DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

FIFTH ASSEMBLY

WEEKLY HANSARD

11 FEBRUARY

2004

Wednesday, 11 February 2004

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The Assembly met at 10.30 am.

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

Gaming Machine Amendment Bill 2004 (No 2)

Mr Stefaniak, pursuant to notice, presented the bill and its explanatory statement.

Title read by clerk.

MR STEFANIAK (10.31): I move:

> That this bill be agreed to in principle.

Mr Speaker, let me start by thanking the parliamentary counsel for their efforts. I was hoping in about December of last year, as indeed were all the players in the industry, that the full government bill of reforms in the gaming industry would be ready by February. That was the initial indication when the government introduced its response to the report of the Gambling and Racing Commission. Unfortunately, that does not look like happening. In fact, we now hear that the government's bill will not be ready until May. I think that is somewhat quite unfortunate because the industry needs certainty. Indeed, it already has to cope with the new smoking legislation.

There are a lot of pressures on this very important industry that employs thousands of Canberrans. Many young Canberrans get their first start in employment in the industry. It is an industry also that provides a lot of entertainment at good, cheap rates for ordinary Canberra citizens. It is an industry which makes an essential contribution to tourism and employment. The industry is concerned with the very fabric of our society. Clubs, hotels and taverns all give us a sense of community and all make great contributions to various community services and sporting services in the territory, and it would be far less a community if we did not have these institutions. It is unfortunate in a way that we do have gaming machines, but that is a fact of life and it is essential that fairness applies.

The government has introduced its own bill. I could say they have done so because they do not want to be gazumped by the opposition. There might be something in that. I am, however, pleased to see what is in the government's bill. I am pleased to see reference to class B machines.

My bill does two things. Firstly, it amends the Gaming Machine Act. Because the government introduced its bill yesterday, my bill is named the Gaming Machine Amendment Bill 2004 (No 2), and that is fine. The provisions of the bill are to commence on the day after its notification day and the bill amends, of course, the principal act of 1987.

Clause 4 of my bill, which substitutes new sections 18 (2) and 18 (3) and adds a couple of other subsections, enables hotels and taverns to access class B machines. It is quite

simple. Hotels, of course, have a general licence, which means that they can have accommodation, they can have bottle shops and they can sell liquor from their premises. Taverns have an on-licence. Liquor can be provided during certain hours and these premises have access to class B machines.

Section 18 (3) (a) enables a hotel which has premises of at least 12 rooms that are for use as accommodation for lodgers—I think we now have seven such establishments in Canberra—to have access to up to 10 class B gaming machines. Those institutions have had that for some time, so there is actually no change there.

There is a change to subsection (3) (b). Premises that do not contain rooms to be used as residential accommodation by lodgers—there are quite a few hotels around town like that; an example would be the Irish pub at Dickson—or places that contain fewer than 12 rooms for accommodation and are currently entitled to only two non-existent class A machines, would be entitled to up to two class B poker machines, the draw poker machines. Similarly, in subsection (4) a licence must not be issued for premises to which an on-licence applies for more than two machines. In other words, on-licence premises—that is, taverns—would now be able to have access to two class B gaming machines.

Subsection (5), the final subsection, ensures that the licence must not be issued for premises to which an on-license applies—that is, the ability to serve alcohol—unless the on-licence is stated to be for the primary purpose of running a tavern/bar. Alcohol can also be served in restaurants. It has never been anyone's intention to have any sorts of poker machines in restaurants, so that is why that subsection has been included.

I want to thank a few people. I have been involved in the club industry as a director of about three clubs. I suppose I get around. I have certainly drunk in quite a few taverns and hotels in my time. I have been well aware, through my involvement in the industry and the prosecution of breaches of the legislation that I used to be involved in—I suppose that is relevant, too—of the ongoing issues in relation to poker machines in hotels, taverns and clubs.

I made mention earlier of class A machines—those little slot machines, the fruit machines, where you can put in only 20c and the most you can get back is 40 times that; in other words, eight bucks. They are a lot of fun to play, but we have not seen them since about 1983 when the Shanty at Woden got rid of the one or two machines which I think Johnny Press used to run. You can apparently still play them in some country pubs in England, but effectively those machines are non-existent.

There has been a campaign for about 18 years—last year I presented some legislation, which was rejected—to enable equity and fairness to apply to all hotels and taverns by giving them access to two class C machines. The class C machines, of course, are the machines you will see in all clubs. Class B machines are the draw poker machines where a hand of five cards comes up on the screen. They have nothing like the payouts of the class C machines but they are still a reasonable machine in that sort of industry.

There has been a complete inability to make any change to enable taverns and hotels to have access to class C machines. I am not going to go into history or allegations of conflicts of interest with Labor clubs or anything like that—I will just put all that to one side. All sorts of reasons have been advanced over many years to preclude any extension

of class C machines. It struck me, however, that a very sensible compromise for everyone concerned would be to enable hotels and taverns access to at least class B machines, especially given that hotels with accommodation can already have up to 10.

I would like to thank Jim Shonk from the Licensed Clubs Association for his efforts. He is a man I have an immense amount of respect for. I have know this very lateral thinking person for many years and I think he does an excellent job. I think he certainly sees the sense in this. A commonsense approach is being taken by some of the people at the other end of the spectrum—by tavern owners such as Darcy Henry from Moby Dick's, who was also very helpful in dealing with this issue. I think the gaming commission should be commended, too. Obviously, they have assisted the minister. I will even commend the minister for whatever effort he played in overcoming an issue that has been a problem for at least 18 years.

As a result of the gaming commission report, I am pleased to see in the government's bill a recommendation that class B machines be introduced in the way I propose in my bill. Indeed, the government's bill proposes that class B machines be treated in the same way.

I think this legislation is a watershed. It is a sensible compromise by all concerned. It introduces a degree of equity. I think we can now move forward quickly to have both of these bill debated cognately in the sittings of the Assembly in March. We still, of course, have to be told what the government is going to do in relation to the rest of the gaming commission's report.

The second part of my bill addresses the issue of clubs that have more than one licensed premises. A lot of restrictions and conditions are placed on clubs and I think they are important, especially when one club buys out a smaller club. I appreciate that in those circumstances there is the possibility of a club denuding the smaller club of all of its machines, putting them in its larger premises and then demolishing the place and doing something else with it. There are a number of issues in respect of the restrictions that the gaming commission quite sensibly imposes to stop that from happening.

A number of clubs own more than one premises and at present they are licensed to have a number of machines at each premises. Clubs such as the Labor Club, the Tuggeranong rugby club, the Southern Cross Club and the Ainslie Football Club own more that one premises and operate from those separate premises. At present it is very difficult, nigh on impossible, for those clubs to move machines between their premises. Because of demand, demography or whatever, it makes good economic, commercial and practical sense for the clubs to move machines between premises in a simplified way.

Often clubs have a real demand for extra machines, and my bill gives a couple of examples of this. I will add a third. The drafters of the legislation have referred to the Barbarians Football Club, which has premises in north and south Canberra. Let us say that Barbarians north, which is going gangbusters, currently has 20 machines and Barbarians south has 30 machines and that Barbarians north has lots of patrons and there is a real demand for extra machines and Barbarians south is not going quite as well because, say, it is located in an ageing area and there are not as many patrons. My bill would enable Barbarians south to transfer, say, 15 of its 30 machines to Barbarians north, which would give Barbarians north 35 machines.

At present, if it wanted 15 more machines, Barbarians north would go to the commission and, within the cap, apply to have an extra 15 machines. If it were successful, it would actually increase from 50 its total number of machines to 65. My amendment is enables clubs with more than one premises to move machines around within their total number. That has a number of benefits. This would be simple for a club and it recognises current conditions in determining where the club needs machines most. But it would also enable the club to operate within its total number of poker machines without having to go to the commission, as it does at present, and say, "We need more poker machines inside X," which leads to further poker machines in the territory.

I think all of us are mindful of issues around problem gambling and issues around the total number of poker machines. This provision enables the integrity of the cap to continue and helps keep the cap in place. We are probably going to have to address this some day, but at this stage the cap is 5,200. My bill gives a club flexibility within its current operations without increasing the total number of machines. I think that is a good suggestion from the licensed clubs, it is a practical suggestion all round, and this legislation is aimed at giving effect to that.

Mr Speaker, my bill contains two very important clauses. The first one seeks to remedy and overcome an injustice and a real problem that has been with us for some 18 years. It will do this by inserting a sensible compromise, which certainly has the support of virtually everyone in the industry and, it would seem, both major parties in the Assembly. Of course, the bill also deals with the second matter that I have mentioned, which the Licensed Clubs Association is keen to progress. I commend the bill to members.

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

Crimes Amendment Bill 2004

Mr Cornwell, pursuant to notice, presented the bill and its explanatory statement.

Title read by clerk.

MR CORNWELL (10.45): I move:

> That this bill be agreed to in principle.

Mr Speaker, this piece of legislation, which deals with banning the sale of spray cans to graffiti vandals under the age of 18, was presented to the Assembly last year. As you would be aware, sir, under standing order 136 I am able to present this bill again as we are not now within the calendar year in which I brought forward the original legislation.

I have been encouraged to reintroduce the bill because of the massive increase in graffiti vandalism throughout this city. In fact, I would say that I have been made more aware of community concern and criticism about the condition of Canberra than on any other matter. It is rather interesting that not only have these vandals attacked the suburbs—Ngunnawal comes to mind, where they did a very good job—but they have now got into the city. The vandals have entered Rome. Indeed, in case anybody has not noticed, I seek

leave to table some photographs that were taken of vandalism in Civic centre. In fact, the vandalism took place outside this Assembly and all the way along London Circuit. Some of the graffiti next to the National Bank has not been taken off as yet.

Leave granted.

MR CORNWELL: I present the following papers:

> Graffiti – Photographs (10) of graffiti around London Circuit.

The photographs, I might add, are also available in electronic format upon request. May I say that one or two of them also indicate the condition of the vandals themselves as it appears that they cannot spell—at least not some of the obscene words, anyway.

It is interesting to note that, under the Financial Management Act, the December 2003 outputs progress report for the Urban Services portfolio states that the original target for graffiti removal in the six months to December 2003 was 95 per cent. The result, however, for that six months was only 78 per cent. The explanation given for that is worth quoting:

> Reduced performance against specific timeframes has occurred due to increased graffiti activity around the Canberra region over the past few months.

I wonder whether those past few months coincided with the rejection by the majority of this Assembly—namely, the Labor government, the Greens and the Democrats—of my spray can legislation. It did receive considerable publicity. Did it therefore give the green light or the multicoloured light—I am not sure whether we should just restrict graffiti vandalism to one colour—to the vandals out there who, not being very intelligent, quite properly would come to the conclusion that the government is soft on their destructive behaviour? I think that is a reasonable assessment to make.

I am concerned about this most regrettable situation. Indeed, it appears the government is also concerned, because subsequent to the publicity and the increased graffiti, we had some soothing comments from the government. For example, the *City Chronicle* of 20 January reported that a spokesman for the Minister for Urban Services had said that the government was monitoring the effectiveness of the New South Wales legislation, which I would remind members banned the sale of spray cans to people under the age of 18. So they were going to monitor the effectiveness of this legislation.

In November, Mr Wood said on ABC television that the government may revisit the decision to ban the sale of spray cans to under-18-year-olds. We subsequently received information from the City of Townsville about a graffiti plan which proposes taking immediate action to rapidly remove graffiti, maintaining statistical and photographic information systems, and updating and referring records of tags to the Queensland police service on a monthly basis. Goodness, that is a bit of an innovative step, isn't it? The plan also suggests assisting aerosol artists by providing paid employment—that is a thought. As I have said in this place before, I have no real objection to murals such as the rather magnificent one of a dragon on a wall at the Hackett shops. Members should have a look at that one.

The plan calls for involving young and adult offenders in graffiti removal practices so that they realise the consequence of graffiti vandalism. I think that might be a little difficult, but certainly there is no reason why they should not be involved in cleaning up. Another part of the plan is to provide recognition to artists by assisting them to develop and display their talents. A number of initiatives have come from that Townsville study and I commend it to the government.

But there are further solutions, because—surprise, surprise!—on Wednesday 11 February, Mr Wood issued a media release entitled "Next steps towards a graffiti management strategy". I am flattered, Chief Minister, that my bill has flushed out such a response today. Very clearly, the government is concerned about graffiti, and it has every reason to be. But again, as with this government repeatedly, we do not expect and we should not expect any great move. The media release stated:

> The Government is—

guess what?—

> currently consulting with key stakeholders so that a comprehensive draft strategy—the first ever developed by an ACT government—

wait for it—

> can be released for public comment in April...

By that time this city will be festooned with graffiti if we allow this situation to continue. We now have to wait a couple more months, not for any action but for public comment. It would seem to me, Chief Minister, that you do not need public comment. All you have to do is go out and talk to people in the street. Perhaps you could invite them to phone you. They certainly phone me.

I think public comment about the graffiti vandalism is self-evident—they do not like it. But it gets worse. You are going to release a draft strategy for public comment in April. The media release continued:

> When the draft strategy is released…there will be a one month public consultation period, and the final Strategy will be implemented from June 2004.

By that time, Canberra will be not only the graffiti capital of Australia but also the rainbow city, I would suggest—and I am not referring to the rainbows in San Francisco. The media release went on to state:

> It will look at five main themes: prevention; removal; diversion; community awareness and education; and legislation.

That is good. I have just introduced a piece of legislation—the Crimes Amendment Bill 2004—and I would be quite happy to have that incorporated. I do not mind being gazumped on this. If you wish to incorporate my legislation in those proposals, by all means go ahead and do so, but I suggest you do it before June 2004.

The media release then tells us that the government spends a great deal of money on the removal of graffiti. It talks about an event for young people being organised on 1 May 2004 which will include a demonstration by professional street artists. I think that is a little late, too. The media release goes on to say:

> While the Strategy is being developed, there are ways in which the community can continue to contribute to the Government's anti-graffiti campaign.

I would think that was a contradiction in terms, but never mind. The media release continues:

> Building owners should immediately remove graffiti from their properties as soon as it appears...

Why? Why should business owners remove graffiti? If the government is doing nothing to combat this vandalism, why demand or expect the business community to go ahead and remove graffiti? We are spending over a million dollars on tourism in this city and I can well imagine the concern of the government if the business community does not bother to remove graffiti. But I fail to see why, in the absence of effort from this Labor government, the business community should be expected to cooperate.

Mr Speaker, I believe that it is important to reintroduce this legislation. Although the government's tardy action on this matter may be commendable, I do not believe that we should wait until June this year before firm action is taken: hence, my reasons for reintroducing the legislation.

When I introduced my bill of 2003, Mr Stanhope raised a legal question about the word "absolute" in the phrase "absolute liability". I have spoken to the parliamentary counsel and Mr Stanhope's concern about "absolute liability" has been changed in the new bill to "strict liability". I understand that this will overcome the problem that he highlighted in relation to the prosecutions.

Mr Speaker, I repeat that I have no hesitation in reintroducing this legislation. I believe the government has been remiss, and has been remiss for some time, in its actions against graffiti vandalism. But the rejection last year by the government of the spray can legislation—a rejection which was wholeheartedly supported by the Democrats and the Greens—has encouraged an outbreak of graffiti vandalism the like of which we have not seen before in this territory. This is to their shame and it is to the shame of those who support them on the crossbench—and I deliberately mention the Greens and the Democrats because I do not want to put all the crossbenchers into the same category. I believe it is high time that the government admitted its mistake and did something about this matter well before June of this year. I commend the legislation to the Assembly.

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

Karralika drug rehabilitation facility—development

[Cognate motion:
Planning and Environment—Standing Committee—reference]

MR SPEAKER: I understand that it is the wish of the Assembly to debate this notice concurrently with notice No 4, relating to a reference to the Standing Committee on Planning concerning the Karralika drug rehabilitation facility. There being no objection, that course will be followed.

MRS CROSS (11.01): I move:

> That the Assembly call on the Minister for Planning to:
>
> (1) undertake full community consultation before proceeding with any development or redevelopment of the Karralika drug rehabilitation facility;
>
> (2) not use his 'call-in' powers in order to fast-track the redevelopment/refurbishment of the Karralika drug rehabilitation facility; and
>
> (3) admit he incorrectly used regulation 12 of the Land (Planning and Environment) Act 1992 in order to avoid the process of full public consultation in relation to the redevelopment/refurbishment of the Karralika drug rehabilitation facility.

Mr Speaker, it must now be obvious to everyone here, and to a rapidly increasing part of the wider community, that the way in which the planned refurbishment and very significant expansion of the Karralika drug and alcohol rehabilitation centre in Fadden-Macarthur has been handled has been a shambles.

So far the project has been marked by, among other things, the absolutely unjustifiable prescription of the development under regulation 12 of the Land (Planning and Environment) Regulations 1992; the undeniably false claims by the minister to the media and to anyone who would listen that there had already been wide or extensive consultation with the community; and the minister's ready penchant for denigrating as hysterical nimbys those who expressed any objection to what was being planned. Consequently, there has been a rapidly building surge of anger among those whose questions or opinions have been so lightly brushed aside as irrelevant by the minister.

Yesterday, I asked the minister about his motive for prescribing the development under regulation 12 to safeguard the confidentiality of the Karralika drug and rehabilitation centre. The minister answered with customary sarcasm, claiming that I was apparently ignorant of the thrust of regulation 12 because I did not understand that the aspect of confidentiality being safeguarded under his prescription referred to the services provided at the centre rather than to the complex itself. That, Mr Speaker, was an evasive response and a blatant attempt to again shift the pressure off himself.

I know only too well what regulation 12 says, but I also know that it is logical for anyone with half a wit who may not be familiar with regulation 12 to deduce that the services provided by a drug and alcohol rehabilitation centre would be rehabilitative treatment for people with drug and alcohol problems. So for the minister to say that his prescription related to the confidentiality of the services provided and not to the facility is hogwash.

Given such evasiveness, I can only conclude that prescribing the Karralika development under regulation 12 was all about control rather than confidentiality, about stifling consultation rather than showing concern for the patients' treatment, about deliberately snubbing the community. It never truly had anything to do with confidentiality. In short, Mr Speaker, it is evident that the prescription of the Karralika development by the minister was falsely based under the terms of the regulation and should never have been applied.

Mr Speaker, I call on other members to implore Mr Corbell to admit right here in the Assembly and not through his preferred avenue, the *Canberra Times*, that he was wrong to invoke regulation 12—no excuses, no justification. Mr Corbell, just say you were wrong. Say that you falsely implemented regulation 12 and enlighten the Assembly as to why you would incorrectly use regulation 12.

Mr Speaker, I have to say that the claim by the minister that wide and extensive consultation has taken place is equally ludicrous; it is simply an atrocious distortion of the facts. As everyone knows by now, this wide and extensive consultation amounted to a letter under ACT Health letterhead and compiled by the architects being handed to a handful of residents whose homes would be closest to the planned new additions. There was no consultation, and to describe it as such is to abuse the intelligence of everyone to whom the claim was made. It merely told a handful of residents that this is what is going to be done and that's that. If the minister calls that consultation, I suggest he have another look at the definition of that word in his dictionary.

As for the minister's readiness to denigrate those who might question him, Mr Speaker, that is only par for the course. Those of us who sometimes find ourselves on the receiving end of his disparaging tongue are used to it, but it is a very different matter when the minister starts taking swipes at the—what did he call them?—"hysterical nimbys" who had the gall to speak their minds.

You will no doubt recall, Mr Speaker, that when answering a question I asked him yesterday, the minister was unable to avoid describing as hysterical those who had expressed dissatisfaction. As an aside, Mr Speaker, it might come as a surprise to the minister that the objections being voiced by his "hysterical nimbys" in fact in the main relate to the scale and nature of the expansion of the facility and not to its function, of which most of them have been aware for a long time.

A further point, Mr Speaker, concerns the minister's intention to call in the application during the process of the consultation and consideration. This is not an instance where use of the call-in option is appropriate. On the one hand, it is contradictory to make the conciliatory gesture of inviting a more broadly-based participation in the process of consultation and deliberation while, on the other, dangling a sword of Damocles in the form of the call-in power. This project does not warrant, on any grounds, this pre-emptive, even threatening, decision.

Mr Speaker, it is clear that things cannot go on as they have because the issue is not going to go away. If it does continue on this unsatisfactory course, it will truly show up as a sham the Labor Party's code of good government that grandly proclaims the values of openness, honesty, fairness, integrity and accountability.

It is against the background of a flawed and clumsily handled process to date, and out of sincere hope that what has happened up to now can be put behind us, that the mud-slinging must stop and that from now on the people will be taken into the minister's confidence and be given the opportunity to engage in genuine, rational, truly wide and extensive consultation.

Minister, admit you were wrong, undertake a full and proper consultation process and promise not to scuttle this consultation process with the use of the call-in process.

MR SMYTH (Leader of the Opposition) (11.09): Mr Speaker, as members are aware, this is a cognate debate. I will speak to Mrs Cross's motion, but what I have to say applies equally to mine. I suggest to members that when we get to the decision stage we deal with the motions seriatim so that people can pick and choose which bits they will agree to.

Mr Speaker, I have characterised this whole process as sneaky, and it is sneaky under a number of headings. First and foremost, one can recall the zeal which Mr Corbell used to have in opposition for proper process when it suited his purpose and the allegations that he continually threw at me that we conducted development in this territory in a sneaky way. The development of the Karralika facility epitomises the approach of the Labor Party, particularly the minister, to development in this city.

Mr Corbell is sneaky on the first account because there has been a general lack of information. Getting information out of the government, ACT Health, ACTPLA or the architects is like drawing teeth. The problem for the residents who want to make an informed decision about this matter is that the ground keeps shifting. You cannot get a straight story out of the minister's office about what the actual development will do.

You only have to start with the numbers. In his press release of May last year the minister said that it would have a capacity of 60 to 70 places. Was it 60 or was it 70? Of course, under pressure from the community, it has now dropped from 70 to 60. But until that pressure arrived, the minister thought he could get away with it without going through proper process and the appropriate scrutiny.

Mr Corbell used to think it was appalling that a developer would put in a major development application over Christmas. What did he do? He put out for consultation over Christmas a major development between two suburbs, I suspect in the hope that it would not get noticed. It certainly did get noticed. Fourteen letters were sent but only six were acknowledged. Part of his purpose was achieved, but I think the community is much smarter than Mr Corbell gives it credit for.

The other gripe Mr Corbell used to have when we were in office was about inadequate plans—minimalist plans that were made available so people could not make an informed decision. Again, the plans that we have for this development are inadequate and it has been only through the efforts of the community continually badgering and asking for more that we finally have some plans. Indeed, we have plans that actually differ. There are site plans that are different. Which plan do you believe? Which plan can you trust? The problem with the plans is that they are incorrect. The western view, which is in fact the eastern view, is mislabelled. The view that purports to be the view from Macarthur is

actually the view from Bugden Avenue. How can anyone trust what the minister puts out when it is incorrect?

The other thing is that the whole notion of the size of the building is not made clear in the plans. Mr Corbell used to have what he called a hatred for de facto three-storey buildings. The reason you do not get an eastern projection of what this facility will look like is that it is a de facto three-storey projection. Of course, one of those storeys is the foundation, but without that foundation the rest of the building does not stand. If you look at the northern and southern projections, quite clearly it is a large building on the eastern front. What you do not get is an eastern projection.

Then you get to the issue of trees. I have seen a letter that said six of the 12 major trees will be kept, but the letter does not go on to say that 55 of the 66 trees will be removed. This goes to something else that Mr Corbell was always really keen on not doing—eating into the de facto urban open space and the treed environment. These trees provide amenity to the local residents. Indeed, anybody coming over the hill off the Monaro Highway up Isabella Drive can see these trees on the ridge line. This is one of the ridge lines that we have protected in this territory. Not any more. Fifty-five out of the 66 trees will go, and according to Mr Corbell it just depends on your definition.

We then get to another of Mr Corbell's pet hates, which used to be limited notification. I can remember numerous times requests from Mr Corbell that for major redevelopments we should go further, we should try harder, we should do more. And what was sent out?—14 letters in a Christmas period, of which approximately six have been acknowledged. So what you have is the sneakiness of doing it over Christmas and the sneakiness of doing it with limited notification in, you can only assume, the hope not to get caught.

Mr Speaker, the sneakiness continued. Residents were then told that they could actually go to the ACTPLA website and view it; that, as was normally done, ACTPLA would put these plans on display. But the plans took forever to get to the website. Also, if you made the journey from Tuggeranong to Dickson you found that initially you were able to view only a limited number of plans. Unless you knew what questions to ask and unless you pressed the staff for more plans, they were not forthcoming. You were not shown them all on the first viewing; you had to know what to ask.

Indeed, some of the plans are still not available, so people do not know how many residents this facility will accommodate—is it 60, is it 70, is it 40? The number keeps shifting, and it is sneaky to say that people are not able to view the plans because there is confidentiality surrounding them. Indeed, from the look on his face when that was raised with him at a recent Tuggeranong Community Council meeting, I would say that Mr Savery was very unsure about what was going on.

There was a call for a public meeting. The community council asked the minister, through the minister's office, whether they could have a public meeting. They were told no, the minister would not do a public meeting. The next day on radio he denied he had ever been asked. Then there was this backflip: "Oh, we thought you wanted us to do the meeting." The minister's office knew exactly what was happening. The minister's office acts on behalf of the minister. They said they asked the minister and he said, "No meeting." So again we see this sneakiness, the continually shifting ground.

You have to look at the use of the dollars, Mr Speaker. How much is this development actually going to cost? Residents have been told that it will cost approximately $2.5 million. So where is the other half going; where is the other $2.5 million going? Again, it is sneaky. The lack of detail and the way that the community is excluded from this whole process can only be characterised as sneaky.

Then we get to the role of Mr Hargreaves and Ms MacDonald on the night the announcement came that "the government agrees with local members on Karralika". Here is the best spin of the year. By suddenly announcing, "We agree with the local members on Karralika," the government is saying that the local members are part of the government, that the local members are tied to this agreement.

What happened was that the local members went to a meeting, saw the anger of the community, panicked and bolted back to the minister and said, "You've got to do something." So what did they do? There was a rash of press releases faxed to the media at half past 5 on a Friday night. Ms MacDonald arrived at a resident's house and said, "It's all okay, the development is off. We're going to pull it and it will go through the proper process." It was not until the press release arrived from the minister's office, of which a copy was made available to the community, that you found in paragraph 5 the words, "But I'll call it in." Ms MacDonald was not telling the residents it was going to be called in. Mr Hargreaves rang another member of the community to say, "It's okay, mate. It's off. We fixed it. We have got the minister to come round," but did not tell him that it was going to be called in. You have to question the fair dinkum nature of this.

Mr Speaker, we then go to the use of regulation 12. Regulation 12 is there for an important purpose. Regulation 12, used appropriately, allows for the provision of services that need to be kept confidential, and that is a service like a women's refuge which houses somebody escaping from domestic violence. The curious thing about the minister's justification is that it is not backed up by the residents. We are told that a number of the residents went public and said, "Hey, we think the Karralika redevelopment is a really good thing; it should go ahead." That is not confidential. More importantly, residents actually went to the meeting at the Tuggeranong Community Council last week and signed a petition saying, "We don't want it any bigger. We actually like it the way it is." I think the minister's use of regulation 12 needs to be truly examined, because I think that is the ultimate piece of sneakiness.

You then get to the timing, Mr Speaker, and there is always a trail in the timing. The plans that the architect has been issuing to residents have the date late in March on them. These plans were available for nine months before the community got to see them—nine months. We then got the minister's press release on the budget on 6 May. You have to assume it had been through the process, you have to assume cabinet had ticked off on it, because they have got the cash, they know how much it is worth. Were the plans made available then for consultation? No, they were not. I have heard on the grapevine that some of the support groups for Karralika may even have had them mid-year. Were they made available to the general community so they could make an informed decision, Mr Speaker? No, they were not.

What we find then is that the plans were lodged on about 30 September. Normally when plans are lodged for consultation, they are put out for notification. Why did they sit in

ACTPLA for three months before the community was told in the week after Christmas that there was to be some sort of development, such as, "Here's a little bit of information about it but we're going ahead with it anyway?"

If you look at the trail, the trail of sneakiness, you will find that the plans were finished in March, they were discussed in budget cabinet—they have to be, otherwise decisions are being made on the run—and they were then the subject of a press release. The press release announced, "We're going to do a refurbishment". It was even downplayed. It is to be a major redevelopment, but the press release talked about a much-needed refurbishment.

We have this conflict in the press release. We know that the plans were out there mid-year and we know that they were submitted to ACTPLA on 30 September, but when did the residents find out? The first week of January. Is that honest, open accountability? Is that community engagement? Is that getting out there and talking with people?

Mr Speaker, we then get to the bureaucratic shuffle. Residents have no confidence in the process. I can assure you that residents have no confidence in the minister and his ability to control this process because they have been shunted from pillar to post. They get to talk to the architect, then they have to go to somewhere else. They go to Health and when Health does not want to answer questions they get to go to somewhere else. They go to ACTPLA and when ACTPLA will not answer questions they have to go to somewhere else. Why can't somebody tell the residents exactly what is going on? The answer is because the government does not want residents to know. It is a sneaky process. It is not open, it is not honest, it is not accountable, it is not my idea of community engagement.

Then we get to the use of the call-in power. It is really quite interesting when you read Mr Corbell's press release of 7 February to see the words "the new planning process". Why do we need a new planning process? Why didn't this go through the normal planning process? The press release says:

> The new planning process for the proposed Karralika redevelopment could not be fairer, Planning Minister Simon Corbell said today.

It should have read, "Could not be fairer for me. You can play but you can't win because I'm going to use the call-in power." If you read the press release you find that he will use his ministerial call-in power to determine the application. That is not fair. I do not know what his sense of fairness is. I do not know if he has a dictionary and whether he has actually looked up the word "fair". "Fair" means that people participate equally. You cannot participate when at the end of the process your rights will be truncated because you have a minister who is sneaky. The timing of the press releases themselves—

MR SPEAKER: I am not going to allow that anymore. You have referred to the departmental processes as sneaky, but I am not going to have ministers described in this place as sneaky. I call on you to withdraw that and not use the term in respect of members.

MR SMYTH: Mr Speaker, I take your direction and withdraw the comment. But it does go on. You have to look at this attitude that "I can do anything I want because I'm the minister. I will have my way". It does go on and on.

The minister agreed that he would come to a public meeting on 19 February. A lot of planning had gone into making that meeting work, and I understand that that has now been changed. Apparently something more important has come up. I cannot understand what is more important than facing your community and explaining what you have actually done.

To his credit, the minister has found other days. But what he has done is disadvantage the community that is trying to get the money to cover public liability if such a big public meeting of this nature has to be held outdoors. Alternatively, they will have to find a venue big enough in Tuggeranong to hold the meeting, bearing in mind that because of loading requirements some of the 700 residents who turned up for the meeting at the club last Thursday could not get in.

Mr Speaker, it is interesting that this whole process has been done under a cloak of confidentiality. I think people have seen the quotes. When in opposition, the Chief Minister said, "We won't have a cloak of confidentiality where things are done in darkness so that the residents are excluded, so that the community is excluded." The cloak of confidentiality has been well and truly laid over this entire process.

Mr Speaker, I have outlined in my motion what I think should happen. Firstly, as I have said in paragraphs (1) and (2), it is quite clear to me that the community is supportive of appropriately sited drug rehabilitation facilities, both residential and non-residential. I have not heard a single complaint about Karralika. Indeed, the residents all tell me that they are supportive of Karralika in its current position, in its current configuration. They agree that the buildings need some upgrade, but they want to be part of that process. But they do not want to have, in effect, what one of them described as a 70-bed mini-hospital lumped in the middle of their suburb.

Mr Speaker, the motion goes on to condemn the Minister for Planning for his misuse of regulation 12. I think it has been used inappropriately. I do not think it was ever intended for this scale of project. (*Extension of time granted.)* I do not believe that regulation 12 was ever intended for developments like this. I think it was intended for discrete developments that need to provide confidential services and in reality be in confidential locations, and indeed the minister has well and truly blown the location of Karralika on this one.

Paragraph (4) of my motion calls on the minister to make available all information regarding the redevelopment so that an informed decision can be made. One of his press releases said that he will be making information available to members and the public. That is good, but let us get all of the information because until this point it has been absolutely a tooth-pulling exercise to get this information.

Paragraph (5) notes the minister's intention to withdraw, renotify, and call in the development. I think he understands now that the community are in favour of the intention to withdraw and renotify, but certainly not the call in because they cannot trust what will happen through the process. They have no confidence.

Paragraph (6) makes quite clear that the Assembly should reject the minister's sham consultation, given that he had already determined the outcome. The outcome is there.

There is no point in going out and consulting, raising false hope or saying, "We are actually listening to you and we want you to tell us what you think." The minister is really saying, "I've already decided. It's going ahead."

Paragraph (7) is extremely important. It calls on the Assembly to direct the minister not to exercise his call-in power on this development. Have no doubt, minister: this will be a clear direction from the Assembly if paragraph (7) gets up.

To ensure that the community can have confidence in the process, paragraph (8) calls for an inquiry to be undertaken by the Standing Committee on Planning and Environment. Mr Speaker, I signal my intention when we get to my motion to move an amendment to add the use of the call-in power to the matters to be considered by the committee.

There is a great deal of concern out in the community about the use of the call-in power. I know that Ms Tucker is very concerned about its use, so we will add that as well. We do not want a longwinded affair. I have talked to the chair of the planning committee and she feels that they can do this inquiry by the end of May after they clear some outstanding work. She said that at that stage she did not believe she would have work that would stop this happening.

The amendment that I have just foreshadowed seeks to substitute a new paragraph (8), which reads:

> refers for inquiry and report the matter of the Karralika development and the use of the call in power to the Standing Committee on Planning and Environment, with the Committee to report by 31 May 2004.

I think that is self-explanatory. That is a good process. It sends the signal that we as an Assembly as well as the community are in favour of Karralika and the work they do; that we all understand that we need appropriate residential and non-residential programs; that we want to be involved in our planning process in this city; and that we will not put up with the cloak of confidentiality that the minister has thrown over all of this. We are sending a clear signal to the minister not to call it in. We are opening up the process so that the community can actually have a say. Through the Assembly committee, they can ask questions of the government about information that they want or cannot find.

Mr Speaker, we will, I guess, deal with Mrs Cross's motion first. When we are finished with that we will move on to my motion. I would request that we deal with the motions seriatim so that each of the lines can be considered and voted on separately.

The clear message out of this, Mr Speaker, is that comments like "They're just a bunch of hysterical nimbys" will not be tolerated by the community. They are not hysterical nimbys. The petitions that have been tabled contain 1,327 signatures collected in just under 10 days and cover 78 suburbs. There are about 110 suburbs in the ACT, so three-quarters of the ACT are interested in this process and in what the minister has done. Residents from 22 suburbs turned up at the meeting. Some people who had skipped dinner because the meeting started fairly early could not get in because the room was full.

I think this Karralika issue is arousing huge concerns across the territory because if it can happen to the residents of Fadden and Macarthur in Tuggeranong, it can happen anywhere. The minister will simply declare something to have a confidential service and therefore he can put whatever he wants wherever he may.

The use of the call-in power is of great concern. Make no mistake, Minister, the community is watching what happens here today. They are watching you and your use of the cloak of confidentiality. You are seriously on notice about the way that you are handling your portfolio—indeed, the way that you are handling your portfolio poorly. I believe that the community will make an ultimate judgment at the election in October, particularly on the minister and the way he has handled this portfolio.

That said, Mr Speaker, I would call on members to support my motion. I think it clearly sets out the proper process that should occur and I think it sends a very clear, very direct message to the minister that the community has concerns about his behaviour and he needs to address those concerns.

MR CORBELL (Minister for Health and Minister for Planning) (11.29): Mr Speaker, before dealing with the detail of these motions, I would like to put this whole issue in some perspective, and it is a perspective that we cannot afford not to take. Between the 2001-02 and the 2002-03 financial years, we in the ACT witnessed a 16 per cent increase in demand for residential alcohol and drug rehabilitation programs—a 16 per cent increase in a very short period.

There is no doubt that our community has a real and pressing need to provide for people who are rehabilitating from drug addiction. Whether it is alcohol or illicit drugs, they need this service. Of course, these facilities ultimately need to be somewhere, and they need to be in a low-key, residential setting. These are not institutions; these are not asylums or hospitals. They are residential rehabilitation places, and they work most effectively when they sit within a community context. That is the reason behind the establishment of Karralika in the first place. It is equally the reason why the government proposed to expand that facility in the last budget.

I would like to outline to members a bit further the issues which are contingent and which drive this whole proposal. In the ACT last year, 9,847 persons were estimated to be dependent on alcohol. The level of high-risk alcohol drinking was reported to be higher in the ACT than in Australia as a whole. Only the Northern Territory has a higher figure. In regard to heroin, approximately 1,700 people were dependent on it in 2003, and on top of heroin there were significant levels of dependence on several other drug groups in the ACT population.

So, as a community, we must work at reducing the waiting times for those wanting to address their alcohol and drug problems in the safe and supportive learning environment of a therapeutic community, such as the Karralika facility. That is what this proposal is fundamentally about. That is what the government is seeking to achieve. Whilst I accept that the planning and development issues are of equal importance and significance, we as an Assembly cannot afford to take our eyes off the ball. Fundamentally, we are talking about the provision of facilities that are desperately needed in our community.

The government will not be supporting the motions that have been put forward today in the form they are in. I have circulated an amendment, which I will move at the appropriate time. I would, however, now like to address the issues members have raised in the debate so far.

The expansion of Karralika, as I have said, is an important move forward. In relation to the issue of confidentiality, I would like to put on the record very clearly today that this was in no way subterfuge or some sneaky move on the part of the government, as it has been characterised by those opposite. Instead, it was a legitimate request put to me by the ACT department of health.

ACT Health indicated to me that they would be seeking endorsement from me, in my role as Minister for Planning, for the exercise of regulation 12 to exempt the proposed expansion of Karralika from the public notification and third party appeal requirements which would otherwise apply under the land act. I sought the advice of the planning authority on whether or not it was appropriate to exercise regulation 12. Their advice to me was that it was certainly within my discretion to exercise regulation 12 if I judged that it was in the public interest to do so. That is what I did.

This service provides important treatment, help, care and assistance to some of the most marginalised and vulnerable people in our community: people addicted to drugs and alcohol. I have never for a moment pretended, to the Fadden and Macarthur communities in particular, that it is some mystery that Karralika exists—although it is interesting to note that I have received some letters from residents in those suburbs who have said to me, "We didn't know what that place did. We knew it was there, but we really didn't know what it did. We had no idea." They are outraged now they have found out. So even within that community there are at least some people who were not really aware of the role and purpose of Karralika. But I accept that most people in Fadden and Macarthur knew, and I accept that most people in Fadden and Macarthur accepted and are supportive of the facility as it currently stands.

The point I was making in the decision I took to exempt this development application from the public notification and third party appeal provisions of the land act was that it was not the type of facility that should be subject to the city-wide sort of examination that was consequent on public notification and third party appeal. That is the decision I took.

People who use Karralika are in a vulnerable state. Frequently they have transgressed and have broken the law because of the nature of their addiction, and they are entitled to go to a facility and to rehabilitate in the privacy that comes with that, knowing that its location is not widely known and not widely advertised. On that basis, I sought to exempt the development proposal.

Since then, a broad range of community concerns have been raised, and the location, the nature of services provided and the extent of services provided at Karralika have become much more known publicly than was previously the case. Given that, in discussion with my Brindabella colleagues, I have outlined a new process which I think is a fair one. I will take some time to outline that to members.

First of all, I asked ACT Health to withdraw the original development application, and they did so two days ago. That has been done. There is no development application currently before the Planning and Land Authority. Secondly, I have indicated to ACT Health, as the proponent, that they will have to go through the full statutory development application process. This will involve a preapplication process, where they will have to satisfy the requirements of the high quality sustainable design guidelines and where they will have to consult with immediate neighbours before a development application is even lodged. That is a requirement under HQSD.

Following the achievement of a high quality sustainable design endorsement of the proposed design, a formal development application will have to be lodged. This will have to be publicly notified in the newspaper, a sign will have to be placed on the premises indicating what is going on and, consistent with the regulations under the act, immediate neighbours will have to be notified by mail of the details of the development.

Further, all plans lodged will be publicly available at the Planning and Land Authority shopfront. They will also be available online through the Planning and Land Authority website. That public notification period will last 15 working days—three working weeks, effectively. *(Extension of time granted.)* Then the government will move to engage the Assembly in this process.

Normally, the Planning and Land Authority would determine the application itself and, if any party was unhappy with that decision, it could be reviewed in the Administrative Appeals Tribunal and matters of law could go to the Supreme Court. The government is instead proposing this. For the reasons that I have just given you, we need to know whether these beds will go ahead at this site. We need to know that. I do not think we can afford to wait the 12 months it will take—or potentially 18 months if it is a protracted process—to resolve whether or not the Karralika facility can proceed.

Just in the last financial year we had a 16 per cent increase in demand for rehabilitation beds, and we can expect that to continue. I do not accept that it is desirable or in the public interest to not know whether or not rehabilitation beds can proceed when the money has been approved and a site identified. If the site is not suitable, we need to know that promptly so we can find another site. But we cannot afford, as a community, the extensive delay that would potentially occur.

So I am saying to members: I will move a resolution in this place, and I will seek your views, based on the consultation and the advice of the Planning and Land Authority, as to whether or not the facility should proceed in this form or in a modified form. But I can only put that proposition to you—moving a resolution in this place and seeking your view—if I exercise the call-in power.

As members would know, the ACT Planning and Land Authority would otherwise be the decision maker, and they are independent. They are a statutory, independent decision maker and they cannot be directed by this place in determining the application. But you and I understand that there is a political relationship when it is the minister making the decision. You and I understand that, if the Assembly expresses a point of view about whether or not the development application proceeds and I ignore that view, I am taking a significant risk. We all understand what that is.

So I am putting this in the Assembly's hands. There will be a full consultation process, following all of the requirements of the land act, and on top of that the advice of the Planning and Land Authority, because I will be determining the application myself—a statutory requirement. I will provide members with all of the documentation, and I will put a proposal to this place and seek your endorsement, or otherwise, for the proposal. Then I will determine the application.

Let me make it quite clear: calling in does not mean approving it; calling in means I choose to determine it. I have all the options that the Planning and Land Authority has: to approve the application, to approve it with conditions or to reject the application. Under the act the minister becomes the decision maker. Calling in does not mean automatically approving it; it means taking the decision myself. It is not simply taking the decision and approving it, which is what seems to be the perception. That is the process I have outlined in my amendment.

I think it is warranted and in the public interest that a decision on whether drug rehabilitation beds are established at Fadden is made in a timely way. I would anticipate, based on the advice I have received from the ACT Planning and Land Authority, that a resolution could be moved in the May or June sittings at the end of the process. Then I will be able to determine the application before the end of the financial year.

Mr Speaker, members will have to judge for themselves, but at the end of the day I simply ask them to remember that in the past year alone we have seen a 16 per cent increase in demand for residential alcohol and drug rehabilitation places in Canberra. We need to know whether they happen at Karralika or elsewhere and we need to know in a timely way.

MR SPEAKER: The minister's time has expired.

MR PRATT (11.45): Mr Speaker, I rise to support Mr Smyth's motion, to support the residents of Macarthur and Fadden and to support the existing residential and non-residential rehabilitation system—those three objectives. We on this side of the chamber very much support the Karralika facility as it currently exists. We very much support the continuation of the Karralika concept of residential drug rehabilitation centres—that is, moderately sized suburban housing designed centres in generously spaced suburban areas. Karralika is, in my view, the benchmark in terms of how such centres should be accommodated comfortably but unobtrusively in suburbia. We support the building of centres of this size to take up the territory's health needs.

Against this background, I am deeply concerned, though, that the government has clumsily and arrogantly bulldozed ahead with its expansion plan without consultation with anybody. I am talking about its actions thus far. I believe the government stands to be condemned for this behaviour. Furthermore, I believe the government stands to be condemned for its sham consultation exercise. Its withdrawal of the special regulation provision is merely a tactical retreat designed to unheroically shift the decision-making process to the Assembly.

The mighty declaration that a proposal is to be put to this place is fine. That is at least a start, and we should at least be pleased that that action by the minister has been taken.

But this will not abrogate the responsibility of the minister, and this will not abrogate the responsibility of this Assembly, to listen to the views of the residents of Fadden and Macarthur in terms of plans intended for that area.

The government also deserves sharp criticism for this piece of lazy planning. That is what this is—lazy planning. For the clients of the existing facility this will cause a degradation of the type of service provided now. The intimacy of a centre of this size and the quality of service that this intimacy provides will be lost. Indeed, Karralika centre residents have actually represented this view and a number of them were present at a meeting last Thursday and spoke of this concern.

The new building that is proposed will devastate the suburban environment in the ridge area dividing Bugden Avenue, Fadden, and Jackie Howe Crescent, Macarthur. I can see that clearly by observing the site and seeing the planning concept. The residents in both of these streets and in the general suburban area overwhelmingly feel this. Putting aside the emotions of shock and change, the residents have clearly and objectively outlined why this is very poor planning. They have calmly and with great articulation illustrated what I call the lunacy of this proposal and the blatant unfairness thrust upon the residents of these suburbs—actions of a cold and uncaring government.

The residents also point out the unviable nature of this planning proposal with respect to the future of Karralika. In terms of the balance that exists and the analysis of this issue, I have been pretty impressed that the overwhelming majority of residents have supported the existence and ongoing operation of Karralika. They pretty much see Karralika as a good and unobtrusive neighbour, and they respect the role that Karralika plays.

The residents who closely border Karralika, particularly at 77, 79 and 81 Jackie Howe, express this view, and their objectivity and their fairness are to be admired. In fact, they are to be admired more than we might admire the government's fairness and objectivity. To describe these people as a bunch of hysterical nimbys, as the minister did, is outrageous and unprofessional.

Ms Tucker: No, he didn't.

MR PRATT: Yes, he did. Mr Speaker, I have visited the properties that sit immediately beneath Karralika on Jackie Howe Crescent. Has Mr Corbell done that? Looking at the plans for expansion and standing on these properties, it is very clear to me that these properties will be literally overshadowed and dominated by the three-storey structure proposed in the plan.

It is starkly clear why these residents are outraged. Their backyards—indeed, bedrooms and family rooms—will be looked into. There is a very real possibility that their land values will be severely affected. The government and the planning departments have to take that into consideration, and they have not so far. Were these residents consulted? Were those people sitting immediately below the Karralika site consulted? They were not even spoken to by the department or the government.

Other residents in the immediate area will also suffer property devaluation and a degradation of lifestyle. That is clear. Anybody with any understanding of planning and land management will understand this very important factor. But the minister does not

care about these residents. The traffic flows, with a centre that is likely to quadruple in activity, will impact severely on the area. The Fadden-Macarthur residential area is an inappropriate place to build a structure of the size proposed and to run an operation of this magnitude.

It is clear to me that a significant amount of tree life on the ridge top and in the saddle immediately north of the reservoir will be devastated. This is a beautiful area. The ridge line on the eastern side of Bugden Avenue is a very pretty area, and we will see a massive devastation of that. I am not exaggerating. Once you put in a structure of the size proposed, you will lose a lot of tree life in that saddle area.

I attended the second half of the Tuggeranong Community Centre meeting on Thursday night last, which was dominated by the Karralika issue. About 300 people succeeded in getting into the club, while another 290 failed to but signed petitions outside the club building. At short notice, that was a valiant effort by the Karralika Action Group to mobilise such support. On reflection, it also illustrates the depth of anger in the community. I congratulate the Karralika Action Group and its committee for not only its incredible energy and drive but also its fairness and logical application in this matter.

On Saturday morning at Chisholm shops the residents of Fadden and Macarthur again got together to sign petitions. They worked for at least two hours and had a significant roll-up of people—again, an illustration of the concern. I want the government and the Assembly to take note of that. This impact needs to be taken clear note of. Many people, from more than 22 suburbs, have signed these petitions, and that must be taken note of. We are not talking simply about the residents who are directly affected; we are talking about a community that is very much concerned about a planning process that does not consult and does not take note of the likely impact on our suburbia.

Let's talk about the residents. Who are they? These are mainstream families. They are the silent majority. At least, they were silent until now. They do not belong to a pro-government, squeaky-wheel lobby, do they? That is the problem. That is why there has been no consultation. These people are not usually squeaky-wheel people, but they are responsible, sensible people, and the government must listen to and consult with them.

Why was this planning process pushed through at all, utilising regulation 12? Why exactly was this an urgent issue, categorised as a top priority in the community interest? How was this of strategic importance when not even five minutes of consultation with somebody could be allowed? The Assembly could be forgiven for thinking the government knew that they could not justify this proposal, for all of the reasons that I have outlined above. If they had announced their intentions and consulted with the community, they would have known that there was going to be an uproar. *(Extension of time granted.)*

So driven was this government by narrow sectional interests suitable to this government's priorities that they have taken the risk of crashing through or crashing. They have not taken into consideration the greater interests of the broader constituency. That might be a noble act if the government was seeking to drive a major development project of significant strategic importance, which might justify bypassing community concern. We agree that that action must occur from time to time, but in this case it is not

justified. The communities of Fadden and Macarthur are right to be deeply suspicious that this was a lobby and a secretive exercise.

Let's turn to the minister's plan delay process. Where is the minister's transparency of action? Where is his conviction? Why bother, Minister, going through this planning process sham when you are striving to get your way anyway? The minister has stated categorically that he will utilise his call-in powers. Is there any wonder that the citizens of Fadden and Macarthur have no trust in the government on the Karralika issue?

This is very poor planning. This is patently unfair treatment of our citizens, and the government should be deeply ashamed of this action. The government is to be condemned for this shabby treatment of citizens and for this act of clumsy planning. There is a time for government to expedite issues in the greater community interest, but that is not justified in this case.

I will just pick up on something the minister said in his speech. The minister has tried to distract from the essence of this motion and the core of the concerns by trying to make this a debate about health. It is not a debate about health. We do not debate the need for a viable drug rehabilitation system. We do not debate the needs of people at risk, whom our community has a duty to look after. Minister, there is no argument with that.

Let's get back to tors. What are they? Mr Smyth has quite eloquently described the sneakiness of this planning process: the difficulty in accessing information and the handful of letters sent to residents over the Christmas period, just before a fait accompli government action. This is very poor behaviour, and this government is a disgrace. This government has let down the community and again failed in its duty. I call upon the Chief Minister to get a grip on this minister and abandon the plans to expand Karralika. At a minimum, I call upon the Chief Minister to direct his minister not to exercise his call-in powers.

MR HARGREAVES (11.58): I will address one or two things that Mr Pratt said. In fact, in all the time he took to make his speech, there were only one or two things that made any sense. What he was doing was putting a lot of downward pressure on the soapbox, bluff and blustering. I am sure that after he consulted his road map to find out where Bugden Avenue was, he decided to jump on the bandwagon of his leader.

His behaviour in this issue has been singularly lacking and I believe sincerely that we are seeing the product of the work of the Leader of the Opposition and that Mr Pratt is suffering from a massive dose of irrelevance. He did say a couple of really clever things, such as, "Not even five minutes consultation would be allowed." Did he back it up by saying where he got that from? No, he did not. It came straight off the top of his head.

He talked about the Leader of the Opposition's eloquence in talking about "being sneaky". I have to say "eloquence" is not a word that I would say about the Leader of the Opposition's speech. And "a handful of letters"? Nice words; total misrepresentation of the truth.

Mrs Dunne: Point of order, Mr Speaker. Mr Hargreaves has just said that Mr Pratt totally misrepresented the truth. That is unparliamentary and it needs to be withdrawn.

MR HARGREAVES: I said, Mr Speaker, that Mr Pratt has misrepresented the facts.

Ms Dunne: No, you didn't. You said "the truth".

MR HARGREAVES: I will say, then, that Mr Pratt has misrepresented the truth.

Mr Pratt: Point of order. Mr Speaker, we have actually asked for him to withdraw that. Can he do that first? Then he might like to proceed.

MR SPEAKER: My Hargreaves, withdraw that phrase.

MR HARGREAVES: I withdraw the fact that Mr Pratt misrepresented the truth, Mr Speaker. I do not think anybody would try to defend the initial consultation process. I would have to say that the obligation under the act was actually complied with. Have we got a problem with that? I also think that the timing of the so-called consultation was ordinary. I have no problem with saying that I was not happy with it either.

Let's go back to a couple of issues and the need for the facility. Mr Pratt says that it is a planning issue. I would contend that the planning people say whether something may occur on a given site; they do not say something will occur. The project driver says whether somebody will or not, and that is a Health issue. It is no good trying to divert the issue from a Health one to a planning one, because you will do nothing but smoke the issue.

We have heard the people of Fadden and Macarthur say, "We are happy with Karralika the way it is, as long as you give it a lick of paint." I fully support that. Some of the people I have spoken to are totally opposed to it and will be opposed to it as long as they live. Fine. That is their position and they are entitled to that position. Some of the other people I have spoken to are saying, "We understand that there is a need for extra places and we understand the plight of people who are voluntarily going into these facilities, but the scale is wrong." They are saying that it is too big, that it is going from having a residential to an institutional look about it. They have probably got a point. However, we need to understand that the minister has introduced a process that gives an opportunity for those views to be expressed.

I want to correct the record in regard to my role as a member for Brindabella. When I addressed that meeting at the Tuggeranong Community Centre—I have to say that I have had more pleasant evenings in my life and I have not had coffee with so many people in my life—some people disagreed with my view, some people did not care about my view and some people did not want to hear my view. But what I undertook to do, Ms MacDonald and I have delivered on.

I undertook—and people will remember this—to ask the minister to withdraw the application, as it was current then. Delivered. The minister listened to our representations and understood the community feeling and thought, "Okay, we will go to another process." I commend the minister for being so quick with that. That was on a Friday, facing the weekend, and action ensued instantly. I was thrilled to pieces with that.

At that meeting I undertook to ask the minister to go into a proper consultation process because, as I understood it, there were two feelings there: firstly, they did not want it and, secondly, they wanted to be involved in the consultation process. I undertook to ask the minister to undertake a proper consultation process. Ms MacDonald and I went to the minister with Mr Wood and we asked him to do that, and the minister has delivered on that. There is a proper consultation process. There are two opportunities to have a go.

Those people who do not want it there at all are never going to be satisfied, and I do not denigrate their position at all. But the people who want a consultation process want to have a say on whether it goes there or not and have a say about the scale. We should allow those people to have a say as well.

At the weekend, we advised that the process would be roughly the same as a normal large-scale residential development but that, at a certain point after consultation with the Conservator of Flora and Fauna and with ACTPLA and after advice from the land council, the minister would use his call-in powers to trigger the debate in this place. Those opposite would have people believe that the minister has made up his mind. I reject that view. If the minister had made up his mind, firstly, we would already know about it and, secondly, why would he go through the sham of an Assembly debate and risk it?

The minister has given us an honest approach to this thing. What would happen if we went through this process and a lot of the people in the area of Fadden-Macarthur said they wanted a slightly increased facility there and that the development as described—let's say 30 beds—is not going to happen? What if those people who did not want it at all decided that they were going to take it as far as the Supreme Court? That could be a 12-month or an 18-month process.

The minister is saying that, once all that advice is in, he will use his call-in powers to bring the debate to the Assembly. Every piece of information Assembly members want can be made available to them. To me, that is an open process. This place will then signal its intention to the minister and the minister has said in public that, if the predominance of will is that the issue be rejected, he will reject it and go and look for another site. If it is not and it is to proceed under a certain scale, we will go down that track.

That is all this is. This is interpreted by these people here as a sneaky use of the call-in powers. Coming from the Leader of the Opposition, who is a ringmaster of misrepresentation in this place, this is an unbelievable—and here I want to apply one of those words on that list of words I am not allowed to use here. This is the man who used his call-in powers how many times when he was planning minister?

Mr Smyth: How many?

MR HARGREAVES: How many times did you use your call-in powers and reject an application? How many times did you signal your intention to use your call-in powers before you used them? Not once. Whose actions with call-in powers prompted this planning minister to move amendments to make sure that that use was justified in this

place? It was your use of the call-in powers. Your stand on this stuff leaves me gobsmacked, as does your loose acquaintance with the truth. (*Extension of time granted.)*

Mrs Dunne: Mr Speaker, I take a point of order. Mr Hargreaves has again indirectly accused Mr Smyth of lying, in this case because of his "loose acquaintance with the truth". We have this all the time.

MR HARGREAVES: I said there is a loose acquaintance between the Leader of the Opposition and the truth, Mr Speaker. It is a loose acquaintance.

MR SPEAKER: This sort of language merely takes us towards disorder. I ask you to withdraw that and just proceed.

Mr Smyth: On the point of order, Mr Speaker—

MR SPEAKER: I have ordered it to be withdrawn. Withdraw it, Mr Hargreaves.

MR HARGREAVES: Happily withdrawn, Mr Speaker, just to make the Leader of the Opposition happy.

Mr Smyth: Thank you for the decision, Mr Speaker. I did get a small fact wrong. I did go and apologise to Mr Hargreaves, and I will clarify it later in the process.

MR HARGREAVES: I thank the Leader of the Opposition for that. Mr Speaker, when we start talking about people's roles and how the community has been stoked, or otherwise, and whipped up, or otherwise, and is responding to people, or otherwise, we need to also go back just a little. Before the meeting in the Tuggeranong Community Centre, I had had no more than four emails on the subject, I had had no phone calls, I had had no—

Mrs Dunne: Because you're a lost cause, Johnno!

Mrs Burke: A waste of time emailing you!

Mrs Cross: And he probably redirected them!

MR SPEAKER: Order, members of the opposition! Mr Hargreaves has the floor.

MR HARGREAVES: Thank you very much. I agree with my colleagues in here. I intend to foreshadow an amendment to Ms Tucker's motion on cats to have Mrs Burke de-barked because I am sick and tired of her snapping. Just keep quite and listen and learn something!

We knew last August in the budget process—the Leader of the Opposition was the chair of the Estimates Committee, and I sat next to him as the deputy—that there was a proposal to add $4.8 million to Karralika. A press release was put out, and the shadow treasurer spots every press release around that time. If your office did not pick it up, consider your own position on that one.

The fact is that you knew about it just as well as I knew about it. We had two bites of the cherry. We had the press release come into our offices and we sat on the Estimates Committee. It was there in black and white. I ask you: if you think it is such a big issue now, how come you did not go and tell these people back in August? Because you did not think it was an issue then.

Mr Smyth: We were waiting for the plans like everybody else.

MR HARGREAVES: You did not think it was an issue then any more than I did. No-one ever considers that things are a big issue unless a number of people come and give it to you. Okay? The fact is that a number of people came to you and said this was an issue. Fine. I have got no problem with that.

Mrs Cross: Point of order, Mr Speaker. I think Mr Hargreaves should be directing his comments through you and not to the opposition.

MR SPEAKER: Thank you, Mrs Cross.

MR HARGREAVES: I respect Mrs Cross's position, and it is confusing to know which one of the members of the opposition I have to talk to.

Mrs Dunne: You're not supposed to talk to any of us.

MR HARGREAVES: There's another one.

MR SPEAKER: Members of the opposition should cease their interjections. If you want to throw disorderly barbs across the chamber, you are likely to provoke some disorderly barbs back. Just remain silent while Mr Hargreaves concludes.

MR HARGREAVES: Thank you very much, Mr Speaker. This is not a sneaky process. The minister has changed the process in response to representations from Mr Wood, Ms MacDonald and me after we got an idea of the community's concern about this issue. We have had no representation from Mr Pratt, such as, "Let's talk together as members for Brindabella on this." That sort of thing happens quite regularly with other people on other issues, but it did not happen this time.

Mr Pratt: Because I saw the plans after Christmas.

MR HARGREAVES: I should get another extension of time to take up the minute you guys have wasted. This is not a sneaky process; it has been open. Consider this timeline: the meeting was held on the Thursday, I undertook to do something on the Friday, I did something on the Friday and on the Saturday things had changed and the press release was put out. Tomorrow, Australia Post willing, there will be a letter in everybody's letterbox in Macarthur and Fadden from Ms MacDonald, Mr Wood and me, outlining as best we can what the process is.

I do not call that a sneaky process. It has been out there, obvious and in your face. If people do not like that process, that is fine. But don't tell us that it has been sneaky, because it has not. If anyone has been sneaky about this it has been that ringmaster over

there in whipping up a storm. He has been talking to people about personal security issues down there. *(Further extension of time granted.)*

I have an enormous amount of sympathy for the people in Fadden-Macarthur and we struggle with ways in which we can address that, given that there are other two issues. I do not honestly see how Ms MacDonald, Mr Wood and I could have done anything else but take their concerns the next day to the minister. I do not see how that can happen.

The minister's use of his call-in powers has been misrepresented by Mr Smyth, and the community need to be assured that this is a trigger for a debate in this Assembly. By putting his motion forward, Mr Smyth is saying that he has no faith that this Assembly will receive all of the information and then take a position on it. He is saying, "No, let's flick it across to planning and environment." He has consulted the chair of the Planning and Environment Committee. Good on you, mate.

The chair says, "We've got plenty of time to do this sort of review." Had the chair consulted our other committee members to find out whether we have the time to do that? Answer: no. Had she consulted the committee to see how many members would be on it at the time she intends to do it? No. Has she considered the possibility that she cannot have an inquiry at all because a third member has not got the time to attend and she could be inquorate every time she calls a meeting? No. This was appalling behaviour on the part of the chair, as well.

I can only congratulate the minister for moving so quickly and changing it. I hope that the community regards his actions in good faith. At the end of the day, if the process of consultation reveals that the centre should not go there or should be scaled down, let us address it then. Let us not try to pre-empt that thing right now. Thank you, Mr Speaker. I have used up the time Mr Pratt wasted.

MRS BURKE (12.16): As a resident of Tuggeranong and someone who has friends living on Bugden Avenue in proximity to Karralika, and on behalf of the people of Fadden and Macarthur and the people who have joined us today in the public gallery—thank you for being here—I stand to put my view forward. I do not intend to go down a personal track, like some members have; that gets us nowhere. The words that have come to me through people are "underhanded processes" and "timing very questionable"—in fact, not dissimilar to section 43. Mrs Dunne may refer to that more. At Turner the timing was over Christmas, so it was very questionable.

Having sat with the Planning Minister before the last election, I have to ask: whatever has happened to open, honest and transparent consultation? He talked about that many times when we were at meet the member forums. He promised that many times before the last election. This minister was also going to bring the community with him. It seems he caught an earlier bus and left everyone behind. Why didn't he listen and take on board all the concerns of the community?

A couple of times this week the government has all of a sudden said, "Why aren't you working with the government?" It makes you yawn. We have been asking to do that for months and months. It is interesting that now the government seemingly wants our advice. That is nice—seeing how Mr Cornwell put out something today that Mr Wood

has used and Mr Wood has used one of my ideas. Perhaps we are the people who are actually doing something for the citizens of Canberra.

Somebody from the government mentioned "in the public interest". Does "in the public interest" mean that you make a decision, steamroll everybody, leave everybody else behind and do what you were going to do anyway? The way in which the Planning Minister deliberately approached this matter has caused this very problem, and now they are crafting the way these things are delivered so that we now blame the residents of Fadden and Macarthur. We make them nimbys or people who do not like drug addicts. Blind Freddy could have seen that, once this was made public, it was going to cause major nervousness in the community.

We are not talking about a dimwit population. We are talking about highly educated people who fully and well understand the needs of the people in our community, particularly of the people at Karralika. People who are trying to get off drugs obviously need all the support they can get. I do not think I have had one email from anybody in Fadden and Macarthur. I am sorry Mr Hargreaves only got three; I think I have had 30 or 40. So what happened? I wonder why people are not contacting the government.

No-one in Fadden and Macarthur has ever said they do not want to see a facility like Karralika in their midst. We are talking about a planning issue. Mr Corbell, the Planning Minister, wants to cloud it with this health issue. Of course there is a health matter, but this debate is not about that. It is about planning—open, honest, transparent consultation. Those are not words from this side of the house; they are the government's own words. The Planning Minister, in his ineptness to deal with this extremely important matter in a more sensitive way, is now busy blaming everyone. A real trend is emerging: "Let's blame everybody else. It's not my fault. I am the minister. I can just stand back, abrogate my responsibility and blame anybody else. It wasn't me."

I think the approach of spreading facilities on the same scale as Karralika is the way to go. Why don't we look at it as we do in housing, with a salt and pepper approach across the community? It works well. And people still do not know about many of those properties around Canberra. We do not need to make it public. Unfortunately, the Planning Minister, in the way he went about this matter, has made it public—not the residents of Fadden and Macarthur. Don't let him say it has been them, Mr Speaker. That is downright rude.

I wonder whether the Planning Minister is now looking at other options, given that the community have raised the very valid concerns they have. The minister has indicated that using his call-in powers does not mean it would get the green light, so I hope he has got a plan B, one that he should have had for those people who desperately need the services that he, quite rightly, talks about. No-one is denying that these people need help.

But I notice, with some disdain and alarm, that you are twisting and deflecting this debate to another matter to deflect the heat that is on you for the poor way in which this process has been dealt with. Minister, you said that we should not take our eyes off the ball. The issue being debated today is a planning matter. No-one disputes the fact that we need more facilities. All the residents agree. All the residents that would sit in that gallery are not heartless creatures who say, "We don't want drug addicts in our community." How rude of you to insinuate that. But let's remember, as you said, to keep

our eyes on the ball. That was a very good thing. The main thing is a planning issue. We must not forget it.

I fully support the motion put forward by Mr Smyth. Mrs Cross is going to be talking about hers, too. But I urge the government to revisit their strategy. Do they have one? What is the plan? Perhaps they will let people know what they are going to do and not just spring it on people at Christmas. I call on the minister not to impose his arrogant approach to planning on residents and then turn around and blame them. I will be supporting Mr Smyth's motion as I will be supporting the residents of Fadden and Macarthur in their fight to have fair, open and honest consultation.

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 12.23 to 2.30 pm.

Questions without notice

Child protection

MR SMYTH: Mr Speaker, my question is to the Attorney-General, Mr Stanhope. Minister, on 8 September the Office of the Community Advocate sent you its annual report. On page 33, the report stated:

> In 2002-03, despite a statutory obligation to do so, Family Services failed to inform the OCA about any of the reports they received alleging the abuse or neglect of a child or young person for whom they held parental responsibility.
>
> Despite a number of guarantees by Family Services, this issue remains unaddressed and of significant concern to the OCA.

The Community Advocate made similar comments the year before. The report's letter of transmittal is addressed to you as Attorney-General. Why did you fail to act on this vital information?

MR STANHOPE: I thank the Leader of the Opposition for the question. It is an important and an interesting question in the context of the three reports from the Office of the Community Advocate. The first of those covered that year when the current shadow Attorney was the Attorney and when the report was received by him. That was at a time, of course, when he was also the Minister for Education and for youth and family services, so it is an interesting question.

Mr Stefaniak: It was in the caretaker period, Jon.

MR STANHOPE: Indeed, as the inquiry which my government has now initiated into these issues considers the full range of issues that are relevant to our need to determine exactly how there was this significant failure or breakdown in communication draws its conclusions and delivers its report, I think there are many issues that we, each of us, should focus on. Of course—and I am sure that the Leader of the Opposition is aware of this—in the committee's deliberations that then followed the tabling of those reports and

other reports, there is a further question that each of us in this place should address. I think it goes back to Mr Stefaniak, as the chair of the—

Mr Smyth: Point of order, Mr Speaker: my question is specifically that the report's letter of transmittal is addressed to the Attorney-General, so why did he fail to act on this vital issue? He has not talked about his own actions at all. Perhaps you would direct him to do so.

MR SPEAKER: Come to the point of the question.

MR STANHOPE: Thank you, Mr Speaker. I am talking of the history of the breakdown in communication in relation to this very serious issue, and the extent to which each of us in this place, to some extent, has been involved in that. Of course, one of the ways in which issues in annual reports are drawn out, and one of the ways in which governments are kept accountable and are made to account for the operations of departments, is through the annual review of annual reports, which is done through an estimates-type process with the formation of select committees.

It is interesting that, in the context of the report of the year before this reporting period—and now, in retrospect, a matter of extreme regret—the then committee, chaired by Mr Stefaniak, chose not to call the Community Advocate and chose not to examine the Community Advocate's report in that year. When we go to discover why there was this significant breakdown in communication, we go to that range of issues.

MR SPEAKER: Order, Chief Minister!

Mr Smyth: Point of order, Mr Speaker: the Chief Minister had been talking about everyone else but himself. My specific question is about the 2002-03 report, the letter that was sent to him and his failure to act. Perhaps he could get to the substance of the question?

MR SPEAKER: Mr Smyth, this is a serious matter. I think it is appropriate to put the matter in context in question time. These are matters political and I think members are entitled to contextualise, but I would ask the Chief Minister to come to the point of the question.

MR STANHOPE: Thank you, Mr Speaker, I will. I believe the context is particularly important. As has been reported on a number of occasions now, the Community Advocate did report on this issue over three years, including in the 2001-02 period, when the present opposition were in government, when the present shadow Attorney was the Attorney, and when the present shadow Attorney was the Minister for Education and for youth affairs. That was that report.

As the shadow Attorney has interjected, the reports were delivered during the caretaker period. I am not sure that there was an examination of those reports by the committee established by this particular Assembly to inquire into that report, a committee chaired by Mr Stefaniak. In the following year, the report was provided to government. Once again, a committee was established to inquire into that report and, for reasons that we need to look into, the then chair, Mr Stefaniak, chose not to call the Community

Advocate or to examine the Community Advocate's report. This goes to some explanation of these gaps in understanding this significant issue.

In relation to this year's report, the one report which the Leader of the Opposition focuses on, of course, the examination of that particular report was conducted in December of last year. I am not sure that the report has been tabled yet. We await that.

That is the history of the matter. We have all indicated that one of the issues of real concern in relation to communication between the Community Advocate, the department and ministers is how and why it was that this particularly serious matter did not come to the attention of any of us in this place.

MR SMYTH: I thank the Chief Minister for his five minutes of context. Chief Minister, I will repeat the question: why did you fail to act on this vital information? Why was it not raised by senior officers of your department? Who is to blame for this failure—you or your department?

MR STANHOPE: I am not sure that anybody is to blame for this failure. Certainly, the Community Advocate did include a reference in her annual report to this particular issue. The significance of that reference certainly was not grasped by anybody in my office or by me. I was not aware of it, I had not read it and it was not drawn to my attention. That is why I had not responded to it specifically. I regret that. It is a matter of enormous regret to me that I did not know of that particular reference in that report.

I do not have an answer about why the systems that we have in place, or anybody involved with this issue, including ministers and including those members of the opposition and members of the crossbench who formed those committees appointed specifically to inquire into the annual reports, did not raise these issues.

I do not know why those members of that select committee who were charged with the responsibility of inquiring into those reports over three years—of course, primary amongst those charged with that responsibility was the opposition, which chairs the committee and had chaired that committee in those periods—chose, for instance, in relation to the 2001-02 report, not even to bother calling the Community Advocate. They did not call the Community Advocate to be questioned and did not report on the Community Advocate's report in that year.

If one goes to the committee's response to the Community Advocate's report for 2001-2002, one finds no reference to it, because it was not examined as the committee, led by Mr Stefaniak, took the decision that there was nothing in the Community Advocate's report that required examination. There was nothing to be reviewed: that was the decision that Mr Stefaniak took in relation to the 2001-02 report and I believe that it is the decision that he took in relation to the 2000-2001 report.

Mr Smyth: Point of order, Mr Speaker: the Chief Minister continues to avoid the question. The question is about him or his officials. It is not about anybody else. It is quite a specific question. We had five minutes of context in the answer to the main question. What about a real answer to the supplementary question?

MR SPEAKER: Mr Smyth, I listened closely when you sought an answer to the question of who was to blame, and I think the Chief Minister responded at the earliest moment of his response on that issue.

MR STANHOPE: I have concluded, thank you, Mr Speaker.

Child protection

MR HARGREAVES: My question is to the Minister for Education, Youth and Family Services and concerns the current situation regarding children in care. Yesterday you tabled Commissioner Vardon's interim report of her review of child protection services, and I thank you for that. That report included details of the Community Advocate's concern about six children in care. Minister, can you advise members what the Community Advocate's current view is of the safety of those children?

MS GALLAGHER: I am in a position to provide members with more information than I was able to provide yesterday. Yesterday afternoon after question time I received a report from the Community Advocate outlining her initial investigations into 62 reports concerning 52 children under section 162 (2) of the act, and I am happy to table that document for the information of members.

In this report the Community Advocate points out that at no time has the Department of Education, Youth and Family Services had time to formally respond and that we should keep that in mind. I think it is a frank report, which raises a number of concerns. Those concerns relate to a view she holds that there is an inefficient electronic case management system at Family Services.

She is concerned about the number of cases that Family Services staff manage. She is concerned about the number of unallocated cases. There are some concerns about appraisal processes and substantiation processes. She also points out that the focus of her initial investigations was on ensuring the safety of the children whose cases are outlined in the reports.

In her initial report, which was provided to members through Gwenn Murray's advice to the commissioner, the Community Advocate had concerns relating to six children. In the report given to me yesterday the Community Advocate points out that she was concerned about eight children and that files on these additional two children were given to her late on Friday afternoon. When she reviewed them she had concerns about the two children in those files, which brings the number to eight.

However, outlining her process, she says that she attended the regional office of Family Services to review the individual files of those eight children and young people assessed by the OCA to be unsafe at the conclusion of Family Services' appraisal. For seven of the eight files reviewed, the OCA concluded that Family Services is responding appropriately to current risk factors. For one of those files such a conclusion was unable to be drawn due to the young person currently residing in New South Wales.

While this report raises a number of issues, which will be of interest to members as well as to the commissioner as this review continues, where the immediate safety of those

children originally in the report from Gwenn Murray is concerned, the Community Advocate is satisfied that they are being handled appropriately.

MR HARGREAVES: I thank the minister for her response. I have a supplementary question. As the advocate's and commissioner's inquiries are ongoing, will you keep the Assembly informed of significant developments as they are brought to your attention?

MS GALLAGHER: Yes, I will continue to table advice relating to this inquiry, with the approval of the commissioner or the Community Advocate, as it is given to me or the Chief Minister. I think it is very important that we continue sharing information with members and the community, as it is a matter of significant interest in the ACT. This government has taken responsibility for this issue, and we are moving forward with it. Part of that is enabling people to have the information that we have access to.

I should also point out that the Community Advocate makes comments in the media release that she attached to the report about how this time will be quite devastating for child protection workers and the work that they are doing. She is mindful of that. I would urge members to be mindful of that when they make criticisms about the department.

We need to support the work they are doing; we cannot afford to have these child protection workers decide that this work is too hard and leave. We are trying to recruit workers to these positions. We are doing everything we can to get more bodies in there to help them do this work. Also, regarding comments about foster carers, I ask members to be mindful of the stress they are under at the moment. They are very concerned about the perception the community has of the work that they do in the community. I urge members to read the report and to be mindful of those pressures when they make comments about it.

Child protection

MRS DUNNE: My question is to the Minister for Education, Youth and Family Services. I refer to concerns raised by Ms Gwenn Murray about section 162 reports—under the Children and Young People Act—to the Community Advocate. In Ms Murray's report, which you tabled yesterday, she states that:

> It is of concern that it appears that the Department has not complied with the Act and did not refer records to the community advocate as required. It is of…concern that obtaining relevant and reliable data from the Department as to the number of the reports recorded with respect to children and young people in care, have not been able to be provided.

Why has your department failed to provide relevant and reliable data?

MS GALLAGHER: In answering that I need to be very careful and mindful of the fact that a review into those specific issues is currently ongoing. I have been making very strong efforts to keep the inquiry travelling along without any interference from me. There are comments made about the information, and the Community Advocate has made some more comments in the report I tabled this afternoon. This is exactly a part of what this review is trying to do. We should just wait until all the information is available for the experts charged with the responsibility of analysing system deficiencies and the

way system processes were put in place to provide us with the answers to those questions.

MRS DUNNE: I have a supplementary question to the minister. Why have you been assuring Canberrans through the media and this Assembly that no child was at risk from your negligence when the lack of adequate records means that you are unable to give such an assurance?

MS GALLAGHER: I think I answered this yesterday, but I will repeat it. The comments made by Gwenn Murray and the Office of the Community Advocate related to concerns they had about appraisals done on children and young people over a number of years. They did not hold those same reservations about the immediate safety of those children. I sought the assurance of the Community Advocate on that matter specifically prior to making any comment about that in the media. On Friday I was assured that, in her opinion, those children of concern in this investigation in the territory were not at immediate risk.

Summernats

MS TUCKER: My question is to the Minister for Environment and concerns the Summernats festival in January this year. The minister would be aware that a considerable number of complaints were lodged with Environment ACT in regard to the environmental impact of the event. Will the minister advise the Assembly what monitoring and action was taken by Environment ACT and the health protection unit in response to repeated complaints of noise and air pollution from 8 to 11 January? Were the terms of the authorisation for the event that was held by the National Exhibition Centre Trust enforced? Why was the National Exhibition Centre Trust rather than Street Machine Services Pty Ltd seen to be conducting the event for the purposes of the act?

MR STANHOPE: I regret I do not have the details of those issues that Ms Tucker has raised. I am aware, and it is a feature of every Summernats, that it does inconvenience some residents, particularly those residents who live in Downer and Watson. I did receive a number of representations and complaints about the issues Ms Tucker raised, particularly noise more than air quality or other issues. I know departmental officers and authorities monitor very closely activities at EPIC around the time of the Summernats. I have no reason to believe that issues in relation to noise and the extent of noise were not assiduously pursued by Environment ACT to ensure that they complied with relevant legislation.

I am happy to get the detail of the specific questions Ms Tucker asked. I acknowledge that an event such as Summernats, which is particularly attractive to a large number of Canberrans, creates a degree of noise and atmosphere that some residents of Canberra object to and do not support. It is one of those events, whilst it pleases a significant number of Canberrans, does return great economic benefit for the territory. It does inconvenience some residents over the three or four days and there is something of a balancing act in relation to that, as there is in relation to a number of other events and activities that occur in a large city or urban area such as the ACT. I am happy to get answers to the range of questions Ms Tucker asked. I do not have the specificity but I am more than pleased to get it.

MS TUCKER: My supplementary question is: can the minister advise the Assembly whether he will conduct a review of this event authorisation in public, paying particular regard to the views of local residents? Will the minister tell us when that review will be held?

MR SHANHOPE: I will get Ms Tucker the details of that. I am more than happy to be open and consultative in relation to any review of the event. Ms Tucker also raised the issue of who was conducting the event. There were some issues around the availability of public liability insurance for the conduct of this year's Summernats. I do not know whether that goes to the issue Ms Tucker raised but I know there were some significant difficulties in ensuring that appropriate public liability insurance was availability for the event this year and that may be relevant to the question she asked. I will pursue that as well.

Ministerial responsibility

MRS BURKE: My question is to the Minister for Education, Youth and Family Services, Ms Gallagher. Ms Murray's report regarding section 162 reports to the Community Advocate states:

> It is concerning that the Community Advocate has found, based on the information available to her, that 6 children with respect to the 38 reports assessed, are not safe.

A table is attached, of which members also will have a copy. The report continues:

> This information needs to be followed up immediately, particularly as these children may have been in unsafe placements for a period of time.

Minister, on the other hand, you were assuring the community and this Assembly that there was no immediate risk to these children, which you claim was based in part on a conversation with the Community Advocate. Why are you now claiming that the Community Advocate told you that these children were not at any immediate risk when she has told Ms Murray that these children are not safe and may have been in unsafe placements for some time?

MS GALLAGHER: You are a bit short on questions, because Mrs Dunne just asked about exactly the same issue. I am happy to extend my answer because I was looking for a quote in the report that I think will assist people to understand the issue here. You have to get your mind around the fact that at present the issue is about failure to report adequately and failure to hold information adequately—alleged failure at the moment because the department has not had the right of input in this regard. It is not about any failure in relation to the care of children. Nobody has anything to say that any child has been placed in danger because of this situation. In fact, the Community Advocate says that it is her view Family Services is responding appropriately to current risk factors, that is, that Family Services is dealing with these cases in an appropriate manner. She went on to say—as I have just tabled this document, members can read it for themselves:

> It has to be stressed that the above assessments are the opinion of the OCA, not Family Services, and are based solely on the sometimes limited information

> provided to the OCA by the Chief Executive. Assessing a child or young person to be unsafe at the conclusion of Family Services' appraisal does not—

she underlined "does not"—

> necessarily mean that the child or young person was unsafe, or, more importantly, that the child or young person is currently unsafe.

I hope that that answers this question for you.

MR SPEAKER: Do you have a supplementary question, Mrs Burke?

MRS BURKE: Yes, thank you, Mr Speaker. In light of the letter received which says:

> Because the reports were not received by us in a timely manner, we cannot say, until we examine the file, whether or not the child or young person is safe—

MR SPEAKER: Preamble; come to the supplementary question, please.

MRS BURKE: Can the minister enlighten the Assembly on the obvious contradiction between those comments and her comments?

MS GALLAGHER: There has been no contradiction. When the allegations of abuse have been made they have been investigated by Family Services. The issue is that those allegations, when made, were not reported to the Community Advocate, so the Community Advocate cannot assure us on her advice, because the information she received was received so late, that at the time in her opinion those children were safe. Family Services will have had their own opinion on that when they did the investigations. To try to stir it up and to say that children were not dealt with properly or are at risk is, frankly, just irresponsible in the current situation. We are dealing with issues about reporting and information, not about children being at risk. Mrs Burke is on radio saying, "I know children are at risk. I know children are currently being abused." That is irresponsible when we are trying to fix a situation here and get confidence in a system that is suffering and protect our child protection workers, our foster carers and our children and young people who are currently in a situation in which they need the care of the territory.

Ministerial responsibility

MR CORNWELL: My question is directed to the Minister for Education, Youth and Family Services. I refer to a table on page 3 of Ms Murray's report and to the following statement on that page:

> Did Family Services act in accordance with current statutory obligations (with the exception of Section 162 requirements)?

The conclusion that was reached on 20 occasions out of 38, or 53 per cent of the time, is that the Department of Education, Youth and Family Services did not act in accordance with current statutory obligations and, in a further six cases, the evidence was inconclusive. However, the report excluded the department's responsibility to follow section 162 (2) of the Children and Young People Act 1999 when it had a 100 per cent

failure rate, which is an absolute disgrace. Why did the minister not stand aside, as did the chief executive and deputy chief executive, given the serious failures over which she has ultimately presided and which she has ignored for months?

MS GALLAGHER: I have hardly ignored these issues. This information came to my attention last Friday. I have given that information to everyone, I am talking about it and I am putting in place measures to fix the problems. I cannot understand why the member is stating that I am ignoring issues that have been presented to me. These issues, which go back a number of years, are currently under inquiry and review. I do not want to go into specifics about my views on this issue when I have not yet had an opportunity to interview the commissioner. I am waiting to interview the commissioner in relation to her inquiry. As I said earlier, I have hardly ignored these issues.

MR CORNWELL: I ask a supplementary question. Why does the minister not accept that it is unacceptable for a department that is dealing with some of the most vulnerable people in the community not to follow the law more than half the time? Why does the Minister not accept that the blame and responsibility stop with her?

MS GALLAGHER: I have said on a number of occasions that this issue is unacceptable. Ever since this information came to light I have said that it is unacceptable. The government is attempting to fix this problem. In 1996 the Community Advocate first requested that allegations of abuse in care be forwarded to her office. It is unacceptable that this problem has continued for a period of eight years. Now that this issue is on the table the government is dealing with it—for the first time in eight years. I have accepted some of the blame for this problem. I have also accepted responsibility for it. If members read the articles in the *Canberra Times*, the media reports last night and my ministerial statement they will soon establish that I have done all the things that I have just been asked to do.

Trees in Nettlefold Street, Belconnen

MS DUNDAS: Mr Speaker, my question is to the Chief Minister. Last year the Assembly instructed the Minister for Planning to negotiate a land swap for the Nettlefold Street trees site. I understand that you, as Minister for Environment, informed at least two Canberra residents in November of last year that you would personally look into the matter. Did you personally look into the matter of the Nettlefold Street trees, and if you did, can you inform the Assembly how the matter is proceeding?

MR STANHOPE: This is another vexed and difficult issue which arises, of course, out of a decision by the previous government to sell the land at Nettlefold Street on which there are some very significant remnant yellow box trees. But the land was sold, the decision was made and a significant corporate citizen acquired the block in a bona fide and genuine way. There have been moves, of course, to seek to alter that particular position.

I am very closely involved in the matter. I have had a number of representations from members of the Belconnen community. We, of course, have had the motion that you referred to. I have had discussions with all of my colleagues in relation to this issue. I have had discussions with Mr Corbell in the context of the motion the Assembly passed that sought us to pursue with the owners of the land the possibility of a land swap. I have

to say that is not the government's preferred position. It is not a position that we would pursue. I think it is a particularly dangerous and retrogressive position and precedent to seek to establish.

I cannot say at this stage what the outcome of discussions that I know have been initiated by the minister's office with the owners of the land might have been or what the success of those steps may have been. I suggest that you ask the Minister for Planning about that.

But at this stage the status quo certainly remains, namely, land was sold by the previous government legitimately and lawfully to a very good corporate citizen. They own that land and they have every right to pursue whatever development will meet the approval processes of the ACT government in relation to that. At this stage, as far as I am aware, that is the position.

MS DUNDAS: Mr Speaker, I ask a supplementary question. Chief Minister, do you have confidence that the outcome desired by the Assembly and the community will be met?

MR STANHOPE: The outcome desired by the community is that the rule of law pertain. We have a company that owns a block of land sold to them by the previous government and they have certain lawful rights in respect of it. So the community's expectation is that, as always, somebody that lawfully owns a piece of land can lawfully utilise it in whatever way they wish. Certainly, I would have thought that was the overriding community desire in relation to this.

Certainly, the Assembly expressed a post facto and interesting view in the context of the opposition's support for the undoing or turning back of the decision it made to sell the land. It wishes to now undo that. It has seen the light, apparently. But having sold this block of land and received the revenue from it and expended it on behalf of the people of the ACT, it now wants to somehow undo that particular commercial deal. It is interesting, of course, for us to reflect on that. But it is not particularly easy to undo those sorts of deals. The land was sold—it was sold legitimately and lawfully.

It is not for this government to go around and tell somebody who purchased a significant piece of land for a significant price how to now proceed with that. To the extent that the minister took seriously the interests and the wish as expressed by this Assembly—I must say, the new position of the now opposition in relation to that—I would suggest, and I do not have the final answer to this, that at this stage the owner of that land is considering his options.

National Office for the Information Economy

MRS CROSS: My question is directed to the Treasurer. It was reported in today's *Canberra Times* that the federal Labor Party has plans to abolish the National Office for the Information Economy, which is located in Canberra. That will result in the loss of 160 jobs for Canberrans. ACT Senator Kate Lundy attempted to justify that policy position, which will result in 160 lost jobs for Canberrans, by blaming the Howard government. Does the Treasurer support his party colleagues and advocate the abolition of the National Office for the Information Economy and, with it, 160 jobs, or will he stick up for the ACT and call on his federal Labor colleagues to reverse a policy that is highly detrimental to Canberra and Canberrans?

MR QUINLAN: I do not have specific or precise knowledge about the effect that that policy will have on the National Office for the Information Economy. However, I have confidence in the federal Labor Party, and in its new leader, in resetting their priorities. National Labor is refocusing. Those 160 jobs might be lost because of changed priorities but that does not mean that 160 jobs in the public sector will disappear; those jobs will be reallocated.

It is not the intention of federal Labor not to expend the money that will be saved. I hope that the next national government will let us know how it intends to reprioritise and refocus. After listening to question time today I am aware that some members have implied that national Labor is resetting its priorities and that it will focus more on serving the people of Australia. I have great confidence in the ability of national Labor to do so.

MRS CROSS: I thank the minister for his earlier answer. However, I ask a supplementary question. What will the Treasurer do to ensure that the National Office for the Information Economy does not close and that the ACT does not lose 160 jobs?

MR QUINLAN: The member just asked me the same question. As I said earlier, it is not my intention to challenge every national Labor policy pronouncement. I will be talking to my colleagues to ensure that they focus on Canberra as the national capital. Our present Prime Minister does not live in Canberra, CHOGM has been taken away from Canberra and, under the current federal government, Canberra has been treated badly.

Mrs Cross: Point of order: my point of order relates to relevance. This has nothing to do with the question that I asked. I simply asked the Treasurer what he was going to do to keep the National Office for the Information Economy in Canberra and preserve 160 jobs. I did not ask about CHOGM or about where the Prime Minister lives.

MR SPEAKER: It is fair enough for the Treasurer to focus on changes in job numbers that might have occurred as a result of the matters to which he has referred in the context of the supplementary question that has been asked.

MR QUINLAN: Thank you, Mr Speaker. Let me respond, first, to the point of order. I do not intend to give the scripted answer that the member would like. This is not a play and we do not have to follow a script. I inform the member that an energised federal Labor Party is putting out policies that will involve administration and reprioritisation.

Mrs Cross: But will you stick up for Canberra?

MR QUINLAN: All members would have heard Mark Latham state that he would live in Canberra. He will not be some jumped-up resident of Kirribilli House who states, "We have made it."

Mrs Cross: Point of order: My point of order again relates to relevance. Will the Treasurer state whether or not he will stick up for Canberra?

MR QUINLAN: I have every confidence in federal Labor under prime minister Mark Latham. Canberra will get a greater focus than it got from John Howard, who begrudges living in Canberra.

Child protection

MR PRATT: My question is to the Minister for Education, Youth and Family Services. I refer too to Ms Murrary's report on section 162 reports to the Community Advocate. She highlights the Community Advocate's concerns—"She is concerned that 58 per cent of reports received by family services (66 per cent of which referred to allegations of sexual and physical abuse) were not referred to the police when, in her view, they ought to have been referred." Why did the minister's department fail to refer allegations of child abuse to the police when, in the Community Advocate's view, they should have been?

MS GALLAGHER: In the Community Advocate's report that I have tabled today she also has a view on this. The figures have changed slightly but the reasons that no decisions were taken are matters currently being considered by the inquiry. I urge members to wait for that report on 16 April, when we will all know a bit more about this.

MR PRATT: A supplementary question, please. Why does the minister continue to maintain that her department's failure did not threaten the safety of children when it is clearly evident that they did?

MS GALLAGHER: It is not clearly evident that it did. Those are matters currently being inquired into by the commissioner. We will wait for her views on 16 April.

Child protection

MR STEFANIAK: My question is to Ms Gallagher. You acknowledge that you read the Community Services and Social Equity Committee's report *The Rights, Interests and Well-being of Children and Young People*, including the section that states:

> The Committee is extremely concerned at reports that Family Services has failed to comply with its obligations…

Yet you claim that, due to supposed ambiguous wording of the section, you did not ask your department about this serious finding. Which of the words "failed to comply with its obligations" did you not understand?

MS GALLAGHER: I used the term "ambiguous" because, whilst some statements were very specific—paragraph 6.23—on reflection I believed there was some ambiguity in 6.28 about the committee's view on whether this situation had been dealt with. In fact, the committee stated that:

> While the Committee acknowledges that Family Services is now in the middle of a Re-Focus, and that there are some measures now in place to prevent these issues from occurring in the future, the Committee is very concerned that the situation…occurred in the first place.

There is also a quote in here from the Community Advocate. She states:

> …my view is that this reform agenda developed by Barbara Baikie…is a very commendable one and, if the commitment remains, if the resources are there and if

> her individual expert oversight is there, then I would have confidence that the reforms that are needed will occur.

That is what I alluded to in my ministerial statement. I have reflected on briefs I have been given. I know Mrs Burke has an FOI in for all those briefs, so you can read them when they arrive. The advice given to me about responding to that part of the report—keeping in mind that we were not responding to a recommendation—all information given to me by the department was that this matter was in hand, it was being dealt with, discussions with the Community Advocate had been very fruitful, and policies were being reworded to ensure compliance. I had no reason to believe that that work was not being done and that the statutory obligations were not being met at the time.

MR STEFANIAK: Why did you not take up that issue with your department as soon as you read it in the report?

MS GALLAGHER: I explained this yesterday—not to your satisfaction obviously; so we will keep going, and you can keep asking me all these questions tomorrow. On reflection I should have read 6.23 and raised it—and this is the area in which I said I should have done better; I am not trying to get away from that fact—as should have many other people who provide support to me. However, as I said in my ministerial statement, I had not responded adequately to 6.23 because of some of the other statements in the committee and some of the advice I was getting from the department that the matter was being dealt with.

Social plan

MS MacDONALD: My question is to the Chief Minister. What plans does the government have to build a stronger, more cohesive community over the next decade or so?

MR STANHOPE: Ms MacDonald's question is an important one on a very important issue. It is current in the context of the release last week by me of the report "Building our community: a Canberra social plan", a comprehensive and rigorous response to the needs of the Canberra community. The Canberra social plan recognises all the good things we have done but acknowledges there are a range of issues where we do not do particularly well and where we can do better. The vision that underpins the Canberra social plan and underpins this government's philosophy is that we need to ensure that we have in Canberra a community where every person can reach their potential, where they can make a contribution and share in the benefits of the community. That, essentially, is the philosophy that underlines this government's commitment to the people of Canberra.

The Canberra social plan establishes seven areas of social priority that we intend to achieve over the next 10 to 15 years. I look forward to serving as Chief Minister over that 10 to 15 year period. The seven priority areas are: economic opportunity for all Canberrans; respect, diversity and human rights—and in relation to that the government only last night completed a major reform process with the completion of the second major tranche of reform: the removal of legislated discrimination against gays, lesbians and transgender people in this community. We have also committed to a safe, strong and cohesive community; to improve health and wellbeing; to lead Australia in education,

training and lifelong learning; to provide housing for a future Canberra; and to respect and protect the environment.

We have quite deliberately prepared the delivery and development of the social plan in a layered way so that under each priority there are a set of goals—essential, medium-term commitments and actions that we intend to complete at least within the next five years. A number of those actions we grouped under what we titled, for want of a better description, flagship commitments, highlighting the essence of the government's vision for the social development of the ACT. Those flagship commitments go to caring for our children and young people, a package of measures to help our children and young people grow up in a healthy, safe and well-balanced environment. Whist the social plan addresses the needs of all Canberrans, the government makes no apology for the fact that the needs of our children and young people are at the top of the list. Those early commitments that we intend to pursue are increased support for child protection now and into the future; measures to combat the growing problem of childhood obesity, physical and mental health and drug abuse; universal hearing screening for new-born children and better health for indigenous people.

The second is child and family centres, and it was with great pleasure that I announced that the government will establish two child and family centres—one in Gungahlin and one in Tuggeranong. The third of those major commitments is building a stronger community, the essence of which is to build a stronger, more cohesive set of relationships between the government and the Canberra community. The government has also committed to dealing with concerns in relation to energy, water and sewage concessions. We will provide amongst that a new concession for those households connected to gas. The fifth of the commitments that we will move on immediately is the establishment of a community inclusion board and a community inclusion fund. The board will be based on the very successful South Australian model and will comprise nine members. It was with particular pleasure that I approached social commentator Hugh Mackay, who has agreed to chair the board. That is a particularly significant appointment in the context of our determination to seek to address a range of issues that goes to ensuring that this is a truly inclusive community. That board will administer a community inclusion fund. A community inclusion fund will allow us to target and ensure that we meet the gaps in poverty and exclusion issues, and shows a genuine determination to address disability.

Underpinning all this is a number of targets that we were pleased to set. They are demanding targets. I think it is the first time in Australia a government has been prepared to set targets such as reducing the level of long-term unemployment from 17 per cent to 12.5 per cent, decreasing income inequality as measured by the Gini coefficient from 0.26 to 0.25—a very significant move. There are a number of other targets in relation to homelessness and education.

MS MacDONALD: I ask the Chief Minister a supplementary question. What has been the reaction to the launch of the social plan?

MR STANHOPE: The reaction from within and beyond the community has been invariably positive—positive from every quarter and from every sector represented in the ACT. There was only one rather dull or discordant note. As one would have expected, that was from the Leader of the Opposition. With the comments that the Leader of the

Opposition made and continues to make about the social plan, it is important and relevant for us to reflect on just how out of touch with the community the Liberal Party is. If we go, for instance, just to the editorial on the social plan—and I think nobody would not be prepared to concede that the *Canberra Times* is not an institution designed to automatically applaud anything that this government does—the *Canberra Times* was more than pleased to comment on the positive aspects and the fact that the government was to be commended for taking a long-term strategic look at issues affecting our community. The *Canberra Times* said:

> Long-term planning has never been a feature of Australian government, at any level or of any persuasion, so the Stanhope Government's commitment to put together a blueprint for the future social, economic and planning development of the ACT over the next 10-15 years is to be commended.

ACTCOSS—another fairly tough, vigorous and fairly constant critic of governments, and indeed this government—had this to say:

> ACTCOSS today welcomed the release of the ACT Government's Social Plan. … Director, Mr Daniel Stubbs, said the final report envisages a fairer, more equitable society.

Meredith Hunter from the Youth Coalition of the ACT said:

> We are particularly pleased with the focus on children and young people.

Professor Fiona Stanley, Australian of the Year, said:

> I think what seems to be so good about the plan is, at the crux of it, a focus on children and family centres.

ACT Shelter commented:

> The public housing reforms are great and the injection of the additional funding—

That was the injection of an additional $33 million just last December—

> is, pending details on how we spend it, a positive initiative.

The Women's Electoral Lobby had this to say:

> WEL is pleased to see the plan now recognises gender equity …

Craig Wallace, President of People with a Disability ACT, said:

> There are some strong aspirational statements in Visions and Values. It is about putting those into action … we hope the plan will produce some significant changes and improvements for people with disabilities.

The Property Council of the ACT, not necessarily a natural part of our constituency, stated:

> The Property Council welcomes the fact that the first priority of the Social Plan is economic opportunity.

Hugh Mackay, social commentator and a person with a very significant insight into Australia and the Australian community, responded:

> I am honoured and excited by the prospect of chairing the ACT's new Community Inclusion Board. This is an opportunity to play a part in a genuine process of community building … it is an unusual opportunity to work with a political leader whose highest priority is social policy.

So, across the board the social plan and the attempts, endeavours and efforts the ACT government is making to ensure that we have a genuinely fair, equitable and egalitarian community have received praise. A community that values each of its members, a community that seeks to ensure that every child born in Canberra has exactly the same opportunities in life as every other child, is what underpins this. That is what underpins this government's philosophy and commitment to this town—that every child born in this town will at the end of the day have had exactly the same opportunity to reach their potential to meet their dreams and to contribute to the same extent within society and the community as every other person. I am really proud to be leading a government that is driven by that aspiration.

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

Health—Standing Committee
Report 6—government response

MR CORBELL (Minister for Health and Minister for Planning): For the information of members, I present the following paper:

> Health—Standing Committee—Report No 6—*Report on recent reports concerning the mental health systemt*—Government response, dated December 2003.

In a salutary lesson to us all, yesterday I tabled the accompanying progress reports, which did not include the government response. I am sure all members picked up on that omission. I also draw to the attention of members the fact that yesterday I tabled the government response to a particular report. That document had the words "cabinet-in-confidence" on it. Clearly the document is no longer cabinet-in-confidence.

Drugs of Dependence Amendment Bill 2004
Exposure draft

MS TUCKER: I seek leave of the Assembly to present an exposure draft of a bill.

Leave granted.

MS TUCKER: I present the following paper:

Drugs of Dependence Amendment Bill 2004—Exposure Draft.

I seek leave to make a statement.

Leave granted.

MS TUCKER: I have tabled an exposure draft for a bill to legalise the medically condoned use of cannabis. Members will be aware of the New South Wales government's stated intention to do so. They will also be aware of various campaigns on this issue around Australia, including campaigns by several branches of the Country Women's Association. Members also would be aware that there are many jurisdictions across the world where the medicinal use of cannabis is permitted, and of others where there is continuing pressure for legislation to allow the medicinal use of cannabis. I have taken the route of an exposure draft as it will give us all in this place, in government and in the community, a model of a workable scheme from which to start our discussions.

The Drugs of Dependence Amendment Bill would amend the Drugs of Dependence Act 1989 by inserting a new part which provides for permits to be issued on medical advice for people to treat themselves with cannabis. The bill also provides for the patient or the care giver to grow up to two plants for the personal use of the patient.

This bill is modelled on a bill introduced, but not debated, by the Greens in the Western Australian parliament in the last term, and is similar to legislation in Canada and several parts of the United States. The legislation departs from schemes such as the one in the Netherlands, which is dependent upon government supply of cannabis, and the scheme mooted by New South Wales, which appears to rely on the medical supply of a cannabis spray which is being developed in the United States.

Other than giving permission for the growing of a limited amount of cannabis, this bill is mute on the issue of supply. It simply takes away the opprobrium and illegality of the possession and use of a small amount of cannabis for those people who, it can be reasonably argued, would benefit medically from some use of cannabis. I point out that this bill does not legalise the recreational use of cannabis.

Members would be aware that I am a co-spokesperson of the Australian Parliamentary Group for Drug Law Reform, whose members range from Bob Katter MP; Senator Garry Humphries and the Northern Territory Leader of the Opposition, Terry Hills MLA, at one end of the nominal spectrum to Senator Allison, Giz Watson MLC from Western Australia, and co-spokesman Duncan Kerr MP at the other end. The group also includes seven members of this Assembly.

I think it would be helpful to quote a small relevant piece from the policy paper released by the group towards the end of last year. It says:

> The medicinal use of cannabis has been a hot topic both in Australia and overseas in recent times. Recent advances in NSW follow changes to Canadian law, allowing severely ill patients with a doctor's approval to apply to Health Canada to grow and use cannabis for personal pain relief.
>
> Humanitarian concerns should be foremost as Australia develops a national approach to medical cannabis.

The Australian Parliamentary Group for Drug Law Reform recommends that Australians with chronic and terminal illnesses be allowed to access cannabis as a form of pain relief, in consultation with their family doctor.

In respect of the recreational use of cannabis, the considerations are entirely different. The 1998 publication *The social impacts of the cannabis expiation notice scheme in South Australia* makes some interesting observations about penalties for possession of the drug in some instances causing more damage than the drug itself. It states:

> Many minor cannabis offenders in both SA and WA appear to be people who are otherwise law-abiding…the majority in both states had respect for the police and the law in general. It was also found that their offence apprehension and subsequent arrest (WA) or issuing of a CEN (SA) had no impact on their patterns of cannabis use…those in the WA system were also more likely to report relationship problems, accommodation problems, and further involvement with the criminal justice system related to their first minor cannabis offence.

Consequently, social exclusion and stigmatisation resulting from apprehension and contact with the criminal justice system can be seen to be impacting heavily on the lives of otherwise competent and law-abiding citizens. The Australian Parliamentary Group for Drug Law Reform recommends the establishment of a nationally consistent policy framework for the decriminalisation of the possession and use of cannabis for personal purposes.

The issue of the recreational use of cannabis and the range of different views and evidence of the effect of the drug on users lead me to the view that we should consider regulating the supply of cannabis in order to minimise the harm it may be causing. There is, however, an acceptably strong case for legalising the medical use of cannabis. In September last year the Tasmanian Country Women's Association voted in favour of a motion calling on state and federal governments to legislate to make the drug a prescription pain relief treatment for people with non-curable conditions such as cancer, HIV and multiple sclerosis. Other branches of the CWA, including the Illawarra branch, have pursued the same outcomes.

I am now interested in exploring with the ACT government and interested parties in the ACT community the practical issues we need to resolve in order to put a scheme such as this in place. I am aware that we could build in a consultation process with perhaps a drugs advisory committee, a review of the effectiveness of the regime after a couple of years and limitations on an acceptable quantity of the drug for a consumer to hold for medicinal purposes.

It was important to have a bill drafted in order to move the process along. We could sit on our hands, waiting for some other form of drug delivery to be developed, but there is no doubt that cannabis is readily available. Without taking any direct action I think that, with this document on the table, we can now make concrete decisions on how to move forward with this initiative. I hope to introduce a more final version of the bill in April or May. I understand that there is general support in the Assembly for this initiative. I look forward to feedback from the government, from members and from the community over the next couple of months.

Karralika drug rehabilitation facility—development

[Cognate motion:
Planning and Environment—Standing Committee—reference]

Debate resumed.

MRS DUNNE (3.33): We travelled far and wide this morning on the subject of the Karralika development application and its approval process. I want to make it very clear that we are not talking about Karralika, we are not talking about drug and alcohol beds and we are not talking about whether or not people in particular communities want drug and alcohol facilities in their suburbs. Quite frankly, I do not care whether people want drug and alcohol facilities in their suburbs. What we are talking about here is the planning process. This issue is about planning. The minister and the members for Brindabella may do everything possible to defuse or blur the issue, but I state categorically that, when the members of the Liberal Party stand here in support of this motion, it is in support of a motion about planning.

This motion highlights the concern members in this place and members of the community, whom we represent, have about the planning process in this instance. As the Leader of the Opposition and member for Brindabella said this morning, this is about a sneaky process that was presided over and condoned by the Minister for Planning. We need to look at what has happened. As Mrs Burke rightly pointed out, when members opposite were in opposition they talked about open and accountable government all the time. It was a constant litany: "We will be open, we will be accountable, responsible and prudent." And then they came into government.

From the limited information available to us we know that plans were drawn up in March last year to extend Karralika, and there was a budget announcement. Although we talked about more money and more beds for Karralika, even at that stage it was unclear to me that those beds were going to be located in Fadden. The money became available in June. The development application—the other day, I spoke to one of the residents who had viewed as many of the documents as it was possible to view—was lodged on, I think, 30 September last year. It may have been 30 October, but I think it was 30 September.

I stand to be corrected on that, but it was a considerable length of time before the furtive knock in early January on six, 11 or 14 doors—the number is uncertain. An enormously ambiguous piece of paper was provided to people. The piece of paper said, "By the way, we thought you would like to know that Karralika is going to undergo refurbishment.

While we are about refurbishing it, we are going to replace some of the outbuildings and there will be some general development of the site."

There is a common-man test to that situation. If somebody tells me that they are going to replace some of the outbuildings, that conveys to me that perhaps they are going to take down the old outside toilet and replace it with a tool shed, not that they are going to build a 70-bed facility. There was nothing on the pieces of paper left under the doors or in the letterboxes of those few residents to indicate the scale of what was being proposed, in secret, through this planning process. This secrecy was condoned, overseen and signed off by the minister. That is a matter of absolute shame for which this place should be condemning the minister. This minister, when he was the shadow Minister for Planning, was the great advocate: "There will be planning reforms. When Simon Corbell becomes the Minister for Planning, there will be no more sneaky deals." Well, this is the sneakiest deal I have seen in a long time.

We then have the appalling spectacle of the Minister for Planning attempting to justify, in this place, his use of regulation 12. He used the same script in this place as he did in the Planning and Environment Committee's review of annual reports the other day. His statements are simply unsupportable. If you take to the logical conclusion what Mr Corbell said in this place today and what he said in the Planning and Environment Committee hearings, any hospital, any place where a doctor operates or conducts his business or any psychologist could be subject to regulation 12.

Quite frankly, this place could also be subject to regulation 12, because we all have confidential files in our offices. The minister has created the most enormous loophole that allows him to ride roughshod over the community. If this can happen in Fadden and Macarthur, it can happen in Evatt, Isaacs or any other suburb you may choose to think of. This minister has set the precedent and has ridden roughshod over the regulations the use of which, when he was in opposition, he criticised.

The other day I asked the minister to provide me with a list of the number of occasions on which regulation 12 had been used in the past. Just before lunch, I checked with the committee secretary. That information is not yet forthcoming, even though it was requested over a week ago. To my knowledge, it has been used on one other occasion, which was for the approval of a process in relation to a women's shelter. I am sure members will recall that, when that happened, this minister, who was then standing on this side of the room, soundly criticised the then Minister for Planning for invoking regulation 12.

We are talking about a set of double standards. What is good enough in opposition is certainly not good enough when you actually get to wield power and pull the levers of government. That is the problem. In this process we have seen not a shred of the previous Simon Corbell, now the Minister for Planning, who was once the friend of the community, opposed to this sort of big government intervention in people's lives. All of that has been torn away and we see the Minister for Planning for what he is. He is power hungry. He wants to have his say and his say will prevail.

This motion today is a result of pressure from the members for Brindabella. Some of the members for Brindabella were at a meeting the other night which they must have found enormously discomforting. They went scurrying away after the meeting saying, "Oh, oh!

Help us to fix this problem, because we are in strife!" They are in strife. The members for Brindabella are very unpopular in their electorate at the moment and they are going to have to do an awful lot to claw back to popularity.

After the close of business on Friday, the Minister for Planning came out with the announcement that everything is going to be all right; that the government is going to withdraw the whole thing and restart the process; that it will be as it should have been before. Everyone said, "Phew, we have won!" But the sting is in the tail when you see that, at the end of all this, Mr Corbell says he is going to signal his intention to exercise his call-in powers. That means that he will listen very politely and then go off and do precisely what he wants.

The Minister for Planning has been getting away with that for the past two years, but this is where we draw the line in the sand. This is where we tell the Minister for Planning that he cannot get away with irresponsible and unjustifiable exercises of power. The levers of power are in his hands and, with the support of the crossbenchers today, we can constrain this minister, who has been out of control in this case.

It has been proposed in Mr Smyth's motion—which in some ways reflects what Mrs Cross has done but I think Mr Smyth's motion goes further—that this situation be brought to a halt; that it be made perfectly clear that this is a process that should be dealt with by the independent planning authority and not by the Minister for Planning, who has a considerable conflict of interest in this because he wears two hats. As this is a planning matter and is about the appropriateness and the scale of planning in a residential setting, this decision should be made by somebody who does not have a conflict of interest.

We understand that the minister wants to provide more drug and alcohol beds, and we sympathise with that. We understand the importance of that, but his need in that regard should not overshadow his responsibilities on this issue. His responsibilities as the Minister for Planning are just as great as they are as the Minister for Health. This motion today is to ensure that this minister does not have the opportunity to blur the distinctions.

MS TUCKER (3.43): There is no doubt that this Assembly supports the commitment by the government to increase rehabilitation support for people dealing with drug and alcohol dependency. It has been recognised across the board that there is a shortage of rehabilitation support in our community. It is interesting and disturbing to note, however, that some people in the community have a dual vision of people who are rebuilding their lives through rehabilitation programs such as those run by Karralika and socially disruptive people with criminal behaviours. This is clearly not an accurate representation.

The minister has addressed the issue in more detail, but family focus programs of rehabilitation in a therapeutic community setting such as Karralika are probably as far as you can get from the kinds of dangerous and erratic activities that people in neighbouring suburbs are suggesting. The family program is unusual and perhaps unique in Australia. It provides a supportive but strongly structured environment where parents—mostly mothers—can start to put their lives together, free from drug dependence and addiction, without risking the loss of, or disruption or damage to, their families.

Without such services, parents can be put in a situation where they are forced to make impossibly hard choices between recovery and parenting. It is not always acknowledged that people fighting drug or alcohol dependence are also part of families, workplaces and communities, and it is sad that people are demonised by drugs. The Fadden program is particularly important in that it takes more of a whole-person approach. I am trying to be explicit here to emphasise the enthusiasm the Greens have for our community taking a proactive approach to substance abuse.

Members are well aware that I am an advocate for drug law reform. I continue to press for a trial of medically prescribed heroin, among other strategies, and I have long advocated the need for a range of community support services for people trapped in cycles of dependence and dysfunction. I believe most people in the community show goodwill to such people, but I want to reject clearly the view that people who are struggling with addiction are somehow not part of our community and do not deserve any support. That approach, apart from lacking compassion, care or love, is also stupid, because of its social impact.

We heard the minister read the numbers—there are thousands of people on drugs—and you can multiply that several times to take into account their dependants and carers. The social consequences of ignoring drug law reform are significant. This is a very difficult debate for the Greens because it is about supporting people with addictions, as well as about planning. I disagree with Mrs Dunne when she says that this debate is not about rehabilitation services—clearly it is about rehabilitation services. That is why the decision we must make today is very difficult.

It seems very clear to me that, among the range of strategies and programs in which we ought to be engaged within this field, Karralika's work is extremely valuable and that the proposed expansion of the facility in Fadden has much to recommend it. That is the position that I and others in my office have communicated to both the Karralika community and residents of Fadden and Macarthur. However, an extremely important issue in this debate is the question of planning.

Members of the Assembly would be very aware that I do not support, and have never supported, the statutory powers that allow the Planning Minister to call in a development and subvert the third party appeal process. It is for that reason that I intend, once again, to table a bill which would remove those powers from the planning and land act, a bill which I hope to introduce in March.

I find it ironic in some ways that, when we had a Liberal government, we had the Labor opposition crying foul when call-in powers were used and, now that we have a Labor government, we have the Liberals crying foul. Neither party wants to give up that ultimate power and that is of concern. I think the community needs to understand that that is a reality, and that that is the position the major parties have always taken. They want to keep that power, even though they will manipulate a situation at certain times and claim that they would be doing things differently.

While I am very supportive of the Karralika project, I do not believe that residents of the surrounding suburbs should have their rights of consultation, scrutiny and appeal curtailed by government. As has been seen quite often in the years that I have been here,

an approach such as this feeds a lot of suspicion. I think even the government would concede that the use of regulation 12 to keep the proposed redevelopment of Karralika confidential was ill-advised. Karralika itself has no interest in its activities or locations being kept confidential. Some of its clients or participants may wish to keep their participation confidential, but that is another matter.

The problem with trying to keep things confidential, especially once they are no longer confidential, is that everyone resents the fact that they are not getting the right information. So, in this case, the architects, planning and health officers all end up passing the buck, and partial information is translated, through prejudice and Chinese whispers, into something possibly much more antagonistic and disturbing than the reality would ever have been.

In the run-up to the next election one of the big lessons I would hope this government will learn from its first term in office, in the hope of earning another, is that working with the community requires real investment in open discussion. There is a temptation to get on with the job and make the changes necessary to deliver policy outcomes. But if you do not genuinely try to take the community with you, with all of its contradictory and occasionally erratic response, then you will fail.

We can see here the failure to understand that immediate neighbours are not the only people who care about what is happening in their suburbs. This has been an obvious failure in some of the fire hazard reduction work undertaken by the government. Even though, in many ways, our society is seen to isolate individuals and families, instances such as this show that there is a sense of place and belonging felt by many residents in our suburbs, and that indeed they are prepared to fight for what they value. This is something to nurture, not something to dismiss.

We could—some speakers have done this and I imagine other speakers will do it—list all the small details of inaccuracies and misdirections that have contributed to the erosion of trust that has resulted from this dismissal. Describing the proposed changes as a refurbishment rather than a redevelopment is one indicator. The introduction of three or four new buildings, an increase in bed numbers by at least 150 per cent and a failure to even point out to those neighbours who were notified what the timeframe for any response might be, are factors which are indicative of the problem.

When a member of what has become the Karralika Action Group approached ACTPLA, this person was clearly given the run-around, causing much distress. A decision seems to have been taken to try to keep a lid on the projects, which clearly has had the wrong result. This result is disappointing for the Alcohol and Drug Foundation, which runs Karralika; it is disappointing for people wishing to attend Karralika; it is disappointing for the residents of surrounding suburbs; and it is disappointing for Canberra people generally who have an interest in planning decisions which affect where they live.

Since then, staff in my office have asked unsuccessfully for information on the business case on which the Karralika redevelopment was based, and for any social or environmental impact assessment of the expansion. In the Assembly yesterday I asked the minister for any information he or the department could provide in support of the project. Although I asked that the information be tabled by the close of business yesterday, I have yet to see it. This is not good enough, although I notice that, in

Mr Corbell's amendment to be put today, he is committing to making all papers available.

I will be invoking standing order 133 in respect of these two motions, which are similar. They can then be dealt with seriatim and members will have an opportunity to vote on each issue. I will support the first two sections of Mrs Cross's motion, which are basically asking for community consultation—as does Mr Smyth's motion—rather than the use of the call-in powers. I will not support the third section of Mrs Cross's motion because I prefer the tone of the third section of Mr Smyth's motion—that it is appropriate for the Assembly to make its views felt about the use of regulation 12. I am not particularly interested in trying to force some kind of confession.

I am prepared to support all other sections of Mr Smyth's motion except paragraph (6), which refers to rejecting the minister's sham consultation, as the minister has given a commitment to open the facility up more. However, I will certainly be supporting the direction not to use the call-in powers. I find the question of the committee inquiry interesting. I appreciate the fact that Mr Smyth amended his own motion because I expressed concern about timing. I am happy to support Mr Smyth's amendment, which is that if the Standing Committee on Planning and Environment is going to look at the matter of the Karralika development it report by 31 May, and that the committee also take the opportunity to look at the use of the call-in powers. Many people in the community are interested in how the call-in powers work and in how they were used in this instance. I will not be supporting Mr Corbell's amendments. (*Extension of time granted.)*

I would like Mr Smyth to clarify, in his wrap-up, his intention in respect of the committee. I think I understand the point of the committee process. In some ways it is a post mortem. If I understand Mr Smyth's argument correctly, the committee process is an opportunity for the community to discover exactly what the process was. I have experienced problems in trying to obtain information and papers. The committee can go through the process to find out what actually happened. There will also be an opportunity to look at the use of the call-in powers.

However, there is one aspect that I am not clear on. Are you saying, Mr Smyth, that while the committee inquiry is taking place, everything has to stop? Does the high quality sustainable design criteria process have to stop? Are you saying everything stops, or are you saying that the inquiry will be an opportunity to look at what has happened so far but that the process can continue? I think everyone would like to see something happen sooner rather than later. I would like clarification on that.

The last point I want to make is that the use of the call-in power gives the minister the opportunity to bring in a development—it stops all rights of appeal. That is why the Greens have never supported the use of the call-in powers. We believe that, if any development is worth its salt, it will go through the different stages of planning and appeal rights. We believe that, if it is a good development, it will be approved and, if it is not a good development, then it will not be approved.

I am not saying that our process is perfect—far from it. I could spend a lot of time here today talking about which parts of it are not working well, but at least we have a process in place. If the minister takes responsibility for that process, as he or she does through

using his or her call-in power, there is then the opportunity for the minister to re-examine that and take full responsibility for changing that development.

As I have said, I do not like that process because I do not think it is at all democratic. The minister now seems to be saying that he will use his call-in powers and then give the Assembly an opportunity to make a decision. In my view, that is equally inappropriate. I do not believe this Assembly should have the role of making a decision about a particular development, with all the detailed analysis that that would require. Are we seriously, as a parliament, going to be taking on responsibility for stipulating the number of squares of a particular development, the sustainable design criteria, the size and anything else that comes out of a development investigation? I do not want to take on that responsibility because I do not believe I have the expertise, and I do not think other people in this place have that expertise.

These decisions need to be made in the planning process, with appeal rights. They need to be taken using the processes that we, as a parliament, have set up. It appears to be a cynical exercise for the minister to say that he will use his call-in powers, but then hand the responsibility over to this Assembly. I do not think that is a useful way to progress this issue. Having said that, I reiterate that I really regret that it has come to this point.

I have made a decision which looks at the two things I care a great deal about—good planning, building trust with the community regarding planning processes, against the need to have rehabilitation services available for people suffering from substance addiction. I have come out on the side of the importance of building and maintaining trust with the community on planning issues, but it has been a very difficult decision. It is my desire to see this issue expedited as much as possible, whilst respecting the need for community involvement in the decision.

MS MacDONALD (3.58): I have been on a very steep learning curve since Karralika came to my attention. I would like to give a little bit of history of my experience since I found out about Karralika.

When the original development application went in just after Christmas, on 6 January, I understand that 14 households around or immediately adjacent to the Karralika site in Fadden and Macarthur—it sits on a hill and adjoins the two suburbs—were notified. People from Health delivered a letter to inform them of what would happen at Karralika. I am led to believe by Health that it was left on the doorstep of those people who were not there.

Ms Tucker has said that the use of the confidential facility clause in relation to the original development application was ill-advised. I agree with this. I believe that the use of that clause was not in the best interests of either the development or the residents in the area. I agreed with what Ms Tucker said about Chinese whispers. In fact, over the few weeks since it has come to my attention, I have been using this term about the Karralika issue.

Hindsight is a great teacher: if we could wind back the clock and learn from the experiences that we have had, life would be a lot easier. You do not get a handbook to tell you how to run your life. I do not know what I would have done in the minister's

situation: making a decision when you are presented with the advice by your departmental officials that you can and should use the confidentiality clause.

I was notified about a week and a half after the people received those letters. Shortly after that I was at my shopping centre stall, as is my wont, at the Chisholm shops. During this time I was approached by four people who live in the area and have concerns about the proposed redevelopment or refurbishment—however you wish to refer to it—of Karralika. I undertook to follow it up and find out what I could. After that I received numerous letters and emails and undertook to find out as much information as I could.

As such, I organised for a briefing from both Health and the planning department. That took place Wednesday of last week. At that meeting I did not give a commitment one way or the other as to my thoughts—whether it should go ahead—because I was still learning about the process. I had not been to Karralika. I was aware of its existence but, apart from that, I did not know the full details of how the operation ran, what it involved.

At the meeting on Wednesday of last week I requested to visit the site at Fadden. While I can get a general idea looking at many planning maps—I do not think I am so silly that I cannot work out east and west; although I understand there were wrong alignments in the plans—I cannot fully comprehend what is proposed by the number of buildings, the number of levels, et cetera. I still do not have a good idea, from looking at a plan, as to how a hill forms; I was never very good at geography and topographical maps, et cetera. So for the spatial type ideas, the people from ADFACT, who run the Karralika service, said they would be happy to show me around the site. Last Thursday morning I visited the Karralika site at Fadden. I also went and had a look at the Isabella Plains site.

I do not think anybody in the community—if they have seen the outside and the inside of Karralika—will disagree with me when I say that it is a rundown facility. But I was incredibly impressed with the services that Karralika provides to those people who have made the choice to get off whatever their drug of addiction is—alcohol, heroin or some other form of addiction. They have made the choice and have decided to rebuild their lives.

Karralika is a very precious facility in that it provides the ability for people to have a future. That is not something you can say about many services in our community or in any other community around this country. After my visit to Karralika—both sites—I had conversations with a few people and I replied to a few of the emails. I am still working on replying to emails and letters. I have not had the desire to send out a form letter to any person. I have wanted to reply to them individually and to their individual concerns. That is what I have attempted to do. Personally, I could do no less than reply individually to the letters and emails of those people already feeling upset by the belief that they have not been consulted in the process. It would be an insult to them to try to give them a one size fits all response.

Last Thursday I organised to visit the house of a person who had approached me at the shopping centre stall at Chisholm shops to see exactly what impact the extension out the back of Karralika at Fadden would have; she is on the Jackie Howe side of the street. You get an impression from standing at ground level, but I needed to see from her house exactly what the impact was and to ascertain for myself whether that was the truth.

I organised to visit this resident's house the following day, on the Friday evening. I also had a conversation with her at that point about the Tuggeranong Community Council meeting. She said that she would be going to that. I know that she did. I said that I would see her there, and I did, and we confirmed that I would be going to see her the next day. That visit was scheduled for the Friday afternoon after 5 o'clock.

Of course, that night I went to the Tuggeranong Community Council meeting. That was the Thursday night. A few people in this place have spoken about the number of people who went. I saw and heard many very upset people. I suspected that a number of people would be upset. People were not fully aware of the plans and were talking to each other. Many people had become very upset by what they perceived would be the extensions for Karralika. *(Extension of time granted.)* Many of these people were very upset and very angry about the development application not going through the normal process. I have sympathy with that. If I were in their place I would have been incredibly upset as well.

I do not get involved with planning issues very much. However, recently a house behind my house was seeking to extend. I got a notice from ACTPLA. Being behind the house that was being extended I went to the website, had a look at the plans and said, "Yes, whatever, I do not care", and left it at that. Some people in our community spend a lot of time checking out what planning is going to be taking place. But as a general rule I walk past the notice on the street and say, "Right, they're going to be knocking this house down, and putting in a duplex" or "They're going to be extending this or doing work", and I just keep walking and I do nothing else about it.

After the meeting on Thursday night I spoke to many of the people there and discussed their issues concerning the proposed extension. During the meeting, and afterwards in discussions, I heard many people who had ideas and perceptions about Karralika and the plans. Many people said to me that they had no objections to Karralika in its current form. I believed a lot of their information and ideas about it were wrong. I set the record straight where I believed that to be the case.

At no point were the conversations that I had after the meeting at all antagonistic. As I said, at the very end of the meeting I made the commitment that I, along with Mr Hargreaves, would speak to the minister about the concerns of the residents in Macarthur and Fadden about Karralika. The very next day Mr Hargreaves and I did that: we spoke about the concerns of the residents surrounding Karralika.

In one of the conversations I had after the meeting—such was the extent of upset and misinformation that people had—a resident in the area referred to the residents of Karralika as "inmates", at which point I quickly said that these people are in there by choice; they have not been incarcerated. He said, "Oh, okay."

At all times I have tried to be—and I believe I have been—both open and honest with the Fadden and Macarthur residents, the people in the department and ADFACT. I am trying to discover what the plans are, the best way forward and how I can help my constituents. I know that people are angry at the idea that I have not come out and attacked the minister, but I do not believe that that would be constructive. The best way to be constructive is to find out the whole story and not to spread misinformation.

While we are talking about that, earlier in this debate Mr Smyth said that I had gone to the resident's house after 5 o'clock on Friday, after the press release had come out from the minister, and that I had made no mention of the call-in powers when I visited one of the residents in Jackie Howe Crescent. While I was there the neighbours of this resident came in—they are in the gallery today—and they were very upset. I attempted to speak to them about the minister's proposal—after his meeting with Mr Hargreaves, Mr Wood and me. *(Further extension of time granted.)* Mr Smyth has made the comment that I withheld the fact that the minister intended to call it in; that I had not told them. I took the press release that Mr Hargreaves, Mr Wood and I had put out. I will read from it:

> During consideration of the DA and public comment by ACTPLA, the Minister for Planning will signal his intention to call-in the application.

It can be no more explicit than that. I really do take umbrage at the suggestion that I was trying to hide that. I confess that we had not got to that stage when the neighbours arrived in the house. The resident that I was visiting was reading through the press release that I had taken along. Then the neighbours came in and were very upset. They had already seen the minister's press release, which talks about the call-in powers. At that point we started talking about the whole process. I had been trying to go through, in a staged way, exactly what would happen. But there was not the opportunity to get down to the press release that Mr Hargreaves, Mr Wood and I had put out that day in which we explicitly said that the development application would be called in after consultation—I repeat, after consultation—with the community.

I finish by making this comment: I have been getting lots of emails from people who are still confused about the process and what is happening now. Lots of things have been said today about the process being sneaky. I do not see how it can be considered sneaky to call it in after consultation; when you publicly advertise—through two press releases on behalf of the minister and a press release on behalf of the three Labor members from Brindabella—that the minister intends to, and flags that he will, call it in after consultation.

I take Ms Tucker's point about being opposed to the call-in on the basis that it takes away the appeal rights. But I also understand the minister's point in terms of it not going on for months and months. If this strings out for 12 to 18 months it will be more detrimental to the people sitting in the gallery today than if it were called in. Whatever the decision of the Assembly, I know that the minister will wear it.

Mr Hargreaves has just reminded me of one other piece which I believe was in our press release last week—it may not have been. The three Labor members for Brindabella were planning on—still are planning on; I think it will be going out to people's letterboxes tomorrow—explaining to all the residents of Macarthur and Fadden so that they are fully informed. There will be a letter coming from the three of us to explain the process, because we want community consultation. We want to hear from the people in the gallery, and we want to hear from all the people who live in Macarthur and Fadden who have concerns about what the facility will entail. I have been trying to do my best to encourage people to give back that consultation.

It is most unfortunate that there have been Chinese whispers in this case. Many people have been incredibly hurt by this. I do not believe that it was ever the intention of this government to do so. It was not our intention to hurt people and we are trying to fix up the process.

MS DUNDAS (4.18): I state my support for more drug rehabilitation beds. The Democrats fundamentally believe that drug abuse is a health issue, not a criminal issue, and that rehabilitation rather than incarceration should be the preferred form of treatment for drug abuse. I also accept that the Karralika drug rehabilitation centre is in need of refurbishment. I am genuinely concerned that some people are desperately trying to access rehabilitation but are missing out on programs and treatments, and that these problems will continue while we have such uncertainty.

Having said that, I believe that, for a residential drug rehabilitation program to be successful, it needs to be supported by the community that surrounds it. In the case of the Karralika centre, it is unfortunate that, due to the recent decisions—as one Macarthur resident put it to me yesterday—the residents surrounding Karralika have been forced into a situation where they can no longer support a community they have supported for 25 years. That comment put to me by a resident is most distressing. We now have a situation where a community is so upset by a process that they are starting to turn against a facility that has been part of their community for 25 years and, as we continually hear, with very little mishap.

We need to remind ourselves of this issue. We have had a lot of talk about the health issue and the planning issue. The way those two things come together is through the community and the community support for what is happening. We cannot base our drugs policy on our planning policy, and our planning policy on our drugs policy. We cannot justify planning decisions by a simple health need. It is unarguable that we need more drug rehabilitation beds, and I was supportive of the moves that were put down in the budget to have more money put into drug rehabilitation. We generally need to look at the provision of health facilities across the territory. But a bad planning process cannot be used to justify the construction of such facilities.

This is not a decision I have taken lightly. There have been some quite eloquent and rational arguments put on both sides of the debate. Sometimes I would gladly like to pick up a wand and just move the laws and fix every problem that we have. But we do have processes in place for a reason. I can understand the Minister for Health and Minister for Planning trying to come up with the perfect solution to the issue of how to get more drug rehabilitation beds into the community. But I do not think the processes resulted in the answer that he was looking for, and I do not think that we should then use call-in powers to try to fix that.

The ACT Democrats sought to have call-in powers removed when we set up the new land act in 2002. We are quite supportive of the moves of Ms Tucker to bring back into the Assembly debate about the use of call-in powers. All members of this Assembly might reconsider their approach to call-in powers in the future.

Community consultation is a fundamental part of the planning process. It is unfortunate that it appears to have been disregarded in so many different ways. We have had a lot of

debate already in this chamber and in the community about consultation in planning processes and the transparency and integrity of planning processes. This needs to be resolved so that the community can have their input, and to allow processes to move on.

The government should not have special privileges. We set up an independent planning authority for a reason. Almost every week we read in the paper about businesses calling for greater certainty in planning. They want special planning orders for them to make their development move more quickly. I have been thinking about what would be happening if this were a private rehabilitation facility wanting to expand. What would be the process then?

The residents of Macarthur and Fadden have been quite clear in expressing their anger. They have described the process as gung-ho and the minister as a loose cannon. But they are angry about the process. We can get the process in train and we can get it right. We can move things forward.

There has been some discussion about how this will delay for 18 months any new drug rehabilitation beds entering the community. I am disappointed that that is the only answer being put forward. I think what has been left out of this debate as it has been chucked forward on the table today is this: what else is being explored around drug rehabilitation facilities? Where else can they go? What research has been done to look at how that budget money will be expended? Why is it all hanging on Karralika? We cannot answer that question in a planning debate, but we can look at it further in a health debate. Hopefully, it will provide us with some more solutions so that we can move forward, without Karralika being the only answer for drug rehabilitation facilities.

There are many different sections to the motions before us today. I note that I will not be supporting paragraph (3) of Mrs Cross's motion because I do not believe that the minister incorrectly used regulation 12. I have read over the regulations; I have listened to what the minister has said. I think he has misused them, in that he went against the spirit of the regulations, but he did not use them incorrectly.

The other issue is whether this whole debate should be referred to the Standing Committee on Planning and Environment. The Planning and Environment Committee already has a statutory role to look at the territory plan and issues relating to broader planning visions for the territory. Our terms of reference also allow us to look at issues pertaining to planning and environment in the territory.

There is a need to look at the use of call-in powers. I have said a number of times that I am unhappy with their being used at all. Maybe what we need to do is look at them. I do not know whether there is another solution out there; I do not know whether the Planning and Environment Committee can come up with one. But the will of the community is to have this issue re-examined. The Planning and Environment Committee should look at how call-in powers are utilised, specifically with Karralika as the catalyst for that inquiry.

MR SMYTH (Leader of the Opposition): Mr Deputy Speaker, I seek the indulgence of the Assembly to speak again. The mover of a motion is permitted to make concluding remarks. I have never been part of a cognate debate such as this one.

MR SPEAKER: I do not think any of us have, Mr Smyth.

MR SMYTH: I seek leave to make further comments on the debate.

Leave granted.

MR SMYTH: In the five or so years that I have been here, I do not believe we have dealt with a cognate motion; we have certainly dealt with cognate bills. I will take this opportunity to summarise a few things.

In his speech, the Minister for Health and Minister for Planning said that in no way was the government being sneaky. I reiterate that at the top of his press release of Saturday, 7 February, it is stated that the new planning process for the proposed Karralika redevelopment could not be fairer. That, in itself, is an admission that the old process was not fair. I think we all understand that, so I am not going to harp on it. It is interesting that the minister said that the department of health approached him as Planning Minister. I would have thought the correct process was for ministers to go through ministers. That might be a bit difficult when you are the same minister and end up talking to yourself. Let us be quite clear about this: the Health Minister should have, could have or would have approached the Planning Minister on this matter. I do not think it is appropriate to say that the department of health did so.

If that is the case, and that is the way it happened, then the minister needs to review his procedures so that ministerial responsibility is maintained and kept in the hands of the minister. Minister Corbell has proposed amendments which the opposition certainly will not be supporting. It is interesting that he is throwing up his hands and saying, "I don't want to make this decision" and attempting to spread the blame. He is the minister and he gets paid for it. He is responsible for the act. In reality this is his act; this is his planning law. He changed the laws to give people a much fairer system—a system that has excluded all the residents of Fadden and Macarthur through the implementation and use of his own act. Asking the Assembly for their guidance is either abrogating his responsibility or saying that he is not up to making the decision himself, in which case he needs to question why he is the minister.

The minister also said that he wanted things done in a timely way. Everybody wants things done in a timely way; but when you hide things for almost nine months, they are not going to be timely when you get caught. People are going to be angry and demand that the process be reviewed and that the development be looked at. There is only one person to blame if a single place is held up by a single day—the minister. He is responsible. He said that he had been approached and that he had approved the process. If the process backfires on him, it is his fault. Don't bring it back here and try to spread the blame at the Assembly and say that you now want the crossbenchers and the Liberals to help out. You are responsible, Minister. It goes to the notion at the real heart of ministerial responsibility: you take responsibility for your actions. You do not try to spread the blame, as seems to happen so often.

The plans were available in March and the minister could have consulted then. They were approved through the cabinet process and tabled in May. We have all been waiting for the plans. The consultation could have been done then. I understand the plans were

distributed on a limited basis to groups that support Karralika. The consultation could have taken place then. The DA was entered into ACTPLA on 30 September. Why was consultation not done within the 15 working days after that? The question has to be asked: why didn't ACTPLA do the consultation immediately, as they are obliged to? Why was it left for three months, till over the Christmas period? So don't come bleating and don't come blaming and saying that this has been held up by the community, the Liberals, Brendan Smyth or the crossbenchers, when you knew the urgency of this for nine months and hid it for nine months.

Mr Hargreaves made a really interesting point, which is unusual, when he said that the minister changed his view after representations. Isn't that interesting? A day before, the minister met with community representatives and told them that he was not going to go through with his process. Let us not have John Hargreaves, Karin MacDonald and Bill Wood going in and saying to the minister, "On behalf of our community, we want you to change this." The minister would not change it when the community representatives visited him to say, "We think this is wrong and we want you to change the process." Let us not be too sanctimonious about this.

Ms MacDonald raises some interesting points. She claims to have put out a press release. I looked for the MacDonald press release. It is a habit in this place that press releases go to the library so that the community can see what you have said and what you stand for. The last press release that Ms MacDonald sent to the library was in November 2002.

Mr Hargreaves: I sent it.

MR SMYTH: If Mr Hargreaves sent it, then I will go and look in his file as well. A press release has gone out in Ms MacDonald's name, but it does not appear to have been seen. It certainly had not been raised with the residents until confronted with the truth.

Ms Tucker has asked some interesting questions. They are questions that the community has been asking. She asked in this place yesterday: whether we can have the business case. It still has not been tabled. Can we have the social impact study? It has not been tabled. Can we see the EIS? It has not been tabled. Is there a transport study? I have not seen one. The curious thing is that over the last 18 months there has been an enormous process: the traffic flows on Bugden Avenue have been at great expense and caused inconvenience. But, funnily enough, nobody knew that something was going to happen at Karralika that would have an impact. We have a traffic calming measure that has not taken into account a major development that may or may not have an impact on traffic flows. Where is the traffic study? You can't see it; you can't get it. I think Ms Tucker's call in that regard is right.

Ms Tucker has asked for confirmation of what a committee might do. I think she summarised it quite nicely when she said that perhaps there should be a post mortem of the process. Let us work out where the community felt let down and how we can give advice back to the minister on what ACTPLA might do to improve the process.

In regard to the committee commenting on the DA itself, that is not appropriate. The committee does not do that at this stage. It is not a power that the Assembly, through its resolution on what the committee would do, has given to the committee, so I do not believe that that should happen. The call-in power is encompassed in the amendment

before members at the moment. The committee would seek comment on the call-in power. Ms Tucker asked whether I would clarify in the terms of reference exactly what the committee might do. I have said that I will consult with Mrs Dunne and ask if she would bring back a more specific and complete terms of reference tomorrow. I am sure the Assembly would give her leave to table that Assembly business, as it is not on the paper at the moment. The clerk has advised that, if we want more specific terms of reference, given that I have not had time to draft them, the best process is for Mrs Dunne as the chair of the committee to bring them back tomorrow. I warn members that that will happen and ask them to help me by giving that leave.

That is a summary of some of the comments that were given. This is an important issue. Those opposite have tried to characterise this as a health issue, that people are against Karralika and drug rehabilitation places in the ACT. That is not true. This debate focuses fairly and squarely on the process for planning that the minister has set up, on the way that he has avoided that process and how we can re-establish confidence in the community that there is a process that they can be part of that is responsive to their needs and that will deliver better outcomes for all of the community.

As several members have said, rehabilitation will work best when it has the support of the community. Anger about the facility or at the residents will not help that process. As I said earlier, the curious thing about the meeting last Thursday night is that there were at least three residents from Karralika who like it the way it is. Perhaps the government and the Karralika management need to go back to the drawing board; perhaps they need to consult more with their residents. I know that some residents were put up as being in favour of rehabilitation facilities, but clearly there are residents who are ill at ease. If we are going to make this effective for all residents in all drug rehabilitation facilities across the ACT, they have to be imminently part of the development process. If three of the current residents came to a meeting and signed the petition to say that they were unhappy, that would send a message that the government should heed, otherwise the drug rehabilitation process will not work.

I support Ms Tucker's call for in seriatim development. When we have finished with Mrs Cross's motion and we move to item No 4 on the notice paper, we might then move the amendment that has been circulated to members. I thank members for their support in this debate today. I think it is a fundamental debate about getting process right, about listening to the community and about working together towards a better goal. The ACT will be better for the decisions that this Assembly makes on these two motions today.

MR CORBELL (Minister for Health and Minister for Planning) I seek leave to speak again.

Leave granted.

MR CORBELL: I have listened very carefully to the debate today. On behalf of the government, I express my very serious concern at and disappointment with the direction that the majority of members have indicated today. The outcome of the decision today will mean that, as a Canberra community, millions of dollars will be committed to drug rehabilitation and will not be able to be used for a period of up to two years. Members of the Liberal Party harp inside and outside this place about making decisions and it is

extremely disappointing and hypocritical on their part to have effectively put up a process that will mean no facilitation of drug rehabilitation beds for the next two years.

Mr Smyth: That is so untrue.

MR CORBELL: I heard you in silence, Mr Smyth. I would ask you to give me the same courtesy. After all the bile, anger and mistruths that you threw at me, I ask you to hear me in silence.

Mr Smyth: On a point of order, Mr Speaker: surely he must withdraw the word "mistruths".

MR CORBELL: After all the bile, anger and inaccuracies that you threw at me, I ask you to hear me in silence. That is the outcome that members will propagate today. I have put to members that we need a decision on whether Karralika is the best location for these facilities. The amendments that I have foreshadowed today allow us to get that decision in a timely way. I am not abrogating my responsibility. If I choose to exercise the call-in powers, I am the decision maker under the act. I am required to consider all the relevant issues in reaching a decision, and that is exactly what I would do. If Mr Smyth is accusing me of abrogating my responsibilities, I would ask him to go back and look at what Gary Humphries did in relation to the section 51 development in Manuka.

Manuka was a contentious development proposal. When Mr Humphries was planning minister he indicated that he would call it in, but do you know what he did? He took it to the Assembly for a vote. That is exactly the process I am proposing here. It was all right for the Liberals to do it when there was a difficult development application—it was a bit of a no-win situation—but it is not all right now. Again, the position taken by the Liberal Party in this matter is hypocritical.

As I have indicated in the amendments, the government is prepared to undertake a full statutory public consultation process: public notification, full provision of the relevant plans and documents, full assessment by the ACT Planning and Land Authority and a resolution in this place. This is so that elected representatives can have their say on whether they think the existing facility is reasonable. I say to members: make no mistake, some residents, regrettably, will choose to oppose any extension of this facility. They have indicated to me that they will oppose it in the AAT and in the Supreme Court. No matter the scale, no matter the size, no matter the detail, they do not support any expansion of the existing facility. What does that mean? It means that the $2 million and a bit committed by the government for this facility will not be utilised for close to two years.

The proposition I put to members meant that we would have a decision on whether Fadden was an acceptable site by June. If that was not accepted, we could have found another site. If it had been accepted, but perhaps some changes needed to be made, we could have done that and got on with it. That is what you are always asking us to do—to get on with it.

But when it becomes contentious and when it becomes a very difficult situation to find your way through, what do you do? You resort to "It has nothing to do with me" and

"Let's not make a decision on this; let's string it out. Let's deny the community the rehabilitation facilities they need. Let's deny the communities of Fadden and Macarthur the certainty about whether or not something is going to happen. Let's string it all out." That is the consequence of the approach that a majority of members appear to have endorsed today. It is regrettable. The government will accept it, but it does not, in my view, serve the best interests of the Canberra community.

MRS CROSS (4.43), in reply: Having heard some of the members, particularly my crossbench colleagues, I think we need to review our call-in powers. Earlier today I would have thought that it was not something we needed to look at seriously but, after listening to the Minister for Health and Minister for Planning criticising a member of the opposition yesterday when we were concerned about governments and conflicts of interest and looking at another member in this place who compromised her position because of her role as a shadow minister and as a chair of a planning committee, I think that there is a conflict, Minister, between the Minister for Planning and the Minister for Health—and you are both!

There is a further question we need to explore aside from the call-in powers—that is, the role of departmental people advising ministers. The significant power or influence they have on a minister making a final decision on any matter has come to the fore more this week than the last few weeks over the children issue. At times, ministers are put in difficult situations because they trust that the information they are given is accurate, timely and in the best interests of the community, but it has been quite evident in the last few days that that is not always the case. I am not suggesting it has happened, but it is something we need to look at.

One of the things that I raised in estimates last year was the empire building issue among public servants protecting their roles. I am concerned about complaints that I have had from residents of the Fadden-Macarthur area. On calling the government, and getting on to Canberra Connect, to inquire about Karralika, they were advised that it was to be given a low priority. My greatest concern is the interference in due process. The architect firm involved in the design, on inquiries from residents, commented that they had spent enough time on this matter and that further queries should go to ACTPLA, which in turn passed the buck back to the architect. There appears to have been some interference in the process, which is becoming a common factor by departments to relevant ministers. This may also be the case with others working close to the minister, although this is speculative.

As I said earlier, my concern is that the process, which is a matter we have addressed this week regarding other members, has been compromised. The residents of Fadden and Macarthur could have been consulted, as Mr Smyth said earlier, as early as September last year when the DA was lodged. Yet the government waited till January 2004 to do so. Why? There are people in the gallery that the minister might like to talk to afterwards to explain why that is the case. Why decide to by-pass the usual consultation process, hiding behind regulation 12? I felt it did not apply; Ms Dundas said that it was misused—and I think that is even worse. Misusing a regulation is exploiting the system. The residents have never claimed to me that they have issues with what this facility is about.

The minister should also note that, contrary to his answer to me yesterday in question time regarding Karralika, he said, "Karralika has been placed in a suburban setting in an attempt to enable people to adjust to a more regularised and consistent pattern of living in a suburban rather than an institutional context." It is obvious that he is not up to speed on the facility when it was built in Fadden. As has become quite typical of this minister and some of his staffers, whenever they appear before committees—some of us have very acute hearing—they make snide comments in the background, such as, "These are stupid questions." They do not realise we can hear it, but we do. Perhaps it indicates an attitude.

The fish usually rots from the head down. I asked Mr Corbell a question yesterday in question time. He started the answer to the question by saying, "Mrs Cross does not appear to have read the regulation." That is patronising. He should not have done that. Do you remember, Mr Deputy Speaker, that ACT Health put forward a list of instructions last May on how estimates committees should be handled? One of them is: do not patronise the committee. Obviously the minister had not read that properly.

Mr Corbell: On a point of order, Mr Deputy Speaker: Mrs Cross is not addressing the substance of the motion. I would ask her to adhere to relevance in the debate.

MR DEPUTY SPEAKER: I am sure Mrs Cross will do that, having been reminded.

MRS CROSS: Thank you, Mr Deputy Speaker. In fact, this is relevant, but it is nice to know that the minister is paying attention. He answered the first part of the question by saying, "As I indicated earlier, if Mrs Cross had read the regulation, she would be aware that it refers to the provision of confidential services, not a confidential facility per se." It is interesting that, having highlighted to the minister a number of different people, that regulation was withdrawn. Now we are given a number of other amendments by the minister on his using call-in powers after a comprehensive consultation process is in place. Why wasn't it in place earlier? Why is it that we are now going to have a comprehensive consultation process—after having generated an enormous amount of anxiety, sleepless nights and stress? People have given up their jobs to lobby for this issue because they are concerned about the welfare of not only their homes but also the homes around them. Nobody else cared.

When Karralika was built in 1978, the area was of a rural nature. Fadden and Macarthur were not developed until five years later. So claims by the minister yesterday that this facility has always been in a suburban setting were not factual. Residential areas were built around Karralika and not the other way round. With regard to the issue of confidentiality, I pointed out earlier that the use of regulation 12 had nothing to do with the confidential nature of Karralika; it was rather to act as a cloak to allow the minister to get his will at minimal cost. I will not delve into that any further, other than to relay a story of a Fadden resident. When this resident was a student, she walked straight into Karralika and asked what services it provided. She was given a full and detailed briefing. This does not appear to me to be a facility that seeks to keep confidential the services it provides.

Finally, with regard to public consultation, the minister claims that local residents were consulted. This consultation supposedly involved 14 letters being delivered to local

residents. That was not correct. Only nine residents have confirmed that they received a letter, with one person away and unable to confirm it. That is just one more inaccurate claim propagated by the Planning Minister. Further, false assertions or at least contradictions by the minister and his department were evidenced in these letters. In the original letter from ACT Health, it was stated that "six of the 12 eucalypts" would be removed. That does not quite match up with the tree assessment plan, which states that 55 of the 66 trees on the Karralika site would be removed. When confronted with this anomaly, the minister said in his meeting with the residents, "It depends on your definition of trees."

Mr Corbell: I answered that yesterday, Mrs Cross, and you know that.

MRS CROSS: Yes. You were wrong, Minister. The answer was less than accurate. You disparaged residents for having deliberately misrepresented you on their website. That is what you said. Your answer was:

> I refer to the member's reference to the words 'trees' and 'consultation'. Following my meeting with the Karralika Action Group, I saw the release and read the comments of that group in relation to this issue. Unfortunately, my comments were grossly misreported and misrepresented.
>
> This is the point that I wanted to make. The tree count on the site will vary, depending on what is classified as a tree. Members would be aware that the tree protection legislation defines what is a tree and what trees require approval before they can be removed.

(Extension of time granted.) "That is the point that I made at the meeting I had with the action group," the minister said. The interesting thing is that the recollection of the action group, which took verbatim notes of what the minister said, was that the discussion was never about the approval of a tree removal, but about a highly misleading letter announcing, as I said earlier, that six of the 12 eucalypts would be removed.

Mr Corbell: I suppose you were at the meeting, were you, Mrs Cross?

MRS CROSS: Are you calling the residents liars, Minister?

Mr Corbell: I didn't say that.

MR DEPUTY SPEAKER: Order! It is a rhetorical question.

Mr Hargreaves: On a point of order, Mr Deputy Speaker: could I have withdrawal of the word "liars", please—even in a question.

MR DEPUTY SPEAKER: It was a rhetorical question.

MRS CROSS: Mr Deputy Speaker, I withdraw. The greatest error that any political party can make is to be out of touch with its electorate to such an extent that a petition with over 1,250 signatures has been generated in less than 10 days. There are three groupings of signatures. Further signatures will be tabled in the morning, bringing the total number of signatures to almost 1,400. A community meeting was held with many hundreds of people attending. Others had to be turned away because the venue was too

small. On top of that, the people running those meetings rang some of the members in this place and asked them not to go to the meeting because they were not invited—yes, Mr Deputy Speaker, this did occur as I was one of the members who received a call. That is not the reason I did not go to the meeting. I sent one of my advisers as I had other electoral work.

I found it rather presumptuous and arrogant of the person that called my office to ask why I was attending that meeting when I had not been invited to speak. Quite simply, it was a public meeting and I did not have to get permission to go. I was going because for more than a month before that meeting my office had been working with the residents of Fadden and Macarthur on this very issue. Unfortunately, another member who was told not to go did not do so because she was worried. For people who are running community council meetings to have another agenda other than what is good for the community causes me great concern.

I go back to my concern about the process and the perceived interference with the process—whether it be the perception that instructions had been given to people in Canberra Connect to give the Karralika problem low priority or whether it be the architects involved whom the Karralika people were told to go through to get information on the design. Frankly, they weren't really interested as much in the design as the fact that the whole thing had been steamrolled through in an 11th hour approach when, as Mr Smyth said earlier, the DA had been lodged in September and there was more than three months for this minister before Christmas and New Year to have given enough time for the residents to understand what the minister and his departments—Health and planning—were trying to do.

Where is the conflict of interest here? It is evident. I am wondering how the Minister for Planning consults with the Minister for Health. Do they ring each other and say, "Hi, it's me. I'm ringing you on a planning issue," "Look I'm busy with health, can I get back to you later?" How does it work? How do you deal with this obvious conflict of interest? This election year, over 1,300 residents have signed this petition. They are not just from the Brindabella electorate but from every electorate in the ACT. I have never seen anything that has been so broad as this lobby group. This is the most impressive lay people's lobby group I have seen on an issue in a very long time. They are not idiots and they are certainly not hysterical nimbys. I asked a supplementary question of the minister on this issue. I asked whether the minister was ready to admit that he incorrectly used regulation 12. The most insulting thing that the minister said when referring to these people was, "I do not believe that the changed process is an admission on my part that the regulation has been exercised incorrectly. I work with my Labor colleagues in Brindabella to find a sensible and rational rather than an hysterical way forward."

Isn't that a wonderful way for a minister, or any member of this place, to refer to constituents that dare to question the planning process? That is not the way you win elections, that is not the way you satisfy your voters and it is certainly not the way to work with a process. It works against it and shows great contempt for the processes of this Assembly.

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 CROSS: *(Further extension of time granted.)* I have heard the word "hysterical" used in this place by a couple of members on the Karralika issue and its people and I think that it is horrendous of members to hold our constituents and our community in such contempt that when they dare raise their heads and question the process, particularly the planning process, they say, "How dare they ask those questions. They should just let us get on with what we want to do because we are the government and that's it." That is not how it works. We are privileged to be representing the people of this community, some of whom are in the gallery today. It is a privilege, not a right. We are not here for our own individual agenda; we are here to serve those people and the people in the community. The moment we lose sight of the people we are here to represent, we should pack up our bags and walk; we should not be here.

Unfortunately, many people in the community do not know of the arrogance and the attitude of some of the people in here. They treat the Assembly process with contempt and that is a great shame. Fortunately, however, because of the brilliant lobbying tactics of people like Nigel and Tania, over 1,300 people from around the city have expressed their disdain at the way this Planning Minister has approached this process.

The amendments that the minister has put through—frankly, I think some of them are farcical—ask the Assembly to consider, after a comprehensive consultation process, giving him the call-in power to say, "I will do all this. I will consult. I will give them this much notice and so many days and then it will all look lovely." This is all window dressing—that is all it is—because at the end of the day there is obviously a predetermined result; there must be. If there were not a predetermined result, the minister could have stood up today and said, "Do you know what? This is not being handled well. Obviously this is not the right place to put this facility. We need to rethink this and put it elsewhere." Given that the minister is not prepared to do it, maybe the best thing to do is to refer it to a committee with three objective people who can sit down and look at it—even though we do not need the workload—and make a decision that will put these people out of their misery.

Some of the people in the gallery have been here all day today, Mr Deputy Speaker. Some of them have not even had a break. This matter is of such concern to them that there are no fewer than 50 people in the gallery on shifts. There was a group this morning and some came back this afternoon. Some new people came this afternoon. Why on earth should they put themselves through this stress because we have failed them? I keep saying that we are not here for ourselves; we are here to serve the community. If we stuff up and we make a mistake, we have to have the courage to get up and say, "Do you know what? We screwed this. We can fix it." Mr Deputy Speaker, you of all people have been here the longest. You have seen people come and go and have always said that the community is what matters. It is one of the things that you are to be admired for. You have never shown arrogance or disdain to the people that you represent. It is a shame that other people in this place do not follow suit.

This is not a political football to me, so I cannot be accused of using it as a political football because it is not in my electorate. These people came to my office because they were desperate. They were so worried that they were not being heard that they went to Mr Smyth. He listened. They also came to me and said, "Look, we don't know what else we're going to do. We're desperate." Fortunately Mr Smyth and I gave them a

sympathetic ear; hence the motions on the table today. We have a duty of care to do the right thing for these residents. Drug rehabilitation centres are important; they have never said otherwise. To throw that in as a red herring is misleading and, frankly, very disappointing for someone with so many talents. I ask the minister to reconsider his position, to withdraw his amendments and to support both Mr Smyth's and my motions.

MR DEPUTY SPEAKER: Although this is a cognate debate, the motions are not. We are dealing with notice No 3 in the name of Mrs Cross. That is all we are voting on at the moment.

Ordered that the question be divided.

Preamble agreed to.

Paragraph (1) agreed to.

Question put:

> That paragraph (2) be agreed to.

The Assembly voted—

Ayes 8		Noes 7	
Mrs Burke	Mr Pratt	Mr Berry	Ms MacDonald
Mr Cornwell	Mr Smyth	Mr Corbell	Mr Stanhope
Mrs Cross	Mr Stefaniak	Ms Gallagher	Mr Wood
Ms Dundas	Ms Tucker	Mr Hargreaves	

Question so resolved in the affirmative.

Paragraph (2) agreed to.

Paragraph (3) negatived.

Planning and Environment—Standing Committee
Reference

MR SMYTH (Leader of the Opposition) (5.10): I seek leave to amend motion No 4 in my name on the notice paper in the terms circulated in the chamber. The amendment is simply a clarification of what would go to the committee, including the use of the call-in power and the requirement to report by 31 May 2004.

Leave granted.

MR SMYTH: I move:

> That this Assembly:
>
> (1) affirms its support for appropriately sited residential and non-residential drug rehabilitation facilities;

(2) notes that the residents of Macarthur and Fadden are supportive of the current Karralika facility;

(3) condemns the Minister for Planning for misusing regulation 12 of the Land (Planning and Environment) Act to avoid proper consultation and notification of the redevelopment of the Karralika facility;

(4) calls on the Minister to immediately make available all information regarding the redevelopment to enable an informed decision to be made by the community and the Assembly;

(5) notes the Minister's intention to withdraw, re-notify and call in the development;

(6) rejects the Minister's sham consultation given that he has already determined the outcome;

(7) directs the Minister to not exercise his call in powers in this development; and

(8) refers for inquiry and report the matter of the Karralika development and the use of the call in power to the Standing Committee on Planning and Environment, with the Committee to report by 31 May 2004.

Ordered that the question be divided.

Preamble agreed to.

Paragraph (1) agreed to.

Paragraph (2) agreed to.

Question put:

That paragraph (3) be agreed to.

The Assembly divided—

Ayes 8		Noes 7	
Mrs Burke	Mr Pratt	Mr Berry	Ms MacDonald
Mr Cornwell	Mr Smyth	Mr Corbell	Mr Stanhope
Mrs Cross	Mr Stefaniak	Ms Gallagher	Mr Wood
Ms Dundas	Ms Tucker	Mr Hargreaves	

Question so resolved in the affirmative.

Paragraph (3) agreed to.

Paragraph (4) agreed to.

Paragraph (5) agreed to.

Paragraph (6) negatived.

Paragraph (7) agreed to.

Paragraph 8 agreed to.

Commonwealth land releases

MR HARGREAVES (5.15): I move.

> That the Assembly notes with concern the:
>
> (1) Federal Government's failure to co-operate with the ACT Government in releasing land at Majura for an ACT prison site;
>
> (2) preference of the Deputy Prime Minister that the Commonwealth should offer surplus Defence land at Majura to Canberra airport; and
>
> (3) failure of the Commonwealth to abide by its own guidelines for the disposal of excess property.

This motion is about a block of land to the east and north-east of Canberra airport and procrastination of the federal government which has forced the Chief Minister to find an alternative site for a prison for the ACT. There is general community acceptance that a prison is needed in the ACT, but there is difficulty with where it should go. The Chief Minister, quite rightly, is fed up with the procrastination that the federal government has brought to bear on this issue and has announced a second-choice site.

Mr Speaker, it is my understanding that well before June last year the ACT government contacted the federal government, through the appropriate agencies, to work out whether it would sell the block of land. Before going down that track, I should say that among the criteria for siting a prison of this size are that it should be 20 minutes from court, reasonably close to industrial areas and on an established transport route.

The site just beyond the airport was ideal. It was also close to appropriate infrastructure, so the costs would have been reduced. The trouble was that it was Defence land. The federal government did not really need it because it had sold the RAAF base. It is my understanding that it sold the RAAF base to the people that own the airport. I do not know the name of the entity that the sale went through—the company structure looks like a map of the Cayman Islands—and I do not really care, but the RAAF base eventually will be wound back and all of that land on the other side would have absolutely no effect on the operations of the RAAF.

As Defence had said that they did not really need the land, we thought that it would be a good place to put the prison. My preferred site as shadow corrections minister was one to the north of the airport. However, a portion of the block would have been under the flight path, even though the buildings themselves would not have been, and it was going to be an expensive proposition to bring the infrastructure in from the road.

A couple of years ago I realised that this site might be a good one and raised it with my colleagues. I thought that it had all of the advantages. But I had not worked out that the

presence of a prison next door to a privately owned town centre might receive some opposition from the owners of that town centre.

I want to talk about the correspondence that has been exchanged between the ACT government and the Commonwealth government and give members a flavour as to exactly what are the motives behind all of this. On 4 November last year, the Chief Minister received a letter from Senator Robert Hill, Minister for Defence, about the sale of that block of land to the ACT government. Senator Hill said that he understood that the ACT government was prepared to address the concerns of current leaseholders, grant leases to Defence, if needed, address the issues of the Australian Defence Force golf club, which is a handy thing to have next to a privately owned town centre, and, importantly, to address the current and future requirements of the Capital Airport Group under Commonwealth direction.

That is an interesting partnership. I understand that the Commonwealth government has some sort of say over what happens at airports, and quite rightly, but we have to understand that this airport is privately owned. Senator Hill went on to say:

> If we can come to agreement on these matters and on an agreed value for land, I am prepared to provide my support "in-principle" to a priority sale to the ACT Government. The priority sale is subject to the approval of the Minister for Finance and Administration…

He went on to say:

> Following the completion of the required studies—

how about this for obfuscation; how about putting it off indefinitely?—

> including a Development Control Plan to be prepared by the National Capital Authority to establish what land should be retained as National Land to secure the future development and operation of Canberra Airport—

Mr Smyth: He's the minister for transport.

MR HARGREAVES: Oh, yes. I will say it again—should be retained to secure the future development and operation of Canberra airport. Talk about assistance to your mates!

Mr Smyth: That's an allegation that should be withdrawn, Mr Deputy Speaker.

MR HARGREAVES: No, it is not.

Mr Smyth: He is accusing the Deputy Prime Minister of doing deals for his mates. He should either substantiate it or withdraw it.

MR HARGREAVES: I am doing it here, Mr Deputy Speaker. Furthermore, Mr Smyth should have been in the chamber to listen. I was not talking about the Deputy Prime Minister. I had not got to the Deputy Prime Minister. I am about to do so.

MR DEPUTY SPEAKER: About whom were you talking?

MR HARGREAVES: The Minister for Finance and Administration, the Hon. Nick Minchin.

MR DEPUTY SPEAKER: In which case you will still have to withdraw it.

MR HARGREAVES: Actually, I should correct myself. I was not saying that about him; I was talking about Senator the Hon. Robert Hill.

MR DEPUTY SPEAKER: You will still have to withdraw it.

MR HARGREAVES: Okay, Mr Deputy Speaker, I withdraw it. People can draw their own inferences from reading *Hansard*.

In a letter dated 19 January to the Chief Minister, the Hon. John Anderson said about the same story—note that I am talking about a month an a half later—that it is an issue for the Minister for Finance and Administration, Senator Minchin, and the Minister for Defence, Senator Hill. He went on to say:

> It would therefore not be appropriate for me to express any views on the conventions.

What was he doing in this letter, Mr Deputy Speaker? He went on to express a view on those conventions, saying:

> I appreciate the ACT's desire to support the ability of the Airport to cater effectively for future growth of air travel to Canberra and the region.

That means, on my reading of it, that the ACT government is quite happy to accommodate the needs of future growth of the airport and have a prison on the site, if only an accommodation on the sale can be arrived at. We know that. That has been said in this house before. The letter from Mr Anderson, the Deputy Prime Minister, goes on to say:

> I am hopeful that long-term land-use planning strategies can be identified that concurrently protect the operational integrity of the Canberra Airport and meet the ACT Government's needs.

How about the order of that, Mr Deputy Speaker—to protect the operational integrity of the Canberra airport and at some stage down the track, I guess, meet the ACT government's needs?

Mr Smyth: He is the minister for transport. He is the minister responsible.

MR HARGREAVES: The Leader of the Opposition says that he is the minister for transport. Who is the minister for correctional services, I ask rhetorically? It certainly is not the Deputy Prime Minister. The Deputy Prime Minister went on to say:

> I would however be most concerned if the development of a correctional facility, or other land-use, in a sensitive location to aircraft noise compromised the potential of Canberra Airport. Any land-use…should include as a fundamental consideration the

> future impact that low flying aircraft and associated noise levels may have on the land-use and airport operations.

The block of land that was being talked about was nowhere near a flight path, we thought. And then he said:

> I have written to the Prime Minister, Minister for Finance and Administration and Minister for Defence advising my view that should Canberra Airport not wish to acquire all the identified surplus Defence land, I will want to ensure that the Australian Government's long-term interests in protecting the land adjoining Canberra Airport from incompatible development...

Here we go again! He is advising them of his view should Canberra airport not wish to acquire it. In other words, the ACT government can have surplus Defence land if the Canberra airport does not want it. Why do you think that the Canberra airport might want it? It is because they are trying to have a privately owned town centre.

I signal my agreement to an amendment to this motion that Ms Tucker is going to move because I think her amendment expresses my view a little bit better. I am concerned that we are seeing the interests of a private group having precedent over what I consider to be ACT sovereignty. If the Commonwealth government does not need the land and it is surplus to requirements, it should be handed over to the ACT.

I understand that the money-grabbing bunch up there need every cent that they can get to pay for advertising campaigns to try to save their skin. They could at least let us contribute to that by selling us the block of land, but all they are doing is hanging off. I wonder what involvement the local Liberal Party has in this regard.

I have complained before in this place about the emergence of a privately owned town centre at the airport. I consider growth out there to be quite appropriate if it is connected with aviation industries. It is not appropriate for anything else. In fact, anything else would work to the detriment of other town centres. I am sick and tired of Tuggeranong being treated as dormitory suburbs, whereas somebody can privately build their own town centre out there on the side of the airport.

Let me turn to the specific involvement of the federal ministers. Initially, the Defence Minister, Senator Hill was very helpful. Clearly, he had not been got at by then. I do not think that the owner of the airport had actually rung him up. Senator Hill wrote to the Chief Minister early in November saying that he had agreed to it in principle. That might have allowed the ACT to do something. Wrong!

There must have been a lot of talking at Christmas parties, I would say, because suddenly, in mid-January, bang, in came the Deputy Prime Minister, stomping all over the place in his big agricultural boots. Mr Anderson advised the ACT government on 18 January that there were more difficulties. I have indicated that his biggest difficulty was that we might put a correctional facility there. As I said, he went on to say that, should the Canberra airport not wish to acquire it, he would consider something else.

Mr Deputy Speaker, there is another agenda; there has to be another agenda. The owner of the airport, Mr Snow, is a prominent Liberal. I understand that recently he received special recognition for his fundraising efforts for the party. I will just ask a rhetorical

question. Is it possible that he and his coalition party mate, Mr Anderson, simply want to prevent the ACT government from delivering us a jail? Could it be that they are simply trying to make the ACT opposition leader look good? That is a big ask, if you want my opinion, Mr Deputy Speaker.

Could it be that something else is cooking at the airport? I have mentioned in previous speeches in this place that there are clear national regulations regarding aircraft noise. In fact, to be a little more specific about that, the airports standard is based on the ANEF system. People can find out about that on the web, if they wish. I am happy to help them out later.

I am aware that the managing director of the airport, Mr Byron, told the Federal Court recently that a development near the airport, referring to the Tralee development, would have no impact on the operations or economics of the airport. You have to ask yourself: if they have said that it will not have one there, what is the story with the prison?

I am speculating that there are two other possibilities. Perhaps Canberra airport wants the land for more commercial, office and retail expansion. I have made known clearly my views about having a privately owned town centre and I have said before in the chamber that the airport's commercial development is competing unfairly with Civic and other town centres, especially Tuggeranong. In my view, what is happening at the airport is nothing short of a scandal.

The other possibility is that the airport has a secret plan for another runway. *(Extension of time granted.)* Clearly, the Commonwealth ministers, particularly the minister for transport and ersatz minister for corrections, are privy to the secret plan. I think that it is time they all came clean and shared the truth with us. The Commonwealth ministers' position makes no sense in terms of the airport's current operation, so what is there to hide? Why is it that in January, all of a sudden, we find that things are just too hard for the federal government.

Mr Smyth came out and said that we should not have a prison at a particular site in Hume. We differ on that, but that is fine because I am about jobs and I do not know what he is about. I urge members to support the motion.

MS TUCKER (5.31): This motion is a response to the ACT government's frustration at having negotiations with the federal government over a land release come dwindling to nothing over months and months. Based on what I have been told and the correspondence I have seen, it does seem that the negotiations with federal ministers have been less than satisfactory.

I am supporting the motion in spirit. This is not the first situation in which we have seen the federal government treat the people of the ACT with contempt over land releases. The NCA too has been less than helpful. In fact, the airport and the NCA have completely disregarded any concern for the planning interests of the ACT over quite some time.

Whilst the Commonwealth government and the NCA must have Commonwealth interests in mind, there is nothing to say that this means completely disregarding state and territory interests. The development of commercial activity in Gungahlin has

suffered, I believe, because the NCA allowed the airport to develop the business park, which was beyond the original purpose of the lease, as I understand it. The lease now reflects the reality, as does the ACT's most recent planning overview, the spatial plan.

I understand that the airport is interested in establishing a hotel on the old Fairbairn site and so has particular interest in where the prison might or might not go. It is not only to do with the airport: the Commonwealth released land in Tuggeranong last year, I think it was, without checking with the ACT government about either local needs for the land or the best timing or method of sale. There is a lot of room for at least a little bit of cooperation.

In supporting the first two parts of Mr Hargreaves's motion, I am not wishing to express a preference for Majura as the prison site at this stage. My office has had advice on the general shape of the project, but before we can make any further comments about site preferences we need to be taken through designs and details. The Hume site seems like a reasonable alternative, but can the site support a campus style, can men and women have quite separate—not staff sharing—places on the site, can the site support enough separations between remand and prison, et cetera? Is it suitable for enough outdoor activities and enough activities to be really a best practice prison?

We do have concerns about the possibility of aircraft noise at the Majura site. The extra stress of aircraft noise throughout the day is not going to produce a good environment for any rehabilitation or education, training or learning that can take place in prisons. The proposed location at Majura is, I understand, not immediately under a flight path and it is true that there are other offices located at the airport, but if we are going to work on Majura it would be useful to look carefully at outdoor noise levels. These comments are asides, really, because as I say I am supporting this motion as a comment of concern on the federal government's actions in relation to land disposals in the ACT.

On the second point, it is important to note that there are serious medium-term limitations on the viability of an airport, particularly of an expanded airport. There is growing acknowledgment and recognition, including from oil company funded scientists, that our oil supplies, taking into account all the technological advances and so on, are running out. There are also limitations in the important grasslands and endangered species surrounding the airport, including an influence on the northernmost block of land.

On the point in Mr Hargreaves's motion that I am amending, I do not agree with Mr Hargreaves that we can clearly say that the Commonwealth has breached its own guidelines for the disposal of excess property. There is certainly scope in the guidelines for the Commonwealth to take a more cooperative approach. However, the guidelines seem framed solely to prioritise Commonwealth interests and, disturbingly, to include in those interests any possible political problems in decisions. I seek leave to move the amendment circulated in my name.

Leave granted.

MS TUCKER: I move:

Omit paragraph (3), substitute:

"failure of the Commonwealth Government and the Commonwealth Property Disposals Policy to take adequate account of local interests and needs in decisions on disposal of excess property.".

That amendment takes note of the concerns that we all have with the ongoing failure of the Commonwealth to take ACT needs into account in its decisions on the disposal of Commonwealth land. I thank Mr Hargreaves for raising the matter. It has been of concern over a number of years. I have certainly raised concerns in the past about the airport-Commonwealth government-NCA relationship and the effects on development and planning in the ACT.

I do not know quite how the Commonwealth could argue that the disposal is within the guidelines, but I notice that paragraph (3) of the priority sales section of the guidelines refers to situations where Commonwealth-funded organisations seek special consideration in the disposal of surplus property—we know that the Commonwealth has given megabucks to the airport; I do not know whether they would call that funding—or have the support of the relevant portfolio minister. We certainly know the airport has the support of the relevant portfolio minister, very much so. So I think that it probably could be argued that it is within the Commonwealth's guidelines. That is why I am not supporting Mr Hargreaves's third point and I am replacing it by making clear that we are concerned that the Commonwealth has been quite irresponsible in the lack of interest it has shown in how its decisions about property actually affect the ACT.

MR HARGREAVES (5.37): I wish to speak quickly to the amendment, if I may, and then I will let the debate run freely. I support Ms Tucker's amendment. I am quite happy with that amendment. This side of the house accepts the amendment. As far as I am concerned, Mr Speaker, this debate is about the ACT community's right—if it is not a right, it should be—to surplus land within its borders. I understand that it is owned by the Commonwealth and all that sort of stuff but we, the ACT citizenry, ought to have priority over that use, not a private business. I think it is a contest between the sovereignty of the ACT and the right of a private enterprise to construct a privately owned town centre.

MR SMYTH (Leader of the Opposition) (5.38): Mr Speaker, this debate is the sour grapes debate for the day. It is the sour grapes debate because it exposes the fact that the government have not done any work on corrections in almost two years. When they get caught out, what do they do? They blame the Commonwealth. You have only to turn to the ACT Health guide to fudging questions on the budget estimates for 2003 and go straight to 11 (a)—blame the Commonwealth.

That is what Mr Hargreaves seeks to do. There is no evidence, there is not a shred of evidence, in any of the three items that Mr Hargreaves has put in his motion that confirms that to be true. The first paragraph refers to "the federal government's failure to cooperate with the ACT government in releasing land at Majura for an ACT prison site". Of course they are cooperating. A study is being done to see how the land can be released—the sort of procedure that the ACT government uses when, for instance, the National Zoo and Aquarium asks for some land.

This is about embarrassment. I delivered a corrections reform package in June and, to gazump that package, the Chief Minister said to himself, "What can I do? I'll go one better: I'll announce a prison." He did so, much to the surprise of the press, much to the shock of his staff and much to the amazement of cabinet, because such a decision had not gone to cabinet. It was going to be announced in a couple of weeks, which would have meant that in July the minister would have announced his chosen site for the prison.

But had the corrections minister done any work? No, nil, nix, nada, squat, zip, nothing. No, you do not have to do the work: you just make announcements, snap your fingers and say, "The Commonwealth government is stymieing my efforts to produce a prison for the people of the ACT. I'm outraged." Don't be outraged; do the work.

We did not have the announcement of the sites in July. It actually came out on a Saturday afternoon, I think it was 16 August, that the airport block that the Chief Minister had chosen was at the end of the shorter runway, the east-west runway. We were going to build a prison at the end of the east-west runway on a block of land that we did not own and that was not necessarily appropriate for the site.

Why wasn't it appropriate? It was not appropriate because we had not done the work, Mr Speaker, and you know as a former minister that you have to do the work; you do not just make the announcements. But there was Mr Stanhope, snapping his fingers, saying, "I'm frustrated because I finally wrote to the Commonwealth in May or June or July and, gee, they haven't answered my letter yet." It does not work like that, minister for corrections. You have to do the work and then they have to do the work. There is no evidence to support this motion today, Mr Speaker.

Then we had the ongoing saga. When it was revealed that this site was at the end of an airport runway and that it was not our land and it was not necessarily available because the appropriate work to decide the future of that block and several dozen other blocks in the area had not been done because the ACT government in its laziness had only just asked, the ACT government was outraged, saying, "It's the federal government's fault, so we'll go and find other sites." How many other sites did it find? Four other sites. We had this absolute pretext that it was the Commonwealth's fault and this twisting, twisting, twisting, always twisting.

John Hargreaves is the minister for twisting. He takes the line "I am hopeful that long-term land use planning strategies can be identified that concurrently protect the operational integrity of Canberra airport and meet the ACT government's needs" to mean that the Commonwealth is putting the airport first. It is a sentence that says that it is looking at both. I do not see a priority there. If you are saying that being first in the sentence makes the airport more important, okay, it is the first in the sentence.

Let's face it: no work was done. Fingers were snapped and demands were made and, quite appropriately, they were rejected. The fundamental point is that in 1988 and 1989 negotiations were conducted as to which land would come to the ACT and the agreement, everyone agrees, was that excess land would come back to the ACT. Unfortunately, the federal Labor government of the time and the incoming ACT Labor government of the time did not bother to put it in writing and subsequent governments of both kinds have been arguing with the feds, who say, "Show us your evidence. There is

no evidence; it's all hearsay." Governments of both varieties will continue to argue about whether the land should come back. You guys believe it; we believe it. Unfortunately, federal governments of both ilk do not believe it.

Let's go to paragraph (2), concerning the preference of the Deputy Prime Minister that the Commonwealth should offer surplus Defence land at Majura to Canberra airport. He is the minister for transport. He understands the concept of ministerial responsibility—that you actually look after your portfolio and administer your acts—and he has an act that says that he should take into consideration land around airports. Gee, what would you use it for? Perhaps airport expansion into the future. The lesson from the mayor of Christchurch when she was here some years ago was: protect your airport. It is your link with the world; it is your future.

Mr Anderson has a national view that, as minister for transport, he has to take an interest in what happens at the airport. He is obliged to do so. That is where the people opposite fall down; they do not understand the concept of ministerial responsibility and they do not take it as seriously as they should.

We have had the incredible parade of sites that suddenly the Chief Minister found. He told the world late last year that there were going to be four sites for the prison. Suddenly, at a press conference it went to nine. There were sites all over the place, sites not previously mentioned. Sites were being whipped out of thin air and then he announced the site at Hume. There has been no EIS or study of the effect on the creek. There is no idea whether the site is suitable to build on. He thinks that it will not interfere with flights into and out of the SouthCare airbase.

What do we have, yet again, from the government that was committed to honestly, openness, accountability and community engagement—I love the term "community engagement"? The communities of Queanbeyan and Jerrabomberra were offered the old shotgun wedding—"Take it or leave it: we're going to build a prison there; we don't care"—because the government had not done the work. You have to do the work at some stage. You cannot announce things and then think about them. You should not be misleading the community in this way.

We then get into a real dilemma on this subject with paragraph (3), which refers to "the failure of the Commonwealth to abide by its own guidelines for the disposal of excess property". Even Ms Tucker says that you could read that either way. Maybe they have; maybe they have not. Where is the evidence? There is no evidence. This is just a furphy. In thinking of it as a furphy, you have to wonder about the purpose of this fake airport debate and the fake prison site debate.

I would normally dismiss this motion from Mr Hargreaves as mere posturing done at the behest of his masters, but I think there is another side to it, possibly a more sinister side. I think that we need to understand that the endorsed Labor candidate for Eden-Monaro, one Kelvin Watt, enters the scene and plays a role here. Jon Stanhope, Chief Minister of the ACT, says, "I'm going to build a prison there." Kelvin Watt, the endorsed Labor candidate for Eden-Monaro, says, "No, you're not." So they are going to huff and puff, pump up their chests and have this little fight over what will be done. Mr Speaker, I have in front of me some electoral material signed by Mr Watt that is entitled, "How you can stop the jail being built at Hume."

Mr Hargreaves: I take a point of order, Mr Speaker. I draw your attention to the fact that the motion talks about a block of land at Majura, does not talk about a block of land anywhere else, and this line of Mr Smyth's is irrelevant.

MR SPEAKER: Yes, remain relevant, Mr Smyth.

MR SMYTH: I think it is very relevant, Mr Speaker, because the first line of the motion talks about the ACT prison site and the ACT prison site is currently Hume. I seek leave to table the document, Mr Speaker.

MR SPEAKER: Is leave granted?

Mr Hargreaves: I have not seen it. Give me a look at it first.

MR SMYTH: It is ALP electoral material. Surely it is appropriate.

MR SPEAKER: I think I am hearing a no; leave is not granted.

Mr Hargreaves: Just give us a few minutes.

MR SMYTH: All right, have a look at it. It is interesting that Labor members want to vet ALP electoral material for the seat of Eden-Monaro, so let that go on the record as well. Mr Speaker, this document talks a bit about the jail site at Hume, has a few titbits from the ALP's how to run a local issues campaign handbook, and finishes with a petition to the House of Representatives. I might say that this electoral material, on my copy at least, has not been authorised. So Mr Watt might like to consider what he is going to say to the AEC and how he might go about making amends for a potential breach of the electoral act. Of more importance is the fact that nowhere on this flyer is it mentioned that Mr Watt is a member of Mr Stanhope's staff.

Mr Hargreaves: Mr Speaker I take a point of order. Mr Smyth is out of order.

MR SMYTH: Under which standing order?

Mr Hargreaves: It has nothing to do, to repeat the words in the first line of the motion, with the federal government's failure to cooperate with the ACT government in releasing land at Majura for an ACT prison site. It does not talk about having any prison site, even one at Gulargambone; it just talks about a Majura site. Mr Smyth has spent a minute or so talking about another site.

MR SPEAKER: I think that it would be a bit hard to separate the two, Mr Hargreaves.

MR SMYTH: Thank you, Mr Speaker. The document actually speaks about placing pressure on the federal government to make the land at Majura available to the ACT government, so it is absolutely relevant. *(Extension of time granted.)* But it does not mention, as does page 5 of the ACT government contacts booklet, that Mr Kelvin Watt is a media adviser to the Chief Minister, the same Chief Minister who has announced that he will build a jail at Hume, the same Chief Minister who would have discussed this issue at length with his advisers, and you would assume particularly his media adviser. I

cannot think of a more blatant conflict of interest on the part of Mr Watt, nor do I think that the Chief Minister is without blame in this affair.

In an interview on the afternoon of the announcement Mr Watt denied having any knowledge of it: he stood aside; he was apart; he had no idea what the Chief Minister was up to until the statement was released. People can believe that as they want, except that later in the interview he said, "We have got about three months to do this." That was new information. Nobody knew that they only had three months. It is very curious that Mr Watt seemed to have information afterwards.

Indeed, one could construct an argument that the Hume jail site is simply a straw man designed for an ambitious staffer to knock down and become the hero of Jerrabomberra. Is that the standard of public policy we can expect from this government and from the Chief Minister, expending taxpayers' funds to assist his staffer to become an MP? Mr Stanhope will probably bolt down here now and get up on his hind legs and concoct some unlikely story that Mr Watt had absolutely no part, even passively, in the jail decision. To paraphrase Mr Quinlan, he should not bother to insult our intelligence with such excuses.

The conflict of interest is real here, Mr Speaker, and it must be resolved by the Chief Minister immediately. As long as there are issues relating to Eden-Monaro, and it looks like the jail will be an issue for a while, both Mr Watt and Mr Stanhope have a serious conflict of interest, which brings us back to the assertions made by Mr Hargreaves. He claims that it is all being done as a favour for a mate, and he names the owner of the airport group, Mr Snow, who won an award for his service to—

MR SPEAKER: Mr Smyth, I thought I heard you say that Mr Stanhope had a conflict of interest.

MR SMYTH: I think he does, Mr Speaker.

MR SPEAKER: That is a matter that is in the hands of the Assembly; it is not something that you can impute.

MR SMYTH: If you wish me to withdraw that, I will withdraw it, Mr Speaker. We may take it up through other processes in the Assembly.

Mr Speaker, what is happening here? I need to refer to a statement by the Chief Minister some time ago in response to question No 396 about what was happening with the application by a Canberra firm for a block of land. It is a Canberra firm that has now waited more than two years under this government for a block of land. Almost 12 months ago, it was said was that an application was being considered by the government and a decision would be made shortly. Gee, what is the federal government doing?

An application has been made and it is being considered by the government and a decision will be made shortly—apparently, the same process. It is good enough for an ACT firm and a resident to wait two and a bit years to get a block of land from the Stanhope government because a decision cannot be made, but it is not good enough that Chief Minister Jon Stanhope has to wait a couple of months while the federal

government does something appropriate—looks at a responsible way of disposing of an asset.

I hope they will do it quickly. I wish they would do it quickly, because I think that some of the land around the airport should be released for other uses. But ministerial responsibility says that the Minister for Defence, the Minister for Finance and Administration and the minister for transport should take their roles seriously, which is the purpose of the study.

Mr Hargreaves talks about the minister for corrections federally. For your information, Mr Hargreaves, there is no minister for corrections federally; it is a state and territory responsibility. Yet again we have the ignorance in these matters that Mr Hargreaves so characteristically displays.

Mr Speaker, as to the so-called failure of the Commonwealth to abide by its own guidelines for the disposal of excess property or, as the amendment reads, the failure of the Commonwealth government and Commonwealth property disposals policy to take adequate account of local interests and needs in decisions on the disposal of excess property, the use of the word "failure" is inappropriate in both cases. Perhaps Ms Tucker might consider changing the words to request the Commonwealth government and the Commonwealth property disposals policy to consider or include, but they cannot fail when they have not been tasked with doing something.

If it is not in the guidelines that, as responsible public servants, they abide by, they cannot have failed. If in future you want them to consider it, I think we should write to them as an Assembly and ask them to consider it and say that we are being ignored. I think that would be appropriate, but you cannot condemn somebody for doing something that they were not tasked with doing. Mr Hargreaves's original failure of the Commonwealth to abide by its own guidelines has not been proved; it is an assertion. Where is the proof, Mr Hargreaves? Like so much that is put forward in this place by John Hargreaves, it is fairy floss. *(Further extension of time granted.)*

To conclude, Mr Speaker, this is the embarrassment motion of the day. The level of embarrassment of the government at their own lack of activity over two years in corrections has been exposed. This debate is about a knee-jerk reaction: we put in a rehabilitation program and they announced a prison proposal. They had no site and they had done no work. They then dropped the name of a site that patently was never going to be used for that purpose to blame somebody else. The blame game was set up. We had then the announcement of another site, after we were going to have four and then nine sites, and then the government picked a site at Hume on which it had done no work so that the hero of Jerrabomberra could flex his muscles and say, "I will save Jerrabomberra from the terrible federal government."

I think that it is important that people understand that. Clearly, the opposition will not be supporting the motion. If Ms Tucker wants us to support her amendment, she needs to remove the word "failure", simply because I do not think a case has been made to show that the federal government have failed. If they have not considered it, I think they certainly should. To say that they have failed at this stage is unfair, but then again the whole motion is simply fairy floss.

MS DUNDAS (5.54): I will speak to both the substantive motion and the amendment to move things along. I start by saying that I will be supporting the motion as put by Mr Hargreaves and I am quite happy with the amendment as proposed by Ms Tucker.

I think that it is quite obvious that there is a need for the ACT to build its own prison. Everyone in this Assembly appears to recognise that there is a fundamental need for the ACT to have control over and to look after its own prisoners. In particular, the Democrats have long been concerned that ACT prisoners have been sent interstate to serve their terms and have not been able to be in proximity of their families and that the ACT has not been able to manage its prison population or govern the programs available due to not having its own facility.

That means that we have been subject to the imposition of New South Wales rules and decisions about the treatment of the people that we decide need to be incarcerated and we have very few avenues to remedy that situation. Both issues reduce the potential for successful rehabilitation and reducing recidivism among our prison population. That, in a vicious cycle, leads to more prisoners reoffending on release, which means more crime and then more imprisonment.

However, despite that appearing to be accepted as a fact by all sides of the political spectrum, there has been much community debate on where this prison should be put. The previous government believed that Symonston was a suitable site. That site was then shifted to Majura. When there were problems with obtaining land at Majura, more options were then considered, including one near Gungahlin, and most recently we have had a site in Hume targeted.

This process is quickly generating into a farce and the people of Canberra will soon tire of this prison merry-go-round. Both major parties promised a prison at the last election, but it appears as we approach the next election that no final decision has been made on a location, let alone design or construction work having been commenced and the major issues that relate to a prison being worked through, such as what programs will go there, how it will be established and the handling of female prisoners, those on remand and those in high security.

I will say that I believe that it is true that the actions of the federal government in regard to its land management program have not helped. This is clearly a continuation of a poor land release policy. The example of the Tuggeranong town centre has already been raised in the debate. It is unfortunate that the federal government has developed such a haphazard and unhelpful approach to land release. That is why I will be supporting the motion today.

I think that Ms Tucker's amendment clears up the situation, so that we are not so much talking about the guidelines being breached but about the guidelines being vague and unclear. I will say that this does not absolve the ACT government of all responsibility. We must accept as a fact that there will not be consensus on the location of such a facility within the ACT. There will always be people who want it to be somewhere else.

It is interesting that when people talk about which sites are the most suitable, they are not talking about any specific features of the sites; they are talking about their proximity to

Canberra residents, to New South Wales residents and to their own homes. The opposition has been quick to stir up residents in Tuggeranong about the Hume site and we have seen a federal MP, Garry Nairn, try to score a few political points on behalf of Queanbeyan and Jerrabomberra residents, but none of this political game playing will actually result in a quality facility for the ACT.

I think it is important that we send a message to the Commonwealth that we are unhappy with their land management, but it is just as important to get on with the job of designing, building and running a prison focused on rehabilitation. That is what the people of Canberra are waiting for.

Amendment agreed to.

MR HARGREAVES (5.59), in reply: When I was advising the chamber of the letter of 19 January 2004 from Mr Anderson, the minister for transport, I neglected to advise the chamber of another passage in there which gave me much concern. I am sure that the leader of the Democrats will be interested in this little fellow. It reads:

> I have written to the Prime Minister, Minister for Finance and Administration and Minister for Defence advising my view that should Canberra Airport not wish to acquire all the identified surplus land…

He goes on to say that he wants to make sure about the right use of it. The Canberra airport gets first bite of the cherry, full stop. The Leader of the Opposition was going on about that being the right and correct role of the minister for transport. I can understand him wanting to have a say on the airport, but not about corrections.

Mr Smyth says that we have not done any work on corrections in the last couple of years. For Mr Smyth's knowledge—he ought to know; if he does not know, he ought to be ashamed of himself—work has been going on with developing the programs to go into that prison. In opposition, we criticised the Liberal government because they were going to get a site, build a prison and whack the programs into it. While we have been negotiating on land, we have been working on developing the programs. But it is the federal government that has held it all up.

Mr Smyth said that we wanted to build this prison at the end of the east-west runway. Mr Smyth has to be reminded that Duntroon is at the end of the east-west runway at one end and there is a monstrous Air Force base at the other. Mr Speaker, we are talking about a block of land which is past the Air Force base and past the golf club. But Mr Smyth, again, wants to be sneaky, tricky and mean about this sort of stuff and he wants everybody to believe something which is patently untrue.

The federal minister for transport has used his weight with the Prime Minister and other ministers to protect the long-term interests of the Canberra airport group. Why is that group opposed to a prison? Perhaps it does not suit their financial interests, Mr Speaker. Why is Mr Snow building a privately owned town centre? Perhaps it is in his financial interests. Maybe he is going to call it "Snowtown". Why is the federal minister for transport helping a significant contributor to the Liberal Party? To guarantee a second runway, perhaps. Perhaps the airport have plans to put in a second runway, but plans for

a prison and residential development at Tralee might be adversely affected by those plans or might adversely affect plans for a second runway.

Why is Mr Snow opposed to the residential development at Tralee? Certainly, that development would benefit the citizens of Tuggeranong as well as the citizens of Queanbeyan. I think that it is because the development at Tralee does not fit in with their secret plans to put in a second runway.

Mr Speaker, I want a prison in the ACT quickly. I want a prison at Majura, east of the airport, where it would be nowhere near residential development, where it would be close to an industrial area, on an existing transport route and within 20 minutes of court and, more importantly, where it would be well and truly within the ACT.

I also want the economic development of Tuggeranong to proceed apace. Having another town centre popping up around the airport would act against the interests of the residents of Tuggeranong. I do not support the growth of a privately owned town centre, nor do I support favoured treatment by a federal government minister or ministers of a private enterprise which would act to the detriment of my electorate.

Mr Speaker, I commend the motion to the Assembly.

Motion, as amended, agreed to.

Protection of biodiversity in new suburbs

Notice of motion

Notice No 6, private members' business, relating to the protection of biodiversity in new suburbs, having been called on and the member not being present, pursuant to standing order 127, the notice was withdrawn from the notice paper.

School crossings

MR PRATT (6.05): I move:

> That this Assembly:
>
> (1) notes that no suitable school crossing was built to service the new Amaroo School prior to its opening for the 2004 school year;
>
> (2) expresses its concern that school crossings in the ACT are inadequate; and
>
> (3) calls upon the Minister for Education, Youth and Family Services to conduct a review of all school crossings and to report back on the findings of the review to the Assembly by 1 July 2004.

I would like to speak today on the state of school crossings in the ACT. As my motion states, I am very concerned that no suitable school crossing was built to service the new Amaroo school prior to its opening for the 2004 school year. I do know, however, that a school crossing has been built on the corner of Yule Street and Burdekin Avenue since the school's opening. How did the children safely cross the road before the crossing was built? That sounds like the old chicken and egg question—who crossed first?

Is it not the duty and obligation of the government to provide a safe and timely method of crossing the road for schoolchildren throughout the school year? This was not the case in the instance of the opening of the new Amaroo school. Clearly, the government did not think through all the requirements. I am sure that they meant to cover this requirement and I am sure that the government and the minister are trying to ensure safety, but at the opening of the school they forgot to provide children with a safe method of getting to and from the school.

This is not an isolated case. As we review the situation around the community and receive feedback sparked off by these and other circumstances, we are determined that it is well past time that a safety audit of all schools be carried out.

Mr Wood: Explain your logic there. You think there's a problem in one place and then you want to extend it to everywhere. I just do not understand that logic. I expect you'll explain it in your speech.

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

MR PRATT: For example, we know there are problems with a pedestrian island that was proposed to be built in front of the Good Shepherd school at Amaroo. I assume that we have all received correspondence from residents in the area who are concerned with the placement of the pedestrian island.

Overall, it can be said that the government was errant in its duty throughout the establishment and opening of the new Amaroo school. It did not provide a safe and established crossing for the children to access the school. That is errant behaviour. The government has also not resolved issues of a pedestrian island in front of the Good Shepherd school. That is a concern. One can only assume that the government, especially the minister for education, needs a watchdog to ensure that parents can rely on the infrastructure to be available so that their children can safely access schools. Obviously, we need to hold the government's hand on that.

My motion also states that I am concerned that school crossings in the ACT are inadequate. This is fundamentally a safety issue, and safety is not to be trifled with. Let me pick a random school—let's say Fraser primary school. This school also does not have a designated crossing for children to cross safely when getting to and from the school.

Upon examination, the school is surrounded by a total of six bus stops—two bus stops on each of the surrounding streets: Tillyard Drive, Kerrigan Street and Shakespeare Crescent. Therefore, there is a total of six access points to the school grounds or the school oval. None of these has a designated crossing area. Tillyard Drive does have an underpass near the bus stops. However, this does not solve the problem of safe access for children who live on the other sides of the school or who need to catch buses on the other streets surrounding the school.

I want to bring to light the issue of Torrens primary school, which I have been monitoring for some time. I have also raised the issue in this place and I have written to ministers to have outstanding action expedited. I hope that action is under way. The

problem at Torrens is a combination of inadequate parking, street congestion and insufficient marked crossings.

A hazard analysis conducted by the school P&C in August 2003 indicated hazard levels that were high, and even extreme, on some of the major safety benchmarks. Children alighting from cars on the opposite side of the street from the school in Ritchie Street are running the gauntlet. Granted, that is a parent problem. However, marked crossings are clearly needed there. We need to see a combination of community zebra crossings and school managed crossings along Ritchie Street and the others that bound Torrens primary school.

The point, too, is that Ritchie Street is being increasingly used by commuter traffic as a short cut from Tuggeranong to Marist and Melrose schools. The government, in the audit that we want them to undertake, must categorise streets that tend to be utilised as commuter traffic through-flows that are also major alighting areas for those schools. Firm policy decisions in light of these assessments will then need to be made about whether to assist schools to relocate their alighting areas or whether to impede traffic flows and put in school and zebra crossings.

It is my observation that there are breaches of OH&S in respect of traffic management across the ACT school system. Schools need to be supported by the department to ensure that they adhere to good OH&S practices. Schools want to exercise good OH&S practices and we know they are trying hard to do so, but a school principal can only write so many letters appealing to parents and children to arrive at school and deal with traffic movements safely. It is incumbent on the department to ensure that every school has an adequate number of school crossings and alighting areas for buses and cars, and there is every indication that our community is falling far short of this requirement.

It is incumbent on the government to ensure that schools are safe. I assume that the government is driven to pursue this objective, and I am sure that the minister means to see that safety is in place. Children arriving at school are in danger on any given day, even in the best of weather and traffic conditions. Little children have yet to fully develop their senses and their commonsense. Coupled with this, harried parents are understandably under pressure in the madhouse of school arrival and school pick-up times and, sometimes, under pressure they make mistakes. Parents often have to supervise three or more frisky, excited kids leaving cars, banging mum in the knees with their heavier and heavier schoolbags. Mum or dad is rushing to get out of this madhouse and off to work.

Concurrent with all of this, in too many schools there are now increasing short-cut commuter through-flows of traffic bypassing major roads and, regrettably, hastening past school front gates. Boil all of these dynamics together and the risk of accident outside of schools is high—at the best of times. We believe that in far too many schools the risk factor is increasing greatly. I am feeling pretty uneasy about that and, I suspect, so too are my colleagues on all sides of the house.

This is why we are seeking to move urgently to see the safety audit undertaken. Anecdotal, informal information to my office is disturbing. I know that some other MLAs, not necessarily in my party, feel the same way. Let's take action on this. Let's direct the department to risk analyse quickly what the situation really is in schools across

the territory. I have looked at the Greens' suggested amendments, and I will support those. I think they are sensible, and I thank the Greens for that submission.

My motion also calls upon the minister for education to conduct a review of all school crossings and to report back on the findings of the review to the Assembly by 1 July 2004. I believe that there is now sufficient evidence to warrant a review of all school crossings in the ACT.

As well as the debacles at Torrens, Amaroo and Good Shepherd schools, there are many schools that do not have adequate school crossings to meet the duty of care the government has for both parents and children to ensure the safety of all students enrolled in all ACT schools. I do not think this is deliberate, and I am not criticising the government for being uncaring; I just think this is a priority that needs a lot more focus.

Given the information that we are getting back, the matter needs to be drilled right down to because we have too many schools that are seen to be struggling in the management of their traffic flows, morning and afternoon. I have spoken previously about Fraser primary school. Another example is the northbound Kingsford Smith Drive bus stop access to St Francis Xavier high school, which is on the far side of a dual carriageway and has no school crossing.

Members, I look to you for support in this vitally important matter. I hope the department is doing its job. I think it is trying to, and I sympathise that the school crossing issue is a complex and costly challenge. We cannot trifle with children's safety. I believe there is sufficient concern, and we must encourage the government to act. I believe that the Assembly has a duty to recognise the concern and we members a duty to take action. My colleagues here probably feel the way that I do. I therefore seek the support of members to ask the government to undertake the necessary safety audit and report back to the Assembly on the designated date that I gave earlier.

My fear is that, if this government does not get this audit under way and if we do not see a quality safety audit and then quick follow-up action based on the findings of that audit, we will see increasing accidents. The daily grind of life and the rat-race syndrome are increasing daily. Commuters are taking short cuts, traffic congestion is increasing and the frustrations of all are increasing. Harried parents are parking not so well. They often double park and they make mistakes. Excited children alight from buses.

I believe schools are becoming more chaotic areas, morning and afternoon. Community concerns indicate this, and school committees are telling us this. I believe time cannot be wasted. I hereby call upon the government to immediately attend to the known priority concerns and to carry out as soon as possible a safety audit of the traffic management flows of the entire school system by 1 July.

MS TUCKER (6.19): I have circulated an amendment to this motion in my name, but I am going to have a revised amendment circulated as soon as it is ready. I will talk to the revised amendment right now to expedite the debate—it will come as I am talking, or afterwards, when I will move it formally.

Mr Pratt's motion seems to be worded in a way that addresses all the issues involved in the management of traffic around schools for the safety of children. My amendments

deal with the safety of other people in the community who may be regarded as being at risk on the roads—that is, older people—and also brings childcare centres into the question. There are well-established grounds for having specific traffic devices for groups of people who may have special needs when using roads. These groups include older people, children, parents with young children and people with a disability.

I understand that it is true that a school crossing was not in place on the first day of school this year at the new Amaroo school. However, I am assured by the minister's office that signs had been erected to indicate a 40-kilometre zone on the streets around the school on the first day and that a school crossing was in place on the second day of school. I am glad that this occurred, and I am happy to support the first part of the motion. It is not of much concern for the government; we are just noting it.

The second part of Mr Pratt's motion condemns all the school crossings in the ACT. It is difficult to say that about all school crossings; I would not feel comfortable saying it. I have certainly heard concerns over a few school crossings, but I believe these concerns could be addressed following a review of the traffic management around schools. My amendment removes this statement.

The third part of Mr Pratt's motion seems reasonable. My amendment adds the involvement of the minister responsible for roads. This seems like an important thing, so that the department involved in managing roads can contribute constructively to the review. If a review is to be done, it should include traffic issues in the whole area and take into account the land use around the school and the nature of the roads surrounding the school, et cetera, and my amendment indicates as much. I have also added to the motion the question of childcare centres and the potential of having 40-kilometre zones there.

In my amendment I am asking the government to report back to the Assembly on traffic issues around childcare centres and the potential for 40-kilometre limits. The safety of the streets around childcare centres would be enhanced for young children and parents with children by the introduction of restricted speed limits. This is standard practice for preschools and primary schools, so it does not seem out of the ordinary to extend the policy to places where children are concentrated during the day. These speed limits can apply only during peak times for pick-up and drop-off around the centres, although I understand the minister will have some comments to make about that. The government has actually looked at it, and that is why I am interested. I am changing my amendment to ask it to report back to the Assembly.

The minister, as I understand it, is happy with the time that Mr Pratt has for the work he is asking for but felt that, if I asked for full reviews of childcare centres and aged persons facilities as well, it would make that timeframe impossible. As the government is telling me that it has already done work on both those issues, I am quite happy to just ask it to report back to the Assembly on them so that we get a sense of what it has found out. We can take further action after seeing that information if we want to.

The amendment will also include a request to report back on traffic issues and the potential for speed restrictions around aged persons facilities. Older people can find it difficult to cross the road and react to fast-moving traffic, and it is important that older

people feel secure in using their surrounding facilities. Slower moving traffic is one way to achieve this.

Other specific actions, such as pedestrian crossings and islands, may be useful at specific sites of older persons residential accommodation. I look forward to the government's response to these issues. Revised amendments will be circulated in my name in a minute. When they are circulated, I will stand up and move them formally, but people can speak to what I intend to do.

MR SPEAKER: The amendments have been circulated. You can move them now.

MS TUCKER: I seek leave to move the revised amendments circulated in my name.

Leave granted.

MS TUCKER: I move the following amendments:

(1) Omit paragraph (2).

(2) Paragraph (3) after "Minister for Education, Youth and Family Services", insert "and the Minister for Urban Services".

(3) Paragraph (3) after "all school crossings", insert "and traffic management around schools".

(4) Insert the following new paragraph:

"(3a) calls on the government to report to the Assembly on traffic issues around childcare centres and older persons facilities on the potential for the introduction of 40km/h zones in those areas by 1 July 2004.".

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) (6.24): I do not think Mr Pratt intended it, but there is a measure of offence in his presentation that the government and the Department of Urban Services, or our traffic people, are unaware of the problems. He indicated that we must move rapidly to ensure the safety of all children.

Mr Pratt, that happens all day, every day in this community. It is regular practice for schools to call upon the Department of Urban Services to look at traffic issues around their schools, as it is for aged persons units and other places. DUS is continuously looking at these issues, so let's put aside any thought that there is a problem that has been unrecognised. More than that, there is an enormous jump in logic in this motion. It says, first of all, that there is no school crossing outside one school. As a result of that we have to look at every school in Canberra.

Mr Pratt: Sorry, we have to what?

MR WOOD: As a result of the fact that one crossing was presumably missing on one day, we now have to look at every school in Canberra. Now, that is an extension of logic. Mr Pratt mentioned three other schools in total where he believed there was a problem.

Mr Pratt: Time precludes speaking about any more.

MR WOOD: It is a problem in this place that you can raise an issue, consider it fully substantiated in what you raise in it and then require some action. There are issues around a school and traffic. As I indicated to Ms Tucker when discussing her amendment, we will respond and give a discussion paper or a report on schools, aged persons units and childcare centres, and we will give you information about the issues and our views on them.

But I am not sure that it is the case to say there are massive problems. There is a significant change in what happens, and I will mention that in a minute. Let me say first of all that DUS and its minister are very concerned about traffic issues around schools. The issue of the safety of our young people is of paramount importance and, if we hear of a report, we want to know about it and we will investigate it.

Having said that our concern is paramount, I have been doing a mental flip through my filing system here as to what accidents there have been around schools in recent times. Early this year, I think, there was a tragic case of a girl killed at a crossing—not a school crossing, a very wide crossing. I do not know if that is related to schools or not.

I recall that some few years ago there was an accident in the car park of a childcare centre with a walloping great four-wheel drive that someone could not see out of. There was an accident in Wanniassa some years ago, the details of which escape me. There was no fatality but something of an accident. When you think that 60,000 to 70,000 students go in and out of school every day, I do not think there is significant evidence of a problem, given the accidents. Let me say again: one accident is a problem. I am not sure that there is significant evidence of a problem, but we will certainly look at these things.

I want Mr Pratt in his conclusion to clear up one thing for me. His motion talks about a review of school crossings. That is what we will do because I can see that is what we would be asked to do, notwithstanding the fact that we do it often enough in response to schools. Mr Pratt, you talked about traffic flow in your last sentence or two. Your motion does not ask about that. That is a much bigger issue and is not something that will be done in quick time. I am happy to talk about traffic flows around schools, but we will be responding to the terms of the motion.

Traffic flow around our schools is an issue. Most of our schools were built in years when most of our students walked to school, and the street outside Torrens school with the car park is a relatively narrow street because that was the pattern of the day. If we build new schools—and I was looking at the parking arrangements at Amaroo—much greater parking facilities are made available and there is much greater consideration of traffic flow because these days most parents, or certainly a heck of a lot of the parents, drive their kids to school.

Our predecessors did not anticipate that when they built Torrens school, or even Fraser school, which is a little more recent. There is an issue there, and schools are beginning to deal with it. I know that schools are developing traffic management plans for those 15 to 20-minute peaks in the morning and afternoon, and it is a good idea. Torrens has got streets right around it, and I would anticipate by now that at Torrens school some of the

kids are being picked up at the street outside where they always were, some are being picked up down the other end of the oval and perhaps some somewhere else. You can arrange it so families stay together. I think that is going to be the case.

I know, informally, that at the school I drive past every day some parents go into one of the little back streets and others go somewhere else. Schools, and parents in particular, have to learn to split their traffic flow because those schools were not designed to accommodate the level of traffic that compacts into them in the morning and in the afternoon. Torrens is a prime example, and there are many other schools where that has to happen. Schools must understand this.

I am not sure whether it is in the facility of this government—or the previous government or the next government—to redesign the streets around Torrens primary school and other schools to accommodate the changed social patterns. We just cannot do that. I think we need to understand that.

Let me tell you what happens. Generally speaking, school crossings throughout the ACT are believed to be adequate and to meet all standards. There is a standard for everything: roads, traffic and signs—you name it, there is an Australian standard. Generally speaking, we meet those standards. There is a technical assessment of the number of students crossing a particular section of road and the level of conflict with passing traffic or the parental traffic. It is carefully examined.

It is not always the practice, I am advised, for a crossing to be at a school on its opening. Kids are little devils and do not always take notice of crossings, so it is useful to observe the pattern of student movement before putting in a crossing. Incidentally, there were some issues around one of the crossings at Amaroo because a local resident fiercely resisted, and he had one point that was valid. So that was an issue. We actually talked to this person. I am not sure that the end result—maybe a traffic island—will please him either, but it will be a more satisfactory result than the first one. Mr Cornwell seems to know something about it

Mr Cornwell: I'm agreeing with you!

MR WOOD: Believe it or not, people, we are still talking to one gentleman—or two, perhaps: two houses—about this issue. We are not prepared to steamroll them. We do not like to steamroll communities; I think we have said that before today. So that is the story around Amaroo.

Urban Services review the traffic management requirements of schools on a regular basis, when they are asked to or where they themselves understand there is a need. When a school community, a resident or a parent has a concern about the operation of the school crossing, they inevitably contact Urban Services, who will then assess the concerns raised and will go and talk to the school. I sign off letters all the time to school P&C associations on these issues, and my predecessors have done the same.

Mr Pratt, it is a continuing process. It has been happening in this government and the government before and the government before. Where it is possible, and where the assessment says there needs to be a change, that change does occur. There are over 300 school crossings throughout the ACT, and these are reviewed by Urban Services on

a regular basis in response to various people. I do not think there is any objective evidence to support the request to review all school crossings. But that is what we will do: we will have a look at all 300 of them. I will try to get back by 1 July, and I might have to come back and seek an extension because it is a lot, Mr Pratt.

When this motion started out today, I do not think anybody understood. Just put a motion on the notice paper and go for it! We have to fill some time on private members day, and nobody really understood the extent of the problem or what the Department of Urban Services is constantly doing in response to problems that are out there. The actual road safety performance in traffic management measures around schools, including school crossings, and the level of safety afforded to students over the last 10 years do not indicate that there are problems that require us to look at 300 schools.

There is another thing, and I think Ms Tucker is right. Her amendment, which I have not actually read, includes Urban Services in this review. The education minister—let me be precise: Ms Gallagher—and I will see that this happens. I do not know about non-government schools. Non-government schools are not mentioned here. You do not want me to include non-government schools?

Mr Pratt: That was a given. We are talking about schools. If we are talking about schools, we are talking about the entire ACT schooling system.

MR WOOD: Okay, I will take that. I guess it was a given, but it was a slipped given.

Ms Gallagher: So it's now 140 schools to look at?

MR WOOD: No. When I say 300 crossings, I am talking about all schools. This is a lesson for this Assembly. If you have an issue like this and you want to do something, I do not mind if you come and talk to me first and maybe we can keep things on track. I can give you a briefing and tell you about it. But from time to time motions come up here that are something for the day and they are not always well founded.

I will undertake to look at school crossings at every school—in just what format I do not know. Can I make a suggestion? We might wipe a few off if we have been looking at them in the last period. Let's not repeat what has been done in a recent time. Amaroo will be done and modern schools. In order to make this a feasible task—I do not think you understood how extensive it is—we might make some assessments and not absolutely every school in fine detail. Give me a bit of flexibility here, if you would. I do not want to get a motion of no confidence when I come back, mind you.

Mr Pratt: We will work that through with you, Minister.

MR WOOD: Thank you. We will work that through. I will talk to you about it. I would have wished that you had talked to me first, but I will talk to you about it. With those provisos, this government will not resist this motion, but I am not convinced it is necessary.

MS DUNDAS (6.38): I will talk to the substantive motion and the amendment. We are talking about the very important safety issue of the roads around our schools and the ability of children to access those schools and travel along those roads. We do not want

our schoolchildren placed in dangerous situations, for the obvious fact that we do not want our schoolchildren hurt but also for the fact that it could lead to compensation claims. We have just rewritten our insurance and compensation laws, and the government could be open to pay quite a lot of money because of serious accidents happening in front of our schools.

Schools have a duty of care to their students while they are at school and also when on their way to and from school. That is the issue we need to be aware of. We have talked about whether or not all school crossings are adequate and what has been happening at Amaroo. We have briefly touched on the issue of Fraser primary. Fraser primary has been trying to get adequate school crossings for over 20 years. The community in Fraser is amazed that Amaroo primary on its second day of opening managed to get a school crossing when, after 20 years, Fraser primary is still without a school crossing. I hope that this debate will lead to a greater assessment of what has been going on.

If assessments have been going on, as the minister has put forward, then the question needs to be answered of why Fraser primary has not had a school crossing there for the last 20 years, even though the residents of Fraser and of the surrounding areas have been quite vocal in their concerns about what has been happening there.

To the list of concerns about school crossings I will add what has been happening at the front of Canberra high school. Yes, there is a crossing over Bindubi Street into Canberra high, but concerns have been raised by the P&C quite recently about the traffic travelling along Bindubi Street at speed, about access to the car park and about the changes that have been happening at the Jamison centre. There is an obvious need to look at that issue, and I hope it will be caught up in this review.

I am glad that Ms Tucker has put her amendment forward, which moves the issue from just school crossings to traffic management around schools as well as traffic management and traffic around childcare centres and older persons facilities. It is a very important move to expand this review so that it looks at where people are vulnerable when they are crossing roads to access facilities that the government provides.

The Minister for Urban Services talked about a continuing assessment process that appears to come into train when the department is asked to look at an issue, or where the department believes there is a need, as opposed to an ongoing review that is always in train and always looking at schools. Perhaps that would be financially prohibitive. What this motion is calling for today is a bit of a shake-up—a complete review—so that we can see that the reviews that happen when they are asked for actually pick up all the issues.

While we are talking about access to schools and school crossings, I will draw the attention of the Assembly—I know that members might not be aware of this—to what is happening at Ngunnawal school in relation to its proximity to the Whitehaven estate. The Whitehaven estate has actually put up a gate, which means that kids are having problems getting to school. I know that the ministers are aware of this and ACTPLA is trying to work with the body corporate at Whitehaven estate to find an acceptable solution.

Again, because of all the attention that has been given to Amaroo having a school crossing on day 2, it is now quite substantially into the school term and Whitehaven

estate still has a gate. Ngunnawal children are being asked to walk quite an extra way to access their school; Fraser primary, 20 years after it first started asking for a school crossing, is without one.

I am glad that this debate is taking place today; it is important to look at what is happening around our schools. I hope the review that we receive on 1 July will lead to some action and we will have greater safety around our schools. I hope that the issues that have been bubbling away for quite a time in the suburbs—not just the recent issues in Amaroo and Ngunnawal but at Torrens, Fraser, St Francis Xavier and Canberra high—will be addressed in a timely manner.

MR CORNWELL (6.44): I welcome the bipartisan approach to this issue from the minister, and I naturally support the motion put forward. I do, however, have to agree with Mr Wood that these issues are not easily solved. Mr Wood made the sensible point that many of these schools were built many years ago. They are still in existence, but they were built at a time when people felt that they could safely send their children to school, either by foot or on bicycles. This is no longer the case.

We also have a situation where even vehicles change: we seem to have more four-wheel drives. I occasionally drop my granddaughter off to school, and I must say that some of the problems associated with schools are caused by parents who park anywhere and everywhere and who do not seem capable of putting schoolbags and such like into the vehicle. No, they have to go into the boot, so then you have to stop and everybody gets out and then you go around the back. You can imagine the chaos that is going on early in the morning.

These are issues of the 21st century; that is what it comes down to. Other schools have been designed with not very adequate street access. This is not necessarily a government fault. In some cases, large areas of land were handed over to developers, who took the maximum amount that they could for housing, and the public areas were reduced. In turn, this has had an effect upon areas surrounding schools.

Mr Wood made mention of the traffic management around schools. This is a major problem. You do have to look at the pattern that forms. All schools are different, and we have all mentioned various schools. You should come down one day, Minister, to Sts Peter and Paul in Garran. They have an extremely difficult traffic flow, which they manage remarkably well. I went down at one stage to see if I could do something to assist them and I came away utterly defeated.

Sometimes, of course, you cannot put school crossings into certain areas outside schools if they are on major thoroughfares. The last thing you want is to put in a school crossing where there could be the risk of drivers travelling faster than they should with the inevitable dangers associated with it.

As far as the amendment put forward by Ms Tucker goes, yes, I do not mind that we are looking at a review of childcare centres, older persons facilities and the potential for the introduction of a 40-kilometre limit, which we have not made mandatory. We need to look at the traffic flows, and we need to remember that most of the aged persons facilities that I am aware of have signs warning people about age. In fact, the sign, as I

recall, says "Caution aged", but I have never been able to see any to do that, so I presume that it has another meaning.

I do not have a problem with this. Mr Pratt's motion calls for a review. I take the point that Mr Wood has made about the timing. I do not think it is an unreasonable request, Mr Wood. This will probably be brought up again in this place in two or three years time, but you and I won't have to worry about it.

Amendments agreed to.

MR PRATT (6.48), in reply: I thank members for taking this matter up. In reference to Mr Wood's comment, we do not want to see X accidents reported, involving a certain level of injury or death, before we decide to act. We would rather see preventive action and audits, such as we are proposing, to head them off at the pass.

Mr Wood: We do that all the time.

MR PRATT: Yes, but we are saying that we need to see that process strengthened, and with a firmer deadline, so we can get a snapshot of where we are in the territory. I believe the department has sufficient feedback from schools, and outstanding applications from schools that have major concerns and need departmental assistance, to know that a review is needed.

I can assure the minister that I did not put this motion on the paper for the sake of my health. I have plenty of other Assembly business on my plate. I put this motion down because I think it is a very important issue and we would like to see the department able to support schools in getting their OH&S practices right.

I am quite happy to talk to the minister about negotiating an extension of time if we are shown that the scope of the task is a little complex. I agree with the minister that these are complex and difficult issues, and I said that in my speech. I have said today that we recognise that there is positive intent on the part of the departments. We are also saying that we would just like to encourage firmer action on the part of the partners.

Ms Tucker raised a very important issue. I had not thought about traffic management, and I agree with that. It is closely related to this issue and, Minister, so is the issue of traffic flow. I take your advice that traffic flow assessment is a pretty extensive exercise, so perhaps we could talk about that again as well. Ms Dundas raised the very important issue of speed. She is right. Under the increasing pressures of daily life, whether we like it or not, the reality is that people are driving to work and coming home faster.

Finally, I thank members and I thank the minister for being prepared to take this one on. We are more concerned to see a positive audit that identifies weaknesses that need to be rectified than to see an audit that chases fault. We are not about chasing fault; we are about identifying weakness and doing rectifying action.

Motion, as amended, agreed to.

Adjournment

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

> That the Assembly do now adjourn.

Radio interview

MRS BURKE (6.52): Today I received a letter from the Minister for Education, Youth and Family Services, dated 11 February 2004. The minister has asked me to respond to her—and I choose to do this publicly tonight—in relation to an apparent insinuation in an interview that I gave with 2CC on 9 February. I said that the minister knew—and I quote from your letter, Minister—"about the Department of Education, Youth and Family Services' non-compliance with section 162 (2) of the Children and Young People Act 1999 in August 2003", and that she "deliberately did not respond"—she is quoting me here—"until a few days before the anniversary of the bushfires. How crass is that?" I wish to state publicly that if I have caused the minister to be upset over these comments, I sincerely apologise.

Question resolved in the affirmative.

The Assembly adjourned at 6.55 pm.