly about south Bruce and made a very incorrect statement: he said there was an increase in the number of ILUs, independent living units, as well as the beds in the facility, because we have had to wait. Indeed, that is not the case. I have had meetings with Calvary about this. (*Extension of time granted.*)

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I will be quick. I know that other people still have to speak and we have to finish at 7. Basically, to summarise quickly—and I cannot go into detail but I have had a full briefing on this—the numbers increased because Calvary brought in an economic consultant who said it was not economically viable. They had to have an internal rate of return that required an increase in the number of beds in the facility as well as the number of independent living units.

Where this poses a problem is that the original assertion of the number of beds and ILUs changed significantly over the period, but there was a promise that the community would be involved the whole way along in the discussion, and then there was a recognition that there were environmentally sensitive areas. The process was prolonged because they had to continue to work in good faith, to their credit, with the community because they kept changing and shifting the goal posts. That needs to be understood.

I am concerned that the government made this direct grant without going to other aged care providers, who I believe are able to do this without such a high internal rate of return. It is very important that you give a number of aged care providers the opportunity to say how many ILUs they would need. That did not happen, and I am critical of the government for that reason. That is not to say that the facility cannot be there, and there are obviously important synergies involved in having it near Calvary, but the point is that the government did not offer other aged care providers the opportunity to say how they could do it. That is all I was raising.

I think it is extremely unfair to say that I do not care about old people. I have spent a lot of time with aged people here. I have spent time myself going to dementia facilities out of Canberra and seeing how painful it is for people who are not able to be with their loved ones. I think we need to be a bit careful when we say, “Greens care about trees not older people.” It is nonsense. Mrs Dunne said it too, but I am beginning to expect comments like that from her.

The other interesting issues are related to where we could be having other aged care facilities in Canberra. I know the Belconnen community is very unhappy with what the government is doing now, putting an aged care facility on the lake shore. It conflicts with absolutely agreed principles about keeping that foreshore free, but of course it is linked once again with money-making private development. There is another site that they could go to, the Belconnen golf course. That has the community’s support in Belconnen, but of course the government will not support that. I am interested to know why and I am critical of the government on that as well.

I am not suggesting that I think that the government is handling this appropriately, but I am sorry, I cannot support Mr Cornwell’s motion as he put it, for the reasons I am outlining. I will say again, though, that I commend him for bringing it up in this place. I hope that we do actually see the government respond to the important issues that have been raised here tonight.

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

## Adjournment

Motion (by **Mr Stanhope**) put:

That the Assembly do now adjourn.

### Statement by Chief Minister

**MR PRATT** (6.46): I wish to make a statement. I had intended to use standing order 46, but I now do not need to because we are in the adjournment debate. Mr Speaker, earlier today Mr Stanhope made an unnecessary and uncalled for comment about my character. He said about me, “He is a mole. He is a mole—a role he has had some experience in.”

What Mr Stanhope said was unparliamentary and blatantly untrue. I am happy to provide Mr Stanhope with an autographed copy of my book to prove this point because I know he has not read it. He probably has not read any book for that matter, and he sure as hell has never written one. I therefore request that Mr Stanhope formally withdraw the comment or have the guts to take this outside the chamber.

### Ms Julia Fetherston

**MR CORNWELL** (6.47): I rise to extend congratulations, which I am sure will be supported by other members of this Assembly, to Julia Fetherston, a year 11 Canberra Girls Grammar School student who, apart from being one of four of the winning team in the World Schools Debating Championships in Lima, Peru, was named the best individual speaker. This is no small achievement. We in this house could no doubt all profit from her assistance from time to time.

Mr Speaker, as the patron of Rostrum ACT, you would know that Ms Fetherston has participated in numbers of debates under the auspices of Rostrum ACT. I am sure they will be delighted at this award. I would like to extend my best wishes and congratulations to her and to the Australian team, and I look forward to all four of them going back next year to the world championships in Germany to defend their title, I trust, successfully.

### Statement by Chief Minister

**MR STANHOPE** (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (6.48): I need to respond to comments made by Mr Pratt. I did not realise that Mr Pratt would take with such dudgeon comments I made in relation to his question to the Minister for Industrial Relations today. I did make comments and interject, which was unparliamentary and undignified of me.

Having regard to the extreme left-wing views that Mr Pratt was exhibiting in his determination to override his federal colleagues’ industrial relations legislation, I commented that it may have been the case that he had been planted in the ranks of the Liberal Party to deliberately undermine their more hardline approach to matters of industrial relations and the rights of workers.

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In that context I jocularly suggested that, perhaps as a plant—I had not determined at that stage who might have planted him there—he was operating as a mole within the Liberal Party espousing extreme left-wing views on industrial relations and the rights of workers. In fact, he was proposing a position contrary to that pursued by no less than Peter Reith, Tony Abbott and the entire federal Liberal Party in terms of the industrial relations legislation they have foisted upon the people of Australia.

I did, indeed, refer to Mr Pratt as a mole, and I did go on to say that it was a role in which he has some experience. I do not know what Mr Pratt has drawn from that jocular interjection—to the extent that he wants me to take this outside this place—but it was jocular. It was in reference to these extreme left-wing views, which the Liberal Party of the ACT is now presenting in relation to industrial relations.

I will conclude by saying that, over the last year or so, one of our local commercial television stations has been re-running James Bond movies on a Friday at midnight, and I often sprawl back on my couch and watch them. Last week it was *The Spy Who Loved Me*. I like James Bond. The movies go back 30 years or so, and I watch almost all of these replays of old James Bond movies, with 007, spies, double agents, moles—people who have been planted, often Russians, dusky, broad, thick, hairy and often a bit dull.

As I lie there late at night, often exhausted, I have to say that I enjoy these banal films. However, my enjoyment has been dampened recently. I do not know what does it, but often, as I am sprawled back on my couch at midnight on a Friday night watching replays of James Bond movies, I get this sudden, overpowering image of Steve Pratt.

I do not know what does it. I do not know what it is about spy movies that does this, but you can understand how it would destroy my late night entertainment. I can no longer watch a James Bond or a spy movie without quite dreadful images of Mr Pratt flooding into my mind. I say that by way of explanation. But, Mr Pratt, if you have been planted there, as a mole, to present a more friendly industrial relations face for the Liberal Party of the ACT, I am thankful. I am grateful that you are there, mole or not.

Question resolved in the affirmative.

**The Assembly adjourned at 6.53 pm.**