



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

9 MARCH

2004

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Tuesday, 9 March 2004

The Assembly met at 10.30 am.

(Quorum formed.)

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

**Legal Affairs—Standing Committee
Scrutiny report 45**

MR STEFANIAK (10.31): Mr Speaker, I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 45, dated 9 March 2004, together with the relevant minutes of proceedings.

I seek leave to move that the report be authorised for publication.

Leave granted.

MR STEFANIAK: I move:

That the report be authorised for publication.

Question resolved in the affirmative.

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

Leave granted.

MR STEFANIAK: Scrutiny report 45 contains the committee's comments on seven bills, 12 pieces of subordinate legislation and one government response. The report is currently being prepared and photocopied, and will be distributed to members shortly. I commend the report to the Assembly.

**Building Bill 2003
Detail Stage**

Clause 1.

Debate resumed from 4 March 2004.

Clause 1 agreed to.

Clauses 2 to 29, by leave, taken together and agreed to.

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Clause 30.

Motion (by **Mrs Dunne**) proposed:

That debate be adjourned.

The Assembly voted—

Ayes 9		Noes 8	
Mrs Burke	Mr Pratt	Mr Berry	Mr Quinlan
Mr Cornwell	Mr Smyth	Mr Corbell	Mr Stanhope
Mrs Cross	Mr Stefaniak	Ms Gallagher	Mr Wood
Ms Dundas	Ms Tucker	Mr Hargreaves	
Mrs Dunne		Ms MacDonald	

Question so resolved in the affirmative.

Ordered that the resumption of the debate be made an order of the day for the next sitting.

Construction Occupations (Licensing) Bill 2003

Clause 1.

Debate resumed from 4 March 2004.

Motion (by **Mrs Dunne**) proposed:

That debate be adjourned.

The Assembly voted—

Ayes 9		Noes 8	
Mrs Burke	Mr Pratt	Mr Berry	Mr Quinlan
Mr Cornwell	Mr Smyth	Mr Corbell	Mr Stanhope
Mrs Cross	Mr Stefaniak	Ms Gallagher	Mr Wood
Ms Dundas	Ms Tucker	Mr Hargreaves	
Mrs Dunne		Ms MacDonald	

Question so resolved in the affirmative.

Ordered that the resumption of the debate be made an order of the day for the next sitting.

Construction Occupations Legislation Amendment Bill 2003 **Detail stage**

Clause 1.

Debate resumed from 4 March 2004.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

Postponement of order of the day

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

That order of the day No. 4, Executive business, relating to the Electoral Amendment Bill 2003 be postponed until the next day of sitting.

Annual Reports (Government Agencies) Bill 2003

[Cognate bill:

Annual Reports Legislation Amendment Bill 2004]

Debate resumed from 11 December 2003, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

MR SPEAKER: I understand that it is the wish of the Assembly to debate this order of the day concurrently with order of the day No 6, the Annual Reports Legislation Amendment Bill 2004. That being the case, that is the course we will follow.

MR SMYTH (Leader of the Opposition) (10.42): Mr Speaker, it is wise that the Assembly debates these bills cognately. They both refer to the same issue and I am sure many of the points can be adequately canvassed in one round of speeches.

The Annual Reports (Government Agencies) Bill 2003 gives effect to some of the recommendations of the Auditor-General to simplify the presentation and tabling arrangements for annual reports. The Annual Reports Legislation Amendment Bill 2004 then makes a number of consequential amendments as a result of the Annual Reports (Government Agencies) Bill 2003.

Mr Speaker, the important bill of the two is the Annual Reports (Government Agencies) Bill 2003, which gives effect to some, but only some, of the recommendations of the Auditor-General to improve the presentation and tabling arrangements for annual reports. It is deficient, but I will come to that in a moment.

The accompanying Annual Reports Legislation Amendment Bill 2004 is consequential and purely mechanical. Basically, it lists all of the agencies and departments which must comply with the government agencies bill. It replaces reference to the 1995 act with the 2004 act, so naturally we would support it.

The government agencies bill can only be described as a very lame response to the problems highlighted by the Auditor-General. This government is becoming more and

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more characterised by lame and inadequate responses to things like bushfire warnings, child abuse, student accommodation, planning approval and hospital waiting lists.

The Auditor-General's report on the effectiveness of annual reporting—report No 1 of 4 March 2003—made some 30 criticisms of the effectiveness of annual reporting arrangements. Of those, 27 were in reference to flaws in the Chief Minister's directions. These directions set out the detailed requirements for annual reporting; they spell out what the Chief Minister expects from all government agencies in their annual reports.

It seems that the Chief Minister does not expect very much, and that is what he gets. What we have here is a lack of leadership and no sense of purpose. What we have here is a chief minister who does not understand the principles of public administration and lacks the leadership skills to set standards and articulate what he expects. His inability to set goals and inspire people to achieve them is reflected in poor accountability. He is failing to lead.

So it is hardly surprising that the Auditor-General has made over 30 recommendations to improve the effectiveness of the Chief Minister's directions. Some of the good ideas for improvement include: reporting on factors which prevent agencies from achieving their objectives and targets; providing an assurance that all material information on the operations of each agency has been included in its annual report; policy level guidance on performance measures; helpful information to stakeholders; information on the board members, their quality, experience and other business interests; a mandatory and standardised reporting format; and a compliance index so that meaningful comparisons can be made.

But, Mr Speaker, did the Chief Minister act on these recommendations? No, he did not. Does he understand their importance? Apparently not. Has he done anything for greater accountability? I do not think so. Has he done anything to improve the efficiency and effectiveness of public sector administration? No. Has he failed to set standards for accountability and provide leadership? Well, arguably yes, but maybe not.

All he did was pick up some procedural recommendations, such as the one for a single reporting time—a marginal simplification and improvement—but nobody expects that that will fundamentally improve the usefulness of annual reporting process. As if to underscore the extent to which the Chief Minister fails to understand his role in setting standards and directions for annual reports, his main preoccupation is that agencies should report on their compliance with the Human Rights Act.

Because of the failure of the Chief Minister both to understand his role and to pick up the recommendations of the Auditor-General, we will be supporting the amendment requiring the minister to consult with the Public Accounts Committee on annual reports directions and to have regard to Public Accounts Committee recommendations.

Mr Speaker, whilst we will be supporting this amendment, I draw members' attention to the Auditor-General's recommendation that the PAC should actually approve ministerial directions—that is, the Auditor-General says Public Accounts Committee approval should be mandatory. In the light of the Chief Minister's performance up to now, I do have concerns that it may not be sufficient merely to require the minister to have regard

to the PAC's recommendations rather than be bound by the PAC's approval, but I am willing to see how the Chief Minister responds.

Finally, Mr Speaker, I have circulated a simple one word amendment which is absolutely crucial to setting standards and clarifying what is expected in annual reports. Section 8 currently says that the minister "may" issue a direction for annual reports—that is, the minister may or may not issue directions; it is optional. However, since the ministerial directions are the means of spelling out what our public sector annual reports contain and the standards which must be met in providing information on each agency's performance, it is essential that these directions be mandatory. Indeed, the whole reporting disclosure and accountability process could be ineffective unless the requirements are clearly spelt out. So, accordingly, at the appropriate time I will propose that the word "may" in section 8.1 be replaced with "must". I will seek the support of members in making this improvement to the quality of our annual reports.

MS DUNDAS (10.48): The ACT Democrats will be supporting these annual reports bills. Annual reporting is an essential element in the transparency and accountability of governments. Annual reports should provide a comprehensive and detailed account of the activities of government agencies, including the clear presentation of hard data regarding the operation of departments and other government authorities.

Members of this Assembly spend a lot of time reading and digesting annual reports and committees of the Assembly spend considerable time investigating the contents of the reports and government activities. Every year the committees produce a range of recommendations regarding content and the layout of annual reports, and often these recommendations relate to glaring and obvious mistakes.

As we are aware, the Auditor-General recently investigated the effectiveness of annual reporting by ACT government agencies. The report of that investigation highlighted a number of deficiencies in both the ministerial directions and the compliance of government agencies in implementing these guidelines.

It is clear that there is considerable room for improvement in the preparation of annual reports. This legislation takes a very small step to ensure that there is a specific timeframe for the presentation of annual reports and makes the process of completing and tabling annual reports clearer. There is also an additional reporting requirement on the work of the agency to respect, protect and promote human rights, which will commence at the same time as the Human Rights Act.

I note that amendments have been circulated. I am happy to support those amendments and I will explain why in the detail stage. However, I note that that they address the general framework of developing ministerial directions and do not delve into the minutia of reporting guidelines.

There is always the temptation to use this type of legislation to insert more specific and prescriptive elements in respect of annual reports. However, I note that we have chosen not to go down this path because it is not necessary at this time. While government ministers, particularly the Treasurer, love to stand up in this place and chastise members for being too prescriptive and for inserting very specific reporting and disclosure

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procedures, I think the response the Assembly has shown to this bill demonstrates that members do not always insert onerous duties where they are unnecessary.

However, this is not to say that once these bills have been passed the work will be over. The Auditor-General has clearly raised a large number of specific concerns that still need to be addressed by ministerial directions and I note that amendments are being suggested to assist that process.

The development of better directions needs to be prioritised, as does ensuring that they are complied with at a whole-of-government level. There is a perception that agencies can be a little blasé about the preparation of annual reports—and I note that that is just a perception. Work needs to be done to ensure that reports are professional, detailed and transparent and reflect the workings of the department. We need annual reports that provide full, frank and fearless advice to the government, the Assembly and the community so that we can see what is happening in our departments, where we should be prioritising funding and support for future programs, and what problems need to be addressed.

Quite recently—in fact, over the last few of months—we have seen the tabling of a number of committee reports which contain specific recommendations about annual reports. Those recommendations are about making sure that information is clearer and more accessible; about making sure that information is provided and directions are adhered to. I await the government's response to those committee reports. I hope that we continue to develop guidelines and ministerial directions so that we have annual reports that provide the full, frank and fearless information that we need to be able to do our job properly.

The process of accountability is never over—it requires the eternal vigilance of the government, the Assembly and the community at large. That said, I am happy to support this small step to amending the annual reports legislation.

MS TUCKER (10.53): These bills update the current Annual Reports (Government Agencies) Act and amend some of the provisions relating to the presentation to the Assembly of annual reports of government agencies. The most significant change in this legislation is the introduction of a single tabling requirement based on date rather than sitting days. This change follows a recommendation in the Auditor-General's report, *Effectiveness of Annual Reporting*, of March 2003.

Annual reports are a communication and accountability mechanism in which the agencies report on the status of their service delivery and extent of compliance with various legislative and government policy requirements. They can also be useful as a discussion on priority issues that a department or agency expects to face in the near future.

The legislation we are talking about today is one part of the requirements for annual reporting. The other is the annual report directions, which are also mentioned in the bill. The annual report directions document provides agencies with more detailed requirements for reporting. Having these two requirements appears to be a good system, so that a lot of the detail about the reporting is not required to be in the act.

The Auditor-General's report *Effectiveness of Annual Reporting* has several recommendations about annual reporting for the government. One of these has clearly been picked up in the bill. The amendment that I will circulate picks up on another recommendation from the Auditor-General's report.

I would like to speak about the Assembly's experiences with annual reports. The committees of this Assembly are kept busy every year after annual reports are tabled. The Auditor-General found in his report that in 10 reports presented by standing committees to the Assembly in 2000 and 2001 there were 116 recommendations arising from their consideration on the annual reports. This year, again, the committees had many recommendations that related directly to annual reports of the relevant agencies. These recommendations relate to the agencies' compliance with the guidelines to annual reporting, to the general quality and presentation of information in reports and to specific issues in reporting that relate to each agency. These concerns continually arise each year and point to serious concerns about compliance with the Chief Minister's directions.

Indeed, the Auditor-General's report also found that the Chief Minister's directions are not fully effective and are not being administered effectively. The Auditor-General made several recommendations about directions, and I hope that many of the directions that the government has agreed to are reflected in this year's version.

The Auditor-General made five specific recommendations about legislative changes to the annual reports act. The government did not agree to three of the recommendations, one was agreed to in principle and the other, which is reflected in the legislation we are now debating, was totally agreed to. The suggestion to amend the date by which all reports are to be made public seems a reasonable one, and I am happy to support this to ensure that the presentation of annual reports is not affected in election years.

The government has also agreed to include in the Chief Minister's directions a requirement that reports presented to the minister must include audited financial statements. I understand that this will be more achievable with a change in presentation date.

The Auditor-General also recommended that the act provide for whole-of-government reporting. While the government did not agree to this, I think there is some merit in the concept. While there may be a risk of duplicating some elements of agency reports, there are whole-of-government initiatives and policies, such as the Canberra plan, that would be interesting.

The Auditor-General also recommended that the Standing Committee on Public Accounts should have responsibility for approving the directions. The government did not agree to this recommendation. However, I have drafted an amendment that provides for the Standing Committee on Public Accounts to be consulted about the annual report directions.

Consideration of this legislation has also brought about discussion of the role of the legislature, executive government and the chief executive. This is an interesting discussion that really should be part of a much larger one.

My amendment to refer the annual report directions to the Public Accounts Committee would allow the Assembly to have a legislated role for input to the annual report directions, where a lot of the detail is about what should appear in the annual reports. If this amendment is approved by the Assembly, it will send a strong message to government agencies about our interest in annual reports and what gets reported.

My amendment makes it clear that the Public Accounts Committee will make recommendations, and that the minister can accept these or provide an explanation about why not. This would provide a clear process for the Assembly to have input into the annual reports process. It would also provide a process that is accountable.

MRS CROSS (10.58): Mr Speaker, annual reporting is the cornerstone upon which accountable and transparent government is built. Annual reporting, at least when the rules of annual reporting are appropriate and properly enforced, acts like a magnifying glass on government. It ensures that agencies and departments let the public know how their money is being spent. The mechanism of annual reporting is crucial to ensuring that the executive arm of government is held accountable, and is a fundamental element in ensuring that the executive arm of government is transparent.

Here in the ACT the standard of annual reporting has not been high. Whilst this varies between departments and agencies, the overall standards of annual reports are not at the high levels they should be. According to the Auditor-General, annual reports do not reach the high levels expected because “The Chief Minister’s annual reports directions are not fully effective” and that these “directions are not being administered effectively”. This is a problem which I had hoped these bills would have addressed.

Whilst I accept that this bill addresses some of the concerns raised by the Auditor-General and implements some of his recommendations, it fails to address some of the more complex recommendations. Whilst I do not believe that this bill is as complete as it should be, I will be supporting it as it will improve the very important accountability mechanism of annual reporting. I will be supporting both Ms Tucker’s and Mr Smyth’s amendments.

MRS DUNNE (10.59): Mr Speaker, I rise to give general support for this bill because it is important that we have clear guidelines and a clear understanding of what annual reports should entail. As other speakers have said, annual reporting is not an easy process. However, I think the experiences of the standing committees that have reviewed annual reports in this place in the past couple of years show that it could be easier if, first of all, better guidelines were implemented more rigorously.

The Planning and Environment Committee, of which I am chairman, reviewed the annual reports for this year of Urban Services and its related agencies and the first recommendation we had to make was that the recommendations we made the previous year should be implemented. I think that is a great disappointment and a great shame, and it shows that there is not enough rigour in the annual reporting process.

I think many of the issues that have been raised over the years by the Auditor-General have not been taken up. At this stage we do not see in this territory a warts and all reporting of achievements as well as things that have gone wrong. Until we have that

reporting on things that have gone wrong, we will never have a proper reporting process which is truly accountable to the people of the ACT.

The Planning and Environment Committee has also recommended that new chief ministerial guidelines on annual reports should be clear and that they refer to agencies and not just lead departments. Agencies that were questioned by the Planning and Environment Committee about their lack of compliance with the guidelines said, "We don't have to do that because the guidelines do not refer to us." In a modern government a lot of activity is carried on by agencies which are one removed from departments, which are a little to the side of departments, and which often carry out commercial activities. It is imperative, Mr Speaker, that those guidelines apply equally to agencies of this sort.

I hope that as a result of the passing of this legislation we will see better and higher quality accountability in the next round of annual reports.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.02), in reply: This bill repeals and replaces the Annual Reports (Government Agencies) Act of 1995 with a redrafted act that implements a government commitment to amend the provisions on presentation and tabling of annual reports of ACT government agencies. The bill responds to an Auditor-General's report recommending a clear date by which reports must be provided to the Assembly. This replaces the arrangements in the current act that provide for a presentation date 10 weeks after the end of the reporting period and then tabling within six sitting days. Annual reports are generally tabled during the late September sitting week each year. However, as the audit points out, provision of reports to members and the public depends on sitting timetables rather than occurring on a set date.

The single date approach recommended by the Auditor-General also supports a change that will be made to the annual report directions for 2003-2004 to mandate inclusion of audited financial and performance statements in annual reports. The directions currently require inclusion of audit opinions and reports at the earlier presentation date only where they are available, although they must be included in time for tabling of the report in the Assembly. As the government response to the Auditor-General report indicated, this has been a pragmatic response to the very short time for the preparation and auditing of statements. Therefore, while in practice reports are provided in good time each year, taking up this change to the act supports a better practice approach to the directions. It also provides the clear date which audit considered was desirable for provision of reports. Removal of the earlier presentation date also provides agencies and the Auditor-General with a bit more flexibility in managing the audit process without any real impact on when reports are provided to members and to the public. Proposed approaches retain the benefits of the current legislative framework. Information on all agencies is provided as soon as practicable after the end of the reporting period, permitting the Assembly the opportunity to consider and review annual reports very soon after the end of the reporting period.

A new act is provided rather than a series of amendments to the 1995 act. This provides a clearer piece of legislation, as well as implementing the Auditor-General's recommendations. The redraft provides a clearer piece of legislation as well as introducing current drafting practice. In addition to replacing the presentation and tabling

dates with a single date by which reports must be provided to members, the following are some other features.

The Chief Minister may declare a date before the tabling date by which reports must be presented to ministers. This means the Chief Minister can declare a presentation date if this is considered necessary to manage the completion of the clause. However, if such a date is declared, it would not need to be as early as the 8 September date currently set in the act.

While the bill reflects the position recommended by the audit report—that is, that reports must be provided within three months of the end of the reporting period—there is a capacity for the Chief Minister to declare a date for tabling in advance of that time. This is provided as an additional management option if thought necessary.

A mechanism is provided for providing reports when the Assembly does not sit during the last week of the three-month period following the reporting period. This means there is a clear process during election years where there are no sittings in October.

The bill resolves an ambiguity about whether the annual reporting legislation applies to annual reports of the Auditor-General. The Auditor-General Act refers to the possibility that reports could be provided under the Annual Reports (Government Agencies) Act but also states that the Auditor-General cannot be directed by the executive. The bill resolves this ambiguity, but with appropriate processes reflecting independence of the office of the Auditor-General. For example, the Auditor-General must comply with the annual report directions other than where she considers this would prejudice the independence of the office.

The bill also embeds human rights reporting identified in the Human Rights Act. These provisions will operate on the commencement of the Human Rights Act.

More generally, the bill redrafts other provisions in the existing act in a way that retains the impact of the current act but in a more accessible style.

Some other minor changes are made. For example, the 1995 act provides for ministerial directions that set the form and content of annual reports. These have been called annual report directions since implementation of the 1995 act. The bill uses this term directly in clause 8.

The Standing Committee on Public Accounts is still considering the Auditor-General's report on the effectiveness of annual reporting. However, those recommendations that the government agreed to already have largely been implemented in last year's annual report directions or in this bill.

There were some legislative changes suggested by the audit that the government did not support. These issues are perhaps better left to another debate when the standing committee completes its report on the audit. Of the 38 audit suggestions, 27 were agreed or agreed in principle. One of the considerations in responding to many of the audit suggestions was how to build better practice while still maintaining the timeliness of reporting in the ACT.

This year my department is again comprehensively reviewing the annual report directions to build on the changes made last year in response to the audit. Those changes were made in time for last year's reports. At that time my department also planned to review the directions to focus on clarity and accessibility in this important administrative document.

The focus this year, therefore, is on improving the structure of reports as well as the directions themselves. Issues around access to annual reports on the net are being addressed. The possibility of a single site with direct links to agency reports is being pursued. This will improve community access to reports. Staff in the department are also examining options to improve access to electronic reports for people using screen reader software.

The Annual Reports Legislation Amendment Bill makes a series of consequential changes to other laws. This realigns references for the 1995 act to the proposed 2004 act. In summary, this bill aims to improve annual reporting in the ACT public sector. The changes suggested by the Auditor-General's report have been accompanied by a comprehensive redraft to make a clearer piece of legislation and to resolve some outstanding ambiguities. Improved annual report directions will be available in May 2004. I commend this bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 6, by leave, taken together and agreed to.

Clause 7.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.09): I move amendment No 1 circulated in my name [*see schedule 1 at page 936*]. This is a minor amendment to include an additional provision for the Commissioner for Public Administration to report. In addition to reporting on the administration of the public service, the commissioner must comply with any applicable annual report direction. This reflects the provisions of section 6 of the current act. Under the current legislative arrangements, the commissioner must report on the public service as a whole and also include other information as the Chief Minister directs.

Amendment agreed to.

Clause 7, as amended, agreed to.

Proposed new clause 7A.

MS TUCKER (11.10): I move amendment No 1 circulated in my name on the lilac paper to insert a new clause 7A [*see schedule 2 at page 936*]. I have already spoken to

my amendment, but I will speak just a little bit more to say that the Joint Committee of Public Accounts and Audit at the federal level has a role in “examining and, as appropriate, giving approval to the annual report requirements for Commonwealth agencies; in particular, by monitoring, and as necessary commenting on, the operation and appropriateness of the annual report requirements for Commonwealth agencies”. My amendment will introduce a process in the Assembly for the Public Accounts Committee to be consulted but not quite approve the directions. The suggestion that the Public Accounts Committee approves the directions moves the responsibility for directions more away from the executive government, and I am happy for the committee just to be consulted in a similar manner to board appointments.

MRS CROSS (11.11): Ms Tucker’s amendment allowing the Public Accounts Committee to look at annual report directions and make recommendations is very important in allowing the legislature to keep the executive accountable. Whilst I would have preferred to see the Auditor-General’s recommendation of allowing the Public Accounts Committee to adapt or reject directions, I will accept Ms Tucker’s amendment as it goes at least some of the way towards ensuring that the executive is kept accountable.

MR SMYTH (Leader of the Opposition) (11.12): It is a reasonable amendment and the Liberal Party will be supporting it. Simply what it does is provide greater scrutiny. The Public Accounts Committee can speak on behalf of the Assembly and refer it back to the minister so that the minister understands quite clearly what it is the Assembly wants from these directions. As Mrs Cross said, the annual reports are the cornerstone of accountability. It is important that we do get it right and we will support the amendment.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.12): The government, in its response to the Auditor-General report’s, did not support this recommendation and we are not supportive of the amendment. I understand it has the support of the Assembly, and the government will accept that. But I repeat, stand by and do not resile from the response that the government gave on this recommendation in its response to the Auditor-General’s report in relation to the necessity for an approach such as this. As I say, the government did not support it in its response and is not supportive of the amendment but will accept the result.

MS TUCKER (11.13): I am not quite sure what the main arguments are of the government. I will have to have another look, but, as I understand from the informal discussions, there was a concern around timing. If that is the main reason that the government are not supporting this amendment, I just say that I do not quite understand it because, if you are arguing that in some way the requirement for the Public Accounts Committee to look at this would be a problem in terms of the tabling time of various portfolio committees of their comments on annual reports, there is no necessity for the Public Accounts Committee to see those annual reports before we make comment. And there would be enough time left in the year if, after looking at comments from various portfolio committees, the Public Accounts Committee did choose to make suggestions, or, if the government responded to those comments themselves and decided to change the directions, there would not be time for the Public Accounts Committee to have a look at it. My understanding of the timing is that it would be unlikely not to have been tabled; the portfolio committees have tabled usually by January and there is time then for the

government to respond to those comments, as well as the Public Accounts Committee, before the next annual reports would be being formulated by agencies.

Amendment agreed to.

Proposed new clause 7A agreed to

Clause 8.

MR SMYTH (Leader of the Opposition) (11.15): I move the amendment circulated in my name [*see schedule 3 at page 937*]. Following the amendment that we have just made by inserting the new clause 7A, we have set up a process where the government must now consult with the Public Accounts Committee. The Public Accounts Committee may make recommendations back to the minister. But then when you get to clause 8(1), it states that the minister then “may”, in writing, issue a direction. I think it needs to be strengthened. I think we all know that the Chief Minister will always issue a direction, but in this case I think we should confirm that it will happen. If we take it with the next amendment that Ms Tucker proposes, if we do not change “may” to “must”, clause 8 (1) (a) will become ineffective because, if the minister must have regard to any recommendation received under 7A but does not have to issue a direction anyway will go through and may be negated. So what it does is strengthen this. It is something that does happen, it should happen, and by changing this to “must” we will make sure that it does happen.

MRS CROSS (11.16): Mr Smyth’s amendment to ensure that the minister provides annual report directions rather than allow the minister to choose whether he issues directions or not is essential to ensure that ministers remain responsible for their departments.

Amendment agreed to.

MS TUCKER (11.17): I move amendment No 2 circulated in my name [*see schedule 2 at page 936*]. I have spoken to this; it is consequential.

MS DUNDAS (11.17): As I did not speak on amendment No 1, I will speak on amendment No 2, which is consequential to amendment No 1. The Democrats support these amendments because we believe that the method proposed by Ms Tucker is a good solution where committees are consulted and they can have input into the directions, although the final decision remains with the government. So this sets up a dialogue between the committee and the government, which will help improve the quality of the directions and remind the government of committee recommendations and those of the Auditor-General at the appropriate time, and, of course, this consequential amendment makes sure that the minister has regard to those recommendations received under the consultation process between the committees and the government.

Amendment agreed to.

Clause 8, as amended, agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

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Bill, as amended, agreed to.

Annual Reports Legislation Amendment Bill 2004

Debate resumed from 11 December 2003, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Nurse Practitioners Legislation Amendment Bill 2003

Debate resumed from 11 December 2003, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

MR SMYTH (Leader of the Opposition) (11.20): The opposition will support this bill. This bill is simply a collection of the consequential amendments to other acts that were made necessary by the passing of the Nurses Amendment Bill last year. That bill established the role of the nurse practitioner and came about following the successful trial of nurse practitioners by the previous government.

While the opposition will be supporting the bill, we do note that it seems to have taken a long time for these consequential amendments to appear. Surely this would have been anticipated and these could have been available much earlier. But, as we are now getting used to saying with this government, better late than never—and, a mere three years after the successful trial, we may now actually see nurse practitioners becoming a reality in the ACT.

MS TUCKER (11.21): This bill is the second legislative step towards having nurse practitioners working in our health system. Nurse practitioners are experienced and skilled nurses who, having completed the appropriate masters degree, are approved by the nurses board to work in their particular area of expertise. Their work includes diagnosis, prescription and treatment and so is expanded beyond the role usually allowed to nurses.

This still builds on the legislation which established a training course and basic framework. It is important to recognise that this is the outcome of a very well-constructed trial of nurse practitioners, conducted by the department and guided by a wide ranging steering committee including health professionals and consumer and stakeholder representatives. That trial had nurse practitioners working in wound care, sexual health, mental health consultation and military health, and was used to identify what support and training a nurse practitioner needs. This has informed the design of the

masters program at the University of Canberra, which I understand is different from the programs offered interstate.

The trial emphasised team building and drew in associated doctors and others. This is a very good example of evidence based practice, and I would like to congratulate the people who designed and worked on the project. One of the very pleasing outcomes of the way the trial was conducted is the support of the medical association. There was in the past some fear expressed by doctors that nurse practitioners would be seen as a replacement for doctors. It is a great credit to the people involved who have turned this around to show how it would work as a complement and not a replacement. The sex worker outreach nurse practitioner, for example, was providing health checks and care to a group of women who were unlikely to reach it otherwise. The role of a nurse practitioner within a general practice clinic is another that will make a big difference, allowing more ongoing oversight and treatment of, for example, wounds. I understand that the Medicare schedule has been updated to again allow claims specifically for nurse consultations. This was one issue raised by the GPs, when they briefed members here last year, as a reason for having stopped having practice nurses some time ago. So, although nurse practitioners will not replace doctors, they will work in complementary ways that will ease some of the pressure.

The particular areas where we will have nurse practitioners in the ACT will depend in part on the skills of available nurses as well as need. This bill makes changes to the Health Act to recognise nurse practitioners, including the capacity for regulation about the scope of practice of nurse practitioners. It also makes essentially consequential amendments to the acts relevant to the practice of nurse practitioners that are foreseen at this stage. So, for example, again the sex worker outreach role required amendments to the Prostitution Act so that a nurse practitioner is recognised for the purpose of the statutory health check.

Similar amendments to recognise nurse practitioners for various statutory roles are made to the Mental Health Treatment and Care Act, to the Road Transport Act in relation to breath testing, and to the rights of an arrested person to be examined by a doctor, which is expanded to include nurse practitioner, and amendments to allow nurse practitioners roles in STD and tuberculosis identification and notification.

The Greens are pleased to support this bill, and we look forward to seeing as soon as possible nurse practitioners taking up some of the work in our health care system.

MS DUNDAS (11.24): The ACT Democrats are proud to support this piece of legislation. We are all aware that a high proportion of qualified nurses leave the profession well before normal retirement age. Increasing the number of graduates has not led to a commensurate increase in the number of practising nurses, so we obviously need to improve conditions in the workplace.

The national review of nursing education found that nurses were leaving the profession in droves because they thought that their knowledge and skills were not being respected. Other reasons cited for leaving the profession have included low pay relative to the workload and responsibility, and stress due to staffing shortages. A nurse practitioner accreditation scheme has the potential to address all of these problems in the longer term, provided that the government commits enough funding to new nurse practitioner

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positions and creates a classification structure that rewards additional training and experience.

It is unfortunate that this bill does not deal with funding and classification aspects of the initiative, so we will need to wait for the government's budget and policy announcements to see if there is evidence of a commitment to pay workers adequately in this new profession. This bill creates a lot of additional responsibilities such as requirements to notify the Chief Health Officer of certain diseases or pay a penalty, so a rise in remuneration is clearly warranted.

If the government really gets behind the establishment of nurse practitioners, it could help alleviate Canberra's worsening GP shortage. We know that this is an issue of great concern. We know that in many instances doctors' time is consumed by tasks that our university trained nurses are well skilled to perform, and nurses are insulted that they are not recognised as able to perform these roles. Allowing nurses to use the full scope of their skills has the potential to lower the costs of public health. With the provision of expert wound care, length of hospital stays, particularly among the elderly, will hopefully decrease. Mental health clients have the potential to benefit as well. During the ACT trial of nurse practitioners, clients spent an average of 37 minutes per consultation with a nurse practitioner, which is longer than most doctors can currently allow. Extended consultations have great potential to benefit patients.

As the Minister for Health acknowledged in his tabling speech, we trail New South Wales, South Australia and Western Australia in establishing these positions. I think we also need to add Victoria to that list, Minister. It is good to see that the ACT is finally catching up. Considering the long delay between the conclusion of the ACT trial and the introduction of this legislation, I would have liked to have seen the government agree to accredit ACT nurses through the New South Wales program until an ACT system was up and running. However, we are finally debating legislation and I hope the necessary regulations are also ready for introduction so that we will have no further delays.

The ACT Democrats are proud to support the introduction of nurse practitioners into the ACT medical system, and we are looking for a commitment to make sure that those nurse practitioners are operating in reality. There is no need for us to wait until we have the first bunch of masters graduates coming out of the University of Canberra. There are ways that we could have nurse practitioners operating here in the ACT a lot sooner than that graduating class. We need to move this piece of legislation forward into reality so that we can help our doctors and our nurses as soon as possible.

MR SPEAKER: On your behalf, members, I welcome students from Marist year 6.

MR CORBELL (11.29): The Nurse Practitioners Legislation Amendment Bill 2003 is the next step to endorsing this extended nursing role and is consistent with the future direction for the profession as outlined by the national review of nursing education and recommendation 34 of the Senate inquiry into nursing. As members would now know, under the proposed legislative amendments nurse practitioners will be registered nurses who practise at an expanded level within an authorised scope of practice and who are authorised to use the title "nurse practitioner". Use of the title without authorisation will be an offence under the Nurses Act 1988. The registration and discipline of nurse

practitioners will be undertaken in accordance with the usual processes that apply to all registered nurses.

The ACT community will benefit from this extended nursing practice in the autonomous assessment and management of clients and the use of nursing knowledge and skills, going through advanced education and clinical experience in a specific area of nursing practice within a multidisciplinary team environment. Nurse practitioners offer innovative ways to provide high quality health care for people who do not easily have access to current health services. The successful ACT nurse practitioner trial showed that nurse practitioners provide safe health care as well as offering alternative choices to consumers.

On behalf of the government I thank members for their support of this bill and commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Suspension of standing and temporary orders

MS TUCKER (11.31): I seek leave to move a motion to rescind the resolution agreed to by the Assembly this morning to adjourn debate on the Building Bill 2003, Construction Occupations (Licensing) Bill 2003 and the Construction Occupations Legislation Amendment Bill 2003 until the next day of sitting and to order business.

Leave granted.

MS TUCKER: Thank you. I move:

That:

- (1) the resolution agreed to by the Assembly this morning to adjourn debate on the Building Bill 2003 until the next day of sitting, be rescinded; and
- (2) resumption of debate on order of the day No 1, Executive business, not be called on until after the matter of public importance.

I think everyone is in agreement with this. We have had an informal conversation; it was a mistake, or an irregularity under order standing 137, which states:

A resolution or other vote of the Assembly, may be read and rescinded; but no such resolution or other vote may be rescinded within the same calendar year, unless 3 days' notice is given: Provided that to correct irregularities or mistakes one day's notice shall be sufficient, or the corrections may be made at once by leave of the Assembly.

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So by doing this we can actually have some more business on the program today and apparently everyone is comfortable with that.

Question resolved in the affirmative.

Sitting suspended from 11.32 am to 2.30 pm.

Visitors

MR SPEAKER: I welcome a group of students from Marist College. Is this the same group that was here before lunch or a different group?

Mr Smyth: It is a different group; it is the other half of year 6.

MR SPEAKER: There must be lots of you out there. I welcome you to the Assembly.

Questions without notice

Oxygen supply subsidy

MR SMYTH: My question is to the Minister for Health, Mr Corbell. I refer to an ABC Online report from 31 January this year stating that you would assist a Canberra woman who needs to use an oxygen machine for 22 hours of the day at the expense of \$900 per month. The report quotes you as saying:

I've asked ACT Health to see whether or not we can get oxygen supplied to this person at a cost of about \$250 a month.

The Opposition has received an email from the woman concerned. It reads:

Despite the Minister's public assurances, and ACT Health discussions, nothing has been formally offered. There has been discussion about reducing my bill to \$250 per month, but this will be done by me using less oxygen (and therefore staying at home and in bed).

Her email continues:

Now ACT Health tells me that Treasury need to discuss and clarify my income arrangements and I have totally lost my rag with ACT Health and advised them that I'm not playing this game any more. I have no income; I believe if the Secretary of Health is recommending even this trivial amount then it should be accepted; and I'm sicker now than I was four weeks ago—I don't have the breath in me to keep this up which is I assume what they were hoping for.

Minister, why have you not made a formal offer of assistance to the woman concerned, six weeks after you assured the ACT community that you were looking at the issue?

MR CORBELL: Mr Smyth's assertions are simply untrue. I can advise the Assembly that, as of yesterday, the Chief Executive of the Department of Health, Dr Sherbon, advised Ms Cahill Lambert, the individual involved, of the offer of \$250 per month by the ACT government and an additional \$110 per month from Medibank Private in a deal brokered by the ACT government to assist this person with access to oxygen. That

formal offer was made yesterday. I understand that the Treasurer has agreed to enact a gross payment to allow that to proceed.

MR SMYTH: I have a supplementary question. Minister, why has it taken so long for such a penny pinching and heartless approach to help this woman? Why has it taken six weeks to come to the conclusion of this arrangement?

MR CORBELL: The opposition would do better to question why it is that private health funds do not provide insurance cover for these sorts of products. That is a very legitimate question that needs to be asked, particularly by the Liberal Party, which is spending more than \$3 billion federally——

Mr Smyth: I rise on a point of order. The minister is debating the answer, which is not allowed under standing order 118 (b). I did not ask about private health insurance; I asked about his approach and why this was not resolved earlier.

MR SPEAKER: Mr Corbell, come to the point of the question.

MR CORBELL: My point is this: the ACT government has gone out of its way to provide assistance—in this case a \$250 per month act of grace payment—because the private health insurance fund has refused to provide cover for this service to one of its premium members, someone who has paid private health insurance for decades and someone who has received no succour from the private health insurer. That is a disgrace, especially when \$3 billion worth of taxpayers' money is being spent annually across the country to subsidise people getting into private health insurance.

At the end of the day, it is the ACT taxpayer and the ACT government who are doing the right thing in providing assistance to this individual. We have gone out of our way to provide this assistance and we are very pleased to be providing it because of this patient's unique circumstances. But it is not something for which the blame can be sheeted home to the ACT health system. The ACT health system has done the right thing in providing the support needed by this person—support that her private health insurer has been sadly lacking in providing to date.

Land development

MS DUNDAS: Mr Speaker, my question, through you, is to the Minister for Planning. Minister, as you may be aware, block 13 of section 32 in Belconnen, near the Belconnen markets, is due to be auctioned on 16 March. A sign has been erected on that site stating that the Land Development Agency has sought approval under the significant tree legislation for removal for some large native red gums that are currently on that site. This information is also stated in the auction information booklet. Minister, can you please explain why this approval is being sought, and do you have any concerns about this process?

MR CORBELL: Mr Speaker, I am not familiar with the details of that site and I will need to provide some further advice to Ms Dundas on that. I will undertake to do so as soon as possible.

In relation to why this is occurring, the Land Development Agency is now, as a matter of course, seeking to get approvals where required to permit sites that are being sold by auction to be developed. This increases the certainty with which we can sell a site, increases the certainty that a potential purchaser has on acquiring a site and reduces, believe it or not, planning delays, which is something I know that other members in this place have criticised me about in the past. So it is about a more streamlined process, it is about making sure that approvals are in place prior to land being sold, and that would, I think, be the circumstances in this case. However, I will get the specific details for Ms Dundas and get back to her.

MS DUNDAS: Mr Speaker, I ask a supplementary question. Considering that it is now the policy of the Land Development Agency to remove significant native trees before releasing blocks for development, do you have concerns that we will be losing significant trees unnecessarily, as they could have been kept, in consultation with the new owners of the block?

MR CORBELL: Mr Speaker, it depends on the circumstances of the block. Some blocks clearly are not capable of development unless it is possible that trees can be removed. For other blocks it is quite possible to retain trees as part of the planning process. What we are seeking to do is provide as great a certainty as we can in terms of the development capacity of land that is designated to be developed. That is what we are talking about here—we are talking about land which is designated on the territory plan for development and where it may not otherwise be possible to develop that land without getting permission to remove trees. It would have to go through the normal statutory process.

I think it is worth making the point to Ms Dundas that at the moment the interim tree protection legislation does not apply to unleased land. So what the territory is actually doing is applying the provisions of the interim tree protection legislation, even though it does not have to, to that land. That, I think, is a reasonable standard in circumstances where we are trying to ensure that when land is released for sale it is released in a way which is timely and that the purchaser is able to move on with development of that land, consistent with all of the other planning requirements.

Bushfires—warnings

MR PRATT: My question is to the Chief Minister. Chief Minister, this week we have seen Duffy residents meeting at Narrabundah Hill to discuss the recovery progress and the planning for the areas adjacent to Duffy. It was notable that the most applause at that meeting was given to the speaker at that meeting who, with understandable anger, spoke of “the incompetence and ineptitude” demonstrated by people and of the failure to warn people about what was coming. This was in relation to the authorities, in the days leading up to 18 January, not clearly and directly warning the Duffy residents of the impending fire attack on Duffy. Chief Minister, was it only your government’s incompetence and ineptitude that caused you to fail to warn the residents of Canberra, prior to 18 January, about the impending bushfire threat on suburbia?

MR STANHOPE: I thank Mr Pratt for the question. Certainly, I am aware that there are still very many people who were directly affected by the fire who would be experiencing

a range of emotions in relation to the disaster and the fact that they were impacted so personally and so significantly by the fire. One of the emotions of people who faced that disaster and suffered the very significant and serious consequences of it is, of course, anger. That is to be expected. I am aware, particularly at a time such as the coronial inquest, that significant numbers of people who were so directly affected would be suffering a range of emotions. They would be feeling real frustration. They would be angry at those aspects of that disaster that impacted so significantly on them to cause them the loss that they have suffered and the grief that is commensurate with that loss. Through that loss and that grief, it is natural that there will be many Canberrans who feel anger as a result, as a consequence.

As we all know—we have spoken about this over the last few sitting weeks—the coronial inquest has commenced. The Coroner's Court is investigating all aspects of the fire, the disaster that befell Canberra on 18 January last year. At this stage, four of what I understand to be a list of 60 or 70 witnesses have given evidence—four of a total of 60 or 70. It seems to me that it is very important that we allow the Coroner's Court, the coronial process, to proceed. It is important that we hear all of the evidence and that we listen to all of the witnesses before we jump and rush to the judgment that the Liberal Party are rushing to, and to some extent that we avoid the temptation, that the Liberal Party have been unable to avoid, of playing very shallow politics with the deeply distressing issues that we face and the range of emotions that some people are suffering.

Mr Smyth: I raise a point of order, Mr Speaker. Standing order 118 (b) does not allow the Chief Minister to debate the subject. Mr Pratt's question was not about the Liberal Party. It was about the feelings of the residents that were expressed at the meeting at Duffy on the weekend, and he should address himself to the content of the question.

MR SPEAKER: Mr Smyth, Mr Pratt's question contained some quite serious charges against the government and I think the Chief Minister is entitled to challenge those charges. The question was quite blunt and deserves an adequate response.

Mr Smyth: On the point of order, Mr Speaker: Mr Pratt did not ask about the Liberal Party. He asked about what the Chief Minister did and the attitude of the Duffy residents. The Chief Minister should confine his answer to those points.

MR SPEAKER: I do not want to get involved in the politics of this, but it was the Liberal Party that asked the question.

MR STANHOPE: I will conclude on that. We know that the Liberal Party are seeking to utilise the circumstances of the coronial inquest, and the evidence that has been given, for cheap and, at times, nasty personal politics, with attacks on me and members of the government. They are not prepared to listen to the totality of the evidence. It seems that Mr Pratt is not prepared to give any credence to the evidence given by the last of the witnesses to complete his evidence, the then ACT fire commissioner Ian Bennett, who in his evidence, as reported in the *Canberra Times*—I have not read the transcript or the quantum of the evidence—stated clearly and categorically as the ACT fire commissioner that the ACT fire commissioner had no foreboding, had no warning, had no understanding, had not been advised that the disaster would befall Canberra. He had no expectation that the fire would reach Canberra on Saturday, 18 January. You conveniently overlook this, but the ACT fire commissioner, in his evidence to the

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Coroner's Court, said that he had no inkling, no idea, no forewarning, no advice that there was an expectation not just that a fire would reach Canberra on 18 January but a firestorm with a front moving at, at times, 10 kilometres at a go, with winds of 150 kilometres an hour—a firewall of 60 metres—would hit Canberra. He had absolutely no expectation, understanding or knowledge of that.

MR PRATT: My supplementary question to the Chief Minister is: how can the community feel confident that you will warn them if this happens again?

Mr Corbell: I raise a point of order, Mr Speaker. That is a hypothetical question, Mr Speaker, and should be ruled out of order.

Mrs Dunne: On the point of order, Mr Speaker: the question as to whether the government can instil confidence in the community is not a hypothetical question.

MR SPEAKER: I think the hypothetical point that Mr Corbell refers to is “if this happens again”. But Mr Pratt did ask the question about how confident the community would be about warnings, and I am prepared to allow the question.

MR STANHOPE: The government is very concerned to ensure that the levels of anxiety in the community in relation to our exposure to fire and to disasters and danger such as that that did befall the community on 18 January is assuaged. Of course, it is an anxiety that has been beaten up by the Liberal Party. It is an anxiety that in large measure is a result of this tawdry and cheap and nasty gutter campaign that the Liberal Party is running in relation to the issue.

Mr Pratt: The people at Narrabundah Hill would not agree with you.

MR STANHOPE: I think part of this issue is around instilling confidence. The government have gone out of their way to instil confidence in the community. We did that through the commissioning of the McLeod inquiry. We did that through our determination to implement all 61 recommendations of that inquiry—something that we have committed ourselves to, something that we have funded and something that we are doing. They are the steps that the ACT government have taken—and in our determination to ensure that the community is safe and in our determination to assuage the levels of anxiety we have been hindered very much by the appalling, tawdry, cheap, nasty gutter campaign that Mr Pratt and his colleagues are running in relation to the fire. It is appalling gutter politics of the worst order. We are doing our best to overcome it. We know that the rest of the Canberra community regard the Liberal Party as essentially irrelevant. We know that, and we are hoping on this issue that the people of Canberra will continue to regard the Liberal Party, the Leader of the Opposition and his colleagues, with the disdain that they have shown for them over the last couple of years. We are confident that that will continue to be the case. This is a joke of an opposition—an absolute joke of an opposition; an opposition that has no credibility or standing within the community, that is very much a standing joke. Of real concern to the people of Canberra is that the opposition have not been able to present any effective opposition to the government. It is not good for any of us, of course, to be faced within the parliament by a group, by a party—by a leader of the opposition who is simply incompetent.

Spatial plan

MRS CROSS: My question is a crossover question and can be directed to either Mr Quinlan or Mr Corbell. It has been well documented that the revitalisation of Civic needs to be a major priority for this government, and future ACT governments. Civic has been in decline for many years, with many businesses choosing to set up outside Civic, some even setting up in specific business areas, such as the Brindabella Business Park.

This appears to be in direct opposition to the focus of the government's economic white paper, which places a large economic emphasis on the airport as a focal point for Canberra business. How do you plan to balance these two priorities to ensure that they complement each other rather than compete with each other?

MR CORBELL: I will answer that question. Mrs Cross is right: there is some crossover between the economic and planning. The government recognises that the airport plays an important role in our local economy and in the regional economy. There is no doubt that the activities the new owners of Canberra International Airport have undertaken are exemplary in providing for a high quality of built design and providing competition in the commercial office market. There is also no doubt that property owners in Civic have, in the main, relied on aging office stock, as new property comes onto the market. They are experiencing competition as a result of that.

The government has two clear objectives: that Civic remain our pre-eminent centre and that it is strengthened as such. The government is taking steps to address this. For example, we have signalled our intention to release two sites in Civic, each with over 25,000 square metres of floor space, to provide for new commercial office space in Civic—vital for getting some churn into the existing property market in the City area.

We have also applied complete remission of the change-of-use charge for the City West area, to encourage revitalisation of old office stock into other uses, such as residential. We have, further, signalled our intention to revise the planning control for Civic—which is under way as we speak—to ensure that we have a strong planning regime that is competitive with the planning regime at the airport. There is no doubt that the planning regime at the airport gives the airport an edge. There are virtually no public consultation requirements at the airport, and there is no third-party review capacity. So they do have an edge, and that needs to be addressed. We are doing that through our work in Civic.

The point Mrs Cross raises is how we strike the balance. It is not black and white: airport good, Civic bad—or Civic good, airport bad. It is about making sure we have a balance. The airport is a significant activity centre, and the spatial plan recognises it as a significant activity centre, as does draft amendment 44 to the National Capital Plan. The issue is: to what extent should that activity go? The territory's view is that the airport should not have the same status as a town centre or, indeed, as Civic, and we have put that view to the National Capital Authority.

The airport, understandably, wants to have greater scope to continue to expand. That is justifiable from its commercial perspective, but we are not convinced that it is in the broader interests of the city. We will continue to work constructively and engage in the debate, with both property owners in Civic and the airport, as we work through these

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issues. We must not lose sight of the fact that we are all in it for one reason: the benefit of Canberra overall.

Spatial plan

MR HARGREAVES: Can the Minister for Planning advise the Assembly of the response to the Stanhope government's spatial plan which the minister launched last week?

MR CORBELL: Yes, I will be very pleased to do so. It gives the opportunity, in particular, to refute some of the untruths that the Leader of the Opposition has peddled around the views of the business industry in Canberra about our spatial plan. I recall that Mr Smyth spoke to the Property Council and said that the Property Council claimed—

Mrs Dunne: I take a point of order, Mr Speaker. Is it appropriate for the Minister for Planning to accuse the Leader of the Opposition of peddling untruths?

MR CORBELL: For the benefit of question time, I will withdraw any unparliamentary allegation, Mr Speaker.

MR SPEAKER: That is all very well, but I think that it is stretching the point to say that members cannot say that somebody was peddling untruths. It is not to suggest that somebody was deliberately lying and that sort of thing. The language that flies to and fro in this chamber is not exactly the sort of stuff that you hear in the average living room while you are having a cup of tea. This place is robust. There is a fair bit of sensitivity about these issues but, as Mr Corbell has withdrawn, we will just proceed.

MR CORBELL: Mr Smyth asserted that the Property Council's view of the spatial plan was that it was gobbledegook. That was the claim that Mr Smyth made in the newspaper. I draw Mr Smyth's attention to a media statement released by the Property Council last Friday that gave the spatial plan nine out of 10 as a strategic planning document—a very strong endorsement.

Mr Smyth: It is a good thing you revised it.

MR CORBELL: You must hate to see the Property Council coming on board and supporting a Labor government and its planning policy, but the reality is that nine out of 10 was the mark that the Property Council gave to the spatial plan.

There has been a very favourable response to the spatial plan since it was launched last Friday. It began with the cover of the *Canberra Times* of 5 March announcing the East Basin urban renewal project. Indeed, the *Canberra Times* described the proposed development in the Molonglo Valley as a bold vision for the future shape of the city. The National Capital Authority has given its blessing to the East Basin project. That was reinforced—

Mr Smyth: We told you that it was there. So did we.

Mrs Dunne: So did we. We told you to do it months ago.

MR CORBELL: I know that they hate this stuff, absolutely hate it, but they are the only people in Canberra criticising the spatial plan. Everybody else is on board, but not carping Brendan Smyth and his colleagues over there. Negativity, negativity, negativity is all we hear from Mrs Dunne and is all we hear from Mr Smyth.

Opposition members interjecting—

MR SPEAKER: Order! Members of the opposition will be silent while Mr Corbell directs his comments through the chair.

MR CORBELL: The NCA's further support for the East Basin renewal was that it aligned so closely with initiatives developed as part of the NCA's Burley Griffin legacy project. On top of that, ACT Shelter indicated that it was fully supportive of any measures that would increase the supply of houses in the national capital.

The ACT Council of Social Service said that it was pleased that the government had made reference to affordable housing. The conservation council of the ACT indicated its support for the East Basin development, saying, as have others, that the government would need to proceed with great care and make highly detailed studies before proceeding. That is exactly what we will do.

The feedback has been very strong. The Housing Industry Association provided support for the plan and noted the need to ensure the provision of affordable housing in the future, particularly within the East Basin area. The conservation council highlighted its support for a settlement pattern which further supported sustainable transport outcomes.

This document got nine out of 10—not from the government but from what you would have to say is not the normal Labor Party constituency, with the Property Council saying that it is the right way to go. The only people who do not believe that are the members of the Liberal Party.

MR HARGREAVES: I have a supplementary question. Could the minister advise us whether there was any comment from the Housing Industry Association? In any event, what is the government going to do to implement the plan?

MR CORBELL: The government is already working through the implementation. I think that the opposition will continue to struggle in making its assertions, especially in coming weeks, but the government is working very hard to implement these issues. For example, planning work in the Molonglo area has already commenced. We have already advertised for expressions of interest, in partnership with the National Capital Authority, in doing the detailed planning work in the Molonglo Valley. The government will be commencing shortly the preparation of studies for the East Basin and the Majura corridor.

The government, as I indicated in my answer to Mrs Cross earlier in question time, is releasing land, and proposes to continue the release of land, in Civic to support the revitalisation of Civic. We are continuing to release land in our town centres, including in Woden and Belconnen, to strengthen those areas. Territory plan variations and

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amendments to legislation to review restrictive planning policies that inhibit the development of the city centre in particular are already under way.

The government is on the front foot in developing and implementing this strategic plan, a strategic plan that got nine out of 10 from key industry groups which have been calling for a strategic planning document for over a decade. This government has delivered a strategic planning document that is strongly supported across the community sector, the environment sector and the business community. It is a plan for the future. It is a plan with a vision for where Canberra can go. It is a plan that is on the right track. But there are no policies and no new approaches from the Liberal Party. All we get is just whinge, whinge, whinge.

Private developments—traffic arrangements

MS TUCKER: Mr Speaker, my question is to Mr Corbell, and I must say that the quoting that we just witnessed was very interesting and selective—it was quite misleading, in fact.

MR SPEAKER: Come to the question.

MS TUCKER: The question is in regard—

Mr Corbell: On point of order, Mr Speaker. Ms Tucker's suggestion that I was misleading the Assembly is quite unparliamentary.

Mrs Dunne: The quoting was misleading.

MS TUCKER: It was misleading—but, anyway, I withdraw it.

Mr Hargreaves: Point of order: that was a qualified withdrawal.

MR SPEAKER: It was a withdrawal and an addition, as far as I could make out. So it has to be withdrawn unequivocally. Withdraw that, Ms Tucker.

MS TUCKER: I withdraw.

MR SPEAKER: Thank you. Now could you ask the question.

MS TUCKER: My question to Mr Corbell is in relation to the community meeting that I attended and you attended at Amaroo last week. As you are well aware, a number of issues came up at that meeting. One of the issues was the lack of access, because of the gate being closed, to a private path which goes through the Whitehaven estate. This is the result of a mistake with the original lease.

My question is particularly about a comment that was made by the police officer who spoke to the community that night, and I notice that the minister is nodding as if he is aware of it. I am interested in your giving me some information on what you have done about it. The police officer said that one of the problems that was being described by the Whitehaven residents was that the traffic conditions within the estate were extremely dangerous. You will recall that they said there were a number of blind corners et cetera.

The police officer said that that was correct. He concurred that there were very dangerous traffic conditions within Whitehaven and, in fact, that it was the same in the other two stages—I think he said there were two other stages of Whitehaven.

If that is the case, and you seem to be aware of it, I am interested to know what have you done to ensure that private developments that you have been responsible for in government—and I assume that you were not responsible for Whitehaven; I do not know when it stated—

Mr Corbell: 1995-96.

MS TUCKER: 1995-96. So that was Mrs Carnell. My question is: what have you done to ensure that in fact you do not have dangerous traffic arrangements in private developments?

MR CORBELL: Mr Speaker, it is a very difficult issue. For any development application for a multi-unit development, the traffic circulation and parking issues are usually dealt with by Roads ACT as part of the interagency approval for any development which involves public/private roadway interaction.

The issue is a difficult one. The key issue that we are seeking to get is a high quality design outcome and the road network within any private estate has to be considered as part of that process. So we try to capture it through the high quality sustainable design process. We seek to ensure that we create logical and safe transport connections within an estate as well as how the estate connects to public areas outside of the private lease. But it depends very much on the individual circumstances of the site and the proposed development that comes forward. So there are principles that are applied as part of the planning and development process and they are sought to be implemented, as far as is practicable, given the individual circumstances of those estates.

MS TUCKER: Mr Speaker, I ask a supplementary question. The issue of double lane roundabouts was also raised.

MR SPEAKER: Come to the point of the question.

MS TUCKER: The question is: what have you done in terms of designing future suburbs to take into account concerns such as those raised at this meeting around issues of having double lane roundabouts and lack of walkability in those suburbs?

MR CORBELL: There is no doubt about it that the urban design outcomes under the highly decentralised land development process that we inherited from the Liberal Party led to some poor outcomes. I think everyone in this place would accept that some of the development outcomes in our new suburbs are not what they should be.

Mr Smyth: Most of them done under you guys.

MR CORBELL: For that reason, Mr Speaker—

Mr Smyth: Don't blame us. We cleaned up your mess.

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MR CORBELL: I just ask Mr Smyth: when was the Peninsula built? I think it was when you were planning minister, wasn't it?

Mr Smyth: When was it planned?

MR CORBELL: I am pretty sure that is when it was built, Mr Smyth. I might be a bit wrong but I remember, as opposition spokesperson on planning, driving around Gungahlin when I lived there. I remember the Peninsula being built. I was in opposition at the time and you were the planning minister.

Mr Speaker, as to Ms Tucker's question: the government is seeking, through its involvement in the land development process, to get a better quality urban design outcome. I would invite Ms Tucker to go and look at the Yerrabi pilot land development project. She should look at the subdivision has been built down by Yerrabi ponds. That is a much better outcome. There is a much more legible road network and pedestrian network built into it. One of the reasons it is more legible is that it has been done in toto by a single land developer.

One of the difficulties with some of the estates in Gungahlin is that different parts of Gungahlin were built by different land developers and there was significant capacity for them to vary from the overall master plan for the suburb. That meant that the suburb did not connect up; indeed there are parts of streets in Gungahlin which run in a certain way. That is another achievement of Brendan Smyth—he could not even get the streets to joint together properly and they had to be put together in a certain way between estates. That is the sort of problem we are seeking to overcome. We have entered into a land development process to try to achieve that and we are getting those outcomes.

I would like Ms Tucker to have a look at Yerrabi and to have a look at the planning for Wells Station, which is another estate the LDA is engaged in. We are trying to create more legible street frameworks which make it more attractive to use public transport, rather than use motor vehicles, as well as to walk short distances. That is exactly the planning that is being built into our new estates. We have still got more work to do but I think our new estates are a significant improvement on some the work that occurred in 1995 through to 1998 and, beyond that, under Brendan Smyth.

Bushfires—declaration of a state of emergency

MR STEFANIAK: My question is to the Chief Minister. You have previously advised the Assembly that discussion of a declaration of a state of emergency in January 2003 was prompted by a hypothetical loss of a significant part of our ACT electricity supply. Yesterday, smoke from a deliberately lit fire on One Tree Hill, near Adelaide, triggered protection equipment on the ElectraNet-operated 275,000 volt interconnector between South Australia and Victoria. This led to 300,000 households and businesses losing power for several hours, or 40 per cent of the state's electricity demand.

There was no breakdown in public order and no consideration of a declaration of a state of emergency. This is consistent with other experiences, such as the explosion in the Esso natural gas plant, which supplied 80 per cent of Victoria's gas supplies where, again, there was no threat to public order. Why do you expect us to believe that

discussion of a state of emergency at the briefing on 16 January 2003 was prompted by considerations of power supply, when a state of emergency has never been declared prompted by power losses in Australia's history?

MR STANHOPE: I have given, to the best of my ability and honestly, my understanding of the discussion of the cabinet briefing and have made it very clear, in my answers, that that was my best memory. I also indicated that, if asked to bet on it, I am not sure I would. But in the sequence of discussion at the cabinet meeting there was a discussion of the potential threat to electricity infrastructure and supply as a result of the fire. There was discussion of a declaration of a state of emergency—at least, the mechanics that apply to a declaration of a state of emergency. It was about the legislative requirements and the mechanics in the legislation in relation to a state of emergency.

I recall absolutely no suggestion at the cabinet meeting that a state of emergency was likely, inevitable, possible or would be called for. As I have indicated before, cabinet was not advised at the briefing in any way that raised any alarm, anxiety or even the possibility that Canberra was at threat from the fire. I have provided those answers to the Assembly before, and they remain the case. I cannot give any explanation as to why people in South Australia do or do not declare states of emergency. I do not even know if they have the capacity over there. I know nothing about the legislation of South Australia.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Chief Minister, why do you expect the community to believe that discussion of a state of emergency at the cabinet briefing was prompted by a potential threat to the electricity supply, when no-one from Actew briefed the cabinet and there is no mention of the electricity supply in the minutes?

MR STANHOPE: The issue of electricity supply was discussed at the cabinet meeting, Mr Stefaniak. I hope you are not calling me a liar. I hope you are not suggesting I am making this up. The issue of a potential threat to the electricity infrastructure and electricity supply was discussed at the cabinet meeting, and it is reflected in officers' records of the meeting.

Bushfires—warnings

MRS DUNNE: My question is to the Chief Minister. On 19 January 2003 and in the weeks following the bushfire, the government kept saying, "Nobody told us; nobody knew." After the McLeod report, the government said, "Well, yes, there was some mention at the cabinet meeting of the 16 January, but that was only in passing that the bushfires might come to town." On 17 February this year Mr Quinlan's words were, "We didn't think it would be worse than the Christmas Eve fires of 2001." Last week the story in this place was, "We were planning for a black out." Chief Minister, which story is correct?

MR STANHOPE: That is a nonsensical question. There is no way I can answer that range of assertions and nonsense. I refer to one sentence in the transcript of the fire commissioner's evidence. I picked this out at random. I now read it for the first time in light of this absolutely puerile, absurd attempt to rerun the coronial inquest in this place. We have talked about this before, but this really is ridiculous; it is appalling. I can refer

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all the transcripts, particularly the fire commissioner's transcripts, to you so that you can get his impression of what he knew or what he understood.

Mrs Dunne: I rise on a point of order—standing order 118 (b). We are talking specifically about the Chief Minister's account of events; we are not asking about what the fire commissioner may have said in the coronial inquest. We are asking about things that were said in this place, and nowhere else.

MR SPEAKER: I think that you raised three points that you wanted the Chief Minister to respond to. As far as I can see, he is trying to respond to them.

MR STANHOPE: I was going to do that, but I will not bother. The position put by the member raises a range of points around things it is alleged I or other members of the government said. The assertions essentially do not reflect, as I understand it, what was said; they are summaries of what was said. I do not accept the summaries and I am not answering the question.

MRS DUNNE: I ask a supplementary question. Why do you keep changing your story as more details about the warnings to the government about the bushfires become public knowledge? Why have you changed your story that you do not read newspaper reports and transcripts from the coroner's inquest?

MR STANHOPE: I have not.

Child protection

MRS BURKE: My question is to the minister for health and planning, Mr Corbell. Minister, it is now clear that on 3 October 2002 the Community Advocate, Heather McGregor, briefed you as the then minister for family services with regard to serious criticisms of your department contained within an OCA report. Given that these were very serious criticisms of your department, why didn't you address them? Do you agree that it was your failure to ensure that the concerns of the Community Advocate were addressed that led to the problems in the child protection system getting worse?

MR CORBELL: I think that I have answered this question. Mrs Burke keeps casting around desperately looking for relevance in this debate.

Ms Gallagher: She is short-staffed.

MR CORBELL: I know that she has some staffing issues at the moment. That might be affecting her capacity. The staff resources in her office or lack thereof or the reasons for the departure of staff might be—

Mrs Burke: I take a point of order, Mr Speaker, on relevance.

MR SPEAKER: If we bring in the relevance rule we might have some trouble.

MR CORBELL: I am just making the point that she might be struggling due to a lack of staff, Mr Speaker.

MR SPEAKER: Just stick to the subject matter of the question.

MR CORBELL: I do not know how that came about; it must be a terrible set of circumstances. Mr Speaker, I have sought to answer this question already. The point I have made is that the Community Advocate raised issues with me. Yes, she did; she came and met with me. Present at that meeting, if I recall correctly, were me, the Community Advocate, the chief executive of the department and the executive director responsible for that area within the department.

That discussion occurred. I received written advice from the department in response to the issues that were raised. I indicated on that that I wanted to be assured that these steps were being taken to address these concerns and I was assured that that was the case. The department advised me that new training was under way for staff, that compliance training in particular was being undertaken to ensure that staff were complying with the provisions of the act. I was advised that an audit was being put in place of the appropriate processes that were being undertaken within family services to ensure compliance with the act. I had no reason to believe, on the basis of those assurances, that those things were not occurring. I was advised in a written brief signed by the chief executive of the department that these things were being done. About two months later, the portfolios changed.

Mrs Dunne: “And I didn’t give anyone a heads up.”

MR CORBELL: I do not know whether Mrs Dunne understands how government works. You would think that she might have picked up something in all of her time in Gary Humphries’s office.

Mrs Burke: Mr Speaker, I take a point of order under standing order 118 (a) and (b).

MR SPEAKER: Order! Come to the subject matter of the question. Mrs Dunne, cease your interjections. The minister should respond to the question by directing his comments through me.

MR CORBELL: Mr Speaker, the government relied on the government service to advise incoming ministers of any difficulties in their portfolios. I had no reason to believe that there was further difficulty because I had been told by my department—I do not know whether Mrs Burke grasped this point—that the appropriate steps were being undertaken. I had no reason to believe that those things were not being done. I had no reason to believe that those things were not being done because I had specifically raised them with my department and had been assured that those things were being done. If the department failed to honour its undertakings to its minister, then that deserves serious censure. I think that the government has indicated its view of that in the steps it has taken since that time.

MRS BURKE: I have a supplementary question. Minister, given your answer, why are you now happy for the current minister, Ms Gallagher, to take the full rap for systemic organisational concerns that were raised with you 14 months ago and not addressed?

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MR CORBELL: It is pretty sad, Mr Speaker; it really is pretty sad! Ms Gallagher is undertaking what every responsible minister should do and she has shown outstanding leadership in addressing these issues. I took the steps that were appropriate. I raised the issues with the department and I was told by the department that the issues were being addressed.

Mrs Burke: That's appalling.

MR SPEAKER: Order!

MR CORBELL: When I am advised by a government department, I tend to believe when they tell me they are going to do something that they will do it.

Mrs Burke: But you want to blame them by the same token.

MR CORBELL: I do not try to micromanage my departments. I am not like—

MR SPEAKER: Order! Mrs Burke, I warn you.

Mrs Burke: I am sorry, Mr Speaker.

MR CORBELL: I am not like Kate Carnell when she virtually signed the bloody tenders between different government agencies and did dodgy deals—I withdraw that, Mr Speaker—and made very untoward arrangements between different elements of government. I expect chief executives to manage their departments. That is exactly what Ms Gallagher expects—the chief executives to do their jobs and manage their departments. I have every confidence in Ms Gallagher following through on these issues. She has demonstrated that, she has taken responsibility for that and she is fixing the problem, something which Bill Stefaniak failed to do in all the time he was minister and something which this government is addressing and addressing in a comprehensive manner.

Child protection

MR CORNWELL: My question is addressed to the Minister for Education, Youth and Family Services, Ms Gallagher. In question time on 4 March 2004, Minister, while you were exercising your outstanding leadership, you said that you were advised of the fax at or around 5.00 pm on 11 December saying that your department had broken the Children and Young People Act 1999. You claim that you immediately advised the Chief Minister of this issue. The Assembly was sitting on 11 December until approximately 6.04 pm. The valedictory speeches, featuring a speech by you, did not start until 5.20 pm. I quote from the relevant section of the Ministerial Code of Conduct:

Ministers should take reasonable steps to ensure the factual content of statements they make in the Assembly are soundly based and that they correct any inadvertent error at the earliest opportunity.

You claim that your ministerial statement on 11 December was inadvertently incorrect. Why did you fail to correct the record when you had the opportunity on 11 December rather than waiting for two months to correct your statement in this place?

MS GALLAGHER: I think perhaps the question is—

Mr Quinlan: Stupid.

MS GALLAGHER: I am grappling with the question I must say. I think the question asked why I didn't stand immediately and address it. Well, I can tell you that, from the two-page brief that I had, I did not understand the issues completely. It said that the department is breaching section 162 (2) of the act, that you note this information and you note measures in place to address it. Some time that afternoon—perhaps after question time, after presentation of papers—I spoke to the Chief Minister in the anteroom. I do not have the exact time that that conversation occurred, but it was somewhere in the vicinity of 4.30 and 5. At the time I did not know the relationship of that advice to the government's response. It was not mentioned in the response. The response related to recommendations of the committee report, not to section 162 (2) of the act. I did not understand it at the time. Once I sought the additional advice from the department, which I received, I think, around 13 January, as to what the content of that brief to me of the 11th was, I subsequently mentioned it in my ministerial statement and also advised the Assembly that we would be reworking the government's response to that report.

Schools—broadband internet access

MS MacDONALD: My question is to the Minister for Education, Youth and Family Services and it relates to broadband internet access in ACT government schools. This is a very important issue. What is the situation for schools in Gungahlin, bearing in mind the problems that householders in the area are experiencing getting access to this important technology?

MS GALLAGHER: I thank Ms MacDonald for her interest in this area. As members would be aware, Gungahlin residents have had inadequate access to the internet, particularly broadband. As well there has been inadequate mobile phone reception in the Gungahlin area. This government has been working on those issues. As members know, Telstra will be building an exchange so that those services are improved.

However, in the meantime, contrary to what the opposition spokesperson on education says, a core element of learning in the year 2004 and beyond is access to online learning. Gungahlin schools have been disadvantaged in comparison to other schools in Canberra because they have not been able to have the suitable level of internet access and speed of access that other schools have had.

But from the start of the 2004 school year, government schools in the Gungahlin region have access to a new information and communications technology infrastructure with the help of TransACT connection, for the first time enabling wireless broadband service. There are four schools that have received this connection: Gold Creek school, Ngunnawal primary, Palmerston district primary and Amaroo school. It will provide

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these schools with a platform for innovation and the integration of ICT into teaching and learning, particularly online opportunities. It is fantastic for students; it is fantastic for teachers.

As we know, the ACT has a very high rate of connectivity per capita when compared with the rest of the country. And with such a high rate of use in the general community, particularly in homes, it is important that schools provide students with as effective access to IT services as what they have in their homes. This achievement is a significant advance over services that have previously been able to be provided in schools.

The schools are now connected to two megabyte synchronous broadband service that will enable them to have improved internet access for students and high speed access for teachers and administrative staff to departmental services and resources. The department will be able to provide a significantly improved remote IT support service. Schools will now be able to plan for multimedia educational opportunities and other innovations.

The best IT in schools is vital if we are to maintain our excellent results nationally and performance of our schools. It is fantastic that students in Gungahlin finally have access to a level of internet access that will benefit learning opportunities not only for themselves but for the whole school community.

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

Supplementary answer to question without notice Canberra—advertising campaign

MR QUINLAN: On 4 March I received a question from Ms Dundas relating to the “see yourself in Canberra” campaign and I happily table a written response. I think a copy has been delivered to Ms Dundas. Thank you.

Personal explanation

MR SMYTH (Leader of the Opposition): Pursuant to standing order 46, I seek leave to make a personal explanation.

MR SPEAKER: Do you claim to have been misrepresented?

MR SMYTH: Yes.

MR SPEAKER: Please proceed.

MR SMYTH: In Question Time Mr Corbell alleged that I called the final spatial plan gobbledegook. I did not. Indeed, I did not ever say that the property council had said that the spatial plan was gobbledegook.

I said that—if he wants to get the full quote, instead of being disingenuous—a report done for the property council about the draft spatial plan was in fact gobbledegook. I refer members to page 7 of a response to the draft Canberra plan done on behalf of Village Building Company and Mirvac Homes in which it states, “While this methodology involves several steps and reads impressively, it appears to be largely

gobbledegook in economic terms.” That is what I quoted from, Mr Speaker, in referring to the draft spatial plan.

Mr Corbell needs to check his times. I gave my speech before the final spatial plan was released, so at that time I was not in a position to comment upon it. If the Minister had any courage, he would stand and apologise. If he had any decency he would apologise for deliberately taking things out of sequence.

Executive contracts Papers and statements by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): For the information of members I present, pursuant to sections 31A and 79 of the Public Sector Management Act, copies of contracts in accordance with the list circulated. I seek leave to make a statement in relation to contracts.

Leave granted.

MR STANHOPE: I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all executive contracts and contract variations. Contracts were previously tabled on 2 March 2004. Today I present one short-term contract and 13 contract variations. Twelve of these variations are revised performance agreements. The details of the contracts will be circulated to members.

Legislation program—2004 Paper and statement by minister

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs): Mr Speaker, for the information of members I present the 2004 legislation program and I seek leave to make a statement.

Leave granted.

MR STANHOPE: Mr Speaker, I am pleased to present the government’s legislation program for 2004. As the parliamentary year will be shortened by the election later this year, there will be only one government legislation program covering both Autumn and Spring.

In 2004, the government will continue its commitment towards delivering on its election promises. Since coming to office in 2001, the government has made many significant achievements and has put the ACT in a strong economic position.

However, the events of 2003 remind us that we can never become complacent and rest on these achievements. The devastating January bushfires last year and the drought conditions experienced throughout the region remind us that we need to remain proactive and responsive to the needs of the Canberra community. This is reflected in the government’s program.

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In 2004, the government will continue to implement initiatives to improve the wellbeing of the Canberra community as well as the territory's economic performance and environment. Bushfire recovery efforts will also continue.

For the benefit of members, I will comment briefly on some of the government's proposed legislation. Firstly, with the 2003 bushfire crisis still firmly in the government's focus, the government will propose a bill to establish a new emergency management authority and to make other statutory changes in follow up of the McLeod bushfire inquiry report.

The new authority, together with other bushfire recovery measures already taken, will significantly add to the safety and wellbeing of all Canberrans. We must continue to make every effort to ensure that there is no repeat of the bushfire disaster and, where possible, also protect ourselves from other calamities.

As it is each year, the principal piece of legislation will be the Appropriation Bill 2004-5. The bill is scheduled to be tabled on 4 May. The government will bring forward amendments to the Financial Management Act to address concerns raised by the Auditor-General in relation to the Treasurer's advance and to clarify the use of the Treasurer's advance. Proposed amendments to the Act will also include the issue of amended budgets by simplifying the financial reporting requirements where budgets are amended during a year.

In keeping with the government's commitment to integrity and improved accountability, a range of legislative changes are also proposed to the governance framework applying to both statutory authorities and Territory owned corporations.

The protection of the environment remains a key commitment by the government. Legislation will be introduced to adopt a scheme similar to that in place in New South Wales that requires ACT electricity retailers to source an increasing amount of electricity from environmentally cleaner and renewable sources.

The government's commitment to addressing law and order issues also continues. Amendments to the Protection Orders Act 2001 will be brought forward to introduce a range of new initiatives and improvements designed to provide greater protection for victims of domestic violence and to give effect to the ACT's model domestic violence laws.

Additionally, a new chapter will be inserted in the criminal code dealing with serious drug offences. The proposed legislation will be primarily directed at the illicit trade in recreational drugs and will include offences of trafficking in, and illegally manufacturing and cultivating, controlled drugs and plants; acquiring and dealing with property derived from a drug offence; and also special offences intended for the protection of children, including offences of supplying drugs to children and procuring children for trafficking.

An overhaul of sentencing laws is also proposed to provide contemporary and flexible sentencing options in response to wide community consultations conducted for the ACT sentencing review. This will also provide for consolidation of sentencing laws and a

range of new initiatives and reforms, including the introduction of pre-sentence orders and strengthening of current breach mechanisms.

Under the third stage of the ACT's response to the insurance crises, it is proposed to harmonise the rules for the Supreme Court and the Magistrates Court to improve the management of civil claims in courts. In addition, the government intends to introduce proportionate liability and professional standards legislation in line with the legislative developments in other jurisdictions.

Mr Speaker, health issues remain a major government priority. In December last year the government released an exposure draft of the Gene Technology (Genetically Modified Crop Moratorium) Bill in advance of introduction of this legislation. Among other things, the bill proposes a moratorium on the cultivation of certain genetically modified plants.

The government also intends to introduce a bill to allow ACT optometrists to prescribe certain therapeutic ocular preparations. This would be consistent with legislation introduced in other jurisdictions.

Following extensive community consultation, the Mental Health (Treatment and Care) Amendment Bill will be introduced. This legislation will enable the care co-ordinator to approve certain treatments as necessary for the amelioration of mental dysfunction.

Following extensive community consultation, amendments to the Disability Services Act 1991 are also proposed to provide for the establishment of a disability services commissioner with statutory powers and responsibility for the independent monitoring of compliance with standards and legislation. This fulfils a commitment made in the government's response to the recommendations of the board of inquiry into disability services.

The government also intends to replace the Architects Act 1959 with new legislation that will enable more effective regulation of architects, focused on consumer protection and maintenance of professional standards. A bill to amend the Land (Planning and Environment) Act is proposed to address the issue of speculation in land occurring when a lease is on-sold before buildings required under the lease are commenced.

Proposed Cemeteries and Crematoria Act amendments will enable a review of perpetual care trust percentages at least every five years and allow for operators of cemeteries and crematoria to invest their perpetual care trust funds at a higher rate of return.

In 2004 the government will continue its commitment to improving conditions for ACT workers through several industrial relations bills. The government has already introduced the first of these bills, the Occupational Health and Safety Amendment Bill 2004. It will improve the ACT's occupational health and safety compliance and enforcement framework, complementing the government's achievements in enacting industrial manslaughter legislation in Australia.

Further amendments to the Workers Compensation Act will also be introduced to improve safety net arrangements for injured workers. If an employer fails to take out workers compensation insurance or a workers compensation insurer goes out of business,

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special arrangements are necessary to ensure that injured workers are not disadvantaged. Existing safety net arrangements need to be updated to provide for injury management, and to allow simpler access to benefits for injured workers.

Mr Speaker, these are just a few of the initiatives proposed in the government's 2004 legislation program. The program reflects the government's priorities for good governance and for responding to community needs. I look forward to the cooperation of all members in the timely consideration of these bills and I commend the program to the Assembly.

Papers

Mr Wood presented the following papers:

The Nominal Defendant (Australian Capital Territory)—2003 Annual Report, dated 9 February 2004

Subordinate Legislation (including explanatory statement unless otherwise stated)

Legislation Act, pursuant to section 64—

Mediation Act—Mediation (Approved Agency) Declaration 2004 (No 1)—

Disallowable Instrument DI2004-26 (LR, 1 March 2004)

Ms Gallagher presented the following paper:

Occupational Health and Safety Act, pursuant to section 96D—operation of the *Occupational Health and Safety Act 1989* and its associated law—quarterly report December quarter 2003

Aged care

Discussion of matter of public importance

MR SPEAKER: I received a letter from Mr Cornwell proposing that a matter of public importance be submitted to the Assembly for discussion, namely:

The current state of aged care in the ACT.

MR CORNWELL (3.37): “The great mass of people will more easily fall victim to a big lie than a small one” was said by Adolf Hitler. But I do not think he was referring to matters of public importance before us. It is becoming increasingly apparent to the people of the ACT that aged care in this city is in crisis; it is an ongoing problem. One reads about it or hears about it almost on a daily basis. Hence the reason for this matter of public importance.

We had a debate on this matter only last week. The treatment of aged care by this government is characterised by drift, indecision and the inability to understand the crisis that we are facing in this area.

This Stanhope government seems to be mesmerised by bills of rights and gay adoption. Unfortunately, that indicates its inability to do anything practical about fundamental issues such as aged care waiting lists, blocked and onerous planning systems, nursing home staff shortages, transitional care bed shortages, elder abuse, powers of attorney and a raft of other problems affecting our older population and their carers.

Let us start with planning. Last week in this Assembly Mr Corbell tabled a list of aged care development proposals, development applications and land grants that had been before this Stanhope government or that the government had been aware of since January 2002.

In contrast, in an answer to a media release dated 21 July 2003, which was triggered as a result of a question placed on notice No. 733, Mr Corbell stated that at least 20 new developments had been raised with government agencies and that the Stanhope government was keen to see these proposals facilitated.

Mysteriously, 11 of these developments included in that press release last July do not appear in the current list tabled last week by Mr Corbell. More than half the proposals have disappeared. They represent more than 250 beds or units. Where have the districts of Isaacs, Chapman, Fisher, Conder, Kaleen, Bruce and Aranda gone? They have disappeared.

What has happened to them? What has happened to these aged care developments? Why do they now not appear on the list? Perhaps I can speculate, Mr Speaker. The government itself had said that no applications for aged care developments or the sale of land had been rejected by the government since January 2002. So what caused these 11 developments to drop off the list?

Obviously they did exist at some stage because I have the evidence here. Therefore, what caused the developers perhaps to be discouraged? Could it be the onerous planning process that this planning minister has failed to address? Could it be the change of use charges that this government has failed to examine: the \$20,000 and \$30,000 that it wants per unit for a change of use?

Could the major delays in the planning system have discouraged developers of aged care facilities? Could it be that these developers have spent so much time and money trying to go through the hurdles of the planning system that their proposal is no longer financially viable?

The government has done nothing to address the planning system, reduce these delays and improve the chances of any developments going ahead. So we have lost 11 valuable proposals since July last year. Yet only recently—in fact in an article in *The Canberra Times* last Saturday—the Council on the Ageing stated:

We need 75 beds every year from now on to assist and to accommodate our elderly citizens.

I now look specifically at some of the still outstanding. The Little Company of Mary are desperately trying to get built a hundred bed facility at Bruce. In Mr Corbell's paper of

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last week the government has listed it as still “in pre-application stage”—whatever that means. We may never see this facility built because the Commonwealth has given the Little Company of Mary an extension until June this year only—a six month extension until June this year only—before these beds are taken back. I hope that will not happen.

What about the Croatian village proposal to build 15 aged care units at Stirling? Again, it has been besieged by planning delays and hurdles, and possibly financially unviable due to the change of use charges estimated to be around \$20,000 to \$30,000 per unit to build.

Again this was written up in *The Canberra Times* yesterday, 8 March. The critic was a Mr Peter Conway, a consultant. Mr Conway, to the best of my knowledge, was a Labor candidate—I think he was the number two in the senate; he has certainly been involved in Labor circles for many years. Things get to a pretty pass when your own mates start to criticise you for failure to act.

What is the government doing to address these problems for aged care developers? The answer is nothing. Yet it is going to great lengths to assist developers wishing to develop properties in Civic West. But it does not seem to be prepared to make any concessions or attempt legislatively to amend the planning rules for these much needed aged care facilities. We do not want the government to break the law or to cut corners; we simply want it to speed up the planning facilities.

It appears that even the Commonwealth has run out of patience. Today *The Canberra Times* states that only yesterday two new facilities for dementia sufferers and their carers were opened, one at the upper Jindalee Nursing Home and another at Gloria McKerrow House in Deakin.

It appears to me that the Commonwealth has decided to leap frog this ACT government and go direct to people holding these facilities. Perhaps it has lost as much faith in this Stanhope government as have most aged people and their carers here in Canberra.

The ACT government cannot use the Commonwealth government as an excuse for its lack of action, much as it would like to, simply because it is sitting on 255 beds that have been funded by the Commonwealth and which have not been taken up. Why should the Commonwealth be keen to increase funding to the ACT for future beds if the government has not used those that it has already been given? That is for you people to answer, not me.

I move away from planning and look into the neglect of the aged. Let us look at elder abuse. Despite glossy pamphlets, brochures and media releases, nothing has eventuated to address the problem of elder abuse. We all know that report No. 11 of the committee on health and community care, which was delivered towards the end of 2001 during the time of the previous government, was not picked up by the Stanhope government and acted upon until very recently. It was at least 18 months before all 14 recommendations were taken up. They were taken up but they have not been acted upon. We are almost at the end of the current government’s term and nothing has been done.

The research on elder abuse has been done. More reviews are not needed, but that is all we seem to get. We do not even have an elder abuse hotline. I hate to think how many

people have been affected as a result of this because this government has not even bothered to put in a hotline so people can report the various forms of elder abuse that occur.

Similarly we are still waiting to see the review paper—just the review paper, not the actual decisions—of the Powers of Attorney Act 1956, which the Attorney-General has assured me is to be released some time this month. The government has been in office for 2½ years. We have not seen anything tangible. We will now see a review and I have no doubt that the Powers of Attorney Act will not be implemented prior to this Assembly going to an election later this year.

I have highlighted three areas: planning, elder abuse, and powers of attorney. But of course there are many others: nursing home staff shortages, the problem of wage disparity between nurses in hospitals and nurses in nursing homes, and inadequate working conditions.

It is simply not good enough for the ACT government to say that these are Commonwealth matters. They are not. They are as much ACT government matters as the rest of the planning process because we are dealing with ACT residents. The Minister needs to address these questions.

There is not much use solving the planning problem if you cannot overcome the nursing problems and the staffing problems that exist in nursing homes, if ever we can get these 255 beds off the ground. This year 210 are to commence: 14 are under construction, and another 80 are to be completed this year. As I said before, they do not add up to 255. This should not surprise anybody for the simple reason that it is very difficult trying to get this government to sort out aged care facilities—it seems to be all over the place.

We have still to see evidence of a promised land release program. There is our old friend, the O'Connell Education Centre down there in Griffith, section 48, and the Joint Emergency Services Centre site in Curtin, which I understand are also earmarked by this government for aged care facilities. We have heard nothing about this from them. This was stated at a Council on the Ageing Meeting of 16 February.

I have not heard a word from the planning minister; I have not heard a word from Mr Stanhope, the minister for the ageing as to whether anything will happen with those. We have not heard anything about the improvements that may be drawn up to redevelop existing sites and vacant portions of existing community facility leases, such as next to Catholic churches.

These comments are in total contradiction to what the minister has been saying and what the government has been doing in levying extra charges for change of purpose clauses in these areas. I repeat: the government is long on rhetoric and on reviews, but it is very short on providing something tangible to address this growing aged care crisis overwhelming this city.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (3.52): The implications of an ageing population for all levels of government and the broader community are quite obviously massive. Recent ABS population projections suggest that the number of people in the Canberra

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community aged 55 and over is predicted to rise from about 10 per cent today to about 30 per cent in the next thirty years.

By contrast the number of young people in the 0 to 15 age group is forecast to decline by about 10,000 during the same period. There are likely to be changes in how people live as well, with projections indicating that within a decade or so almost half of all ACT households will have only one person, many of whom will be aged over 50.

In its intergenerational report, the Commonwealth government has quantified the financial impacts that an ageing population will have upon the nation. In particular, the report suggests that, as the Australian population ages, the cost to meet the needs of an ageing community is estimated at \$17 billion per annum.

This estimate fails to take into account the fact that the vast majority of older people are great contributors to the community. Many continue to contribute through the paid work force, others assist as volunteers. Older people also make major contributions to the welfare of their families in terms of both caring roles and financial assistance, and of course their wisdom and life experience contribute to the richness and diversity of our community. I should emphasise that only a small proportion of older people ever require long term residential care.

I speak to the key strategies that the ACT government has developed and is implementing to respond to the dramatic changes that will take place in Canberra's population landscape. "Building our community: the Canberra social plan" is an expression of the government's vision that we become a place where all people, including older members of our community, reach their potential, make a contribution and share the benefits of the Canberra community.

I will give a few examples. Under the social plan we will increase concessions and extend them to cover gas and the provision of advice to householders on how to improve the energy efficiency of their homes. We are going to develop an ACT veterans' memorial, and introduce the Canberra gold Chief Minister's award for people reaching their 50th anniversary as ACT residents.

There is assistance for older women through the boarding house program. There is a commitment to put in place innovative aged health care and accommodation initiatives that recognise our changing demographic profile.

The government has provided funding for the establishment of a sub-acute facility that will fill a gap in current services in the Territory. The facility will provide specialist rehabilitation and transitional care services that will ease the transition between hospital and home for many Canberrans, particularly our older residents. The facility will also provide acute psychogeriatric services. This will provide a specialist environment for the care of acute patients, and the establishment of management plans to enable ongoing care to be undertaken in the community.

The ACT has also secured Commonwealth agreement to establish up to 50 transitional care places to provide more appropriate care for people waiting in hospital for a nursing home place to become available. We will also continue to fund a residential aged care

nurse to provide better links between hospitals and nursing homes to make it easier for people to find nursing home places.

Falls are a major and growing concern for older people resulting in a loss of mobility and independence and earlier entry to residential care. Falls assessment and management programs will be established in the aged day care services at Tuggeranong and the Belconnen health centres. General practitioners and residential care facilities will have access to more comprehensive advice and support to assist their older clients.

These are all very important commitments for older Canberrans. But we need to bear in mind that older Canberrans are a diverse group of people with a wide range of needs. Many of the social plan actions which address the needs of the broader community also address the needs of some of these older Canberrans: the homelessness strategy, for example, and the sustainable transport policy.

The measures in the social plan have been welcomed by people from across the community. Jim Purcell, chair of the Council on the Ageing, was one of those that strongly welcomed and applauded the social plan.

On the question of aged accommodation, the government is working hard to meet the housing needs of Canberra's older people. My colleague, the Minister for Planning, released the "Building for our ageing community" strategy just some months ago. The purpose of the strategy is to ensure that the provision of aged bed allocations are made operational in the shortest possible time, and to develop rational strategic plans on how to deliver appropriate aged accommodation and care in the longer term.

Case management is helping service providers who have been allocated beds to get those beds either operational or under construction this year. The case manager is working closely with proponents to increase their capacity to undertake expansion, by providing a whole of government information service on aged persons' accommodation and getting specialist advice on development issues.

The ACT government has made an undertaking to the proponents of the Calvary Hospital to expedite their proposal to enable it to commence as soon as practical. The supply of pre-planned, development ready sites is underway. Planning has commenced on sites in Monash, Greenway and Nicholls.

It is anticipated that these sites will be available when bed allocations are made, so that service providers can fast track their construction program. Other sites for adaptable housing have been identified in Fadden and Gowrie, and they are to be included in this month's planned auction.

Section 87 Belconnen is being made available for aged accommodation through a competitive release process. Subject to positive outcomes of discussions with the Commonwealth government, this site should be available for development this year. As well, we are looking at surplus government sites for possible aged facilities. Again subject to the outcomes of the review processes, further sites may be available in the near future.

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In addition to the initiatives outlined, we are also examining alternative models of aged persons accommodation developed both in Australia and overseas to discern their applicability to the ACT. Of course, ACT Housing is continuing to construct aged persons accommodation as part of its commitment to older Canberrans.

I will turn to some other issues of real relevance to older Canberrans. Initially, the issue of mature age employment. If our seniors are to remain active and participate fully in community life, it is vital that they be able to work for as long as they choose and retire when they want to—not because the superannuation regime or workplace environment forces them to—unlike the latest Federal Liberal initiative in relation to this: “work until you drop”. One of the key dilemmas that this demographic change is likely to create is the potential shortage of workers, unless we put the right strategies in place to meet the challenge.

Birth rates have been falling since the 1960s, and the number of young people joining the work force will continue to decline. Further, since the 1970s the number of males at work as a proportion of the total population has been falling due to a range of issues, but also too to some males choosing to leave the work force early. While there has been a major increase in the number of females joining the work force, this has not offset the early departure relatively from the work force by men.

There is also increasing concern that because people can expect to live longer than ever, existing retirement savings may not be enough to pay for a reasonable standard of living in retirement. Employment is important to people’s ability to prepare financially for retirement and for a higher standard of living during their retirement years.

What is the government doing about this? We went to the last election with a plan for older Canberrans in which we committed to developing a mature age employment strategy. I am pleased to say that the ACT government is leading the nation in developing a comprehensive response to the issue of mature age employment. The ACT Office for Ageing, in collaboration with Business ACT, is developing a mature age employment strategy for the ACT that will respond to the demographic challenges I have outlined.

A mature age employment working group has been formed following a mature age employment summit, which involves representatives from both the ACT and Commonwealth governments, the private sector, trade unions and the volunteering sector. The working group has done considerable work in exploring the issues surrounding mature age employment and is developing options for the government’s consideration including employment incentives, training and development, volunteering and retirement income strategies.

The ACT government will continue to seek advice from the broader community, particularly from seniors groups such as the Council on the Ageing and from my Ministerial Advisory Council on Ageing in progressing the mature age employment strategy.

The government is also the first in self-government to take positive steps to address the insidious practice of elder abuse, an issue on which the previous government did nothing.

In September 2002, the ACT government tabled its response to the former committee on health and community care's report, *Elder abuse in the ACT*.

The government agreed to implement fully all of the 14 recommendations made in the report and, in the 2003-2004 budget, committed \$411,000 to implement and report an information contact telephone number for elder abuse; to develop inter-agency protocols and training; and to conduct a broad based community education campaign.

The government has taken a holistic approach to developing its response to elder abuse and has made significant progress in implementing these 14 recommendations. It is noted that although the Assembly provided its report on elder abuse to the former government, that government did nothing.

We have established a broad based community-government elder abuse prevention implementation taskforce to ensure a consistent whole of government approach is maintained throughout the implementation process. We have allocated \$4.5 million to increase the number of respite care services and places available in the ACT, including the pilot program "Flexible family support".

In keeping with the government's philosophy that prevention is better than cure, we have developed and released an active ageing framework for the ACT, which aims to provide a coordinated approach to encouraging physical activity for older Canberrans. The incidence of serious medical conditions and physical inactivity rise with age. However, regular physical activity provides health benefits, including better health management, greater social affiliation and increased levels of wellbeing.

The ACT government is also putting rubber on the road in relation to seniors' activities. ACT Seniors Week is a prime example. Seniors Week is an annual event that has been celebrated for some years and it provides an opportunity to celebrate the contribution that our seniors make to the broader community and to promote positive images of ageing.

As the proportion of the ageing population continues to increase, the importance of Seniors Week and drawing attention to health and healthy ageing strategies, and promoting events to support these goals is absolutely paramount.

While the ACT Council on the Ageing takes the lead role in facilitating Seniors Week, I am pleased to say that last year the ACT government provided \$15,000 to support the program. This year we have increased that to \$20,000 through the Canberra community foundation. This money is being used to offer diverse and interesting activities to our seniors and to recognise the contribution they make to our community.

In addition, the Ministerial Advisory Council is also making a significant contribution to the older person's photo exhibition that the Public Trustee's office will be facilitating during Seniors Week this year.

In our plan for older Canberrans, the government made a commitment to review the seniors card program. The key objective of the seniors card program is to encourage older people to enjoy an active and healthy retirement. The scheme is free to join; it is not asset tested and people are not required to disclose their income. There are at the moment there are approximately 36,000 senior card holders in the ACT or about

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95 per cent of people aged 60 and over. Each year, almost 600 new card holders join the scheme and there are also about 430 ACT businesses involved in the program.

I am pleased to say that, following the review, a range of actions is now being undertaken to ensure the program meets the needs of the seniors community. These include improving and enhancing the scheme, increasing funding and sponsorship, looking at expanding government concessions and interstate reciprocity, improving the seniors card business excellence awards, updating the seniors card directory and increasing the involvement of volunteers in the program.

This is the first government in the Territory's history to take a strategic and proactive approach to the issues of an ageing population. The 2003-2004 ACT budget was specifically designed to assist older Canberrans. The government allocated approximately \$7 million in additional funding for services and programs for older people. These funding initiatives were in addition to ongoing recurrent funding in government agencies.

These budget initiatives have helped to progress a broad range of community programs aimed at addressing the three key ageing themes of healthy ageing: older people's housing and mature age employment in particular. We will continue to respond to these challenges and work towards an inclusive community, one in which older people feel safe and valued and where services are available to meet their needs.

I am more than pleased that Mr Cornwell has today introduced this matter of public importance: the state of aged care in the ACT. Among the many issues that my government has pursued over the last 2¼ years and where we have picked up the baton dropped by the previous government, one of them is aged care. It cannot be gainsaid and it cannot be criticised or contradicted that we have picked up in a very meaningful way issues around aged care. We have given this issue and the needs of our older people the attention that they deserve.

We did that through the establishment of a first ever Office of Ageing; we have done it through the establishment of a Ministerial Advisory Council on Ageing; we have done it through the very basic provision of additional required services, for instance the provision of respite. The funding of respite services in the ACT was nothing short of shameful. We have increased that significantly. As I said, in our first budget we increased the amount of funding by \$7 million overall directly on projects or programs aimed at assisting our older Canberrans.

Thank you, Mr Speaker. I am glad of this opportunity to speak to this motion.

MR CORBELL (Minister for Health and Minister for Planning) (4.07): I am very pleased to be joining with the Chief Minister in discussing this matter of public importance today. As the Chief Minister has said, the government is acutely aware of the issues regarding access to aged care services in the ACT and is working hard to address them. Aged care is a major issue not only for the ACT but for all jurisdictions in Australia. It is important to emphasise that aged care is not just about access to residential aged care places but also about the availability of appropriate community and home support services. As the Chief Minister has outlined, the ACT government is actively working to improve access not only to both residential and community based

aged care services but to the range of other services and support that aged people in our community need to continue to participate as active citizens.

I turn first of all to the issue of residential aged care. Responsibility for aged care services lies with the Australian government, and the ACT government has raised with the Australian government the need to increase the number of residential aged care places it provides and to increase the funding available for aged care providers to ensure the viability of aged care services. The ACT government is also working with the Australian government to improve the coordination between ACT government land planning and the Australian government's allocation of residential aged care places.

Under the 2003 national aged care approvals round, the Commonwealth recently announced 121 new residential aged care places for the ACT and 19 new community aged care packages to allow people to remain in their own homes with support. This brings the total number of provisional aged care places in the ACT to 255. The ACT government continues to work hard to ensure that these places are operational as soon as possible. Of the 255 provisional places, we anticipate that 87 will be operational and 168 will be under construction by the end of this year.

Planning issues are always an important part of this debate. Canberra is an ageing community and it is estimated that by 2030 22 per cent of the population will be 65 years or over, compared with just eight per cent in 2001. In 2001 the largest proportion of people 65 years and older—24 per cent of all people over 65 years of age—lived in the Belconnen district of Canberra.

The government is fully aware that older Canberrans need a diverse range of accommodation from hostels and nursing homes to independent living units. Independent living units can be provided on residential land, and the government has also made provision for aged persons units through the ACT housing program. The government is committed to planning for the needs of older Canberrans and is working with the Commonwealth government and the community and private sectors to respond to this need. This is being addressed in a number of ways. I will turn to some particular projects.

First of all, the government has already indicated, as members would be aware, its agreement in principle to the sale of land to the Little Company of Mary in Bruce and to Southern Cross Homes in Garran. When these developments are fully operational, they are expected to deliver 165 residential care beds and about 100 independent living units. It is worth making the point that the majority of the approved but not yet operational residential care beds sit in two facilities, both of which have been approved in terms of land grants by the ACT government. The lease documentation has been finalised for these sites and the normal planning processes are being applied.

In relation to the Uniting Church, the Mirinjani site in Weston, the government is very shortly to consider an application for the sale of land which will be used to provide a 32-bed dementia-specific facility as part of the Mirinjani complex in Weston. Of course, there is also section 87 in Belconnen. Block 6 section 87 Belconnen is identified in the Belconnen town centre master plan for aged persons accommodation. A preliminary assessment is being prepared for the intended use of the land. It is proposed that a 100-residential-bed facility and 150 aged persons units will be built on part of this site. The site was identified in this year's land release program and it will be released for sale later

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this year. The release is pending confirmation of funding from the Commonwealth for the aged care beds on this site.

There are, of course, a number of other sites for residential care facilities. The government has identified sites in Greenway, Monash, Gordon and Nicholls and, subject to their suitability, studies are under way to prepare these sites for sale. Consultation has commenced with the community on the three sites in Tuggeranong. All of the sites require a preliminary assessment, with Greenway and Monash requiring a variation to the territory plan if the land is to be used for aged care. The studies will provide the information needed to determine if the territory plan variations can proceed.

The Land Development Agency has also received an application from St Andrew's for the direct grant of a lease over land adjacent to its existing complex in Hughes. The intention is to develop an aged care facility on the land. This land is currently urban open space on the territory plan, and further planning studies are being undertaken to determine if a territory plan variation can proceed.

I turn to some other proposals that are currently being considered. The Land Development Agency and ACTPLA are engaged in discussions with a number of organisations that have put forward proposals or development applications for the development of older persons accommodation. These projects are at various stages and may not necessarily result in the development occurring. I tabled details of these projects last week in the Assembly.

I turn now to the issue of land release for independent living units. As I indicated earlier, as part of its land sales program the LDA considers the suitability of including a requirement to build independent living units in sites sold for residential purposes or releases sites for that purpose only. This is the case for the sites that have been identified in Watson and Greenway. The Land Development Agency will be selling sites in Fadden and Gowrie later this month that also fall into this category.

Territory plan issues of course remain a considerable point of discussion. Variations have been made to the territory plan that are designed to improve the ability of organisations to provide accommodation suitable for the aged. In September 2002, the territory plan was varied to introduce the concept of supported housing. Supported housing is residential accommodation with onsite support provided for people who need such services. The housing may be self-contained dwellings and there is a requirement that the development be managed by a territory approved organisation.

At a broader level, it is worth looking at a range of other issues including transitional care. In order to get more residential aged care beds operational quicker, the ACT government secured an agreement with the Australian government, through the Australian health care negotiations, to use up to 50 provisional high care places to provide transitional care for people waiting in ACT hospitals for aged care placement. The ACT government is now working with aged care providers and the Australian government to establish these places. A joint ACT-Australian government pilot transitional care program is already operating at Morling Lodge, including residential and community packages, and these services have recently been extended until June 2005. This service has been extremely successful to date.

The government also established a nine-bed ACT convalescence service in September 2002 at Calvary Hospital. The service provides up to two weeks of care for people following an acute hospital episode and supports them to recover more fully from their hospital stay. The service is available to anyone over 18 years, but overwhelmingly the service has been for people over the age of 65, with the average age being 76. The Chief Minister has also alluded to the work that is being undertaken in relation to the subacute facility which will provide new services for rehabilitation and psychogeriatric care; facilities and capacity that has not existed in the ACT previously.

The government continues to support community based services, most importantly in the area of respite care. The ACT government has allocated an additional \$1 million per annum of new funding over four years in its 2002-03 budget to improve respite care services in the ACT. In allocating the funding, the ACT government is drawing on the findings of the independent report commissioned called "Sustaining caring relationships". From this funding \$400,000 per annum will be made available through competitive tender for the provision of new innovative respite and support services to fill unmet need in the community. A call for tender has already been advertised in early February and has just recently closed. In addition, \$400,000 has been allocated to a flexible family support pilot project which delivers services to families with intensive support needs tailored to their specific family circumstances.

I think members will be able to see from this range of initiatives that the government takes services for older Canberrans seriously and continues to work actively to address these issues.

MRS DUNNE (4.17): I think it was about November last year that Mr Cornwell rose in this place to talk about aged care and said, "And it is with a sense of *deja vu* that I stand here, Mr Speaker, to debate this issue." I think now we have *deja vu* in shades because very little at all has changed—possibly nothing—in the time since then. The government stand with their hands on their hearts and say, "We have done wonderful things. We have instituted further planning studies. We have a strategic and proactive approach. We have a social plan. We have a spatial plan." But what it boils down to is that this is a government that talk the talk but when it comes to actually providing services for the aged in the ACT they seem to sort of stumble over their own feet; they certainly do not walk the walk.

The whole problem with aged care and the reason why it is raised so often in this place and in the public arena is the sheer desperation about the lack of action by this government in so many areas. The most fundamental one and I suppose the one we talk about most is housing. Let us go back to the poverty inquiry that was conducted by the previous government and was so widely accepted by most in the community as an initiative and a step in the right direction. One of the biggest single issues addressed by that wide ranging group that got together to look at the issues of poverty was housing. Housing was found by that group to be one of the most important issues to determine whether or not somebody descended into poverty or remained in poverty. If you can address housing, you can address many of the causes of poverty.

What we have in the ACT at the moment is a government which is entirely and utterly incapable, and I suspect to some extent unwilling, to address the housing needs of our

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ageing population. One of the most salutary experiences I had recently was at a shopping centre, I think just before Christmas. I was talking to an elderly lady who was selling her house in Macquarie and moving to Western Australia because there was no affordable aged care accommodation for her. She had a choice. She did not have much family in Canberra, she had some family in Sydney and she had some family in Perth. What it boiled down to was that she could not find accommodation in the ACT that she could afford. As she said to me, what she could afford “you couldn’t swing a cat in” and as a result of this she was moving to Western Australia where there was much more provision for aged care and where the facilities available for independent living for people as they got older who wanted to downscale their gardens and whatnot were much better than they were in the ACT. It is a damning indictment of the ACT when people who have lived all their life here get to their retirement age and move. In the old days, when people retired they moved to the coast for the sun and whatnot. People in Canberra now tend not to do that. They would like to stay here but are now being forced to move because there is nowhere for them to live. This is a terrible indictment of this government.

Going back to the issue of residential care: I just cannot believe that Mr Corbell can come in here and, without a blush, talk about what he has done for the Little Company of Mary and for Southern Cross Homes. It just beggars belief that this minister can say that the government has done everything possible, when these two organisations still do not have leases and are still being confronted with a range of planning problems. Yes, there are rules under the Land Act that we need to ensure that they comply with, but it is being done at such a slow pace. Someone who is involved in the aged care industry said to me in the last fortnight, “If only we had those Calvary beds, the difference it would make to people, not just in Belconnen but across Canberra, would be just unbelievable.” The community are hanging out for those beds and this government is doing nothing to facilitate that happening. It seems that at every twist and every turn there is another means of confounding. Again today the minister talked about the St Andrew’s home and their proposal to develop land adjacent to them. This has been on the agenda for some time, probably since before the last election; I recall it coming to my attention very shortly before the last election—and what do we find today? There is a further planning study to work out whether a tiny weeny little bit of land that is set aside for urban open space should perhaps be put to better use.

I think it is time the government just got on and did the variation to the territory plan. I am sure that the planning and environment committee would facilitate that draft variation to the territory plan. I put the challenge to the minister: if he does the variation, if it is within the power of my committee to approve it we will approve it as quickly as possible, so that St Andrew’s can get that tiny little bit of land that they have been asking for since, to my knowledge, 2001.

This is happening all over the place. The community in the ACT are constantly identifying places that would benefit from aged care accommodation. The members of the Belconnen Community Council in my electorate have been very active on this issue and I commend them for it. They have constantly championed the building of aged care accommodation. They are also critical of this government and the previous government for some of their land selections, and I think their criticisms need to be investigated. They are constantly putting forward suggestions to the government, but they seem to be falling on deaf ears. My ears are not deaf to their calls and, as a result of this, I am

working with the Belconnen Community Council to help to identify sites of land in the Belconnen area that potentially could be used for aged care accommodation.

It is interesting that one of the sites that the Belconnen Community Council has identified as potentially aged persons accommodation is now being sold off by the government as commercial land. That is the block of land close to the Belconnen markets. Members of the Belconnen Community Council put it to me that, as soon as they started to talk about it for aged care, it suddenly went on the list for the auctions. I hope that that is not the case. I would hope that, rather than trying to find means of stymieing the community, this government would work with the community.

I really would like to dwell on my own electorate of Belconnen. We have the fiasco of the Little Company of Mary. I also have a constant cry from people who work in the aged care industry about what is happening with people who are inappropriately housed in ward 5W at Calvary Hospital because there is nowhere else for them to go. It is a crying shame and a shameful indictment of this government that—

Mr Cornwell: And an expensive one too.

MS DUNNE: And it is a very expensive indictment of this government—quite right, Mr Cornwell—a very expensive indictment. People are not getting the right sort of care and are being shunted around hospitals because there is nowhere else for them to go. The government talks about putting together its whole holistic plan and about how you need to have good public transport. Recently, in November, the Chief Minister said:

Low-density, urban design, the hallmark of Canberra suburbs, isn't necessarily particularly age friendly. It assumes that everyone can drive and do everything. Transport options are sometimes patchy, and housing patterns make in-home service delivery difficult and costly.

I would like to address some of the issues of transport because some of my constituents are extremely unhappy at the way in which they are being constrained by the transport initiatives of this government. I draw the attention of members to pay parking and its implications for the Belconnen Senior Citizens Club. Before the introduction of pay parking, there was three-hour time-limited parking outside the Belconnen Senior Citizens Club. Now it is one-hour voucher parking, so all the people who go to the Belconnen Senior Citizens Club—and we know how many people go there and receive great benefit from it—now cannot sit down and have a rubber of bridge without worrying about whether their parking meter is going to expire. It means that people are going to be less inclined to avail themselves of the services that keep them active, keep them well, keep them in the community and keep them from feeling lonely, which is the great killer. This government is running down the services for people across the community and it is making it harder for otherwise active people to get to community functions because it is making them pay to park.

MRS BURKE (4.27): Many points have been covered but I think it is worth repeating some of the things that have been said. I am increasingly alarmed day by day to find many elderly residents placed in a situation that they should not be in. I talk mainly about people in public housing who, although in great and good houses, are being placed in untenable situations in terms of their wellbeing and social need. I believe the minister

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grapples with this on a daily basis, but we see no action and no concrete evidence of things changing in our system. I refer to elderly people being forced to endure totally unacceptable antisocial behaviour from a minority of tenants. We keep being told it is from a minority of tenants and, if that is the case, why oh why are we not able to fix the problem? What is the matter? What is going on—or, more to the point I would say, what is not going on?

I find it dreadfully distressing to take calls from aged people who are suffering in a way that should never, ever, ever happen to anybody at the age that some of these people are at. Why is this government allowing our senior citizens, those that have worked tirelessly and contributed to our community, to suffer in such a way? I thought that they stood on a strong social platform of caring for people and particularly the aged. We have heard a litany of things reeled out this afternoon that indicate the masking of a major crisis in aged care in the ACT. The government is hoodwinking the Canberra community and it has the gall and audacity to pretend that there are no such problems. We have 255 beds; what has happened to those? Our planning is in an absolute shambles. We have a minister abrogating his responsibility to the senior citizens of this community. How appalling is it that we seem to have legislation to cater for minority groups regarding same-sex adoption, human rights and the like but we cannot look after the aged people in our community.

I am ashamed and appalled. How cruel and heartless is it to make anybody suffer so much that they cannot enjoy the peace and quiet of their own homes. I can hear quite clearly now Mr Quinlan, sitting in his room, saying, “Oh, Mrs Burke, the bleeding heart.” Well, thank God for bleedings hearts, Mr Quinlan, and the rest who may be listening. Somebody has to stand up for these people. Somebody has to stop the massive cover-up that is going on in this town. Senior citizens of our community deserve dignity. In their twilight years they deserve to be treated like human beings and with the respect that they have earned. But what do we do to them? Many of these people are left to languish in situations where there are all-night parties, loud music day and night, violence, drug activity and other antisocial behaviour. And often, I would add, it is not the fault of those people carrying out these particular patterns of behaviour; we do not have a mental health step-down facility in the ACT where many of these people belong.

Our senior citizens surely are entitled to a high level of dignity. Many are too frightened to venture from outside of their front door; they are prisoners in their own homes. Oops! We cannot say that word here. There is an alarming increase in a minority of tenants who use bullyboy-controlling tactics within some of our multiunit complexes. It is time that ministers and this government took their responsibility seriously. We have a Chief Minister who is abrogating his responsibility and concentrating on fringe topics, pet subjects. Real people are suffering. What on earth is going on?

Mr Corbell: I raise a point of order on the basis of tedious repetition, Mr Speaker.

MRS BURKE: Oh, please! Don't you like to hear it, Mr Corbell? This bit is for you, Mr Speaker. Mr Corbell waxes lyrical about the social plan, the spatial plan. And Mr Quinlan raves on about the economic plan. Where is the plan for the elderly? Where is the plan for our senior citizens? No. This, like health, like education, does not seem to be a priority. How appalling is this? It is a low priority. Surely we owe a great deal to our seniors. They have served and contributed to this community in a way that can be repaid

by providing safe, secure, peaceful and affordable housing—a situation currently not enjoyed by all our seniors. And I am sorry if Mr Corbell thinks it is repetitious. It is about time he started listening.

We had 255 beds funded by the Commonwealth; what has been done with those? We have heard this government talk about some of the good things that possibly they have done. But they are frilly little bits around the edges. Much of it is not impacting the major problem that we have. Ward 5W has been alluded to. As I have experienced, there is a blockage; there are people there who should not be there. It is not dignified. How many plans and reviews do we need? And then silence was golden from the government in connection with the development of the O'Connell education centre in Griffith.

Mr Cornwell: Tell us about that.

MRS BURKE: Well, yes, I would love to if I knew more about it. What is going on? There is also the joint emergency services centre in Curtin. Perhaps the minister would like to tell us about that. I could go on and on. Much has been said. This government are sitting on their hands. They are lazy when it comes to doing any of the real hard yards on real issues in our community and they abrogate their responsibility. I applaud my colleague Mr Cornwell for placing this matter of public importance before the Assembly and we need to further investigate the current state of aged care in the ACT as a matter of urgency.

MR SMYTH (Leader of the Opposition) (4.35): There are two minutes left and what I have to say is simple: Labor cannot manage. They cannot manage the Health portfolio, they cannot manage the Planning portfolio and they certainly cannot manage the aged care portfolio. The effect of this is inappropriate care for the aged who are either caught in their homes, dwelling with relatives or stuck inappropriately in hospital wards. It is ineffective spending—spending that should be bringing down Labor's burgeoning waiting lists. It causes a loss of faith in the system. Nobody believes that the Labor Party can address this issue. There is a flow-on effect into the hospitals, which is causing bed block and enormous problems for our accident and emergency systems.

It just comes back to the basic fact: Labor cannot manage. They cannot manage the Health portfolio, they are not managing the Planning portfolio and they are making absolutely no attempt at good management of the aged care portfolio. If they were, we would have seen some action on the 255 beds that have, in some cases, been with us for almost 2½, if not three, years. What we are seeing is obfuscation. The minister says that people have got the land. But they have not got a lease and, until you have a lease in this city, you do not have the land. If the minister were true to his word, people would have leases. But they do not have those leases and he should come back and apologise to the Assembly for the implication he made that people had leases. They do not, and it just comes back to the fact that Labor cannot manage the Health portfolio, the aged care portfolio or the Planning portfolio. What we need is some concrete action—not more Wally words or surveys or studies or plans or committees. What we need is leadership and what we need is commitment. What we need is better management and that management—and only that management—can ensure that things will occur in the Health, aged care and Planning portfolios.

MR SPEAKER: The time for this discussion has concluded.

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Personal explanations

MR CORBELL (Minister for Health and Minister for Planning): Mr Speaker, I seek leave to make a personal explanation.

MR SPEAKER: Do you claim to have been misrepresented?

MR CORBELL: Yes.

MR SPEAKER: Please proceed.

MR CORBELL: Mr Smyth claimed in the debate that I had asserted that aged care providers had received a lease. I have always been very accurate in my statements and I have indicated to members on a number of occasions that I have always said that the government has given agreement for the land to be sold to those organisations and that details of the lease are something that goes through the normal planning processes. It is misleading to suggest otherwise.

MR SMYTH (Leader of the Opposition) (4.37): Mr Speaker, on the same basis I seek leave to make a personal explanation. What I said was that Mr Corbell had told this place that they had the land. The implication of that is that they actually have control over the land. The only way that they can get control over the land—

Mr Corbell: I raise a point of order, Mr Speaker. Mr Smyth is debating the issue. He can correct the record in terms of what he has said but he cannot debate the issue.

MR SPEAKER: Point made.

MR SMYTH: Mr Speaker, the point I make is—

MR SPEAKER: Stick to the personal part of the explanation.

MR SMYTH: Mr Corbell said that I said that he said that they had leases. I did not. What I pointed out was the fact that Mr Corbell had said that they had the land, the implication being that they had leases. We now know that they do not have the leases and Mr Corbell should have the courage to come back and apologise to the Assembly for what he has said.

Mr Corbell: I raise a point of order, Mr Speaker. Mr Smyth is debating the issue.

MR SPEAKER: Well, I think it is all clear now. Is everybody finished?

MR SMYTH: It is as clear as the explanation can be.

Building Bill 2003 **Detail stage**

Clause 30.

Debate resumed.

MS TUCKER (4.39): I move amendment No 1 circulated in my name [*see schedule 4 at page 937*]. This amendment requires a building certifier to withhold approval for work made with materials that contravene provisions of the act.

The second amendment that I shall move establishes provisions for sustainability guidelines. By identifying particular materials in those guidelines, builders wishing to gain approval for their work would be required not to use such materials.

There are provisions in these amendments to allow for the fact that building approval also applies to demolition—it would be impractical to rule out any specific building materials in that context—and small-scale repairs, such as repairs to architraves originally manufactured from such materials. This is, in effect, a fairly simply enforceable system, although it does not pick up on the large number of unapproved structures such as fences and so on.

My first inclination was to make a very simple requirement that rainforest timbers not be used in approved building work in the ACT but it became clear to me that the issue of what materials ought to be proscribed was perhaps a little broader than that, and undoubtedly changing all the time. So it seemed more useful to put in place provisions for materials to be excluded rather than simply specifying a list.

I should point out, however, that it does not need to be a complex process. One of the guidelines from the residential development part of the Leichhardt town plan reads:

Leichhardt Council promotes greater energy efficiency and ecologically sustainable development by requiring the careful choice of building material. Choose building materials that take account of the following environmental consideration:

- energy efficient materials with low embodied energy;
- recyclable and reusable materials;
- renewable or abundant resources;
- durable materials with low maintenance;
- non-polluting materials;
- environmentally-acceptable production methods.

In the construction of housing, specify plantation or re-growth timbers, timbers grown on Australian farms or state forest plantations or recycled timbers. Rainforest timbers or timbers cut from old growth forests are not to be used.

The Leichhardt City Council does not seem to have any problem in being very direct in pursuing those guidelines. The minutes of a council meeting on 29 April 2003 state:

That Council grant consent to [development application] subject to the following conditions: To minimise the damage to the environment, no rainforest timbers or timbers cut from old growth forests are to be used in the construction of buildings. The Construction Certificate is to specify the timbers to be used. These are to be limited to plantation timbers grown on Australian farms, or State Forest Plantations, or recycled timbers.

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Indeed, there is significant work being done now in New South Wales on BASIX, the building sustainability index, which is a web-based tool to assist in issues such as this. I would have thought or hoped that the ACT would be at the front edge of commitment to the use of sustainably produced building materials, and the BASIX project ought to be one we are informed of and connected with.

It has, nonetheless, become apparent that there is real enthusiasm for such guidelines in ACT government agencies and in the government itself. This is reflected in other provisions of this bill, namely to facilitate the use of grey water and rain water collection and use. Given that level of good will, I have presumed that by inserting these provisions we will move further down the path of establishing sustainability guidelines, and that the minister will act promptly to get the ball rolling.

Might I suggest that a discussion paper be prepared some time in the next couple of months to provide us with some possible descriptors. If the paper cannot be prepared inside the department because people are too busy, then it could be commissioned from one of the well-informed environmental NGOs. The paper could explore possible links to the BASIX system and the establishment of guidelines, with rainforest timbers and timber cut from old growth forests as the first cab off the rank.

It is important to note that these guidelines will not apply to unapproved work. I would suggest that a complementary labelling program, alerting consumers to the status of the materials they are purchasing, also be initiated. I am of the view that this initiative will deliver a prompt result in ruling out the use of material such as rainforest and old growth timber in the construction industry.

MR CORBELL (Minister for Health and Minister for Planning) (4.44): Mr Speaker, the government will be supporting Ms Tucker's amendment, recognising that high quality sustainable design must also have regard to the materials used in the construction of those designs.

One of the challenges that every community faces is to understand the extent to which our actions impact on those things not immediately within our daily experience. Just as we all value our natural surroundings in Canberra and the need to ensure effective conservation strategies, we must also recognise that we can contribute to the conservation of other environments.

Ms Tucker's amendment provides a good starting point to recognise the impact of construction in relation to the use of natural products, and the government will support the amendment.

MRS DUNNE (4.44): Mr Speaker, I seek leave to move amendments 1 and 2, circulated in my name, together.

Leave granted.

MRS DUNNE: I move amendments Nos 1 and 2 [*see schedule 5 at page 938*]. These amendments seek to strengthen the amendment put forward by Ms Tucker. Whilst being generally in support of her amendment, members of the opposition are concerned about

some of the practical implications. The simple task of identifying whether something is a rainforest timber is probably beyond the capabilities of many in the community, including those in the building industry, because many timbers look similar in their presentation. This will create some problems for people but we think it is a start down the path of making sure that our building generally is of a much higher quality than it has been in the past.

While the opposition is generally supportive of the notion of having sustainability guidelines, we are concerned that those guidelines should not be constrained simply by sustainability being related to building materials. There is much more to sustainability than having the right sort of building materials.

Some of the issues of sustainability are addressed by a range of mechanisms—high quality sustainable design, the plumbing act, various aspects of the Building Act, building regulations, and all manner of similar things. It would be useful if all of these mechanisms could be brought together in one set of guidelines. If this were done, people who are thinking about how they will design their houses would be able to address the broader issues of sustainability and not merely the issues of whether rainforest timbers or timbers from old growth forests are being used.

While I commend Ms Tucker for moving her amendment, the opposition believes that this should be a much more far-reaching issue. We have resolved that we should attempt to amend Ms Tucker's amendment by ensuring that we take into account much wider issues than merely rainforest timbers. I think all members of the Assembly wish to progress the process of sustainability in the building industry, and in other industries. I commend my amendments to the house.

MR CORBELL (4.48): Mr Speaker, Mrs Dunne's amendments seek to broaden the coverage of the sustainability guidelines proposed by Ms Tucker's amendment to include such issues as water efficiency. Unfortunately, the initiatives are, in the government's view, not well formulated. It is our view that, unlike Ms Tucker's amendment, Mrs Dunne's amendments are not the best way of advancing this issue.

This is not to say that the government does not believe that the aims of the proposal have some merit. However, the vehicle Mrs Dunne has chosen is not, we believe, the appropriate one. The government believes that it is much more appropriate to deal with the broader issues covered by Mrs Dunne's amendment in other legislation. For example, in relation to the water efficiency issue that Mrs Dunne clearly intends to include through her amendment, it would be more appropriate to make provision in the Water and Sewerage Act, rather than the Building Bill, for controlling the use of water.

I would ask members just to reflect on the reasons for this. The main reason is that water-using appliances and fittings and fixtures are required to be installed by licensed plumbers rather than by builders. Plumbers look to the Water and Sewerage Act for guidance on how to do plumbing work under their licence. They do not look to building laws for guidance on how to do plumbing work. Further, building work is required to be inspected and certified by building certifiers and they are clearly not the appropriate people to inspect and pass plumbing work. For that reason, the government does not believe that the vehicle chosen by Mrs Dunne is the appropriate one.

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The Water and Sewerage Act currently has some provisions that address water efficiency, such as requiring dual flush toilets. That legislative system works well in that plumbers know what kind of toilets are acceptable under that act and compliance with those requirements can be checked by government plumbing inspectors. It is clearly inappropriate to use building legislation to further the worthy aims of increased water efficiency when those aims could be so much better achieved through amending the Water and Sewerage Act.

In the government's view, the sustainability guidelines in the Building Bill are appropriate, but it is important that the guidelines are within the scope of the bill. It is appropriate to deal with issues such as the sustainable use of materials, as the materials can be checked through the building certification process. But it is not appropriate to broaden the scope of the guidelines to issues such as sustainable design. Design issues that consider things such as energy efficiency are dealt with through the development approval process, and that is long before the provisions of the Building Bill apply.

Mr Speaker, the government cannot support the amendments as we believe they are better dealt with through other more appropriate pieces of legislation.

MS TUCKER (4.51): I am afraid I will not be able to support Mrs Dunne's amendments to my amendments either, although I was certainly interested in doing so when I first looked at them. I think we all share the view that the construction industry could have a much lighter ecological footprint in respect of design and delivery.

My amendment is modest in that it addresses only the issue of building materials and it hinges on the building certifier carrying out his/her responsibilities under this act. But Mrs Dunne's amendment shifts the focus away from "the material used in the building" to "the building work, or the building resulting from the building work". The idea here is to allow the minister more flexibility and breadth in establishing sustainability guidelines. However, such guidelines would be likely to run across a development application process and would require significantly more consultation.

In respect of building practices, it is worth pointing out that some complementary work is happening through the building code and that this initiative could complement rather than duplicate. I am concerned that if Mrs Dunne's amendments are passed, the building certifiers may find they do not have the capacity or responsibility to address contraventions of the guidelines. Under my amendment, the responsibility and the capacity of the certifier to make such decisions, while limited, is clear.

Mrs Dunne's amendments to my second amendment again conceivably run across the HQSD and DA process, duplicating the work and potentially undermining the effectiveness of the regime.

Her final amendment, which introduces the example of water efficiency, seems to be a fairly stark example of an area of concern that fits best under other acts, such as the Water and Sewerage Act and the development application process.

I would like to reassure the Assembly, though, that I do not disagree with the intent of Mrs Dunne's amendments. It is just that I am not reassured that it would work in the

context. I do not think the ACT does environmental sustainability nearly as well as it might. The HQSD process seems to be slow and clumsy. Far too many buildings barely deliver four in the EER scale. We are only now talking about street layout design to maximise the sun, and issues of water catchment and reuse are acknowledged but never strongly addressed.

I believe, though, that the minister and the department seem to be enthusiastic about this small step in the right direction, and it is for that reason that I will stick to my amendment which is workable and which, hopefully, is going to be implemented.

MS DUNDAS (4.53): I welcome the initiative from Ms Tucker to specifically enable the government to introduce new guidelines to ensure that building materials are used more sustainably in the territory. One aspect that Ms Tucker has picked up in her amendment is the choice of materials in building, such as preventing or reducing the amount of timber used from rainforests or Australian old-growth forests.

The Democrats have long supported a ban on logging in Australian old-growth forests. Old-growth forests are essential to the survival of hollow-dependent species such as the endangered Leadbeater's Possum and the Powerful Owl. It takes at least 250 years for mature eucalypts to develop hollows suitable for nesting by such species. Most native forests used for timber production are logged on a 100 to 150-year cycle, which does not allow enough time for the hollows to develop. However, both state and federal governments continue to let this logging occur.

Australia continues to import rainforest timber, such as Meranti timber from Malaysian rainforests, from developing nations. Rainforests do not successfully regenerate after logging and involve large losses of biodiversity. Yet these forests continue to be logged on a massive scale, often by western timber companies.

An alternative to old-growth and rainforest timber is plantation timber. Plantations can easily be established on low-value agricultural land, provided that there is sufficient rainfall. This creates a sustainable source of timber on land that previously had little ecological value.

The amendment that Ms Tucker has moved may help, even if only on a very small scale, to stop the continued loss of biodiversity. In addition, the guidelines may cover additional issues. For example, building materials continue to make up a large part of Australia's waste and landfill. While the ACT already requires a building material disposal plan to be presented in order to gain demolition approval, there may be additional scope in the sustainability guidelines to ensure that building materials are easily recyclable and that waste is minimised.

To turn to Mrs Dunne's amendments, I understand where Mrs Dunne is coming from in trying to broaden the scope of the sustainability guidelines, and I think her point is that there is a lot more to sustainability than simply building materials. However, there are also many other avenues available to address sustainability, such as the energy rating system for building materials and the HQSD process. I do not believe that using a building certifier is the best way to move Mrs Dunne's ideas forward and I do not think this bill is the best way to implement them.

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However, I encourage Mrs Dunne to pursue the idea. Maybe we need to make changes to the development or the building approval process. Maybe sustainability and design management issues could be dealt with in this way. While there is certainly scope to deal with additional sustainability issues in planning and building, I do not think the amendments that Mrs Dunne has put forward are appropriate at this point.

MRS DUNNE (4.57): I have to say, Mr Speaker, that I am disappointed—and I can count—that members are not prepared to take a step further and really embrace the notion of sustainability. While I applaud Ms Tucker for her initiative, I think it is sadly narrow. Although we will be supporting her amendment we would rather see a much wider initiative.

I was troubled to hear the minister say, “Oh, well, this is carried out under the plumbing act and this is happening under HQSD.” We have a whole lot of silos where people do not talk to one another. This is the whole problem with the concept of putting forward the building industry and wanting it to lead by example. There is a long way to go.

Ms Tucker is right when she says the ACT does not practice environmental sustainability as well as it might. The building industry is one of the areas where I think we fall down particularly. This industry is not sufficiently innovative and does not look for better and smarter ways to do these things.

Recognising that my amendments will go down, I plead with members and the government as graciously as I can to consult and find ways to ensure that in future we come up with a set of sustainability guidelines that address and meet a greater need in the community. There is a need beyond the issue of rainforest timbers. There are issues in relation to the amount of embedded energy in a whole range of materials that we use in building our homes, our offices and our commercial buildings. But none of these issues has yet been addressed, and I think that is something that this minister and this Assembly need to take on notice.

MR SPEAKER: The question is that Mrs Dunne’s amendments be agreed to.

Amendments negatived.

MR SPEAKER: The question now is that Ms Tucker’s amendment be agreed to.

Amendment agreed to.

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.

Clause 30, as amended, agreed to.

Clauses 31 to 134, by leave, taken together and agreed to.

Clause 135.

MR CORBELL (Minister for Health and Minister for Planning) (5.00): Mr Speaker, I move amendment No 1 circulated in my name [*see schedule 6 at page 939*]. I table a supplementary explanatory statement to the amendment.

Mr Speaker, clause 135 (1) creates an offence in relation to a person obstructing, hindering, intimidating or resisting a building inspector in certain circumstances. The offence is strict liability and an imprisonment penalty was inadvertently included. This amendment removes the imprisonment penalty, with the maximum financial penalty of 50 penalty units remaining.

MS DUNDAS (5.01): I want to speak briefly to what the minister has just put forward. From what the minister has said, it does appear that the government has accepted the general principle that strict liability offences should not have custodial sentences attached. If this is so, I applaud the decision and note that the government has withdrawn strict liability offences in a number of bills. However, it is of concern that custodial sentences keep finding their way into the legislation.

The minister indicated that this amendment was a drafting oversight. However, sentencing people to imprisonment is a pretty serious oversight and I think the government has to be more careful when drafting legislation to avoid these types of problems. I note that there are still pieces of legislation, such as the Security Industry Act and the Charitable Collections Act, that have custodial sentences for strict liability offences. If the government policy really is that there should not be custodial sentences for strict liability offences then I urge it to table legislation to remove these penalties from previous pieces of legislation as well as to make sure that custodial sentences do not slip into any new bills.

MS DUNNE (5.03): I rise to almost exactly echo everything that Ms Dundas has said. It is a concern that we still see creeping into legislation custodial sentences for strict liability offences. There is one in the Building Bill and there are several in the construction industry bill that we will be debating at a later time. I think this is most regrettable. It is time we got over the "Oops, we made a mistake again" excuse. Perhaps it is time that the government sent out a directive to its drafters that in future this Assembly will not tolerate custodial sentences for strict liability offences.

MS TUCKER (5.04): The Greens will also be supporting the removal of custodial sentences in this instance.

Amendment agreed to.

Clause 135, as amended, agreed to.

Clauses 136 to 142, by leave, taken together and agreed to.

Proposed new clause 142A.

MS TUCKER (5.04): I move revised amendment No 2 circulated in my name [*see schedule 4 at page 937*]. This amendment, which seeks to insert new clause 142A, allows the minister to make sustainability guidelines and prevents builders from using

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building materials in contravention of those guidelines. The guidelines are disallowable, allowing those of us in the Assembly who want to, to scrutinise and influence the process.

In the revised version of the amendment I have changed the words “The Minister may” to “The Minister must”. This point was made in an amendment moved by Mrs Dunne. However, as her amendment did not get up, that end is achieved in my amendment.

MRS DUNNE (5.05): Mr Speaker, I seek leave to move amendments 3 and 4—but not amendment 5—circulated in my name, together.

Leave granted.

MRS DUNNE: I move my amendments Nos 3 and 4 [*see schedule 5 at page 938*]. I take the point made by members that reference to things like plumbing and building design may not be best placed in the Building Bill. While I disagree—and in saying that, I am not reflecting on the vote—I think the spirit of what is being proposed in amendments 3 and 4 leaves scope for there to be an application that is wider than the narrow application in relation to building materials only.

It may be that the minister will devise sustainability guidelines that may trespass beyond the issue of building materials. If he does, as things are currently constructed they could not be applied because Ms Tucker’s amendment states very strictly that “A builder must not use a building material in contravention of the sustainability guidelines”. I think my amendment that says “A builder must not contravene the sustainability guidelines” gives the minister more scope.

MR CORBELL (Minister for Health and Minister for Planning) (5.07): Mr Speaker, the government will not be supporting Mrs Dunne’s amendments for the same reasons I outlined in relation to her previous amendments, so I will not revisit that debate. The government will support Ms Tucker’s amendment as the proposal is a reasonable one. The government will support the approach Ms Tucker has taken with both of the amendments.

MR SPEAKER: The question is that Mrs Dunne’s amendments be agreed to.

Amendments negatived.

MR SPEAKER: The question now is that Ms Tucker’s amendment be agreed to.

Amendment agreed to.

Proposed new clause 142A agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

Bill of rights

MR STEFANIAK (5.09): Mr Speaker, sometimes I do not agree with editorials in the *Canberra Times* but I thought there was a particularly good one last Sunday. Might I firstly thank the Chief Minister for sending me down a copy of an interesting speech made by the Chief Justice about 12 hours after the bill of rights was passed by this Assembly. The *Canberra Sunday Times* had an interesting editorial, which I think is worthwhile reading to the Assembly. It said:

The sum total of rights enjoyed by the average ACT citizen did not, in theory, increase by one tittle last week as a result of the passage by the ACT Assembly of the ACT Bill of Rights. The Act enumerates rights which most people believe themselves to have, and the legislation will not, of itself, give them fresh ways of vindicating their rights should the ACT Government or the Assembly trample upon them. The most which can happen, in theory, is that ACT courts will be required to interpret ACT legislation in a way consistent with the statement of rights, or, if that is impossible, to issue a declaration of incompatibility. Such a declaration will not of itself invalidate any law, but must come before the Assembly.

The ACT Chief Justice, Terry Higgins, made an unusual speech last week welcoming the new legislation—the ink of which was scarcely dry—and defending both the need for an enumeration of rights, and the role of a judiciary in enforcing them. Even were the present balance of rights about right, there was nothing preventing future parliaments, or oppressive majorities, from severely restricting rights or trampling on the rights of minorities. He instanced “truly draconian legislation” recently passed by the Federal Parliament permitting detention on suspicion, denying rights of legal representation, habeas corpus and the right to silence, and even introducing guilt by association since, if a particular group were declared illegal, mere membership of such a group would be a crime. At the ACT level, he referred to the plight of the mentally ill, left to languish on remand in jail cells because of the lack of a secure mental health facility. It was, he said, the role of a judiciary to defend the rights of such people to the fullest extent of the law, and to inform the legislature when it considers that those rights have been breached.

The judge made an eloquent, if unusual, defence of human rights laws, but some of his examples invited just the questions which fundamental critics of the Bill of Rights ask. Rights cannot exist in a vacuum, and even the Bill of Rights recognises that balancing decisions have to be made at the margin, say between pure freedom of speech and rights of privacy, to protection against defamation, against the incitement of hatred and a fair trial. As it is, parliament and the executive strike these balances; the job of the judiciary is to interpret their decisions, perhaps creatively and constructively filling in some of the gaps, but not to substantiate their own views of a fair balance. The ACT ministry and Assembly are perfectly well aware that the arrangements they have made for mentally ill people on remand defy decency and trample on human rights. Judges have told them this; so have the media and many interest groups. Rightly or wrongly (in our view wrongly), the government and the legislature refuse to do anything about it. But the courts cannot appropriate the resources, and their powers to defy the existing bail laws are limited, whatever they may think.

The editorial concludes:

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Surely it is a matter for political pressure rather than judicial shortcuts, the more so when many citizens are not confident that all of our judges are best suited by their training or disposition to set the right balances.

The Human Rights Act—not, as the editorial says, the bill of rights—which was passed by a majority of the Assembly, is not going to come into effect until, I think, July. Some very real fundamental issues are raised in the editorial. Indeed, some of the comments made by the learned judge also back up some of the claims by opponents that a bill of rights—or a human rights act; call it what you will—inevitably leads to the politicisation of a judiciary. Some very important points have been raised about the role that, as a result of the Assembly passing the legislation, the judiciary will now play.

I warn members that I think there are going to be some very significant problems with this bill. I think the editorial is spot on and that we will see some very interesting decisions which will probably cost our community quite a lot, not only in terms of money but perhaps in terms of a lot of angst as well.

This was a particularly timely editorial. I do not know who writes the editorials, but I think the issue is so important it was worth putting on the record.

Canberra spatial plan

MS TUCKER (5.14): I want to speak briefly about a comment I made which I had to withdraw. I said that Mr Corbell was misleading the Assembly in some of the comments he made in response to a question regarding the spatial plan. I would just like to explain why I made that comment. I was concerned that there was a bit of a glossy interpretation put on what particularly the Conservation Council said. I will just read for the record what else they said.

MR SPEAKER: Ms Tucker, I have some difficulty with the approach that you are taking.

MS TUCKER: Why is that?

MR SPEAKER: Because you seem to be attempting to justify something which you were forced to withdraw.

MS TUCKER: I do not want to do that; sorry, I will not do that. I do not want to go back to that. I just want to re-clarify some comments that were made by the Conservation Council about the spatial plan. Can I do that?

MR SPEAKER: Sure.

MS TUCKER: I felt that that was not really quite clearly articulated by Mr Corbell at question time. I do not particularly want to go into the withdrawing of the comment. Basically, the Conservation Council said that while it was pleased with some aspects of the plan, it was disappointed with others. A press release from the council stated:

Government plans to contain the city and develop more housing in central Canberra provided the best protection for the environment and are in keeping with the 21st

century realities of climate change and the need to conserve habits and people's preferences for liveable cities. However, it is disappointing these principles have not been applied to Gungahlin where woodlands would be cleared for urban sprawl. Going ahead with the full extent of development in Gungahlin will be at the cost of diversity as it means further clearing of the remaining 3 to 4 per cent of threatened grassy woodlands within the region, Ms Harrup said. The council also remains concerned about the fire abatement sign and its possible impact on biodiversity and conservation values of Canberra Nature Park.

That clarifies more fully what the Conservation Council said.

Clean Up Australia Day Liberal Party policies

MR SMYTH (Leader of the Opposition) (5.16): Mr Speaker, on Clean Up Australia Day yesterday I went to a site at Gilmore Hill where a young resident had taken it upon herself to organise, as part of her commitment to the environment, that site and the Fadden Pines Clean Up Australia Day site. She also performed this task as part of her Queen's Scout Award. I said, "If you want to give me a summary, I am happy to jump up in the Assembly and read it for you." So, members, on behalf of Julia Torney, I now read this report:

My name is Julia Torney and I was the Clean Up Australia Day site coordinator at Fadden Pines and Gilmore Hill. Thank you for coming to help out at the Gilmore Hill site. At Gilmore Hill we collected 40 bags of rubbish, with 10 of the bags full of dumped catalogues. At the Fadden Pine site 26 bags of rubbish were collected throughout the local park area.

The report then lists some of the most common rubbish and most interesting finds at the two sites. It was found that at Fadden Pines the most common rubbish items were chip and confectionery packets, alcohol bottles and cans, plastic bags, newspapers and cigarette butts. The most interesting finds were two supermarket trolleys, a car wheel hub full of concrete, metal from a garage/garden shed, an oil drum and numerous pairs of shoes.

At Gilmore Hill the most common rubbish items found were dumped catalogues—obviously, somebody had not been doing their job—clothing and nappies, household rubbish, cardboard, alcohol bottles and cans. The most interesting finds were a full car body and other car parts, a lounge, brick and concrete blocks, roof tiles and a mattress. The report went on to state:

Clean Up Australia Day was a great success at both these sites and was well needed. I was quite amazed at how much rubbish was collected and what sort it was, in particular, I was surprised by the amount of recyclable rubbish that was collected at both sites.

One day a year is perhaps not enough to keep these sites clean. I coordinated a Clean Up Australia Day site at Fadden Pines last year and we collected about 30 bags of rubbish. This year I was able to see that in 1-year another 30 bags of rubbish had accumulated.

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All the participants at both sites were most helpful and are what really make the day successful. Without them a lot less rubbish would have been cleaned up. I wish to thank them all, a list of participants' first names are on the next page.

So, on behalf of Julia Torney, the thanks at Fadden Pines go to Julia, the site coordinator, Lyn her mum, Heather, Blake, John, Catherine, Gary, Peter, Michelle, Morgane, Taylor, Chris, Robert, Peter, Lauren, Erin, Daniel, Tahlia, Peter, Mitchell, Ian, Marcus, Michael, Fleur, Janette, Shaun, Elizabeth, Carol and two people who did not supply their names. So 30 people helped out at Fadden and I think that is pretty good.

The participants at the Gilmore site were Julia, the site coordinator again, Lyn her mum who took her there, me, Maddie, Katerina, John, Dylan, Jaqui, David, Andrew and Ron, a total of 11 people. Julie goes on to say:

I have also organised a Clean Up Australia Day activity at my school. It was unable to be held last Friday due to a clash with our swimming carnival but it is to proceed this coming Thursday.

I coordinated the Clean Up Australia Day sites as part of my Queen's Scout Award. I am member of the Venturer Unit in Macarthur Scout Group. I advertised the activities to all members of the Group and approximately half of the participants were from the scout group, however there was also a good turnout from the public.

Thankyou for your help at the Gilmore Hill site.

That is the text of the email from Julia Torney. This delightful young member of our community is to be congratulated for getting up and doing something on the day.

Mr Speaker, during question time Mr Corbell said that the Liberal Party was a policy-free zone. Well, disappointment of disappointments for Mr Corbell: the Canberra Liberals have actually released more policy than Labor. Labor has not announced one piece of policy for the election. Instead, it uses expensive reports as an excuse for acting and somehow as a policy announcement, when it is not a policy.

The spatial plan is a very expensive document, costing close to \$2 million, that has taken almost three years to produce. On the other hand, the Canberra Liberals have announced our vision for Canberra, "Creative Canberra; a tourism policy; a conventions policy; a motor sport policy; two education policy modules, one being boys' education and the other, safety and discipline in schools; a community safety/community policing policy; a water security policy; and a multicultural centre policy.

So perhaps if Mr Corbell paid more attention to what is happening in politics around him he would not be subject to making false claims in this place. The Liberal opposition is clearly not a policy-free zone: Mr Corbell, his Labor colleagues and this government are.

International Women's Day

MRS DUNNE (5.21): Mr Speaker, yesterday was International Women's Day. Often as I listen to my Assembly colleagues speaking about International Women's Day, giving what seem to be the same speeches every year, I get the impression that they think there

is, or should be, a standard set of women's political views—often on issues which are not terribly relevant to the interest of most of the world's women.

I note that on International Women's day yesterday we had a range of breakfasts, lunches and teas. The minister announced awards and also spoke at the International Women's Day luncheon. I congratulate the award winners for their achievements and I also congratulate the long line of organisations that who were nominated, including an organisation close to my heart and of which I am a patron, Karinya House.

It is tempting to focus on the fact that these events were held respectively at Ridges Lakeside and the upper balcony of the Royal Canberra Golf Club. It is a fair bet that they attracted an audience which was broadly representative of middle-class career women who agree with the standard set of political views. It was interesting to read comments by Anne Henderson, reported in yesterday's paper, about how middle-class career women spend their time saying how they have been oppressed and bemoaning the fact that they have never made it when in fact they have.

Last Thursday we debated a matter of public importance about International Women's Day. On the same day as those speeches were being made, across town there was a discussion of a very different women's issue, which I alluded to last week, and that was the issue of "sexual servitude—a matter of life and death" This matter was raised during the Pamela Denoon Lecture, which is usually the opening event of International Women's Day each year. It was sadly under-patronised by women from this place and other members of this place.

In the Pamela Denoon Lecture I was particularly gratified to hear Kathleen Malzahn, the founding director of Project Respect, acknowledge the role of Liberal women in relation to raising the profile of the issue of sexual servitude, which led to the establishment of a \$20 million federal program to combat this appalling practice. Kathleen Maltzahn said:

Another issue that I think is interesting in explaining why trafficking took off, so to speak—

the speech related to what happened last year to raise the profile of sexual servitude as an issue—

is the role of women from the Liberal Party. I have to say that although I must have spoken with and to thousands of people about trafficking, I don't think I have ever knowingly spoken to any woman—bar politicians—who overtly identified herself as a member of the Liberal Party. Certainly, then, our organisation didn't do a good job making links with those women. Clearly though, the media touched them, and although I couldn't prove it, from what I understand, women members of the Liberal Party made it very clear to their party that trafficking was unacceptable and something had to be done.

It remains clear that, as Kathleen Maltzahn noted in her address, much more needs to be done about understanding the problem better and coming up with more effective ways of addressing it.

Mr Speaker, I need to place on the record the role of Liberal women—and, I have to say, more specifically Liberal women in the ACT—in bringing this issue to the forefront and

to the attention of the federal government and other governments across Australia. I was proud to be one of the co-sponsors of a motion on this matter at the Liberal convention in June last year. That motion raised interest and was widely supported. I think it was the first time that many people in that room had actively addressed the issue. I know that raising this very important issue at federal council had a big impact on members up on the hill, their staff and rank and file members of the Liberal Party across the country. I am proud to have been a participant in that and I thank my Liberal women colleagues in the ACT for their contribution.

International Women's Day

MS DUNDAS (5.26): Mr Speaker, I welcome the contribution that Mrs Dunne has made to addressing the practice of trafficking of women. She has just implied that breakfasts and lunches organised for International Women's Day were posh events held in upmarket places. I would like to inform the chamber about some of the events that were held to mark International Women's Day. I attended a breakfast and a lunch that were supported and run by UNIFEM. To quote directly from the flyer for these functions:

All funds raised from this event will support UNIFEM Australia's Pacific project. Workshops will be held at district levels in Fiji, Bougainville, Vanuatu and the Solomon Islands to strengthen the knowledge and understanding of women leaders, and potential leaders, in conflict resolution and early warning, voter education, the constitution, legislation of policy making.

Many countries in the region have been devastated by political instability and conflict and or economic and environmental difficulties. UNIFEM's social and economic development and leadership programs, for women are significant and are making a difference. South Pacific countries are important members for Australia and UNIFEM Australia works to ensure that Government aid funding is inclusive and targeting of programs for women.

Whilst that lunch was held at the Press Club, the money raised is going to help women who are struggling on the ground in countries around the globe. One of the important things about IWD is that we think about all the different ways that we, as women, can help women in other countries. I was proud to participate in so many events for IWD this year. We saw the continuation and initiation of great programs which are designed to help women in countries where they have nothing.

Trees

MR CORNWELL (5.28): Mr Speaker, I rise briefly to speak on the subject of trees—or a tree, in fact. I want to refer to a letter that I wrote to the Chief Minister on 28 October last year about the removal of a gum tree in the suburb of Duffy. I am not going to mention the names of my constituents, save to say that they live in an area that was badly damaged in the fire. It would not be unreasonable to say that they are rather traumatised by the existence of a tree in their front garden and they would like to have it removed.

The matter has progressed—I have, I suppose, half an inch worth of correspondence. As I said, I wrote to Mr Stanhope on 28 October. I did not receive a reply, so I came back to him on 5 January. Mr Stanhope responded to me on 16 January this year, saying, “I am

seeking further advice on the issue and will reply to you as soon as possible.” I have not yet received a response.

I am making a plea now to the Chief Minister: I wonder if he would come back to me, please, with an answer on this. Hopefully, that will allow these people to have this tree removed from their front garden because, as I say, they are quite traumatised by the whole thing. I think the removal of the tree would be a very small price to pay when you consider the number of trees that were taken out of places such as Oakey Hill when there was no requirement to do so. As Mrs Dunne knows, a lot of trees that people wanted to be left were taken out of Oakey Hill. We have a tree at Duffy that somebody wants to be taken out and you are saying—at the moment, anyway—that it cannot be done. So I leave the matter with Mr Stanhope and hope to hear from him shortly.

MR SPEAKER: Order! It being 5.30 pm, in accordance with standing order 34, the Assembly stands adjourned until Wednesday, 10 March 2004.

The Assembly adjourned at 5.30 pm.

Schedules of amendments

Schedule 1

Annual Reports (Government Agencies) Bill 2003

Amendments moved by the Chief Minister

1

Clause 7 (2)

Page 5, line 15—

omit clause 7 (2), substitute

- (2) The report must—
 - (a) include an account of the management of the public service as a whole during the financial year; and
 - (b) comply with any applicable annual report direction.
-

Schedule 2

Annual Reports (Government Agencies) Bill 2003

Amendments moved by Ms Tucker

1

Proposed new clause 7A

Page 5, line 16—

insert

7A Consultation about annual report direction

- (1) Before issuing an annual report direction under section 8, the Minister must consult the standing committee of the Legislative Assembly responsible for the scrutiny of public accounts.
- (2) The committee may make a recommendation to the Minister about the proposed direction.
- (3) The Minister must not issue the direction until the Minister has received a recommendation or 30 days have passed since the consultation took place, whichever happens first.

2

Proposed new clause 8 (1A)

Page 5, line 19—

insert

- (1A) In issuing an annual report direction, the Minister must have regard to any recommendation received under section 7A.
-

Schedule 3

Annual Reports (Government Agencies) Bill 2003

Amendments moved by Mr Smyth

1

Clause 8(1)

Page 5, line 18—

omit

“may”

substitute

“must”

Schedule 4

Building Bill 2003

Amendments moved by Ms Tucker

1

Clause 30

Page 19, line 9—

omit clause 30, substitute

30 External design, siting and building material considerations

(1) A certifier must not issue a building approval if carrying out the building work to which the application for the approval relates would result in the contravention of this Act or any other law in force in the ACT because of—

(a) the external design or siting of a proposed building or a building as proposed to be altered; or

(b) the material used in the building.

Note See the sustainability guidelines made under s 142A.

(2) This section does not apply to building work forming part of a development that is not required to be approved under the Land Act, division 6.2.

(3) In this section:

external design, of a building, includes anything affecting the appearance of the exterior of the building.

2

Proposed new clause 142A

Page 101, line 1—

insert

142A Sustainability guidelines

- (1) The Minister must, in writing, make guidelines (the *sustainability guidelines*) for the sustainable use of materials for building.
- (2) A builder must not use a building material in contravention of the sustainability guidelines.

Examples

- 1 The sustainability guidelines may prohibit the use of rainforest timber for new buildings or repairs other than repairs to things that already consist mainly of rainforest timber. If the guidelines did this, a builder could use rainforest timber to repair window frames made of rainforest timber, but could not put in an extension containing rainforest timber.
- 2 The sustainability guidelines may allow the demolition of a building containing material from an unsustainable industry, eg rainforest timber. If the guidelines did this, a builder could demolish such a building without contravening the sustainability guidelines.
- (3) The sustainability guidelines are a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Schedule 5

Building Bill 2003

Amendments moved by Mrs Dunne to Ms Tucker's amendments

1

Amendment 1

Proposed new clause 30 (1) heading—

omit

building material

substitute

sustainability

2

Amendment 1

Proposed new clause 30 (1)—

omit everything after

in force in the ACT

substitute

—

- (a) because of the external design or siting of a proposed building or a building as proposed to be altered; or
- (b) because the building work, or the building resulting from the building work, would contravene the sustainability guidelines.

3

Amendment 2

Proposed new clause 142A (1)—

omit proposed new clause 142A (1), substitute

- (1) The Minister must, in writing, make guidelines (the *sustainability guidelines*) for—
 - (a) the sustainable use of materials for building; and
 - (b) building in ways that facilitate the sustainable use of resources.

4

Amendment 2

Proposed new clause 142A (2)—

omit everything before the examples, substitute

- (2) A builder must not contravene the sustainability guidelines.

Schedule 6

Building Bill 2003

Amendments moved by the Minister for Planning

1

Clause 135 (1), penalty

Page 95, line 28—

omit the penalty, substitute

Maximum penalty: 50 penalty units.