DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

FIFTH ASSEMBLY

WEEKLY HANSARD

10 MARCH

2004

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Wednesday, 10 March 2004

The Assembly met at 10.30 am.

(Quorum formed.)

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

Low income families and school expenses

MS DUNDAS (10.33): I move

> That this Assembly:
>
> (1) recognises that many public school students from low income families miss out on school excursions, school camps and school subjects with levies due to cost; and
>
> (2) calls on the ACT Government to establish a central fund that parents can apply to for assistance with these costs.

An increasing number of parents from low income backgrounds have contacted my office to express their concern and distress about the increasing unaffordability of the ACT public school system. This is a system that is normally free. Children are missing out on school camps and important excursions, or are unable to take part in subjects because of associated costs for things like course materials, because the family does not have enough income to cover these extra costs.

There are many single parents in the ACT who rely wholly on government benefits which are not generous enough to cover expensive school excursions, even if payment over a period of time is permitted, and they cannot afford all of the material levies for subjects that their children want to take to further their education and knowledge. In some cases families on low incomes, including families with only one working parent, sometimes manage to find the money to pay subject levies and camp fees, but this comes at the expense of other essentials like food and medical bills. This is a choice no family should have to make.

We have heard reports this morning of new surveys that have shown that many workers are living on such low incomes that they are having to choose between food or heating their house. Think of how their children are coping in the public education system and how they are trying to work with all the other activities that are being offered in the school environment.

Most of the education fees in our public schools are, in theory, voluntary—that is enshrined in legislation—but in practice there are numerous cases where schools refuse to enrol students in a subject or allow them to participate in an activity unless the fee has been paid or a payment plan agreed upon. The stigma attached to a child who cannot afford to pay their course fees can be incredibly damaging when they are pointed out in class and shamed for not having paid that fee. Some teachers actually read out a list of all

those children who have not yet paid for the course materials and ask them to leave. I have heard of many cases like this; this is actually happening in our schools. Over the years we have seen school excursions become increasingly integrated with classroom learning and it is really important that students have the opportunity to get out into the real world, out of the classroom, to learn in a very exciting and vibrant way. But, if they cannot afford to go on those excursions, they miss out when that learning comes back into the classroom. They do not have that background knowledge to help them make the rest of the learning understandable.

These students have trouble keeping up and they slip behind in their marks. We need to assist these students and give them, some of the most disadvantaged students in our community, reason to stay at school. We know that when students miss out they become isolated from their cohort. They see little reason to go to school because they feel that they are not progressing with their education and they are not making any friends.

Nationwide, almost 28 per cent of students miss out on school excursions due to poverty. The statistics do not allow a breakdown for the ACT specifically but, based on demographic profiles and other statistics about poverty in the territory, it is safe to say that at least 10 per cent of ACT public school students are missing out. Indigenous students are much more likely to fall into this category, further exacerbating the difference in educational outcomes of non-indigenous and indigenous students.

To those students who are at risk of dropping out, the incentive of school based vocational courses quickly becomes a disincentive when they are told they cannot continue the course because they have not made arrangements to pay for the course. During briefings I had on the Education Bill, I was assured that when schools are the registered training authority and are offering VET courses, that, like everything else, is meant to come under a voluntary fee system. But a few quick phone calls to students and parents clearly identifies that this is not the reality in our schools. Students are missing out on vocational opportunities because they cannot afford to pay the course costs.

Camps and excursions, apart from their educational value, are a vital bonding experience for students, and it is detrimental for student development if they miss out on excursions that the majority of the students have participated in. We all know that many schools organise some quite expensive trips, overseas trips, for groups of students. It is not these trips that I am suggesting should be funded by the education department. The kind of excursions that I am arguing should be eligible for funding assistance are the day trips or the school camps such as those that are organised to help year 7 students get to know their class mates and teachers or to help year 10 students as they move through to adulthood and college.

In fact, Canberra High are about to go on their year 7 bonding camp and there is a big sign out the front of the school which says something like “We value relationships, year 7 camp” and then the dates. Imagine what it feels like to be the kid who starts, brand new, year 7 at Canberra High and cannot afford to go on that camp. How are they going to bond with the rest of their classmates? Where is the relationship to be valued for those young people? There are already some support mechanisms built into our schools, and a good principal will know which kids need assistance and will make arrangements. But this relies largely on the availability of the funds and the good will of the principal.

I think we need to work on a system that does not rely solely on the principal and on the funds being available. We need a central fund administered by the education department that is dedicated to covering the cost of voluntary but vital extras. I do not want to see the situation where schools suffer because voluntary payments do not come through. School budgets are already stretched and many schools rely on those voluntary payments to offer diverse educational items. But that should not be at the expense of those who cannot afford to pay.

What I am proposing is a scheme where parents can apply for assistance to cover the cost of things like excursions, school camps and those course fees. We do have a similar scheme in place for some public school students, the junior secondary bursary scheme, but it is only available for 14 and 15-year-olds from low income backgrounds. This scheme or something similar could be extended to cover all students at primary and secondary levels from low income backgrounds. Alternatively, a new scheme could be based on models that already operate in Victoria and South Australia.

I have left my motion specifically vague so that the government can work out the best model for the ACT, the best working model for our system of education, but I think it is important that the Assembly today sends the message that we want to support all kids to get the best they can out of their school environment. And it is something that needs to be done sooner rather than later before more kids miss out on vital parts of their education. So my motion leaves it open for the government to decide the eligibility thresholds. They could even set a maximum level of assistance that each individual student could access. It is not a financially irresponsible motion. It is not an onerous motion. It is an attempt to get the government to fix a problem that has affected generations of ACT public school students from low income families.

We have a situation at the moment that reinforces their disadvantage; it does not help them. Tomorrow we debate the Education Bill, which includes a right to a high quality education. This right will be meaningless if the ACT's most vulnerable families are priced out of a quality and nominally free education system. I commend my motion to the Assembly.

MR CORBELL (Minister for Health and Minister for Planning) (10.44): On behalf of the government, I am responding to this motion for Ms Gallagher, who is absent this morning. The ACT government school system is one based on the principles of equity, universality and non-discrimination. I would like to assure you that there is no provision to levy parents any compulsory financial contributions for public education in the ACT. The ACT public system does encourage parents to make contributions to their children's schooling wherever possible but such contributions are entirely voluntary. There is no legal provision that requires parents to contribute financially. This is clearly outlined in the parental contributions to school finances policy.

I would like to take the opportunity to outline the contents of this policy for the benefit of members. The policy states that parents who feel they are not in a position to contribute financially are not expected to do so. The policy's language is clear:

> Parents must not be coerced and students must not be discriminated against for non payment of parental financial contributions.

It goes on:

> Students should not be pressured to approach their parents to make a financial contribution.
>
> Students have the right to make curriculum choices irrespective of whether their parents choose to make voluntary financial contributions to the school.
>
> Government schools provide a broad general learning program for all students which includes the provision of basic materials for formal course requirements.

So that is the policy which guides school practices in relation to voluntary contributions. I can understand some members' concerns for those families on low incomes, and the government shares those concerns. But the government wants to assure members that free education is a core feature of ACT government school education. This is reflected in our legislation and in our policies, which make it clear there is no basis for compulsory fees and charges. At the same time, voluntary contributions and support from parents and the community through fundraising are a longstanding and valued feature of our system and are certainly encouraged where parents have the capacity to make them.

Schools in the ACT are receptive to the needs of families in their community and work closely with parents and carers to ensure that all students have equal access to educational activities such as camps and excursions. Family involvement in education is important to a student's academic success. Principals of schools with a concentration of students from low socioeconomic backgrounds are sensitive to the needs of students and their families. The schools as communities program is one initiative that is supporting the partnership between families and schools. Where families do seek assistance in the support of their children, school principals and staff seek to ensure that confidentiality and dignity are maintained. Further, school boards, which have a key role in the governance of government schools, are consulted over the rationale and costing of more expensive excursions, including overseas excursions, and parents have input into this process.

In certain circumstances ACT schools conduct fundraising activities to support student involvement in school programs and experiences. Where an issue of financial difficulty has come to the attention of the school, the principal will work with parents to develop a mutually acceptable solution to the problem. Schools in the ACT, through school based management, receive substantial funding. Principals have discretion as to the use of that money in the best possible way to support students in need to access educational programs. Available funds are not held centrally, as they are more effectively placed at the school level. However, the government is willing to indicate today our willingness to investigate the need for a central fund. The school community is best placed to understand and support those families and carers who are unable to contribute voluntarily.

Carers and parents need not be recipients of a Centrelink or other allowance to find paying a voluntary contribution difficult. These circumstances are best assessed by those educating their children, and working with the parents. The whole rationale behind providing the funding to the schools themselves is for them to determine how best that funding is allocated, and to allow schools to adapt to local environments and to respond

to the particular needs of their school community. There are also other government support mechanisms for schools. For example, in response to the inquiry into ACT education funding, the allocation of schools equity funding was doubled in the 2003-04 budget.

There are many government programs in place to assist students from low income families to participate and achieve in our public schools. One of these is the schools equity fund, which, as we have heard, under this government has received a substantial increase in funding. The fund provides financial assistance to those schools that have been identified through the Australian Bureau of Statistics data and from school enrolment data as needing extra support. Currently, 15 government schools receive schools equity funding. The minister, Ms Gallagher, met with the principals of these schools in February of this year and discussed the uses for the funds and the programs to meet the needs of disadvantaged students.

Schools equity fund schools choose to use some of their funding to pay for or to subsidise excursions and camps. For example, a Tuggeranong primary school's schools equity fund allocation was $13,124, and they used $560 for student participation in camps and excursions, while a Belconnen high school had a schools equity fund allocation of $15,000 and used $800 to subsidise excursions. All schools work closely with parents and carers to ensure that students can access educational activities such as camps and excursions.

Another example of a supportive program is the schools as communities program. It has been established to improve the relationships between families, communities and their schools. Children and young people who are considered to be at risk of poor social or academic outcomes are a special focus of this program. The program funds and trials proven family strengthening models involving schools to improve social and educational outcomes for young people.

Further, the junior secondary bursary scheme provides assistance to low income earners in the ACT with dependent full-time students aged 14 or 15. Families receive either $450 or $500 for a student who is aged 14 and 15 respectively. This funding is to assist with costs related to education. Approximately 450 students in government and non-government schools are currently being supported through this scheme. However, support from the school community over the life of the student's schooling will be more effectively targeted towards the needs of the student and their participation.

Schools implement strategies to ensure equity of access for students to programs and activities offered by the school. ACT schools provide a range of challenging opportunities for students through excursions and camps. A sample of the outdoor education activities is canoeing, abseiling, rock climbing, horse riding, bushwalking, caving and archery. Principals work to ensure students who are studying subjects that involve such activities can experience these wonderful, often extracurricular, pursuits.

Schools already provide many avenues to support students at risk. ACT schools are committed to equity of access. Schools are supported by this government through school based management funding to meet the needs of all students. In conclusion, I am concerned, on behalf of the minister, that some parents or carers have expressed concern

over the ability of their children to participate in school activities, which is the reason that the government is prepared to further investigate this matter.

The government will not be supporting the motion as proposed by Ms Dundas but will move two amendments which we believe recognise some of the complexity involved in this issue and represent a commitment on the part of the government to investigate the matter further. I seek leave to move both amendments circulated in my name together.

Leave granted.

MR CORBELL: I move:

> (1) paragraph (1)—omit "many", substitute "some" and insert "could" after the words "students from low income families"; and
>
> (2) paragraph (2)—omit "establish:", substitute "investigate the need for".

MS TUCKER (10.53): I will speak to this motion but also move an amendment that I have circulated in my name so that people can speak to both, hopefully. I thank Ros Dundas for introducing this discussion to the Assembly today. The issue of how best to support students and families in need in the education system is very important and it is certainly one that we have raised in this place many times before. In fact, the equity fund that we are now talking about was the result of that conversation occurring some years ago.

It is my understanding that there are many families in public schools in Canberra who are having some problems. I do not know if "many" is the right word, actually; I am not quite sure I can say that, to be fair. I know there are some families who feel that they are having a problem accessing equity funds through their school. But what I do know is that there are generally problems experienced by members of our community with children in the public school system in terms of dealing with the costs incurred in our public education system here, and that is not just about going on excursions; that is about the harassment that some people feel is still occurring regarding so-called voluntary contributions. No, they are not so-called; they are voluntary contributions; they have to be voluntary contributions.

But some parents certainly still feel pressure from the school community as well, not just the school administration but the school community, to pay their fees. A rather unfortunate aspect of this system that we have and which does not always get realised or talked about is the issue of how it can be quite divisive within a school community. While it is the case that for privacy reasons no parent in a public school should have any idea whether another parent pays their school voluntary contributions or subject levies, you certainly get conversations about the fact that some parents are not paying, and they are seen as not pulling their weight in the school community. Condemnation can occur for those parents, which is really unfortunate because there are many parents in Canberra who are struggling to meet basic financial obligations in their lives. The extra costs for the voluntary contribution as well as the subject levies are significant costs for families on low incomes and put real pressure on such families. I know; I experienced it myself when we were on one income as a family. I was at home—I had chosen to be at home—looking after our children and those voluntary contributions, and in later years the

subject levies, were impossible for us. I remember clearly feeling that I had to do a real begging act and seek permission—not just once but every term—from the principal to be excused from paying the fees et cetera. I remember that that was really an uncomfortable situation to be put into.

The other thing is that, because schools are so strapped for money, some parents really judge other parents who do not appear to be contributing, whether it is by paying fees or by giving in kind through donating their time to activities of the school. Once again, it is really unfortunate that recognition is not given to the fact that people have different capacities to contribute depending on their life circumstances. I would like to move the amendment circulated in my name.

MR SPEAKER: You cannot. We have to deal with Mr Corbell's amendment first.

MS TUCKER: Okay, so I have to wait to do that. Mr Corbell's amendment wants to change "many" into "some" and I am happy to support that because I am not aware of many but I am aware of some. There may be many students from low income families who miss out, but I do not know that so I do not mind "some". If it is even some, we need to be worried, and some is enough for me. He also wants to add the word "could" after "students from low income families" in the first paragraph. He is recognising that some public school students from low income families could miss out on school excursions. I recognise that some do miss out on school excursions, so I think that is reasonable.

Mr Corbell's second amendment seeks to substitute "establish" with "investigate the need for" in the second paragraph. As the amendment I will be circulating gives the government another option rather than establishing a central fund, I do not think I would support Mr Corbell's "investigate the need for" because in a way my amendment, if it is supported, would allow the government to do that.

The reason I am concerned about Ms Dundas's motion as it is, just calling for a central fund to be established, is that I have talked to the P&C council about this and they have concerns about taking the equity funds out of the schools because it could become more difficult for parents in what, as I have already explained, can be quite a difficult situation to be put in. I do not know that setting up a whole new bureaucracy is necessarily the best way to do that. So, as the P&C have said to me this morning, we would like the government to evaluate what is working and what is not working with the current equity fund and to look at how they can make it work better. From what Simon Corbell said, the minister is certainly concerned to hear that people may be suffering under this current system. So I take that to mean that the government are interested in looking at how they can improve it. So with my amendment, which will give the government the opportunity to look at how they can improve the current system as well as potentially the central fund, we can, hopefully, improve the current system.

But I do want to say again that this is an important issue to have been raised and I am really happy to hear Mr Corbell, on behalf of the minister, say that the government are concerned about this issue and are prepared to look at it. Our amendment also asks for them to report back to the Assembly so that we can keep track of what the work is that they are doing on this.

MR SPEAKER: Ms Tucker, earlier I said that you could not move your amendment until Mr Corbell's amendment had been dealt with. I did not want to mislead you by indicating that you would be able to move the amendment later. But, if Mr Corbell's amendment is successful, I will not allow your amendment, pursuant to standing orders 141 and 142.

MS TUCKER: Okay.

MR PRATT (11.02): The Liberal opposition will be supporting this motion put forward by the Democrats today. This issue is a very important one that is faced by not only Ms Dundas's constituents in the electorate of Ginninderra but many families around Canberra in all of our electorates. Children have a right not only to an education made possible through the free government education provided in the ACT and around Australia but also to experience as much as they possibly can throughout their education.

Having an enriching and enlightening educational experience also includes being able to participate in school excursions, camps and subjects with levies attached to them. Often families, for whatever reason, may not be able to pay even the most minimal amount attached to additional school activities. This must not mean that the students, through no fault of their own, miss out on the experience that they have a right to. Often these additional school activities are the most enjoyable and educational for students and inspire them to continue their education. Also, these school activities may expose the students to things that they may not be able to participate in or experience at any other time through any other means.

There are questions, though, as to how Ms Dundas's proposal can be properly implemented and what the financial implications might be. However, Ms Dundas raises many valuable points in her speech and motion. It is true that the charges are considered to be voluntary in theory, but we have all heard of cases from our constituents where their child was not allowed to go on a camp or excursion, or a payment was requested from the parent by the school, particularly if that activity required certain overheads to be paid. It is also true that in certain cases a child is not permitted by the school to participate in certain subjects that have an attached fee for additional materials. That in itself is a great shame. We should not be restricting the rights of students and the choices offered to them to fulfil their potential simply because they may not have the money to spend on a particular course or a particular subject.

Schools have no right to remove the right of education from a child because their parents cannot afford to pay any additional fees or levies. It is not just a matter of the financial burden on parents; it is also the fact that children miss out on opportunities to enrich their education. When children are not able to go on school excursions or camps, they miss out on the critical bonding that occurs in such activities, being able to get to know their fellow students and their teachers outside the structured and traditional learning environment of the classroom. And, of course, a poor kid whose parents cannot afford those things or who is relegated to a B grade activity because they cannot afford them attracts a certain stigma. If we expect our kids to be able to bond with their classmates, we must ensure that we remove those sorts of impediments, children being what children are.

The Liberal opposition agree that the Labor government needs to ensure that existing funds available are advertised and then accessed by parents, when their applications are approved by the chief executive of the Department of Education, Youth and Family Services, to assist in the payment of fees associated with these school activities. The government will need to examine whether the existing funding system is adequate. The evidence indicates that it needs to be enhanced if it indeed does exist in any meaningful fashion. Clearly, families are missing out. Clearly, vulnerable families are not being advised of any resources that could otherwise be made available to them.

I believe that the government needs to be able to investigate the best way in which to either enhance the existing system or establish a fund, which may be the model that Ms Dundas has suggested here today, the existing ACT junior secondary bursary scheme, or a completely new and different scheme may be more appropriate.

We will support the government's amendment to paragraph 1 but we will not support the amendment that they have suggested for paragraph 2. We would rather not move around the edges of this debate and that amendment might just blur the edges. Let us get straight to the nub of this issue and see if some action can be taken. I urge the government to investigate options for a fund to serve this purpose and for them to establish the most appropriate option to allow parents to apply for financial assistance as soon as practicable.

The opposition will support the amendments proposed by the Greens. They both seek concise but reasonable actions, and a timeframe of May 2004 for the government to report back by on an issue of this importance we feel is doable. I was pleased to hear Mr Corbell this morning say that the government will have a look at this issue. We will keenly watch for timely action by the government on this. I would also like to commend Ms Dundas for tackling this issue and moving this motion here today.

MR SPEAKER: The question is that Mr Corbell's amendments be agreed to. Mr Pratt, you mentioned in the course of your contribution to the debate that you would support one amendment but not the other. The Assembly has already agreed that they be considered together, by leave, so you might have to work out how you are going to deal with that.

MRS CROSS (11.10): I agree with the sentiment of Ms Dundas's motion; I think it is admirable. But I think the way the motion is at the moment it is a little way off becoming a practical reality. The scheme will place the onus of funding on the taxpayers, a matter that is always a cause for pause. It also throws up a number of other questions, particularly in relation to the administration of the scheme. What proportion of children in public schools will fall into the category that at present misses out? Who decides where the low income line is to be drawn and how is the means testing to be applied? Are there really "numerous cases" where schools refuse to enrol students in a subject for these reasons? What is the likely scale of bureaucracy that will be needed to administer this scheme or is it intended that the existing education bureaucracy take on the additional responsibility? I think also that the comparison between the proposed scheme and the ACT junior secondary bursary scheme is not apt. The bursary scheme is about something else; it is about providing to the disadvantaged the opportunity for a core education. It does not necessarily extend to cover any additional activities.

I repeat that I admire the sentiment of what Ms Dundas is proposing, but a lot more work has to be done to derive a clearer grasp of the viability of such a scheme and the ways and means of its operation. Therefore, on the information provided, I cannot offer my support for this motion as it stands. However, I am prepared to support the motion if amended and support Mr Corbell's amendments. I will speak to the other amendments after they are tabled and I will be moving an amendment.

MS DUNDAS (11.12): I will take the time to talk specifically about Mr Corbell's amendments while we wait for Mrs Cross's amendments to be circulated, because without seeing them I think we are all a bit confused. I am happy with Mr Corbell's first amendment to change "many" to "some" public school students. But I have a problem with his second amendment to substitute "investigate the need for" for "establish".

I think the case is quite clear that we need to be supporting students at school now. We do not need to wait for another investigation. There have been so many calls through to my office from families, and I know of so many families, in the community whose children have been affected. Even before I was lucky enough to be made a member of this place, I heard of so many children who were missing out because of the family financial situation. People I worked with would come to work and complain that they had to make the choice between paying some household bills and allowing their children to participate in educational activities. They talked about the pain their kids were going through as they tried to fit in at school when their parents could not afford the extras.

Mrs Cross made a comparison with the bursary scheme and mentioned that the bursary scheme is about core educational requirements. The point that I am putting forward is that so many of the excursions that school students are asked to go on have become part of the core educational requirements. I know it is stated policy of the education department that this is not the case, but even I experienced not being able to go on a science excursion when most of my classmates went out into the national park overnight looking at birds, rock formations and trees. I missed out on almost a term's worth of understanding because I missed out on that excursion. I did not have the 3D physical sensations to go with what was trying to be taught in class. I did not have the references when the teacher said, "Remember what happened when we went down to this and the rocks looked like this." I never saw those rocks.

These excursions have become part of the core curriculum, even though they are not meant to be. So we are talking about core educational needs that these excursions are filling. We ask our schools to do so much in the development of children and young people. Even the year 7 camps and the year 10 camps that are about relationships and development are part of the core that we are asking our teachers to provide to students. I just wanted to make those few points while members had time to consider Mrs Cross's amendment.

MR SPEAKER: The question is that Mr Corbell's amendments be agreed to.

Question resolved in the affirmative.

MR SPEAKER: The question now is that the motion, as amended, be agreed to.

MRS CROSS (11.16): I seek leave to move an amendment circulated in my name.

Leave granted.

MRS CROSS: I move:

> Insert the following paragraph:
>
> "(3) calls on the ACT Government to:
>
> (a) take immediate action to ensure that equity funds are made available through the schools to all students who need them for these reasons; and
>
> (b) report back to the Assembly in May 2004.".

I understand what Ms Dundas is saying given that I get from her the comments that the purpose of the bursary scheme has changed. My understanding was that the bursary system was to provide support to the disadvantaged so that they have the same opportunities for a core education. I hear what Ms Dundas is saying, that the criteria for that have changed over the years. If that is the case, that is something the government can look into later on. Given, however, that we all agree in this place that there is an urgent need, my amendment calls on the ACT government to take immediate action to ensure that the equity funds that exist at the moment are made available through the schools to all students who need them for these reasons, and to report back to the Assembly in May 2004.

This addresses what was going to be Ms Tucker's amendment to this motion. I fully supported Ms Tucker's amendment because it was a very good amendment, but for practical reasons I have moved this in order for us to be able to move forward and do what is good for the students who are being disadvantaged, and do it as soon as possible.

This is a very important addition to what Mr Corbell was attempting to do, and I think in its entirety this will hopefully go some great length towards addressing the concerns that Ms Dundas has by her motion, and assisting the students that have been disadvantaged out in the community. No student should be disadvantaged; Ms Dundas is absolutely right. Nobody in here wants to see students disadvantaged. For a child to miss out on an excursion because they do not have enough money, because they come from a poor family, is just unacceptable in this community. That is why we are a community.

I know the government want to do the right thing in this case. I know everybody in this place wants to do the right thing. I think we can all move forward in a unanimous way, and I hope that this amendment, thanks to Ms Tucker's original amendment, will go some way to addressing our concerns.

MR PRATT (11.18): We will support Mrs Cross's amendment. In my view, this certainly will require a clearer and firmer action on the part of the government. I am glad the government are prepared to now investigate this issue.

I reinforce the point, too, that, if the school system is going to engage children whom we identify as children at risk, it is absolutely clear that the government and the education

system must provide the means by which children who otherwise do not have the means to attend these sorts of excursions can do so. They must be able to do that. We will not engage with children at risk if they are stigmatised or allowed to sit out very important activities, particularly where they involve bonding. Therefore, it is so important that this motion sees the light of day and that something is done. To that end, I support this amendment because it encapsulates the substance of Ms Tucker's amendment which, as I said earlier, requires some firm action by the government and sets a deadline by which time they have to report back.

MR CORBELL (Minister for Health and Minister for Planning) (11.20): The government will support this amendment. This allows for a holistic look at the issue and certainly I am advised that the minister would have no difficulty with this approach.

MS TUCKER (11.20): I thank the minister and I thank Helen Cross for making this amendment, which picks up the concerns that I had in my amendment. I still do not quite understand why I could not put my amendment, but anyway the result is fine. I just want to put on the record again that any evaluation has to look at, firstly, how well the actual allocation of the equity fund to schools is working in terms of need being met and, secondly, how the schools themselves are distributing that money. By that, I mean culturally as well. I do not just mean who gets the money; I mean the environment, if it is possible to evaluate that. I think it is a really critical point. Thirdly, we need to evaluate whether the amount allocated by the government is adequate to deal with the need in the community.

I realise that the report back date of May 2004 is not that far away, but I think it should be possible to do that work and it will require an evaluation, which means talking to, for example, ACTCOSS. I would talk to them. I would talk to people who are involved in the poverty work in our community. You can definitely talk to schools, teachers, parents and P&Cs, but I would suggest that talking to ACTCOSS would also be useful.

MS DUNDAS (11.22): I will be supporting this amendment as well. I do think that in a very short time we have been able to come up with a motion that all of the Assembly can support and that is a very good thing. I thank Ms Tucker and Mrs Cross for making the point that we do need to investigate the school equity funds and make sure that students are actually accessing them. Our public school system is under a lot of pressure at the moment in terms of funding resources, school based management and teacher resources, but, despite that, it is trying to provide the best education outcomes for our children. We need to support our schools to provide even better educational outcomes for our children and young people by giving them the resources and any extra support they need.

Part of that is about supporting those schools to give those diverse learning opportunities that come from school excursions and from being able to do a diverse range of subjects. That needs to be recognised today. We are also talking about people taking tech courses, home economics, photography and other things that we think are almost part of the core curriculum these days. These courses are quite resource intensive and that is why so many kids cannot do them because they cannot afford those course material fees.

This motion today takes a further step forward to support those families to allow their children to get the diverse educational outcomes they want. I thank Assembly members for their support and for recognising that there are many families out there who will

benefit from this motion. Hopefully, they will no longer be forced to make some of those heartbreaking choices between how much they are going to eat this week and how many of their children are going to go on excursions.

MR SPEAKER: The question is that Mrs Cross's amendment be agreed to.

Question resolved in the affirmative.

MR SPEAKER: The question now is that Ms Dundas's motion, as amended, be agreed to.

Question resolved in the affirmative.

Crimes Amendment Bill 2002

Debate resumed from 13 November 2003, on motion by **Mr Pratt**:

> That this bill be agreed to in principle.

MS DUNDAS (11.25): Mr Speaker, the ACT Democrats will be opposing Mr Pratt's bill today. There are many reasons why we are not able to support this piece of legislation. The first reason is that we believe it is unnecessary. Mr Pratt claims that there is a loophole in the law that does not protect pregnant women from serious crime. I have carefully considered the Crimes Act and ACT legislation and have yet to find where that loophole is.

The Crimes Act contains a whole range of offences for crimes against the person. These include grievous bodily harm, actual bodily harm and common assault and have penalties of up to 15 years imprisonment. There is also an offence in the Medical Practitioners Act that prevents people who are not medical practitioners from carrying out an abortion. The definition of "abortion" is wide and includes many means of causing a woman's miscarriage. It is proposed that this offence will be contained in the Health Professionals Bill, which we will debate later in the year.

I cannot see the loophole that Mr Pratt believes exists. If a pregnant woman is attacked and this causes a miscarriage, there is a whole host of potential laws under which that attacker may be prosecuted, and they have high penalties attached. There simply is no loophole, and I believe that Mr Pratt is scaremongering.

The second reason we are not supporting Mr Pratt's bill is simply that it is bad law. The reason this law exists nowhere else in Australia may be that it is vague, poorly constructed and could have unintended consequences. In the bill before us the definition of "foetus" is vague and uncertain, as is the phrase "the usual and customary standards of medical practice".

In particular, how would this bill impact upon artificial conception and stem cell research? The definition of "foetus" is so vague that it may actually include a single cell fertilised egg. In this case, does the destruction of unused embryos caused by in vitro fertilisation methods constitute an offence to which life imprisonment is attached? What about stem cell research on unused embryos? This is now legal under recent federal

legislation, but does experimental research count as being under "the usual and customary standards of medical practice"? In many cases it does not.

Mr Pratt's bill is unclear on all of these questions. In fact, the bill may threaten Canberra's internationally respected research institutions, including the John Curtin School of Medical Research, as it would possibly have unintended consequences that might damage their ability to continue with the groundbreaking work they are doing in stem cell research.

In addition to the bill being vague, it runs counter to the principles of the criminal code. I note that Mr Pratt tabled his legislation before the criminal code passed into law in this Assembly. That means it does not contain the requisite clauses to be consistent with the code, and I have not seen any amendments for it do that. In addition, it goes against the principle outlined by the Model Criminal Code Officers Committee that defences that depend on other offences to be committed should be avoided. That goes to Mr Pratt's proposed offences in subsections 42A (3) and (4), which rely on a further offence to be proved in order to secure a prosecution. The Model Criminal Code Officers Committee considers these offences to be unduly complex, confusing and unnecessary and that they generally congest the statute book. They are also likely to make it harder to prosecute, which I am sure is something Mr Pratt does not want.

The third reason I will not be supporting Mr Pratt's bill is the principle that people who commit the same criminal behaviour should be prosecuted under the same law. It is not the place of a legislator to provide for different crimes depending on who the victim is. The judiciary properly does this during sentencing when the consequences of the crime are duly assessed to determine the appropriate punishment for the convicted offender.

Criminal offences should be framed according to the conduct of the accused. It is the violent behaviour of an attacker that is illegal, regardless of whom that violence is directed at. This is a fundamental principle that goes outside the scope of the bill that we are debating today, but I do not think we should start writing different crimes depending on who the victim is.

Some people believe it is worse for a man to assault a woman than it is for him to assault another man, but we have not created separate offences for that assault. Other people believe that beating up an indigenous person or a member of the gay community out of prejudice is worse than other types of assault, but we still have not created separate offences for that. Similarly, while people may agree that causing grievous bodily harm to a pregnant woman is particularly abhorrent, we should not be creating a separate offence for it.

Let me make it clear that I believe that assault on, or grievous bodily harm done to, a pregnant woman is utterly repulsive and the attacker should have the full force of the law laid against them, but we do not need a new offence to do that. We already have offences to prosecute people who commit crimes against the person. The correct place for judgments to be made about the seriousness of that punishment is during sentencing. If it is clear that grievous bodily harm caused a miscarriage, that would be dealt with extremely seriously by the courts and would likely attract a far harsher sentence than otherwise. I think Mr Pratt wants to make a political point, but that is not the way to make good legislation.

A fourth reason why I am not supporting this legislation today is that it attempts to change the legal status of a gestating foetus. It has been a longstanding legal principle that a foetus in utero does not attract legal rights until it is born. We have had this debate in the Assembly before. All previous laws about terminating pregnancy have been phrased in the terms of "pregnancy" and "miscarriage", not in terms of "killing" or "the life of the foetus".

Mr Pratt could have approached this in many different ways. He could have introduced a bill that reinserted the previously deleted offences of procuring miscarriage or child destruction. Instead, he has intentionally departed from legislative practice in Australia and changed the terminology to talk about killing an unborn child. If passed, this bill would be a radical and unprecedented change to Australian law and actually create a huge amount of legal uncertainty.

It is an underhand attempt to change the legal status of a gestating foetus by disguising it as a move to protect pregnant women. On examination of the detail of the bill, we can see that it will not result in any additional prosecution of offenders but is instead intended to cast increased legal doubt on the status of the foetus. The ACT Democrats deplore this deceitful method of addressing some major issues in our community and do not agree with the intention of this bill.

I believe that the current protections for pregnant women are adequate. If you hurt a pregnant woman then you commit a crime. I believe Mr Pratt's bill is unnecessary for enabling appropriate prosecutions of people who commit crimes against pregnant women. It is a bill that is vague and uncertain in nature and places the status of artificial conception and stem cell research in doubt. It is bad law. It is inconsistent with the criminal code, and it creates additional legal confusion. I urge members of this Assembly to consider carefully what the bill actually does, separately to what Mr Pratt might intend it to do. In that sense, I do not think we can support it.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (11.34): I acknowledge at the outset that this raises difficult issues for consideration by members of the Assembly, issues the Labor Party has discussed seriously and at length, and it is the view of the government that the bill should not be supported. The government will not support the bill today.

Mr Pratt's bill raises an important issue in criminal law. However, in my opinion it is sad that he proposes a bill that is so ideologically constructed that it will cause division in our community rather than support women who have suffered the loss of their pregnancy. Providing a sanction for violent attacks on pregnant women should not require an ideological debate and is an inappropriate way to make an essentially ideological point. There is a straightforward solution to the potential gap in our laws that embraces the whole community—a solution that provides a clear legal sanction for attacks on pregnant women that leaves neighbours, workmates, friends and family united, not divided.

A major fault line in the spiritual, philosophical and ideological conflict over the rights of women during pregnancy and reproduction in general is the issue of whether a nascent child has a separate legal personality. There is no consensus at all on this question in the

community, and I hasten to suggest that there never will be. Mr Pratt's bill gives the impression that it is simply about assaults on pregnant women, but it is far more than that. The bill establishes a division between mother and foetus in the context of the Crimes Act 1900.

The effect of the bill will be to create a new forum to revisit the abortion debate and reproduction debates in general. The bill objectively forces us to ask the question: when does life begin? In motivating the bill to the Assembly, Mr Pratt argued that the bill is not intended to revisit the abortion debate and that its purpose is instead to eliminate an anomaly in the act in that it does not recognise the unborn child as a person against whom an offence can be committed.

Mr Pratt acknowledged that in cases of violence against pregnant women the court can take into account any injury to the unborn child in determining the sentence to impose. He maintains, however, that this is inadequate because the court can only apply a sentence up to the maximum applicable for the offence against the woman, which in some cases would not accurately reflect the culpability of the offender's actions.

The danger in the bill is the construction of a new legal personality—the unborn child, or whatever label we give it. As I said earlier, a major fault line in the spiritual, philosophical and ideological conflict over the rights of women during pregnancy is the issue of whether a nascent child has a separate personality. The notion of separate personality is debated in all aspects of its meaning—legal, spiritual, social, political and economic. The threshold question, as I said, is: when does life begin?

In the normal context of community debate in Australia most people would agree to disagree and respect each other's views when answering this question. In the context of reproduction debates—on IVF, surrogacy, abortion or same-sex partners—the answer to this question provides a direct challenge to those spiritual, philosophical and ideological life choices, which many of us concentrate on, think about and make.

In his presentation speech Mr Pratt said that he was not revisiting the abortion debate. He said that his bill does not change the definition of "life" currently used in the Crimes Act. However, the bill states explicitly that an offence is committed if the offender "destroys the life…of the unborn child". Those are the words used in Mr Pratt's bill. He says on the one hand that it is not meant to change the definition of life; he then goes on to state explicitly that the offence is the destruction of the life of the unborn child. There is no construction possible other than it is his intention that the unborn child is inherently a separate life. The explanatory statement explains this provision in the same terms.

In his speech Mr Pratt says, "It is necessary that we send a message that we will provide protection for pregnant women and the unborn child." The bill therefore creates a dichotomy between the woman and her nascent child, which goes to the core of the abortion debate and all of the other reproductive debates.

I support the definition of birth that has been recommended by the Model Criminal Code Officers Committee to all jurisdictions in Australia. This is that definition:

> …a person's birth occurs at the time the person is fully removed from the mother's body and has an independent existence from the mother.

> The following are relevant, but not determinative, as to whether a person has been born:
>
> the person is breathing;
>
> the person's organs are functioning of their own accord;
>
> the person has an independent circulation of blood.

Last year, the New South Wales Court of Criminal Appeal upheld that for the offence of assault the fact that a foetus is human tissue connected to and inside the body of the mother is determinative. In 2003 the Court of Criminal Appeal, in R v King, said that the close physical bond between mother and foetus is such that, for the purpose of such offences, the foetus should be regarded as part of the mother.

There is another element of the proposal we are currently discussing that emphasises the dichotomy that it creates between mother and potential child—namely, the exclusion of the mother herself from being an offender. This element of Mr Pratt's bill had to be introduced because the construction of the proposed offence enables the nascent child to be killed, irrespective of the mother. In other words, the proposed offence creates a new personality that is not the mother, a new personality that is inside the mother but not legally part of the mother. In order to preserve the existing rights of the mother during pregnancy, the bill has to exclude the mother as an offender.

We are all aware of the discussion in New South Wales and Victoria about this issue. I am adamant that the policy aim can be achieved without opening old wounds in the Assembly and the community to fight over the spiritual, philosophical and ideological meaning of "foetus", and that question which we have pondered through the ages: when does life begin?

The government has announced that next year it will be implementing chapter 5 of the model criminal code, which deals with offences against the person. It was the government's intention that in the context of the implementation of chapter 5 of the model criminal code, it would introduce a number of offences to be made aggravated by the loss of the mother's pregnancy, serious harm to the pregnancy, or death or serious harm to the subsequent child.

In terms of the timetable the government has announced for the implementation of the model criminal code, chapter five will be implemented next year. As a result of the interest raised in this subject by the Assembly—indeed, it is a matter of moment in other jurisdictions, and perhaps in the community—I will discuss with my department whether we might advance chapter 5 ahead of the other timetabled introductions of chapters of the model criminal code, to deal with the aggravation of assault offences as a result of the impact of an assault on a woman who is pregnant.

I say it again: in the context of chapter 5 the government will introduce a number of offences to be made aggravated by the loss of the mother's pregnancy, serious harm to the pregnancy, or death or serious harm to the subsequent child. The offences of manslaughter, dangerous conduct causing death, intentionally causing serious harm, recklessly causing serious harm, negligently causing serious harm, intentionally causing harm and recklessly causing harm will be part of chapter 5 of the model criminal code,

and they would attract the aggravation of the loss of the mother's pregnancy, serious harm to the pregnancy, or death or serious harm to the subsequent child.

The government will also amend the sentencing principles in the Crimes Act to require the court to have regard to the loss or harm caused to pregnancy, or death or harm caused to a child after birth. The effect of making the loss of the mother's pregnancy, serious harm to the pregnancy, or death or serious harm to the subsequent child an aggravating feature would be to give the court a higher maximum penalty to apply to an offender in those circumstances.

For example, the offence of manslaughter carries a maximum sentence or penalty of 25 years, and the aggravated offence, which I have just foreshadowed, would carry a maximum penalty of 35 years. The maximum penalty for the offence of dangerous conduct causing death is 25 years' imprisonment, but for the aggravated offence involving a pregnant woman it would be 35 years.

This solution goes much further than Mr Pratt's bill because it covers all stages of pregnancy, from conception to the point of birth. By adding an aggravating feature to the offences I mentioned, we can address this issue—of grave concern to the community, and rightly so—without a debate that would divide the community and reopen the debate on abortion and the argument about the meaning and beginning of life.

Mr Speaker, the government opposes the bill, and I believe it important that this bill not succeed. In essence, Mr Pratt's bill seeks to create division between mother and foetus at law: a pregnant woman will be legally constructed as herself and her pregnancy as separate entities. The government advocates a solution we can all embrace, a solution that unites the community and supports the victim by focusing on the crime and on the criminal act.

MRS DUNNE (11.45): Mr Speaker, in the debate on a proposed amendment to the Human Rights Bill last week, I said:

> The logic works like this…women must have a right to abortion because they have a right to choose, and if the unborn child has rights that might interfere with the right to abortion, and therefore the unborn child has no rights. Therefore, the unborn child is not human…

I have a feeling that the opponents of this amendment did not care for the characterisation of their approach on that occasion. Today members have an opportunity to prove me wrong because, as my colleague Mr Pratt pointed out in the introduction to the in-principle debate, abortion is not the issue here.

We have had that debate, and I do not intend to reflect on it, as my views on the subject are well known and are superfluous here. But this is a case where you can provide some protection to the unborn without affecting access to abortion. There is very limited protection under civil law for the loss of a child before or after birth. Since a child is considered of very little economic value in this area, we rely on the criminal law. In fact, the Crimes Act provides some protection for the unborn.

I may have misheard Ms Dundas, but I thought that she said earlier in the day that we had taken away the provisions for child destruction. I checked again and saw that we had not. Section 42 of the Crimes Act says:

> 42 Child destruction
>
> A person who unlawfully and, either intentionally or recklessly, by any act or omission occurring in relation to a childbirth and before the child is born alive—
> (a) prevents the child from being born alive; or
> (b) contributes to the child's death;
>
> is guilty of an offence punishable, on conviction, by imprisonment for 15 years.
>
> 43 Childbirth—grievous bodily harm
>
> A person who unlawfully and, either intentionally or recklessly, by any act or omission occurring in relation to a childbirth and before the child is born alive, inflicts grievous bodily harm on the child, is guilty of an offence punishable, on conviction, by imprisonment for 10 years.

I hope members realise that what section 43 contains is still in the Crimes Act. These offences relate only to an act or omission occurring in childbirth and seem to be in stark contrast to the Chief Minister's argument that there is a longstanding legal separation between the situations before and after a child takes breath, or when the child is born alive, because there are still provisions in the Crimes Act that protect particular actions in the process of childbirth.

Surely, if we are to provide—to use the current Crimes Act terminology—a child with protection from acts or omissions in relation to childbirth, should we not extend this protection generally? In the human rights debate, some members claimed that the question of humanity of the foetus had been settled by a debate on the abortion legislation. I notice that the Chief Minister has resiled from that today. His arguments today were a clear departure from the position he took on the human rights debate on that very issue, when the government put forward a clear position that the humanity of the foetus had been settled by the abortion debate previously.

You cannot get from a view about the legality of abortion to a view about the status, or the rights, of a foetus except through the kind of twisted logic I outlined earlier, arguing backwards from the slogan: it cannot be human because, if it were, it would create conflicting human rights. It should be obvious to anyone who has given the subject a moment's thought that human rights often conflict and that the resolution of these conflicts is complex, requiring a hierarchy of rights and not the simple abolition of the rights of one party—or the abolition of one party.

One might have imagined that this question of the status of the foetus would have been discussed in the course of determining the legality of abortion. However, as I pointed out in the human rights debate, no one in the earlier debate ever referred to the status of the foetus except to argue that life and human rights began at conception. Nor did the passage of the Human Rights Bill determine that question. It limited the application of a

particular section relating to a particular right to persons "from birth". It did nothing more; it did nothing less.

So this is still an open question, as the Chief Minister has admitted today. Nor shall we, in voting on the legislation before us today, decide the question of when life begins. We are simply debating the extension of the protection of an existing provision to cover acts or reckless omissions other than those in relation to childbirth.

The bill rectifies an unintended consequence of the passage of the Crimes (Abolition of Offence of Abortion) Bill in 2001. The claim of that bill was to allow a medical practitioner to terminate an unwanted pregnancy with the consent of the pregnant woman in an approved facility. I can say with a fairly high degree of certainly that it was not intended to allow third parties deliberately, or through reckless indifference, to kill or harm a foetus through acts of violence occurring, needless to say, without the consent of the mother. Yet that is the effect.

Even under the previously existing provisions of the Crimes Act this protection was ineffective in practice. This was possibly a consequence of the general reluctance to prosecute those procuring abortions, and that extended to other offences. Even at the theoretical level this protection was incomplete. It protected the unborn from destruction but not from lesser harm. This legislation extends the coverage, analogously with the "Childbirth—grievous bodily harm" provisions in the existing Crimes Act, to prohibit deliberate or reckless harm as well as destruction.

Whether we recognise it or not, the abortion issue—which this is not—is about resolving conflicting claims of the foetus and its mother. This conflict has been resolved by the Assembly already. But here there is no such conflict. The interests of the mother and child are the same. The only question is whether we think those joint interests outweigh the interest in avoiding the consequences of their actions or reckless negligence of muggers, burglars, rapists; drunk, negligent or road rage affected drivers; and violent spouses.

Which claims will we support today—those of the mother and child or those of violent criminals? Would anyone in this place look into the eyes of Renee Shields—mother of Byron Shields who, according to the *Daily Telegraph* on 26 June 2003, died in November 2001 after his parents' car was rammed into a pole by a road rage driver—and tell her that she lost nothing of value?

MS MacDONALD (11.53): Mr Speaker, Mr Pratt's bill will create a dichotomy between mother and foetus in the context of the Crimes Act 1900. A pregnant woman will become two separate legal parts of the same person: a woman and a new legal personality—the unborn child. The creation of a legal dichotomy between mother and foetus has the potential to cause new legal and policy problems, especially for the rights of women, as demonstrated in the United States.

Rather than attempt to create a division between mother and foetus, the government advocates a solution that respects and supports the victim. Rather than attempt to create a division in the community, the government advocates a solution that respects everyone's spiritual, ideological or political point of view.

Mr Pratt's bill defines an unborn child as "a foetus at any stage of its development". In medical terms, an embryo develops into a foetus at six to eight weeks after conception. A strict application of the bill's definition arguably means that an embryo would not be covered by the bill's offences. Mr Pratt has not thought about how this offence might be prosecuted and how the structure of the offence creates the potential for the victim to be revictimised during a trial.

By stipulating a point during gestation, Mr Pratt's proposed offence places a burden upon the victim of the crime. The defendant seeking a technical means of avoiding conviction would look to the accuracy of the medical opinion that the victim was at least six to eight weeks pregnant. Women who lose their pregnancy during the first trimester could face a line of questioning seeking to establish the time of conception.

Questions about the victim's sex life could be asked as a means of trying to establish inconsistencies about the time of conception. When did you conceive? How often did you have sex? Is your husband the father? Do you have other sexual partners? Because the offence is so badly devised, it would become a trial about the victim's personal life and the conception. This type of questioning would simply add to the trauma experienced by the victim and her family.

A defendant might also call upon a plethora of doctors to offer a medical opinion that the victim had not reached six to eight weeks gestation or that there was other evidence to suggest the foetus was already not viable or damaged. Did you have any accidents prior to the incident? Are there any ultrasound records? What do your doctor's notes say about the health of the pregnancy? The prosecution would need to counter the defendant's medical evidence with its own medical evidence. It is highly probable that many trials would focus on conflicting medical opinion about the status of a foetus rather than the act that led to the end of the pregnancy.

There are other negative ramifications for women. In the United States this kind of law expanded in the late 1970s and early 1980s in response to motor vehicle incidents and attacks on pregnant women. Since that time the legal construction has evolved in a way that enables third parties to intervene, through civil law, in a woman's pregnancy and for courts to make orders contrary to the mother's wishes. These cases create an adversarial relationship between the mother and her foetus. In some cases the mother's rights were subordinated to the legally constructed interests of the nascent child. We can learn from these negative experiences. We do not have to take this path, which divides a pregnant woman into two legal entities.

There is yet another danger to the interests of women. In a criminal context, a simple amendment to the offence proposed by Mr Pratt would transform the offence from one that deals with actions by other people against the mother to one that includes actions by a pregnant woman against herself. This creates a real potential for revisiting the abortion debate. Not only that, it creates the potential for third parties to allege that the behaviour of the pregnant woman is causing harm to the foetus.

In his presentation speech, Mr Pratt argued that his bill is about protecting women in cases of domestic violence. The government is taking considerable steps to address the issue through a strategy of prevention and support for women at risk of violence or

experiencing any form of violence. In April 2003 the government tabled *Justice, options and prevention: working to make the lives of ACT women safe*, and in May 2003 it tabled the government response to the select committee report *The status of women in the ACT*, of which the government agreed to all of the recommendations regarding violence against women. The government is taking a proactive approach by providing the community with more options and means to prevent violence.

Every woman who loses her pregnancy or her newborn child experiences her loss in a different way. Each woman has a different response, based upon her cultural and spiritual beliefs. Her grief and anger will be particular to her. Describing what is lost will also be shaped by a belief of what has been lost. Trying to interpret these feelings in law and identify what is lost is extremely complex. What is self-evident and demonstrable in all cases is that any harm to the pregnancy, whether defined as a child or potential child, can only occur by harming the mother. In terms of current criminal law, it is not possible to harm a foetus without harming the mother.

Referencing the mother and the consequences of the offence against the mother as the focus of an offence and aggravation of an offence is a proposition that addresses the loss itself without having to enter into the debate about the spiritual or ideological nature of the loss. Rather than attempting to create an offence that inadvertently creates a dichotomy between mother and foetus, creating an aggravation of offences against the person is an approach that supports the victim and accounts for the crime.

When we had the debate about abortion, however many months ago it was, I said that I would never find that speech easy to give. Although Mr Pratt has said this is not re-opening the abortion debate, it is actually opening up the issues again. It is being suggested that we take into account the amount of stress that is caused a woman by the loss of a child through domestic violence or a car accident. I believe that the government is addressing these issues in a much more comprehensive and workable fashion. I appeal to the Assembly to vote against this divisive bill.

MR STEFANIAK (12.00): Mr Speaker, the point raised by Ms MacDonald about re-opening the abortion debate is a common fallacy when debating this bill. Mr Pratt quite clearly is not re-opening that debate. If people want to fall into that trap they can. But that is incorrect when you look at this legislation. In 42A (1) he specifically excludes the abortion debate from the actual bill itself, and he makes that point quite clear. This is about an entirely separate issue. If people want to confuse it with abortion they can, but I think they muddy the waters by doing so.

It is not as if this is a new area either. In New South Wales, Bob Debus has indicated that they are going down this path. I am not sure if he has introduced legislation yet, but he has certainly indicated an intention to do so. In Queensland there is a fairly similar law to this, and in a number of American states there are laws in relation to this.

I will speak on a couple of points raised by some other speakers to date. Ms Dundas has asked why we need a law like this. Why not have a law against murdering gays, for example? I point out to her that we do have separate laws here and that racial vilification laws have been in since 1991. We now have gay vilification laws, and those are separate. According to her logic, those are very similar to this, so why on earth is she not

supporting this? There is no logical difference between that and the separate laws for racial and sexual vilification, which we already have on the statute books.

I cannot see how on earth the Chief Minister can call this ideological and say it is dividing our community. I do not think a law like this remotely divides our community. I would have thought our community is very supportive; it would be a very uncivilised community if it were not. I hope our community is supportive of pregnant women. Throughout history report has been made of pregnant women and the fact that, from time to time, as a result of their condition, special consideration needs to be given to them because they are carrying in their womb—whichever way you want to look at it—a life, a baby that is going to be born.

For the Chief Minister to say that this is ideological and will divide our community is arrant nonsense. I am reading a book, which the Chief Minister read and recommended to me, called *Berlin.* Horrendous atrocities were committed by both the Nazis and the Soviet forces in the conflict in that city, and reading of that reminded me of dreadful offences against women. Particularly nasty offences occur throughout history in times of conflict. For example, one record shows that "the mother was eight months pregnant, and both she and the child died."

A sad reference quite often crops up, among atrocities committed throughout history, to pregnant women being murdered and the child in her womb being murdered as well. That is how it is recorded. I think that most people in our community would think it dreadful if someone set out deliberately to hurt a woman who is pregnant—to hurt the unborn child and to hurt the woman as well.

Mr Pratt is seeking to overcome a gap. The Chief Minister himself has actually indicated that there is a gap in the law. "But don't you worry. We'll fix that. We'll put that in with part 5 of our criminal code. Sorry, we're going to do that next year. There's no need for this. Mr Pratt, you can just wait. It doesn't matter about this. We will do it properly; we will do it better."

Mrs Dunne: And the mothers of Canberra can wait.

MR STEFANIAK: Exactly. My colleague Mrs Dunne says, "The mothers of Canberra can wait." Mr Pratt is seeking to introduce a law that will offer some protection to women and their unborn children in that situation. I do not expect this will be used very often in the ACT—then again, a lot of our laws are not. But that is no reason not to bring in laws, and this will offer some form of protection.

All right, in 12 months time it may be gazumped by part 5 of the criminal code—whether it is Mr Stanhope who brings it in or whether it is this side, if we happen to get into government in October.

Mrs Dunne: It'll be you, won't it, Bill?

MR STEFANIAK: It might well be me bringing that in. I would be quite happy to; I brought in part 1 of the criminal code. That sounds eminently sensible. And yes, the whole code might be a bit more comprehensive. It is. We will be doing part 3 tomorrow,

and, yes, that is comprehensive and pretty good stuff too, so I am sure part 5 will be pretty good stuff.

That is a puerile excuse. It is as if Mr Pratt were gazumping the Chief Minister on something. Oh dear, we can't have that! You can't gazump him. This has been on the table since 2002. I can remember assisting Mr Pratt with this in its early stages. It has been around for a long time. It is not something he has put down very recently. This has been here for well over 12 months, so people have had ample time to look at it. Indeed, the Chief Minister has probably had ample time to do something about it. But, oh no, he is going to do something in 2005.

Mr Pratt's bill will at least offer some protection between now and when part 5 comes in. We have not seen part 5, so we do not know what is in it. It might well be that in certain areas Mr Pratt's bill is far better than what might be coming in now. I think it is very worthy of support.

It is all very well for Ms Dundas to say that the court will naturally take these things into consideration. It does to an extent, but it can only do so to an extent. As an ex prosecutor, I can recall some—thankfully, very few—instances where the defendant deliberately aimed to hurt his pregnant wife or girlfriend. It was not so much strangers; more often they had a relationship. But he deliberately sought to hurt the unborn child, and all we had for dealing with those cases was the current law for assaults, malicious wounding and injuries, et cetera. That is all we had to deal with them.

Those offences are particularly nasty, and a law like this one that Mr Pratt is seeking to introduce gives further protection. It also gives further options to the court for punishing a wrongdoer for that most of heinous offences—assault on a defenceless, unborn child and a largely defenceless woman. There are thankfully very few of these offences in our community, but they nevertheless do occur—even in the ACT from time to time. I can probably count on one hand the number I saw in my 10 years of prosecuting, but they do occur and, sadly, they might continue to occur.

We need proper laws in force to ensure that perpetrators of these most heinous offences are brought to justice and are dealt with according to proper laws that relate to these individual cases. That is what Mr Pratt is seeking to do. He is not seeking to open an adjournment debate. As I said earlier, I offered him some assistance when we talked about this. He specifically put in 42A (1) to show to all of you that he is not talking about abortion; he is talking about particularly nasty offences and this legislation is worthy of support in this Assembly. It is a great shame that people are confusing the two and that he is not getting the support he deserves for this bill.

MRS BURKE (12.08): Mr Speaker, this debate is surely about the rights of the unborn child, and I applaud Mr Pratt for putting forth—very bravely, flying in the face of everything that we have debated in this place over the last few months—the rights of a mother and her unborn child. I will go into the rights of the mother in a moment.

The debate is a debate over the rights of a woman to be compensated for her loss. We are not talking about handbag snatchers; we are talking about human life. Whilst Mr Stefaniak and Ms Dundas have both said that there are laws to protect such actions of

the perpetrator under civil law, what about human life? There is currently no protection for the life of the unborn child, and Mr Pratt is seeking to reverse that situation.

I wonder how many women, who have lost babies because they have not gone full term as a result of physical crime against them, the government has consulted with. I note with interest Mr Stanhope's comments: "ideological", "no consensus in the community", "an unborn child needs to be a separate person away from the mother," "legal", "spiritual", "social", "economical", et cetera.

When does life begin? That is a big debate, and it is very important that we have this debate right now. We cannot simply put a bandaid over it and say, "This is when life begins" and draw a line—and that is it. Mr Pratt has actually gazumped the government, and it will have to go back to the drawing board, as was indicated by the Chief Minister earlier this week when he said, "We will think about that next year."

The government does not want this topic to surface, because the jury is still out. It flies in the face of all that Mr Stanhope and this government stand for, so how on earth could this Labor government agree with the bill? The human rights bill does not recognise life until the baby actually pops out of the womb and can live unaided. This is an extremely contentious issue—I had to smile when Mr Stanhope said that Mr Pratt's bill was divisive.

Indeed, we have said that under civil law there are opportunities for the perpetrator of such a crime against a woman to be prosecuted. However, to that woman her unborn child is a real and growing person. Indeed, if people have been keeping up with the media, they will have seen some exceptional foetoscopy in the *Daily Telegraph* on Saturday 6 March.

We need to be extremely careful about the path we are travelling down. We need to be very careful that we have not got to a place where we think, "We've arrived. We know exactly when life begins and ends. We've got it all right." No, we have not. The author of the article, the science writer for the *Telegraph*, Simon Benson, wrote:

> The images are provoking. They present another way of looking at the question of when human life truly begins. …
>
> The images of early, tiny embryos were taken using a specially designed wide-angled camera—only 1mm thick—which was inserted through a fine needle.

How can we not accept what Mr Pratt is proposing? How can we say that there is no consensus in the community? Always err on the side of caution, then. It is not a debate about abortion; it is a debate about the rights of a woman to be protected if she is attacked and as a result of which attack, her unborn baby dies. We have laws to protect her when her handbag is snatched, as I have said.

I will stand corrected on this, but I understand that a death certificate must be issued for a child that dies having not gone full term at 20 weeks and/or weighing 400 grams. How can a death certificate be issued when there has not first been a life? Isn't a death certificate issued when a person dies? We have a problem. Something is growing and developing in the womb, as some photographs—which other members may see—clearly

demonstrate. Veins, calcification and other things are happening, and we do not call it a human life.

We think we are all on safe ground when we can stand up and say, "That's all right. It has to be unaided from the mother." Why do we give death certificates then? We all know that babies in the womb kick and express emotion. We have heard research from America, which perhaps challenges your personal position, Mr Speaker. They are now suggesting that unborn children are given medication so that they do not feel pain before evacuation or abortion.

Whilst there are huge uncertainties for some people in this place, I fully believe and understand where life begins. It took me a long while in my life to realise where life begins. I have had a miscarriage in my life and looked into why that happened. I have also talked to women who have lost babies and had miscarriages. I do not want to go down that track, but I do want to protect unborn children. They have rights, too. Why do we give death certificates if they do not?

While we are so uncertain about when life begins, how can we not safely implement Mr Pratt's Crimes Amendment Bill? What is the harm in doing so? I am sure that any level-headed person would err on the side of the precautionary principle. This is an extremely sensible approach to offering protection for the unborn child. Mr Pratt has my unequivocal support.

MS TUCKER (12.15): The Greens will not be supporting this legislation, the reason being mainly to do with the way this bill is framed. It is clear from Mrs Burke's presentation that this is obviously connected to the debate about abortion, despite Mr Pratt's protestations to the contrary. It raises exactly those questions. However, in his presentation speech Mr Pratt said it was not about that; it was about dealing with violence against women. I am interested in pursuing how best to deal with violence against women because that is something I am very interested in and something I am recorded in this place as having had an interest in.

I have to agree with the Liberals on one point. Mr Stefaniak said, "Why hasn't the government done something about this before?" I certainly agree with that. I have found it interesting and frustrating that it has taken so long for the government to amend the criminal code. I do not know what the reasons are; however, I am very pleased to see today announcements by the government to amend the criminal code.

I think Mr Stefaniak is wrong to suggest that this is about them not wanting to be gazumped by Mr Pratt. What Mr Pratt is doing is very different from what the government is doing, so you cannot use the notion of gazumping when the approach of the government is so different—although it ends up with the same intention of dealing with serious assaults or violence that result in a pregnant woman suffering miscarriage or damage to the foetus.

In the Crimes Act 1900, and in the criminal code comments of the Chief Minister, it is clear that amendments need to be made to offences against the person as well as to the section on sentencing, where you have matters to which the court has to have regard. But even without those amendments, in the case of R v King where there was a stillbirth as a

result of assault, the New South Wales Court of Appeal found aggravated assault because of the fact that that woman was pregnant. So this is occurring anyway.

I am very pleased to see what the government is doing here: amendments will be made to the offences of manslaughter, dangerous conduct causing death, intentionally causing serious harm, recklessly causing serious harm, negligently causing serious harm, intentionally causing harm and recklessly causing harm. This will mean having the capacity for aggravated sentencing. I understand from what Mr Stanhope was saying that 25 years would go to 35 years if an aggravated offence was established by the fact of the woman being pregnant.

I will talk to some of the issues in Mr Pratt's bill that concern me, apart from the fact that it basically defines a foetus as distinct from its mother. This obviously suits the philosophical and religious views of everyone, as I understand it, in the Liberal Party. It raises some obvious serious legal questions, which is a debate that the Liberals want to have. They have made that quite clear, and that is the debate we have already had with abortion. Because I am interested in dealing with this kind of violence against women I think that what the government is doing is much better.

Going back to the concerns I have about Mr Pratt's bill, what does "usual and customary standards of medical practice" mean when we are looking at where these offences, or this section, do not apply? Subsection 42A (1) (b)—anything done by a pregnant woman in relation to her own unborn child—is interesting because that is an exemption; the section does not apply to that. But what would happen if the woman and father of the foetus did something in some way, or the woman and her mother did something? That is certainly the case in traditions where they seek to cause a miscarriage—for example, through herbs and different cultural remedies. If something is done in that way, why would that make that other person more culpable than the woman herself?

I am also interested in the definition that Mr Pratt uses, which is extremely broad: "unborn child" means a foetus at any stage of its development. Ms Dundas made those points as well. I do not think it is a well-crafted bill. While I share the concerns of the Liberals about how long it has taken the government to do something about amending the criminal code, doing that is a far better approach to dealing with this issue.

I would also like to make a couple of comments about violence against women generally, which Mr Pratt claims is the basis of this piece of legislation. It is important that the Assembly address this issue, and I would like us to have a very good look at the incidence of domestic violence within our community at the moment. I am getting emails from men in our community who are very angry about our domestic violence laws.

That has again raised the question for me of how else we can deal with this problem in our society. There are some men who feel that our laws are not fair to them and, obviously, that has been argued against by many people in the community. For me the key question is not so much whether men are unfairly done by as why it is that we still have such a high incidence of domestic violence. What are we not doing as an Assembly or as a community to reduce the incidence of that violence?

When we were doing the inquiry into the health of school-aged children, the whole question of violence in our community came up: what we were telling our children, the

broader question of violence on the television and violence against women on the television. I have been really concerned to see how many programs on television now deal particularly with crimes against women. You see women raped and attacked regularly on ordinary TV programs. This is not about getting horrible X-rated, very violent videos; this is normal television watching.

I am interested in our community response to that media impact. I would love to see in our schools a much greater interest in and focus on allowing young people to analyse media in this capacity and to work with our community in any way we can to address the violence that so many men unfortunately still feel is acceptable.

I am potentially interested—this Assembly may not have time now—in having a good look at how we can support initiatives and programs that will seriously challenge the violent culture that still exists at an unacceptable level in our community. I look forward to being able to work with Mr Pratt and the Liberals at least on that.

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

Sitting suspended from 12.26 to 2.30 pm.

Questions without notice

Oxygen supply subsidy

MR SMYTH: My question is to the Minister for Health. Mr Corbell, some five weeks ago you told 2CN radio and WIN news, in relation to Ms Cahill Lambert's need for oxygen:

> We think we can get it for about $250 per month and we are prepared to meet half of that cost and we've got Medibank Private to agree to meet half of that cost.

Apparently this plan did not work out. Yesterday, after more action from Ms Cahill Lambert and my question on the subject, you advised the Assembly that on Monday Dr Sherbon made a formal offer to Ms Cahill Lambert of $250 per month to assist with oxygen. In conversations with me and on radio this morning she stated that she did not receive the formal offer until Tuesday at 11.00 am. Why did you claim that the offer was made on Monday when Ms Cahill Lambert received the fax only yesterday? Why has it taken so long for the revised offer to be made to her? Will you review the guidelines for the oxygen at home program?

MR CORBELL: No, I will not be reviewing the home oxygen program. As I indicated to the Assembly yesterday, the government, through the chief executive of health, Dr Sherbon, contacted Ms Cahill Lambert on Monday and advised her of the government's offer. That was followed up with a written offer, which I assume is the communication Ms Cahill Lambert is referring to.

MR SMYTH: I have a supplementary question. Ms Cahill Lambert told me that she had no communications with Dr Sherbon on the Monday. She received the fax timed in on her fax machine at 11.15 on the Tuesday. The email sent was clocked in at 11.39 on the

Tuesday. How did the department contact Ms Cahill Lambert if they claim it was done on Monday?

MR CORBELL: I am advised that Dr Sherbon was in contact with Ms Cahill Lambert on the Monday. Given Mr Smyth's claims, I will check that. But that is my advice.

Bushfires—cabinet briefing

MRS DUNNE: My question is to the Deputy Chief Minister, Mr Quinlan.

I refer to your reply to a question from Mr Stefaniak on 3 March this year. You said in relation to the 16 January briefing that you recalled being told at that briefing that the Monday would be a "40-year fire event". You said:

> I recall thinking that the bushfires might be worse on the Monday and that even though I had not been directed to return to Canberra on the Monday I, as minister, should be there.

If, as you said last week, the day of concern was Monday, 20 January, what additional arrangements were put in place to protect the vulnerable suburbs of Canberra on 20 January?

MR QUINLAN: I should not answer that, in as much as it is not my portfolio to answer. I will just confirm the first part. If I said it was a "40-year fire event", I meant to say it was a "40-year weather event" because that is what we were told.

Mrs Dunne: That is what I said too: "40-year weather event".

MR QUINLAN: I wrote down "fire". Anyway, let's not quibble. As long as the Assembly understands that the cabinet was briefed on that day that there would be a 40-year weather event. We talked of how close the fires would come to Canberra, and there was discussion of something maybe even a bit worse than the 2001 event, which you will remember we all celebrated as being a very successful fight against the fire.

For my part, while I have the opportunity, I would like to inform this house that nobody talked of firestorms or 60-foot walls of fire—even for Monday or Saturday. We talked about the possibility of the bushfires reaching the edges of Canberra. That is a wholly different scenario to what actually occurred. That is certainly what was communicated. We are mature enough here and have been around long enough to understand that any briefing like this has a tenor or an atmosphere about it. The atmosphere was one of concern—yes—but not of any impending disaster. People ought to understand that.

Whatever politics you want to wring out of it, please understand that a responsible group of people—no matter who they are; whether on this side of the house or the other—would not have acted as they did in going about their business and their various duties had they been warned in any way that there was going to be a huge firestorm that leapt clear ground kilometres at a time and blew 32kV lines out of the ground in Chapman. Nobody spoke in terms of that sort of event; nobody hinted at that sort of event. And I am fairly certain that nobody on the briefing side—rather than those being briefed—had any concept that the firestorm that struck Canberra was a possibility.

MRS DUNNE: Mr Speaker, I have a supplementary question. Why was no warning apparently given or discussed, given your statement now that the fires were probably going to be worse than the previous Christmas and that there had been talk of the possibilities—this is what you said—of the fire reaching the urban edge? Warning had been given at Christmas 2001; why did you not discuss warning this time?

MR QUINLAN: Again, it is not for me to answer that; it is not my portfolio. But as part of cabinet, there are a few observations that I am happy to make here. At the time I recall that there was considerable discussion in the media. There were daily reports of the fires, and there were maps in the paper. I think that the town—people in Canberra generally—understood that there were bushfires, that those bushfires were proving difficult to control and that they were headed towards Canberra. I think all that was common knowledge.

If I might make a further observation for my part, had there been mass evacuation on the Saturday evening or if people had been marched out on the Friday, we would not have lost 500 homes. We would have lost thousands.

Gungahlin town centre

MRS CROSS: Mr Speaker, my question to the Minister for Planning, Mr Corbell. Minister, on 4 March the president of the Gungahlin Community Council wrote to me, and I would like to read part of that letter before asking the question. The letter stated:

> The Gungahlin Community Council wishes to express its utmost concern with what we believe are pressures on the Minister for Planning, by the proponents of the Development Applications for Section 13 and 14, Gungahlin (Coles and Woolworths) and ACTPLA, for the use of "Call-in" powers to be used to approve these two developments that fail to meet the spirit and intent of Variation 53 and applicable relevant planning and control guidelines.

Minister, have you met with the delegation from Coles Myer and/or Woolworths recently to discuss the development applications at the Gungahlin town centre? If so, did your conversation with these developers include a request from them for you to use your call-in powers in relation to proposed developments in order to bypass the planning process, or, indeed, have you been advised to do so by your department?

MR CORBELL: I thank Mrs Cross for the question. Mrs Cross, it is not the role of ACTPLA to advise me on whether or not I should exercise the call-in power. Under the act, that is my responsibility and the responsibility of any minister for planning.

Yes, I have met with representatives of Coles and I have received written representation from representatives of Woolworths in relation to their proposed developments at Gungahlin. I do not intend to go into the detail of those discussions that I have had with them—it was a private meeting—but I can indicate to the Assembly that they have indicated that they would like me to consider the exercise of the call-in in relation to those two developments, and that that is something on which I have sought further advice from the planning authority in relation to not the appropriateness of exercising the call in but in terms of the planning issues they are raising and the planning issues that the developments themselves raise. That is the status of those applications at the moment.

MRS CROSS: Mr Speaker, I ask a supplementary question. I thank the minister for the answer. Minister, are you prepared to table in the Assembly the criteria that you are going use to base your decision on whether you do or do not use your call-in powers, given that we have had issues with call-in powers recently? It is a very controversial issue. Are you prepared to raise that issue with the Assembly before you make a final decision?

MR CORBELL: Under the Land Act the exercise of the call-in power is vested in the minister. It is not a decision of the Assembly. Indeed, the Assembly indicated on a previous occasion earlier this year that it does not want to get involved in deciding whether the exercise of the call in is appropriate.

The criteria for the exercise of the call in are set out in the Land Act, which, of course, is publicly available. It is also set out in Labor's planning policy, which outlines some additional criteria that I, as a Labor Party minister, will abide by. So those criteria are already publicly available.

Community services

MS MacDONALD: My question is to the Chief Minister. I understand that the government has altered the manner in which it funds the provision of community services through the community sector. Chief Minister, can you tell the Assembly why the government's new community sector funding policy was introduced and how it operates?

Mrs Dunne: I take a point of order, Mr Speaker. Has this policy been announced already? Is it available policy?

MR SPEAKER: I do not thinks that it asks for a policy to be announced.

Mrs Dunne: Okay. I am just checking.

MR SPEAKER: That's good.

MR STANHOPE: Community services worth approximately $70 million per annum are funded by the ACT government and are overwhelmingly provided by the community sector.

Upon taking office, the government committed to a review of service purchasing arrangements in order to enhance the viability of non-government organisations to provide services to the community and to improve the quality of services provided by them to the community. Accordingly, in December 2002 a working group convened by the Chief Minister's Department commenced a review of service purchasing arrangements in collaboration with the community sector in order to identify necessary reforms. The working group developed the community sector funding policy.

The community sector funding policy commits the ACT government to a partnership approach, whilst still operating under the Government Procurement Act 2001. The policy is a key element of the building a stronger community flagship of the Canberra social

plan that I have spoken about previously in the Assembly, a plan which has been embraced by the entire community sector—indeed, by almost all parts of Canberra—and which I released last month. The flagship is a direct result of our support for the principles endorsed in the social plan—valuing and investing in our people and the community.

The policy affirms the importance of the community sector and its place in the planning, policy development and management of funding agreements between government agencies and community organisations. The government wants to ensure that community services are well targeted, that they are linked with other services, where appropriate, and that they provide value for money.

Key elements of the policy that stand out for both government and the community sector include: the adoption of a whole-of-government approach to community sector funding and a commitment to the streamlining of the contractual process; three-year funding cycles which will boost the viability of the community sector through the security that longer-term funding arrangements can provide; multiyear funding agreements for performing services and the inbuilt capacity to accommodate new service providers who feel that they have a service to offer to the community; and joint professional development and training programs to enable ongoing quality control and, indeed, ongoing quality improvement for all services provided by the community sector through the agreements.

The policy will also allow the community to have confidence in the government's capacity for flexibility and adaptability in accommodating and responding to the changing needs of our community. Most importantly, the new policy approach will bring to an end what many regard as the disastrous adversarial nature of the purchaser/provider model for community services which was developed by the former government and which was universally condemned by the community sector.

Child protection

MRS BURKE: My question is to the Chief Minister and Attorney-General, Mr Stanhope. I refer to a letter, which the opposition has obtained under freedom of information legislation, to you from the Community Advocate, Ms Heather McGregor, dated 23 January 2004, outlining her efforts to ensure that she was advised of all reports concerning abuse of children in care. The Community Advocate states:

> On 10 September 2002, I wrote to Ms Fran Hinton and Mr Tim Keady, providing them with an advance copy of the OCA inquiry submission to the Standing Committee on Community Services and Social Equity's inquiry into the rights, interests and wellbeing of children and young people, and advising them that we would also be appearing before the committee.

Chief Minister, did Mr Keady advise you of the Community Advocate's letter and the contents of her submission to the Standing Committee on Community Services and Social Equity on 10 October 2002?

MR STANHOPE: Not to my knowledge, and not to the knowledge of Mr Keady. I spoke to Mr Keady last Friday after Ms Burke's release was issued and I asked him about the letter and the advance copy of the submission that he had received from

Ms McGregor. He advises me that he did not provide it to my office. I asked him for the basis on which he made that decision and he said he made the decision on the basis that it was not a matter relevant to my portfolio responsibilities; it was a matter for the department of youth and family services. He noted that the submission had been referred to the chief executive of that department. He also made the point to me that he assumed—he was going back some time in the context of the decision he made—that the submission had also been made at the same time. In the context of this advance copy, I think Mr Keady had assumed that by advance copy it meant that he had been provided with a copy of the submission at the same time as it had been provided to the committee. Mr Keady made the assumption that it was in the hands of the committee; that it would be made public; that, in being made available to the committee, it was made available to a member of the government, a member of the Liberal Party and a member of the crossbench; that it would be authorised for publication; and that through its authorisation on that same day it would be made available to all 17 members of the Assembly. Mr Keady took the position and made the assumption that I think all of our chief executives make in relation to all submissions that are lodged with Assembly committees for the purpose of their inquiries—that submissions through that process are made available to the entire Assembly. In that instance, of course, it would have been made available to a member of the Liberal Party. I do not know who the Liberal Party member of that particular committee was. Nevertheless the submissions came to the Assembly, came to the inquiry and were made public. And I repeat: the short answer to the question is no.

MRS BURKE: I thank the Chief Minister for that response and ask as a supplementary question: did you meet with the Community Advocate at that stage to discuss her concerns, as Mr Corbell did when he was advised of the contents of this report, or did you rely on members breaching standing order 241?

MR STANHOPE: The answer to the first question is no—and I do not know what standing order 241 is, so I cannot answer that.

Green power

MS DUNDAS: My question is to the Minister for Environment. I understand that the government has backed away from a commitment of moving to 100 per cent purchase of green power by ACT government agencies, indicating that you will pursue energy efficiencies instead. Can you please inform the Assembly of the target you have set for reduction in energy consumption by the government agencies? By what percentage have greenhouse gas emissions by government agencies reduced since Labor took office?

MR STANHOPE: Off the top of my head I cannot answer those questions. I am more than happy to get the statistics that you seek. Suffice it to say, the government has been reviewing the greenhouse strategy that has now been in place for some years. It is now at a point—as you are aware, a discussion paper about that was issued; the greenhouse strategy is being finalised—where the matter will very shortly be finalised. I do not have in my mind the timelines that we are working to in relation to that.

There has been a significant shuffling of the target and, indeed, the timelines incorporated within the strategy as a result of the research done over the last year. Analysis is being done of the extent to which targets previously set have been met. I can

advise—I can do it only in the broad today—that the targets and the reduction in greenhouse emissions achieved over the period since the greenhouse strategy was accepted are in no way being met. I am now advised that the target date that was established of a reduction of I think 2008 is now simply unachievable. We are adjusting the targets and our assessment of our capacity to meet them.

MS DUNDAS: I ask a supplementary question. We will wait to see that information to see how achievable any targets will be. Have greenhouse emission considerations been incorporated into the government asset management strategy? If not, will it be part of the new greenhouse strategy that you say will be presented shortly?

MR STANHOPE: These issues around the role and the leadership that both the ACT government and the Commonwealth government need to take in relation to greenhouse gas emissions are very much part and parcel of our strategy and our capacity to meet the targets.

As you are aware, the two main contributors to greenhouse gases in the ACT are motor cars and electricity consumption. To some extent, issues around electricity consumption are the more difficult or the more problematic for us to deal with. Accepting the role, size and influence of the Commonwealth and its institutions, and the extent to which the Commonwealth consumes power in the ACT, we will ensure that the ACT government, through its consumption of energy of both those forms, works in tandem with the Commonwealth to ensure that both governments located here in Canberra, in the national capital, play a role in ensuring that we provide leadership in the reduction of greenhouse gas emissions.

I will provide Ms Dundas with as much information as I can on those issues and questions she has raised. I am aware that that answer is a little iffy. I am more than happy to provide you with what information I can, acknowledging that we are working towards the release of the strategy.

Child protection

MR CORNWELL: My question is to the Attorney-General, Mr Stanhope. Attorney, on 4 December, Mr Hargreaves asked the Community Advocate, in your presence, a question about her annual report stating that family services were still in breach of section 162 (2) of the Children and Young People Act. The community services and social equity committee asked you a question on notice about section 162 (2) reports to the Office of the Community Advocate on 8 December 2003, as follows:

> Could the Attorney-General please comment on the Government's approach to Chief Executive Officers that are reported to have failed to comply with their statutory obligations?

This question to you of 8 December seems to have sparked a sudden burst of activity by Ms Gallagher's department. The director of family services met with the Community Advocate on 10 December to discuss this issue and agreed to supply the outstanding reports from July 2002 to the Community Advocate by February. Secondly, a draft abuse in care policy was discussed with staff on 11 December and was presented to the substitute care sector on 11 December. Finally, the notorious brief was faxed to

Ms Gallagher on 11 December 2003 advising her of the breaches of the Children and Young People Act and referring specifically to the question to you from the CSSE committee.

Attorney, why was there this sudden burst of activity on this issue after Mr Hargreaves sent the CSSE question of 8 December 2003 to you?

MR STANHOPE: To some extent, actually almost to an entire extent, Mr Cornwell asks me to delve into the minds of those that actually precipitated that activity. I honestly cannot say what the motivation was for anybody that led to the activity that you have referred to. If you are asking me why a particular brief was written or why a letter was written, I honestly have no idea, excepting, as Ms Gallagher has explained in close detail over the last couple of month, that it was at the time of the tabling of a response in relation to these issues that Ms Gallagher's department briefed her on the existence of an ongoing concern, namely, the concern identified by the Community Advocate and the reports that, likewise, have been a matter of some debate in this place that Ms Gallagher acted.

You have outlined a history of the two or three days prior to Ms Gallagher being formally advised by her departmental head of the particular issue that was the subject of these concerns. It may be, Mr Cornwell, that it was as a result, as you say, of the question that Mr Hargreaves asked on behalf of the committee. I do not know; I have no recollection of that.

I have a recollection of the question that Mr Hargreaves asked of Ms McGregor. My recollection is essentially as a result of having subsequently read the *Hansard* transcript, I have to say. It is not a question that I took particular note of at the time. I do not know whether my sanguinity was a result, Mr Cornwell, of the fact that you, sitting in the committee and also being part and parcel of that discussion, did not respond in any way or ask any questions of your own that may have led me to pay the level of attention that I might otherwise have done.

I cannot answer for you either, Mr Cornwell, in terms of your complete absence of response on that occasion. I simply cannot delve into your mind. That would be interesting, but I am afraid I cannot; nor can I speak for the motivation of those others that took the steps that they then took, just as Ms Gallagher has sought to explain but cannot fully explain the timing or the sequence of events that confronted her in relation to this issue.

I have watched, listened and responded to your questions in relation to this issue, but the fact of the matter is—and we have explained it and acknowledged our deep regret—that there was over the last two years a range of signals in relation to an ongoing administrative failure, namely, a failure to respond appropriately to a legislative requirement in relation to the need to report actions being undertaken in family services to the Community Advocate.

That is regrettable. It is unacceptable. The government has expressed repeatedly that it is unacceptable. It has expressed repeatedly its deep regret that a number of signals that perhaps should have been accepted and responded to were not. It has expressed its regret

that assurances that were given—I think most notably to Mr Corbell—that matters were in hand, on reflection, were not maintained, kept or honoured.

These are matters of enormous regret. It is a result of that that Ms Gallagher has responded as she has—immediately, forthrightly, directly—to deal with this major breakdown in systems, circumstance and responsibility. There is now a major inquiry under way into every aspect of the operation of family services—indeed, our arrangements in relation to child protection. The response was generated by the government. It is full and it is completely open. It was generated by us. We have not sought to hide or cover up anything. We are now awaiting the responses to that. We have acted appropriately. Ms Gallagher has shown integrity and genuine leadership in relation to this issue and I applaud her for her responses.

MR CORNWELL: I have a supplementary question. Attorney, was it your office or your department that advised Ms Gallagher's department about the question on notice you had received from the CSSE committee on 8 December?

MR STANHOPE: I have absolutely no idea.

Private developments—traffic arrangements

MS TUCKER: My question is to Mr Corbell. Mr Corbell, yesterday I asked you a question about Whitehaven and the inadequate traffic arrangements in that estate, and you explained that that was a responsibility of the last government and that your government was dealing much better with these issues. You said:

> 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 that involves public/private roadway interaction.

You also said:

> 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.

I am concerned because, while you are giving us that reassurance, I know that since you have been Minister for Planning I have talked to you about a couple of developments where there have been serious concerns expressed by constituents and residents about this process. One in particular was a development in Turner, block 9-11 of section 63, where I have been told categorically by two residents that, in discussions that they had with city management, they were told that they would not approve the traffic arrangements for the development; yet this advice was ignored and the development was approved. So my question to you is: what importance is placed on advice regarding roads and traffic from city management when development decisions are made? Perhaps you will need to take this part on notice: how many other occasions since you have been in government has traffic and roads advice from city management been overruled or ignored by PALM and ACTPLA?

MR CORBELL: That is the claim. Whether or not it is accurate is something that I will need to check. But that is the claim that Ms Tucker and her constituent are making. I am happy to investigate the particulars of the case that you raise, Ms Tucker. What I can say in general is that, of course, the advice of all agencies that have a role to play, whether it is waste management, traffic and roads or a range of other, say, utility providers like ActewAGL, is taken very seriously because they are fundamentally the experts in that particular area and they feed into the overall development approval process. At the end of the day, a development approval is a complex thing that has to try to bring together all those different elements. I am happy to check the details of the particular circumstances that Ms Tucker outlines and to provide further information to the Assembly.

MS TUCKER: Thank you. To follow that on, could you table by close of business city management's comments on traffic advice on that particular proposal?

MR CORBELL: I will undertake to get that information to the Assembly as quickly as possible.

Budget—independent commentary

MR HARGREAVES: Mr Speaker, my question, through you, is to the Treasurer. It is hard to believe that the budget season encroaches once again. I understand that there has been recent independent commentary on both the ACT budgetary position and the economy. Will the Treasurer inform the Assembly of the central points of the commentary and whether he agrees with them?

MR QUINLAN: With pleasure, Mr Hargreaves. The duty befalls me to bring some good news to the Assembly. As Mr Hargreaves points out, we are heading towards our budget. I would like to advise the Assembly—and I think the Assembly would be pleased to hear—of commentary on the ACT economy from a number of external organisations.

May I start with Access Economics, who are not always complimentary to the ACT in their analysis, so one could be reasonably assured that this is—how would I put it?—an "unspun" story. In their mid-year review, Access Economics said the following:

> The ACT's public finances are fire-proofed by its incredibly strong balance sheet. While there may be future risks, it is difficult to imagine even the worse-case scenarios doing much damage to these finances over the foreseeable future.

Mr Stefaniak: Even a Labor government?

MR QUINLAN: That is right. Mr Stefaniak, this is the Access Economics commentary on financial performance. Members ought know, of course, that the ACT has a AAA credit rating from Moody's, based on our healthy financial performance; and a AAA credit rating from Standard and Poor's for our strong financial position and good fiscal management.

There are many more. Let us take some key indicators that confirm this view. For the year ending December 2003, economic growth, measured by state final demand,

recorded 5.2 per cent growth. Only Queensland, South Australia and Western Australia exceeded that figure. We are in the leading group.

Employment is strong at 174,300 persons employed at January 2004. Unemployment is down at 3.8 per cent. Retail trade is still bubbling along at 5 per cent, which is, let us say, the punters' vote of confidence in the prospects for the ACT.

There are some risks and we should be mindful of them. There is, of course, a possible decline in the trend of building approvals. There has been a marginal decrease, but fortunately that decrease is marginal. Similarly, building commencements have contracted but, again, have only contracted marginally.

The bottom line is that the government of the ACT is getting a big tick for its financial performance by independent third parties.

MR HARGREAVES: Mr Speaker, I ask a supplementary question. Treasurer, how do these impressions of the ACT budget fit with expectations about the future economic performance of the ACT?

MR QUINLAN: That is a very important question, Mr Hargreaves. We, as a government, of course, look forward rather than back. There are main issues that one might look at for the future—issues such as wage growth, employment expectations and business conditions. As members should be aware, a great proportion—60 per cent—of economic activity is generated through wages and salary payments. Recent evidence suggests that a fair proportion of the ACT employment base has received salary adjustments greater than CPI. It is a two-edged sword and we will have to absorb salary increases. Public sector wages costs increased by 4.9 per cent as at the end of December 2003, the private sector grew at 4 per cent, while the CPI is running at 2.7 per cent. So we have greater spending power, real growth in spending power, in the ACT and that portends for continued economic activity.

Let us take jobs growth. The ANZ job ads are up over the year to February by 7½ per cent. The Hudson report on employment expectations reveals that over January through March, 41.6 per cent of small and medium businesses expected to increase staff levels while only 6½ per cent anticipated a reduction. A net 35 per cent of businesses expect to grow.

Let us take the Sensis business index. In November 2003, Sensis recorded a net balance of 78 per cent of small to medium businesses, indicating that 82 per cent of business held positive expectations whereas 4 per cent held negative expectations. This is the highest net balance among the states and territories and the highest ACT net balance on record.

So, Mr Speaker, according the Access Economics, Moody's, Standard and Poor's, and surveys of ACT businesses, the economy is in the very best of hands.

Bushfires—cabinet briefing

MR STEFANIAK: My question is to the Chief Minister. I refer to your response to a question from Mr Smyth on 4 March 2004 concerning the cabinet briefing on 16 January. You stated:

> As I have indicated previously, the cabinet was not left with any real feeling of anxiety around that as a potentiality.

If there was no real feeling of anxiety amongst the cabinet, what was the purpose of the briefing and who organised it?

MR STANHOPE: The briefing was arranged in order to allow members of the Emergency Services Bureau to brief members of the cabinet on the current situation in relation to the fires, which they did. The briefing was arranged by the minister for emergency services.

MR STEFANIAK: Why was a special briefing organised for Mr Wood and you on Monday 13 January, and for the cabinet on Thursday, if there was no concern or anxiety about the progress of the bushfires?

MR STANHOPE: The briefing on 13 January was arranged by my office. As I have previously informed members, I had been on leave until that day. It was my first day back at work after my Christmas break. I was aware of the fires. I had been out of touch for some time. Indeed, the fires commenced on 8 January, and I returned to work on 13 January. It was a matter of some moment and was certainly an issue.

The fires were very visible and I thought they were something important that I would be briefed on and have some understanding of. At my request my office arranged for me to be informed about the fires, and that briefing was arranged for me on the morning of the 13th—my first morning back at work after my Christmas break. It was simply to inform me of the nature and extent of the fires, acknowledging that I had not been at work at any stage since the fires commenced on 8 January.

Bushfires—updates

MR PRATT: My question is to the Chief Minister. Following clear advice from Mr McRae of the risk management unit on Friday, 17 January 2003 at 6.00 pm that the bushfires would reach Duffy at 2000 hours the next day, what updates were you given on that evening regarding preparation for what was anticipated to be one of the worst periods for bushfires in the ACT's history?

MR STANHOPE: None.

MR PRATT: I have a supplementary question. Why didn't Mr Keady call you, given that he had received three phone calls that evening from the director of the Emergency Services Bureau?

MR STANHOPE: I think that it is probably necessary for us to wait for Mr Keady to give his evidence to the Coroners Court in relation to that. I have no idea why Mr Keady did or did not do anything on the evening of the Friday.

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

Supplementary answers to questions without notice

Asbestos facility

MR WOOD: Mr Speaker, the other day Mr Pratt asked me about management arrangements for asbestos at the Belconnen tip. I am advised that all asbestos accepted at the Belconnen facility complies fully with WorkCover and ACTPLA requirements for handling and transporting such materials. To ensure the material is adequately contained, asbestos is delivered to the site in sealed drums in wrapped and taped heavy-duty plastic, or in shipping containers. The delivered material is placed in a suitably constructed asbestos pit for special burial and covered with fill material.

The placing and covering of fine asbestos deliveries is undertaken in a progressive manner. Deliveries are accepted every Thursday. They are placed in the special asbestos pit and covered as soon as practicable. Shipping containers and sealed drums are covered as required, due to their secure nature. Routine management of the pit is also undertaken, including pumping out any water that collects in the base of the pit.

ACT No Waste, the responsible agency, has in place a regular site inspection and monitoring regime, to identify any potential OH&S or environmental risks, as a standard work practice. I am advised that all people working at the facility are at all times protected from asbestos. No persons are permitted to come in contact with asbestos and, in the rare event that a plastic-wrapped load is split in the process of unloading or placement, it is buried as soon as practicable.

I understand that, in the specific case Mr Pratt is inquiring about, a maintenance contractor's employee sighted, at one end of the pit, a plastic-wrapped load of asbestos sheeting that had a split in the wrapping. The material was identified as asbestos sheeting, which did not pose a threat to workers some 25 metres away installing a pump-out line to the pit. The pump-out work has been undertaken in order to facilitate better machinery access to the pit floor to allow for the coverage of dumped materials to be completed.

Neither I nor my officers are aware of any unauthorised access to the Belconnen facility, which is a secure landfill operation that is fenced and locked. I am advised that the person in question was one of the contractor's employees and that the animal was the contractor's own dog. It appears that a third-hand account of activities on the site may have resulted in some confusion.

Office of the Community Advocate

MR CORBELL: Mr Speaker, in question time yesterday Mrs Burke asked me a question in relation to a meeting I had with the Community Advocate. In answering the question I indicated that present at the meeting also were the Chief Executive and Executive Director of the Department of Education, Youth and Family Services. I am advised that this was not the case and I wish to correct the record. The meeting occurred only between myself and the Community Advocate.

Oxygen supply subsidy

MR CORBELL: Today in question time Mr Smyth asked me a question about when the Department of Health formally approached Ms Anne Cahill Lambert in relation to advising her of an act of grace payment to assist her with the purchase of oxygen for an illness.

I can advise the Assembly that Dr Tony Sherbon, the Chief Executive of the Department of Health, left a message on Mrs Cahill Lambert's answering machine on Monday between 12.40 pm and 1.00 pm advising her that the Treasurer had approved the act of grace payment. This was followed up with a fax and a formal letter on Tuesday.

Land development

MR CORBELL: In question time yesterday Ms Dundas asked me a question in relation to block 13 of section 32 in Belconnen and I undertook to provide further details. I can now advise Ms Dundas that the block was included in the 2003-04 land release program; it is approximately 3.5 hectares in size and will be auctioned on 16 March to allow for a variety of purposes, including bulky goods retailing.

As part of the work necessary to release the land for sale, a number of studies were undertaken, including a tree survey. The survey identified a number of significant trees, some of which are in the area identified for potential development. The lease and development conditions prepared for the site took into account the results of the tree survey. The lease and development conditions and planning control plan have been approved by ACTPLA.

The lease and development conditions mention that advice is being sought from the Conservator of Flora and Fauna in respect of nominated trees within that site. The Land Development Agency has received advice from the Conservator of Flora and Fauna which indicates that some trees can be removed on tree health or public and private safety grounds.

In respect of the other nominated trees the conservator advises that their removal would be supported only if the removal criteria are satisfied, that is, if it is demonstrated to the ACT Planning Authority, having regard for the broader strategic plan objectives of the Territory Plan and associated urban planning by the authority, that all reasonable development options and design solutions have been considered to avoid or minimise the requirement for tree damaging activity. I hope that clarifies the situation for members. For the information of members I wish to table extracts from the auction documentation, as well as advice from the Conservator of Law and Fauna in respect of the nominated trees on block 13, section 32, Belconnen.

Papers

Mr Corbell presented the following papers:

Belconnen block 13, section 32—Land Auction—Lot 4—Answer to question without notice asked of Mr Corbell by Ms Dundas and taken on notice on 9 March 2004.

Personal explanation

MR CORNWELL (3.23): During question time the Attorney-General implied that I have taken no interest in the matter of the Community Advocate and the family services issue. In response to that, I refer members to the transcript of evidence of the CSSE committee of 21 February 2003, 27 February 2003, 4 December 2003 and 22 January 2004.

Crimes Amendment Bill 2002

Debate resumed.

MR PRATT (3.24), in reply: The passing of the Crimes (Abolition of Offence of Abortion) Amendment Bill 2001 opened loopholes that will allow the injury, manslaughter, unlawful killing or murder of an unborn child during an assault on its mother to go unpunished. The decriminalisation of abortion did not recognise and defend the provision in the legislation that made it possible to hold an assailant responsible for the loss of an unborn child. For example, if a mugger assaults a pregnant woman and the child is injured or killed as a result, should someone not be held accountable? If a person recklessly assaults their pregnant partner, leading to injury or death of the child, should someone not be held accountable?

There are a number of key features in the Crimes Amendment Bill 2002, which refers to the protection of unborn children, that we are debating today which make it very clear that lawful abortions in the ACT are recognised and sanctioned from the provisions of this bill. However, it does not allow reckless or knowing assaults on pregnant women to be sanctioned. In addition, it does not allow criminal offences against pregnant women, whether they be reckless or not, to be sanctioned. The bill does not go against the Crimes (Abolition of Offence of Abortion) Amendment Bill 2001.

The bill clearly excludes lawful abortions and enshrines the acknowledgment of lawful abortions in the Crimes Act. In addition, the bill provides that it does not apply to anything done by a pregnant woman in relation to her unborn child. These are two vital elements deliberately designed to separate the issues surrounding this bill from issues surrounding the abortion debate. The Crimes Amendment Bill 2002 is not an attempt to revisit or undermine the decision made by this Assembly in relation to abortions.

So concerned are we to close this loophole to protect the unborn that I have bent over backwards to exclude all mechanisms relevant to abortion, medical accidents or anything of that nature. Members in this place know that this legislation is not about abortion—they know this is not an exercise going down that track. The so-called abortion connection cannot be used as an excuse to recognise and support the legal technicalities argument here to close the loophole and to protect the unborn.

Abortion law in all other jurisdictions provides precautionary legislation that covers the protection of unborn children to a certain degree. Based on legal proceedings in the United States House of Representatives and court proceedings in Arkansas in the United States, both in 1999, the Liberal opposition has proposed this legislation. This proves that there is a need for this type of legislation in the ACT, not only from a national point of view, but also from an international point of view.

I will shortly refer, if I may, to a case that occurred in New South Wales. We are duty bound to protect as many people—born or unborn—as we can in this society and this legislation is a step towards this. The basic purpose of this legislation would make it an offence to injure or kill an unborn child through assaulting or poisoning a woman—with an abortion agent—who is known to be pregnant and who, as a direct result of the offence, loses her child.

I take on board the comments made earlier by Ms Tucker about the complexities of behaviour and co-responsibility in relation to these types of incidents. In addition, the legislation provides for the charging of an assailant who causes the injury or death of an unborn child, although they may have done so whilst unaware that the woman was pregnant. This means that people who initiate a serious assault or offence must accept full responsibility for their actions.

The Crimes Amendment Bill 2002 would also allow the courts to convict those responsible for the death of an unborn child of criminal homicide, or offences ranging from unlawful killing through to manslaughter and murder. The legislation would also give the category of personhood to unborn children in civil cases. This legislation would apply only to wilful acts intended to cause injury or death to the mother or unborn child; it would not apply to situations such as accidents.

I will use the quite famous New South Wales case of the death of Byron Shields to highlight the need for this legislation and a situation where this legislation would be applied. Byron Shields lost his life less than two months from his expected birth following a hit and run on his mother by a man affected by road rage. The driver of the vehicle escaped a conviction for manslaughter because the court ruled that a seven-month-old foetus was not human.

Under law, the magistrate had no option but to make the finding in such definitional terms. The magistrate did, however, lament that the law so constrained her. Going on from that, the magistrate in that case handed out a four-a-half year sentence. Due to the fact that there were no laws to protect the unborn, the magistrate indicated her inability, under law, to bring any action against the defendant specifically for his responsibility for the death of the unborn.

That tragic event further highlights the need for this sort of legislation. Partly as a consequence of that incident, and because of other concerns in law, the New South Wales Attorney-General, Mr Debus, had a look at this. In the New South Wales parliament he said:

> The deficiencies of the law in New South Wales in this respect were brought into sharp relief by the ramming of the car containing Renee Shields, then seven months pregnant, and the subsequent stillbirth of her baby, Byron.

In that discussion, when talking about the appointment of Finlay J to investigate the loopholes of the law, he said that Finlay J had undertaken a study of this most complex area of the criminal law. He then went on to define Finlay J's major recommendation, being the creation of an offence for the killing of an unborn child, as a priority. Mr Debus later went on to say:

> I make it clear from the outset that in investigating this offence there is no intention to unsettle the well-established common-law position on abortion in this State.

The Attorney-General of New South Wales made it quite clear that he saw that in New South Wales law there was a loophole that needed to be plugged to protect the unborn. He appointed a well-respected justice to investigate that loophole and made it very clear—I would like people here to take note of this—that his mission was to have this investigated and the loophole plugged, and not at the expense of well-established common law positions on abortion in that state. The NSW Attorney-General drew that distinction, which I emphasise here. Members in this place need to address and understand this most important issue, to better understand the motives on this side of the house in bringing on this piece of legislation.

The Crimes Amendment Bill 2002 is not just about recklessness in road incidents and other actions, it is also about protecting women in cases of domestic violence. It is important that we, as members of this Assembly, send a clear message to the community that violence against women is not acceptable and holds penalties, and that violence against pregnant women is an abomination that holds more serious penalties than simply a charge of assault.

The role of the judiciary is an important component of this bill. Members of the judiciary are the ones who ultimately administer the laws that are passed in the Assembly, and they are the ones who make certain determinations based on the guidelines the Assembly provides. We are not trying, in this legislation, to impose qualifications on time of life, et cetera. We are saying to our judiciary, "We will give you the legislation, this will be the tool for you to make judgments and we respect your ability to make those sorts of determinations."

Presently, in cases of violence or recklessness that involve pregnant women, the judiciary does not take into account any injuries sustained to an unborn child. The ability to do this is limited to sentencing and is limited by the maximum sentence accorded to the charge associated with the act against the mother. This means that, if a man beats his pregnant partner and kills the unborn child, he can be sentenced only to the maximum term appropriate for the assault on his wife. While that term may be sufficient in some cases, if the assault is so severe as to attract the maximum penalty, the discretion to appropriate a more severe sentence for the death of the unborn child is removed.

I refer to something Ms Dundas said earlier in this debate. When referring, I think, to this area she said that we have laws in place for assaults resulting in death to the unborn. The extra provisions under law are so minuscule as to be meaningless—they do not provide a

deterrent. Ms Dundas is therefore quite wrong in asserting that there is no need for this bill because there are provisions under current law that cater for certain offences. I would like Ms Dundas to reflect on that before we vote here today. It is important that we look beyond the first breath of a child when deciding at what point we should be providing legal protection. Section 313 of the Queensland Criminal Code provides:

> Any person who, when a female is about to be delivered of a child, prevents the child from being born alive by any act or omission of such a nature that, if the child had been born alive and then dies, the person would be deemed to have unlawfully killed the child, is guilty of a crime, and is liable to imprisonment for life.

I take that quote from Queensland law as a very clear definition of life and when life begins. That certainly determines that life begins before birth. The code also provides that:

> Any person who unlawfully assaults a female pregnant with a child and destroys the life of, or does grievous bodily harm to, or transmits a serious disease to, the child before its birth, commits a crime—maximum penalty, imprisonment for life.

That is a clear indication of how Queensland law determines culpability and responsibility for death of the unborn. I would like members to take those quotes on board.

The legislation we are debating here today provides different degrees of assault and separates the offences, based on whether the perpetrator had prior knowledge that the woman was pregnant, or whether the perpetrator had an intent to kill the unborn child. In that sense this legislation is more comprehensive and flexible than the Queensland example. We are designing a law that has gradations of penalties and that allows our magistrates a broad range of flexibility to judge each case on its merits and take into consideration the sorts of complex issues we have been talking about here today. I commend that to members and ask them to understand that.

I refer to a couple of comments raised during the debate. Ms Dundas regrettably stated that I am merely making a political point by proposing this law. That is perhaps not just a little offensive. The fact is that this is a technical exercise to make sure that the right of defence against wilful harm of the unborn is set in concrete. I would challenge anybody in this place to scrutinise all of my speeches on this issue, and the proposed legislation document, and point out where this is allegedly a smokescreen exercise. *[Extension of time granted.]*

In this debate today Mr Stanhope said that whether or not this legislation influences others to revisit the abortion debate is irrelevant and is really immaterial. I reject that notion entirely; that is not the purpose of this bill. We have determined that there exists a loophole in law. If the Chief Minister is happy to live with that loophole, that weakness in our legal system, be it on his own head.

I presume that, if the abortion debate is resumed somewhere down the track, the Chief Minister would allow that in terms of democratic principles. I understand that that might happen but it has nothing whatsoever to do with this debate today or the presentation of this bill. The Chief Minister has shown little regard for the debate on when life starts. He has demonstrated that by the fact that, with his flawed bill of rights, he has enshrined a

definition that life does not commence before the first breath. As far as the Chief Minister and his ragged bill of rights are concerned, life does not commence before the first breath.

Mr Hargreaves: Mr Speaker, I wish to raise a point of order. Mr Pratt, in talking about flawed this and ragged that, is reflecting on a debate of this Assembly with regard to the bill of rights.

Mrs Dunne: I also rise on the point of order, Mr Speaker.

MR SPEAKER: I will deal with this one first. I think Mr Pratt described the bill of rights as the ragged bill of rights.

MR PRATT: That is correct.

MR SPEAKER: The ragged bill of rights, as he so described it, was the subject of a debate where the bill of rights was endorsed by this Assembly. I would regard that as a reflection on the vote.

Mrs Dunne: On that point of order, I would have thought that one of the reasons for which we cannot have a reflection on a vote is that a reflection on a vote is to say that we should not have voted in a particular way. That is—

MR SPEAKER: I think the implied message in Mr Pratt's description of the bill is pretty clear.

Mrs Dunne: May I finish the point?

MR SPEAKER: You may.

Mrs Dunne: I was trying to say that, as I understand it, the reason we do not reflect on a vote is because we have to have a substantive motion to repeal a vote; and therefore you should only reflect on a vote by a substantive motion; but that does not stop us pondering on a motion or a matter that has passed before us. That would otherwise mean that we could never discuss anything in this place that may have been previously discussed.

MR SPEAKER: Let me dwell on it for a moment. I take your point, Mrs Dunne.

Mrs Dunne: Thank you, Mr Speaker.

MR SPEAKER: The point Mrs Dunne makes is that describing a bill does not necessarily mean you are reflecting on the vote.

MR PRATT: My concern was to make the connection between the bill of rights and the sorts of issues we are discussing here today. The government is adamant about shutting down all discussion about the debate on life and the rights of the unborn. I welcome the comment the Chief Minister has made today in referring to chapter 5 of his new Criminal Code that, some time in the future, he will be looking at the issue of death or injury to the unborn, clearly as an extension of assault on women.

I welcome that statement because the Chief Minister has recognised that the loophole in law does exist. Putting aside his attack on and misrepresentation of the bill and the motives swirling around the bill, that we have put here today, at least he acknowledges that there is a problem to be addressed. But to date we have seen no action from the government on this problem. Why do we need to wait for the government to look at this new criminal code some time down the track when we know that a problem exists? I would challenge the government to embrace this bill today, so we can take action now to close a loophole and protect women in the ACT and their unborn from now, not from 2005.

In relation to the Chief Minister's concern about the so-called division or non-division between a mother and foetus, as Mrs Dunne points out, section 42 of the Crimes Act illustrates the fallacy of the Chief Minister's argument, which is simply not supportable. I illustrate that by pointing out to the Chief Minister a piece of law brought forward by a senior judge in the UK. Lord Hope of Craigshead in 1998, in looking at a case where a woman had been stabbed and her unborn had been killed as a result of that stabbing, said:

> It serves to remind us that an embryo is in reality a separate organism from the mother from the moment of its conception. This individuality is retained by it throughout its development until it achieves an independent existence on being born. So the foetus cannot be regarded as an integral part of the mother in the sense indicated by the Court of Appeal, notwithstanding its dependence upon the mother for its survival until birth.

That learned judgment clearly backs up the fact that we cannot simply shut down the idea that life does not begin until after the first breath. The abortion legislation states that women have the right to choose to terminate their pregnancy. This legislation states that women have an equal right to choose to take the pregnancy to term, with anyone who interferes with that in a violent or reckless manner being held accountable for their actions. I commend this bill to the Assembly.

MRS CROSS (3.48): I seek leave to speak. I am sorry, I did not realise Mr Pratt was closing early. I rushed down to get here in time.

MR SPEAKER: This could start a chain of events. If you say something Mr Pratt wants to respond to, he may wish to seek leave as well. Members should keep that in mind when they deal with the question of leave.

Leave granted.

MRS CROSS: Very briefly, this proposed bill has been hanging around for quite a while and it looks as if it is in danger of going off. This bill had its genesis immediately after the successful decriminalisation of abortion in the ACT. When the bill was first raised, only days after the abortion debate in August 2002, I said to the Liberals that it would be seen as simply their way of couching the same debate in a different package; that they had lost the fight; and that if they persevered they would look foolish.

It saddens me to think that some of those who profess great care and concern about the interests and rights of the unborn seem to have great difficulty in showing that same

concern for the living. To me it is in stark and disturbing contradiction when certain people—not all—put on a sanctimonious front about some matter while at the same time engaging in a no-holds-barred, vicious, prolonged, slanderous and public attack on one of their fellows. It is a pity members of the community cannot see behind the pious facade that some present. If they could, they would be shocked.

I agree with Ms Tucker's comments about the Chief Minister's announcement today on the attempt to address the issue of penalties, which is long overdue. Although long overdue, the announcement was made today and the Chief Minister will now address the issue. I hope we will not have to wait any longer before this becomes law. The Chief Minister announced that the penalty for manslaughter with aggravated circumstances will be increased from 25 to 35 years. That is encouraging. This will send a very clear message to the community that we will not tolerate such behaviour towards any member of our community.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

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

Question so resolved in the negative.

Conder 4A land area

MR HARGREAVES (3.54): I move:

> That the Assembly:
>
> (1) notes the ten year moratorium on development on the area land in the suburb of Conder known as Conder 4A;
>
> (2) congratulates the Conder Land Care Group on their work in the 4A area over the past two years that has resulted in the re-instatement of the wetlands near Tom Roberts Avenue; and
>
> (3) welcomes the announcement by the Chief Minister and Minister for Environment that he will progress the inclusion of Conder 4A into the Canberra Nature Park.

This Assembly has taken an active interest in preserving the area known as Conder 4A as part of the Canberra Nature Park. I acknowledge the role of and strong action taken by Ms Tucker on behalf of Conder 4A. I will get into the history a little later on.

I would also like to detail for the Assembly the roles taken by my colleague Mr Corbell and me on this issue. During the last Assembly Mr Corbell—as shadow planning and environment minister—and I—as the local member for Brindabella—went to see the then Minister for Planning and Environment, Mr Smyth. We had four concerns. Firstly, there was a request by the residents for a buffer zone at the rear of Templestowe Avenue, between the nature park and the then buildings. The minister didn't accept that argument. He didn't accept that native animals were returning to this area. If my memory serves me correctly, he said that we had to build houses in that area because there was infrastructure in the ground and that it would cost us to do that. I didn't like the result but accepted that position. There are now houses built in the buffer zone area.

Secondly, we also asked the minister to protect the triangular piece of yellow box/red gum grassy woodland adjacent to the Eaglemont Retreat, an area bounded on two sides by a creek. The minister acknowledged the worth of that. I pay tribute to my colleague the Minister for Planning for his vigorous defence of that area. The area is now protected; there are no houses; there are yellow box/red gum trees; and the native flora and fauna have returned.

Thirdly, we sought the minister's approval for the continuation of Templestowe Avenue through sensitive grassy area to Charterisville Avenue. There was a proposal for Templestowe Avenue to turn left to join Tom Roberts Avenue and to have a seamless transition from the wetlands through grassy areas into the woodlands in the nature park. This has, in fact, happened. Templestowe Avenue has turned left and we now have that seamless transition.

Fourthly, we asked the minister at the time for preservation of the area known as Conder 4A. Again, the then minister didn't accept our argument, but he did agree to arguments put by others and as a result a 10-year moratorium was put on the development of the area, with only a small amount of building taking place.

There is some history called for here. The land known as Conder 4A is about eight hectares in area located on the lower slopes of Tuggeranong Hill. It is bounded by Charterisville Avenue, Tom Roberts Avenue and Templestowe Avenue. The land contains vegetation that is an example of yellow box/red gum grassy woodland. This type of woodland is listed as an endangered ecological community under the Nature Conservation Act 1980.

In September of 1999 an environmental study was done by the Commissioner for the Environment. The study found that the land at Conder 4A is indeed an example of yellow box/red gum grassy woodland but that due to the past land use practices the area is regarded as secondary grassland—that is, a woodland with very few trees but retaining the characteristic native grassy understorey; at least 75 per cent of the plants found at Conder 4A were also found at other woodland study sites; the aggregated number of species at Conder 4A was at the higher end of the range of sites studied; the number of exotic species found at Conder 4A was at the mid to lower end of the range of sites studied; and, finally, two sites with a similar number of native species to Conder 4A were located in the Tuggeranong Hill Nature Reserve and the Rob Roy Nature Reserve.

The commissioner found that no listed threatened species or extremely rare plants or animals were identified as being present on Conder 4A and that most of the native species found at Conder 4A occur somewhere within the ACT Nature Reserve system. The view that I expressed in recent times is that that is all well and good. The fact is that over the last 100 years or so that area has suffered from past land use practices but it is something that has been created over the last 1,000 years or so. We need to preserve this area so that the native trees, native grasses and native animals can regenerate instead of banishing them forever over the hill.

The Commissioner for the Environment recommended a 10-year moratorium on residential development in that part of Conder 4A shown for conservation, with the environmental value to be re-assessed in eight years. I say: why wait eight years? We can do it now. He also recommended that, if the government does not agree with the concept of a moratorium, it should immediately authorise variation of the Territory Plan and incorporate that part of Conder 4A shown for conservation into the Tuggeranong Hill Nature Reserve as part of the Canberra Nature Park. That is the recommendation that I put to the Chief Minister.

The former government's decisions on the recommendations of the commissioner were to allow partial development of Conder 4A; implement a 10-year moratorium on further residential development of part of the area to permit a reassessment of its environmental values in eight years time; and, importantly—and I give credit where it is due—to construct the floodway and ponds for an associated wetlands project. I acknowledge the role of the former minister—it was a great bipartisan approach—in preserving this piece of land forever.

There are a number of organisations responsible for pushing for the preservation of Conder 4A. Friends of Grasslands, in particular, are notable for their advice to the Commissioner for the Environment and for pushing for its preservation. The Conder community landcare group played a significant role in this particular issue. The group was established in 1994 following the earlier formation of a group of teachers at Charles Conder Primary School. In 1997, the Conder community landcare group proposed the development of wetlands in the floodway along Tom Roberts Avenue instead of the usual drainage system—and that is now a fact. If my memory serves me correctly, there was a big celebration when that project was formally opened. I think it was opened in conjunction with Clean Up Australia Day.

The Conder community landcare group, comprising 34 members, was responsible for instigating and driving the wetland project, which took about four years to design and complete. Members of the local community also recognised the conservation value of the yellow box/red gum grassy woodland adjacent to the wetland site and were responsible for instigating the 10-year moratorium on residential development for the site, along with the Commissioner for the Environment. Four local schools supported the wetland development: Lanyon High School, St Clare of Assisi Catholic Primary School, Charles Conder Primary School and Gordon Primary School.

Friends of Grasslands approached the then shadow minister for the environment, Mr Corbell, on the issue. Mr Corbell wrote to them in October 2001. He said:

> ACT Labor recognises the importance of acting to conserve and protect land which has important environmental values. Labor believes that a number of sites—

and this is the important bit—

> including Conder 4A and North Watson Woodlands, should be considered for inclusion in the Canberra Nature Park.

In July 2002, Friends of Grasslands wrote to Mr Corbell as Minister for Planning asking for consideration of the matter of Conder 4A. He replied saying that a decision would be made following completion of the review of action plan 10, which was about yellow box/red gum grassy woodland. In November 2003, Friends of Grasslands then wrote to the Minister for the Environment, Mr Stanhope, urging the government to place Conder 4A into Canberra Nature Park. I pay credit to local resident Mr Michael Bedingfield who has been pushing almost everybody he comes in contact with to have that area preserved as part of the nature park.

Along with quite a number of people I have been asking for the preservation of this area for some time. I know that it has been a personal commitment of the current Minister for Planning. He is delighted that this area is to be preserved as part of the nature park. What needs to happen is a bit of a mind picture: the Canberra Nature Park will go seamlessly down to Tom Roberts with wetlands going into grassy areas into the woodland and into the nature park. This part of Conder 4A expands that by about eight hectares and makes it a particularly valuable tract of land.

During 2003, Environment ACT prepared a draft lowland woodland conservation strategy—action plan 27—for public comment. The strategy included a review of action plan 10 and a reassessment of the ACT's remnant woodlands, including areas that were not protected in reserves. In this scenario we have had quite a number of people speaking. It is a real case of one person screaming into the wind and making absolutely no difference at all. But we have had a number of people whispering quietly together and their voice being heard by this government, which goes to show the power of the people. They didn't want any building to take place on a piece of nature park and asked the government to protect it forever—and this government has done just that.

Following completion of the draft lowland woodland conservation strategy and consideration of public comment on it, the Chief Minister and the Minister for the Environment announced that the government would progress the inclusion of the moratorium land at Conder 4A into the Canberra Nature Park. That is fantastic news.

Protecting the Conder 4A woodland builds on the government's 2003 decision to establish new woodland nature reserves at Gooroo in East Gungahlin and at Callum Brae in Jerrabomberra Valley, which, I remind members, would have had a prison on it had it not been for the actions of this government when in opposition. It is going to be protected forever by this government when it assumes its appropriate role on the treasury bench. That protection has not been missed by the people that live in Red Hill and Symonston. As a result of this, over 1,000 hectares of yellow box/red gum grassy woodland and other woodlands will be added to the ACT's nature reserve estate.

I understand that the ACT Planning and Land Authority is preparing a draft variation to the Territory Plan to put this in effect. This is just fantastic news.

Mr Corbell and I have been after this for the best part of 4½ years, to my knowledge—probably longer in the case of Mr Corbell. When you are handed the powers of government, it is nice to see something responsible being done. This is just fantastic. I commend the motion to the Assembly and ask for bipartisan support. I have acknowledged the role of the former Minister for Planning in the preservation of good parts of the Conder area, Ms Tucker's significant role in the process and Mr Corbell's role in pushing the issue when we were in opposition and then delivering in government.

I ask the Assembly to note that the Chief Minister has preserved a valuable tract of land as part of the Canberra Nature Park. I am absolutely delighted to have this motion before the Assembly. I hope that the Assembly passes this motion and shares in my delight.

MS DUNDAS (4.08): I am happy to give my support to Mr Hargreaves's motion, but at the same time I believe it is important to point out that, although the woodland at Conder will be protected, not all of the ACT's patches of endangered woodland are so lucky. Our Minister for Environment likes to boast that the ACT has the largest proportion of its area protected in conservation reserves of any Australia state or territory. Sadly, however, this does not mean that the ACT has a comprehensive, adequate and representative reserve system that protects an adequate area of each of our ecological communities.

When Canberra was planned, a large part of the south of the ACT was set aside for conservation, as were the hilltops within the urban area. However, the ACT's lowland grassland and woodland communities, which had already been severely affected by clearing for agriculture prior to establishment of the territory, were not adequately protected in reserves. Although awareness has increased of the value of lowland ecosystems, no ACT government has committed to adequate reservation of these communities. The action plan for the yellow box/red gum grassy woodland community was a step in the right direction, but it didn't get us a reserve system that we need to safeguard our biodiversity for future generations.

I welcome the government's decision to withdraw some land in Conder supporting yellow box/red gum grassy woodland from the land release program. As the motion notes, this area has been protected by a moratorium that I believe was placed on the land by the previous government. It is good to see permanent protection being granted, but what I would really like to see—I don't think I will—is a commitment from the government to reserving all remaining remnants of this endangered woodland.

We are fortunate in the ACT in having a range of options of sites for urban expansion where biodiversity is not placed at great risk. We should be pursuing alternative sites for development instead of pressing ahead with plans made before the value of our lowland woodland and grassland communities was truly understood. Yellow box and red gum trees can take hundreds of years to develop the hollows needed for nesting by arboreal species like bats. It takes even longer before trees start dropping the hollow branches that vulnerable animals like the brush-tailed phascogale use for safe shelter. These branches create the understorey complexity that benefits many ground-foraging species. If we destroy mature woodland, it is reasonable to view it as an irreplaceable loss when viewed

in the context of not only the lifetimes of the animals that depend on it but also our own lifetimes.

I congratulate the Conder landcare group for their work in the 4A area to remove weeds and restore the wetlands near Tom Roberts Avenue. Volunteers are part of the backbone of ACT's nature conservation work force. Without these dedicated people, the ecosystems in our urban nature parks would be losing the battle against weeds and soil erosion. So I commend those hardworking and dedicated people who are caring for our bush, and thank them for safeguarding our ecosystem for future generations.

Finally, I would like to reflect a little on what Mr Hargreaves has said. He said that there had been a celebration when the Conder project was formally opened—a celebration for all the work that had been done and the outcomes achieved. But at the same time I think we should reflect on and lament the loss of trees in Belconnen. Just last week in Belconnen we saw some yellow box/red gum trees being sawn down, despite the hard work by the community in Belconnen. I dread to think what will happen to the red gums—just around the corner in Belconnen—that are waiting for the auction on 16 March. It seems that we are looking after one bit of nature over here—biodiversity, ecodiversity and endangered woodlands—so we don't have to look after this bit of nature over there. We need to look at our reserve system, the value of lowland grassy woodlands and the development that takes place. We should be encouraging development but we should respect the environment and the fact that it has taken hundreds of years for these trees to grow.

I hope the government's positive announcement that it will include Conder 4A in the Canberra Nature Park heralds the start of future announcements of protection of further areas of woodland that are currently threatened by urban development.

MRS DUNNE (4.14): This is an important motion. I am glad to see that Mr Hargreaves's care factor about issues relating to the environment has increased somewhat from his usual conversations. In many ways this is an attempt by the Labor Party to redeem its green credentials.

I take the point that Ms Dundas made about the Nettlefold Street trees. When we were at Nettlefold Street a week or so ago observing the trees being cut down, there were many people there who said, "So much for the green credentials of the Labor Party." The message we are getting from talking to the community is that the green credentials of the Labor Party are very much up for grabs at the moment. They came into office promising to do many things but have reneged on many or gone down different paths. For instance, we are still languishing over the proposals for O'Malley, waiting for a final variation of the Territory Plan. It had been called for by this place before the land was sold so that people could have a clear delineation between what was residential land and what was to become the nature park. There are many aspects of what has been done by this government that leave us concerned. The selling out of the Conservation Council over the cat-free zones last week is another one of those issues.

To come back to the case in point, we should support this motion and, in doing so, note the involvement of members of this place during the previous Assembly and their attempts to work with the community to establish these wetlands. I applaud the government for following in the steps of the previous government by putting more land

into reserve. But there is a word of warning: if you are putting land into reserve, you have to remember that you have to provide money to manage the land; otherwise it would be useless. A great deal of management needs to go on. I hope that the government is prepared to commit funds as well as good intentions.

Most importantly, we need to take this opportunity to congratulate the people of Conder and Tuggeranong for their enthusiasm and commitment to the land care effort. Land carers are one of those groups of volunteers in the ACT who are very active in support of the community. Without their work, much of the land management of the ACT would be almost impossible to achieve. They do thousands of hours of unpaid work—work that the taxpayers of the ACT couldn't afford to pay for. We should pay tribute to them, congratulate them on their efforts on this occasion and encourage them in their efforts in the future.

MR CORBELL (Minister for Health and Minister for Planning) (4.17): I am very pleased to support my colleague Mr Hargreaves in this debate this afternoon. This debate gives us an opportunity to reflect not only on the outcome at Conder but also on the broader policy settings which the government has brought to nature conservation in the ACT.

First of all, I acknowledge the efforts of Friends of Grasslands, in particular. Particular members of that organisation have been quite instrumental in bringing to the notice of members of this place, in past and present assemblies, the significance of the site at Conder 4A. It is perhaps worth reflecting on the fact that the previous minister had to be dragged kicking and screaming towards a moratorium on the issue. We have resolutions in this place to that effect before the moratorium was put in place. Nevertheless, the moratorium is there and Conder 4A is to be formally incorporated into Canberra Nature Park.

I just want to reflect a bit more on the issue of development in the city and the impact that has on remnant grassy woodland communities in the ACT. It is worth putting a few facts on the record. Since it came to office, this government has set aside over 1,000 hectares of remnant grassy woodland in the ACT at Gooroo and Callum Brae—significant incorporations into Canberra Nature Reserve. It is the single largest reservation of that ecosystem in the history of self-government.

Often the government are criticised publicly and in this place for valuing the monetary value of the land rather than the environmental value of the land. Let me just put the value of those 1,000 hectares into some perspective. We are talking about development potential and revenue potential forgone of that 1,000 hectares in the order of half a billion dollars in monetary terms. Obviously that land has value beyond its monetary value. It has value aesthetically and environmentally, in the context of an ecosystem which is under severe threat. When people criticise the government for saying that they want to sell this land rather than value it for its ecological standing they should keep that figure in mind. This government has forgone revenue at Gooroo and Callum Brae in the order of half a billion dollars—over $500 million worth of land revenues and the associated impact forgone. That is the magnitude of the government's commitment and preparedness to forgo that monetary value, if you like, for the betterment of nature conservation activities in the ACT.

I dispute the points made by Ms Dundas. I don't think any serious ecologist is going to argue that the Nettlefold Street site, or the site that she is now concerned about close to Nettlefold Street, is part of some integrated nature reserve network in the ACT. Yes, they are remnant trees, but I would argue that it is nigh impossible to justify that they were, in some respect, part of a remnant ecosystem which is going to contribute to the preservation of that ecosystem overall in the ACT. The way you achieve preservation of this ecosystem is through a sustainable reserve structure. By "sustainable", I mean integrated, linked together, connected to existing areas of nature reserve. Nettlefold Street is not one of those and neither is the other site in Belconnen which Ms Dundas raised with me in question time today. They are not able to assist in creating a sustained system of reserves that connect to one another. They have aesthetic value—

Ms Dundas: They have ecological value too.

MR CORBELL: and some ecological value, but you cannot argue that they are of the same status as incorporating large areas of remnant woodland into an integrated reserve network. This is the judgment we have to make as a city. We need to encourage consolidation of our town centres for a range of uses and we need to encourage consolidation of the existing urban area. If we want to prevent the continued sprawl of the city, the continued push out of the city, we need to contain that, and that means we have to ensure that services, especially services in town centres, are available.

If we want to meet our other objectives about minimising transport time, about access to service and facilities close to residential areas, then we have to continue to permit the consolidation of activities in areas like Belconnen. So what is the judgment to be—that every tree has value and that it should be retained or that the location of services and facilities in a dispersed pattern in our town centres, such as at Nettlefold Street or at the other site in Belconnen, are a justifiable outcome in terms of building a more sustainable city?

Ms Tucker: We really need another liquor barn.

MR CORBELL: Ms Tucker might not like liquor barns, but other people do. There is a diversity of services.

Ms Tucker: I said we really need another one.

MR CORBELL: That is an incredibly snobbish attitude.

Ms Tucker: This is the balance we are talking about.

MR CORBELL: That is a very snobbish attitude by Ms Tucker when she says, "Oh, we don't want another liquor barn." This is about providing a range of services—whether it is a liquor outlet, a supermarket or a retail outlet. Would you have a problem if it were a chemist facility? This is about providing for a range of services and facilities close to our town centres, supporting our town centres, supporting the dispersed employment pattern we have in the city, supporting access to services close to where people live and reducing journey times. That has to be a sustainability objective too, doesn't it? Of course it does in building a more sustainable city. These are the judgments the Assembly needs to

make. Yes, they are difficult. Yes, it is always going to require a judgment about the aesthetic and ecological value of a stand of trees versus trying to get a more balanced, sustainable pattern of settlement in the city to address the other sustainability issues we have around transport, access to journey time and so on.

I ask members to reflect on that in this debate. I can see Mr Smyth scribbling away, so I am sure I am going to cop a serve from him shortly. You cannot have it both ways. You cannot argue for a more sustainable city form with a more compact settlement path and, at the same time, say that every stand of trees must be protected no matter what. There are stands of trees that have value on ecological terms and there are stands of trees that have value aesthetically. We have mechanisms such as tree protection legislation for determining this. But that is different from arguing that every stand of trees needs to be protected. You make judgments about the ecological value of a site. I challenge the Liberal Party and Mr Smyth, as the former minister for urban services, to provide to this Assembly the ecological investigation that shows that somehow their understanding of the ecological value of Nettlefold Street changed from the time that he decided to sell it to when it went on the market. That was the argument the Liberals presented in this place. They said, "Oh, now we know more about Nettlefold Street. We know now that it's a more valuable site ecologically." Where is the evidence? You never presented the evidence because there isn't any. Nothing changed except political expediency. That is all that changed.

I commend Mr Hargreaves for bringing this motion forward. It is an important motion. I ask members to reflect on this debate. It is a crucial debate for the future growth and development of Canberra in a sustainable way.

MR DEPUTY SPEAKER: Order! The member's time has expired. I remind members that there is no challenge, but I remind members of relevance. We are discussing Conder 4A.

Mr Hargreaves: Condor is a great big black bird.

MR DEPUTY SPEAKER: That may be the case. Those of us who don't go that far for our holidays probably mispronounce it.

MS TUCKER (4.28): I thank Mr Hargreaves for moving this motion as it allows me to remind the Assembly of the sequence of events that first led to a moratorium being put on development of grasslands at Conder 4A. Some members will be well aware that my office was very active on the issue, in 1999 and 2000, in working with Friends of Grasslands to maintain pressure on the government and the Assembly and in ensuring that the matter was referred to the Commissioner for the Environment. Mr Hargreaves, if he were interested in the detail, might have wanted to congratulate the Greens in the Assembly, the Commissioner for the Environment, Friends of Grasslands and the Conservation Council as well. Mr Hargreaves welcomes the government's move to incorporate the inclusion of Conder 4A into Canberra Nature Park. The really hard work of stopping the development plans was done years ago, overturning the previous government's intentions.

Given that there was a 10-year moratorium in place, I simply cannot imagine that any ACT government was likely to put that land back on the land release program. I think

there are three key lessons we can draw from the Conder 4A story. Firstly, local groups of scientists and activists are an incredible resource in our community. It would advantage all of us if government were more prepared to recognise their value and expertise. The ACT government at the time was proclaiming that its own expertise and judgment were sufficient. Over the past few years, a number of very strong campaigns have been conducted by such coalitions of local groups and expert scientists at East O'Malley, Forde, Bonner, Throsby in Gungahlin, North Watson, Nettlefold Street in Belconnen and at various sites around Canberra during bushfire protection clearing; and at Bruce, O'Connor Ridge and Black Mountain regarding the Gungahlin Drive extension. I do not see the evidence yet of any real acknowledgement of that expertise.

Secondly, the role and the status of an Independent Commissioner for the Environment are crucial to our progressive and constructive management of the natural environment. The environment commissioner's annual report raised some significant questions as to the seriousness with which his concerns have been treated by this government. He made the point in the last annual report that, on some matters he has raised, he has now given up waiting for a response from government. Nonetheless, the independent voice of the Commissioner for the Environment remains a really significant force in asserting the environmental values of land in line for development. Simply requiring government to slow down and consider another view can at times have a concrete result. Of course there is also a significant body of more general work, such as the state of the environment report—a rich and invaluable resource for us as a community to use in our planning and decision making. I would say that it is an underused resource. I have argued that there must be an expanded role for the Commissioner for the Environment, given that the ACT now has an Office of Sustainability that is taking a whole-of-government approach to the issues.

Thirdly, in a small Assembly—with only one house—minority government is a crucial factor in ensuring accountability. I think there is little evidence that the present government or past governments would have shown the responsiveness that the Conder 4A decisions demonstrate if they had a majority in the Assembly. It is important that there is the capacity for government intentions and decisions to be explored and challenged through Assembly inquiry and through community action. The fact that government requires support from the opposition or cross-bench is important in ensuring that there is such capacity. Obviously that doesn't mean that government cannot get on and do what in general it plans to do. In fact, I would say that in my time here government has only rarely been constrained. The combination of expert and community advocacy, statutory oversight and minority government does, however, ensure that some change and adjustments are possible. I think the expansion of the Canberra Nature Park with the incorporation of Conder 4A is a good example of that process.

MR SMYTH (Leader of the Opposition) (4.32): I thank Mr Hargreaves for moving this motion. Conder 4A was a good experience for the people of the community and, ultimately, that is what counts. Mr Hargreaves extended enormous thanks to all, including Ms Tucker. In case she did not hear it earlier, he did acknowledge the role of her office and the part that she had played. I think it is important, where it is possible and appropriate, that we acknowledge when we work together.

The previous government had some concerns about the precedent this set. The advice we got at the time of the value of the land led us to believe that it wasn't appropriate to put

the moratorium in place. The community spoke and the community won, and that is probably a good thing. But what really is important is the work of the Conder landcare group and the ownership that part of the community now has for the wetlands and, obviously, for the bits of Conder 4A that they now care for.

As a minister it was a great pleasure to start that process. Mr Wood opened the final Conder wetlands project a couple of years later when it was completed. It is interesting to see these things as they progress across terms and across governments. The big winner in that was the community. The big loser in the whole process, from what I have seen since this government came to office, is the environment with the attitude of the Minister for Planning, Mr Corbell. Minister Corbell quotes political expediency as to why people change their views. He is the most politically expedient and inept planning minister that we have ever had. Mr Wood was the initial environment minister, wasn't he?

Mr Wood: In this government, yes.

MR SMYTH: Chief Minister Stanhope then took that portfolio. Mr Corbell talked about political expediency. I can remember listening to Phillip Toyne at what is now Justice Hope Park—he had been invited, I think, by Mr Corbell—tell us about how important all parts of the remnant woodland were and how important it was to save all of them no matter how degraded, how poor or how badly located or situated. I can remember watching the knowing, nodding Mr Corbell agreeing with Phillip Toyne about how important it was to save every last tree because there is so little left. Today we heard the most extraordinary piece of political expediency from the minister. He did a backflip. He now decides what is and isn't correct. He is almost above the control of the Assembly—certainly in his attitude.

The minister said that this government has put 1,000 hectares back into the reserve system at the cost of some half a billion dollars. That is commendable but he forgot to say that the work at Callum Brae was started under the previous government. The previous government knocked off an entire town centre. There was to be a town centre on the ACT side of the Jerrabomberra divide. All the work that we had done through the action plans, through the commitment to the environment, led us to make the announcement that that would never go ahead, that there would never be a town centre built there because of environmental considerations.

We also shifted the Gungahlin town centre. The previous Minister for the Environment, Mr Wood, saved some of the grasslands out there and we shifted the entire orientation of the centre to accommodate that. We drew the line in the sand with East O'Malley and said that the land must be saved. Not everyone wanted Justice Hope Park in North Watson saved but the vast majority of the trees were saved in a way that led to their survival. We also started work on the six suburbs that form North Gungahlin. We said that they should have more open space, more creeks and more dams and that we should save more trees, because that is important. I think it is important to put that into the context of the 1,000 hectares that Mr Corbell claims. Others have started that work. I am not aware of the progress of the variation to the Territory Plan to put the land formally back into the reserve system. I would be interested to know where that is. Not only were we responsible for putting the land back in; we did the monitoring work as well. We were the first jurisdiction to come up with action plans for endangered ecosystems or species, the first to review all those plans. That work I think was very significant in

setting a standard—a standard that this government falls below, a standard that it does not match now. It has made some glib announcements. It said that there would be no glib announcements and media stunts but that is what we are getting.

We get a patronising speech from Mr Corbell. Apparently he must know more about planning than any of us here. He is the one who knows everything. He is the one who can tell you how to build a sustainable city. Again, the work in the spatial plan was started with the commissioning of an OECD report by me. There was an acknowledgement from the previous government that there was to be greater density around Civic. We commissioned the OECD to tell us how to do that, and that is bearing fruit today in parts of the spatial plan. Mr Corbell, you should put things into context because people will always catch somebody like you out.

I thank Mr Hargreaves for moving the motion. It is nice to acknowledge that the needs of the community are often met. I am certainly pleased to work with the community at any time. It was very pleasing to set up the wetlands project. It is a great example of the community coming together and deciding what they wanted. They heard all sides of the argument. The Greens, the Labor Party and the Liberal Party were involved and we got a pretty good outcome.

It does raise an issue though. Mr Corbell said that connectivity is important but that the Nettlefold Street trees are not connected to a nature reserve and, therefore, can be cut down. It is interesting that before the last election Mr Wood and Mr Humphries agreed to save a nice stand of pines on blocks 16 and 17, section 226 Gowrie, behind the Holy Family Parish Primary School.

Mr Wood: I promised that about eight years ago.

MR SMYTH: Pines probably aren't the most popular trees in the Territory at the moment but the majority of pines behind the presbytery of the Catholic Church on Bugden Avenue and the open area of pines behind the Holy Family Parish Primary School next to the presbytery have been saved. There is a stand of pines—I think it is block 15—that extends from the back of the presbytery through to the first back streets of Fadden. I noticed when driving past that block that there is a "For Sale" sign. So I assume all those trees are going to be chopped down. Mr Corbell stands here and in his patronising way preaches to us that, if there is no connectivity, the land doesn't get saved. Well, he is just about to cut down one of those connections. The Minister for Planning, the minister responsible for ACTPLA, is about to sell off a block of land for medium density housing.

I am not sure how many trees on a block survive a medium density development. I suspect the answer in this case is nil. I suspect all of those pines will go. Those pines will provide the connectivity between Fadden Pines District Park and the Hannah Park. Hannah Park is now disconnected. I ask Mr Corbell if he has the nerve to come back and explain how selling that block of land and cutting down those trees increases the connectivity that he thought was so important in maintaining different stands and different ecosystems.

Mr Wood: I am not sure it had much to do with Mr Corbell. That was a decision Mr Humphries and I took.

MR SMYTH: Thank you for that, Mr Wood. I acknowledge that Mr Wood and Mr Humphries struck the deal. The committee said that blocks 16 and 17 of 226 would be saved, except that block 15 has now been sacrificed. This government, which is apparently committed to connectivity, to having corridors of green, is about to cut asunder one of those corridors: it is about to disconnect Hannah Park from Fadden Pines District Park, to stop that connectivity. The minister ought to come and explain why.

Yes, we need some medium density housing, some adaptable housing and some aged care in the valley, but we have this double standard and I would like the minister to come and answer for that double standard. I think people in Gowrie were of the impression, based on the deal between Mr Wood and Mr Humphries, that all those trees would be saved, but they are going to go. Mr Corbell, you talked about knowing how this works, the need for green corridors and the need for connectivity. Come back now and tell us about the need for chainsaws to cut down those pines, to destroy the green belt, to break the connectivity and to isolate Hannah Park.

Well done, Mr Hargreaves, for bringing on this motion. I am very proud of the wetlands. They work very well. The local schools have used them a lot for educational programs and have taken an interest in them. The Conder landcare group still cares for them and works on them and that has to be a good thing.

MR HARGREAVES (4.42), in reply: I thank members for their support for the motion even if they did digress somewhat into areas of policy—

MR DEPUTY SPEAKER: Indeed they did.

MR HARGREAVES: and talk about the lack of trees in Antarctica. I digress a bit too far. I will come back to the subject as well. I acknowledge Ms Dundas's qualified support. She would like to see more preservation, as we all would. I don't think anybody in this place would say, "Let's hear the delightful sound of chainsaws starting up." Ms Dundas talked about the loss of trees in Belconnen. The motion was all about saving trees, saving the grassy woodlands in Conder. I too mourn the loss of trees, but the minister's point about a stand of trees in the middle of an industrial area of a town centre, choked off by fumes from cars, is just a little different from a pristine nature park.

Mrs Dunne cannot accept a positive outcome. She cannot say, "Good on you," and leave it at that. She cannot accept that without dropping a bucket full of bile, full of malevolence, on all the people that have shown a commitment to nature conservation. She can't help herself, but we have grown used to that and we love her anyway. How the position shifts! She is bagging out the government for not saving the trees in Nettlefold Street, yet she worked for the very government that sold the land, knowing full well when they sold the land that the lovely sound of a chainsaw buzzing away at Belconnen would happen.

Mr Wood: Did they change their mind?

MR HARGREAVES: Not until the election, no. The government then changed their mind and said, "We love the sound of chainsaws; let's build some more." How the roles

reverse! Ms Tucker claimed a significant role in the end result of Conder 4A and the change of the road. I acknowledge that it was Mr Smyth's decision to not have Templestowe Avenue go straight through to Charterisville Avenue but to turn left into Tom Roberts Avenue. That was a brilliant decision and I thank him very much for that. I acknowledge Ms Tucker's role in it. However, she should listen to the debate before she comes in here and belts people over the head for not acknowledging people's contributions. Listening to the debate is a good idea to stop yourself from looking really stupid.

Mr Smyth: Two ears, one mouth.

MR HARGREAVES: That is right yes. How about closing the mouth and opening the ears? I did, in fact, acknowledge the roles of Ms Tucker, Friends of Grasslands, the Conder community landcare group, the Commissioner for the Environment and Michael Bedingfield. I notice that Ms Tucker forgot Michael Bedingfield. Good on you! Either do your research or keep your mouth shut.

I appreciate the Leader of the Opposition's gracious comments about community commitment. I thought they were called for and I appreciated the comments that he made. He did say that the community is a big winner, and I think that is true. All the rest of the stuff about the loser bit I thought was a whole load of rot and nothing short of bushfire fuel, quite frankly, but we will just dismiss that with the contempt that it is due.

I was interested in the inconsistency when talking about preserving Callum Brae. What an honourable position that was! That was really great—you were going to stick a prison right on it! Let's get the whole story right, guys. You say, "Oh, we shifted the Jerrabomberra town centre into oblivion; we shifted the Gungahlin town centre; we shifted the AGSO building"—all that sort of stuff—but that strikes me as being a little like "me too-ism". "Don't forget me please, sir. I was a good boy in the last government." Well, okay; good on you!

I have a little difficulty putting yellow box/red gum lowland woodland and grasslands preservation in the same category as that of a standard radiata pine. I am sorry about that. I am very happy to be corrected about this, but, as I understand it, it is true of radiata pine. I could be wrong. The issue is not about the preservation of trees. The issue is about whether you should build on that block. Mr Smyth talked about the connectivity of Fadden Pines up to Colin Hannah park. I suggest that you drive up Budgen Avenue, because Bugden Avenue wrecks the connectivity of Fadden Pines through to Gowrie and has done so for years. There is no connectivity. There are two distinct areas. If you want to argue the point about whether or not to build on that particular block of land, I think that is an argument, a debate, worth having. I have the same difficulties that the Leader of the Opposition has with it. I don't think we differ. But let's use the right argument: it is not about the preserving trees at all; it is about preserving the back of the presbytery and about preserving an area for people to use as a recreational area. It has absolutely nothing to do with preserving a standard radiata pine.

Mr Smyth is floundering at sea without his water wings again. Just forget it! Argue the case on its merits and you might win. You can't see the wood for the trees. That is your problem. You know that you have touched them on the ticker when they yell at you across the chamber. So I am quite happy.

I thank the crossbenchers for their support for the motion. But, just to go to the heart of it, this motion is about Conder 4A and about congratulating the people that were behind the preservation of Conder 4A. I thank members again for their support. I just want to reiterate my thankyous to the people of Conder, particularly those in the adjacent areas around the Templestowe/Eaglemont Retreat area. They are a magic bunch of people and, for once, the little people have won.

Motion agreed to.

Bushfire recovery centre

MR SMYTH (Leader of the Opposition) (4.50): I move:

> That this Assembly notes the considerable contribution made by the Bushfire Recovery Centre to bushfire survivors and the Canberra community and calls on the Government to:
>
> (1) continue the operations of the Bushfire Recovery Centre in its present form until 30 June 2004;
>
> (2) use this extension of time to properly and extensively consult with bushfire survivors and other stakeholders on their future needs; and
>
> (3) report to the Assembly by the last sitting day of May on the results of the consultation and proposed future arrangements for bushfire recovery services.

The reason for this motion is quite simple: a large number of bushfire survivors feel that they have been kept in the dark on plans for the recovery centre. Much has been said here about the wonderful work of the recovery centre. In the Assembly on 11 December last year, the Chief Minister, when tabling the report of the ACT Bushfire Recovery Taskforce, highlighted the key role played by the recovery centre in the aftermath of the bushfire disaster and how it has provided outstanding support to people using a case management approach. The range of services provided by the centre and the extent of coordination between ACT government agencies and community organisations in delivering what was needed has been an outstanding achievement. It is extremely important that we, as a legislature, recognise in a formal way the work done by the people who provided services out of the recovery centre. Much has been said and written elsewhere about the magnificent work of the people working in the recovery centre, so I don't think I need to go into any further detail at this point on that aspect.

Also on 11 December 2003 in the Assembly, we acknowledged the enormous contribution made by a range of counselling services following the January 2003 bushfire disaster. The government presented a report to the Assembly entitled *Counselling services following the January 2003 ACT bushfires* in response to a recommendation from the Select Committee on Estimates that "the government assess the ongoing need for counselling services as a result of the 2003 bushfires and provide an interim report to the Assembly on the last sitting day in December 2003 of plans for 2004."

It is important to emphasise, however, the comments made by the Chief Minister when presenting this report to the Assembly. He said, in part:

> Mr Speaker, the ability to respond … effectively to those in need of counseling has been crucial ... We know that this will continue to be a crucial need for some time. It is particularly important that those most directly affected by the fires can face the future confidently and with the knowledge that there is still assistance for them when and if they need it.
>
> Consideration has presently been given to the best means of meeting the ongoing needs of those affected by the bushfire following closure of the ACT recovery centre at the end of March 2004.

It is extremely pertinent to consider some of the comments made in this report. Firstly, there was an acknowledgement of the requirement for "the transition of service arrangements during 2004"; secondly, there was a clear recognition of the way people can be affected by a disaster some time after the event, possibly through triggering following a related event or when there is evidence of the emergence of family conflict and difficulties in relationships; and, thirdly, there were references to people seeking counselling two years after the Newcastle earthquake and two years after the bushfires in Sydney in 2003. Perhaps the most telling comment in this report is the following:

> The residual effects of this catastrophic event should not be underestimated.

The report observes that some people may carry the effects of this disaster for many years. This report provides an interesting and important insight into the consequences of the ACT bushfire disaster, and it is in this context that I have proposed my motion.

All of us would have woken to the report in the *Canberra Times* of Monday, 8 March this week. If you have read it, the reasoning for my motion becomes pretty clear. The headline, in large type, says "Bushfire victims in dark". A smaller subheading says "We haven't been consulted: residents". The opening paragraph states:

> Canberra firestorm victims have criticised the ACT Government's response to their plight and requested a more formal method of consultation.

I am sure members have read the article. One of the paragraphs says:

> Yet without consultation the Government had announced the Recovery Centre would be closed.

That is unacceptable if that is the case. I am told that some individuals received a letter that the centre was to close, but there were no specifics about how the new arrangements would work. That is unfortunate and unacceptable. Some people may be surprised at the strength of the outcry against the imminent closure of the recovery centre. More careful consideration reveals that a real need remains for the centre to stay open for a while longer. There must come a point in time when the centre will close, but, before that happens, there must be real and meaningful consultation. It must be clearly pointed out to those who use it currently or may need to use it in the future how the new

arrangements will work and it must be clear to the community that this has been undertaken.

In the last couple of days I have spoken with several of the survivors who had lost their homes. All have said that they think the centre should remain much longer; some said that it should remain much longer than June 2004. But all agree that the centre should remain open until at least 30 June this year. All were full of praise for the centre, all were grateful for the help that they had received and all were uncertain about what the new arrangements would be.

I have spoken to Richard Arthur, the head of the Phoenix Association, who said that the recovery centre is a symbol for many people—a place where they can go to, a place where they know they can get assistance in a sure and certain way. That is what these people need. I think it is unfortunate to close it so quickly. He said that arrangements resulting from conversations with the government, when he and representatives of another group were called in about the new system, were unclear, that it wasn't made clear to people what the new arrangements would be. He said that when the new arrangements are introduced—he accepts that they need to be introduced and that it needs to be done in a timely fashion—people need a much longer lead time to become used to the idea of the centre closing and that much more detail needs to be provided as to how the new arrangements would work.

Mr Arthur said to me this afternoon that victims of the fires and people who had lost their homes or were affected by the loss were getting more upset daily. He said that the Duffy Primary School was a case where more not fewer resources would be required. All the children in the suburb had been affected in some way. His impression was that the school may be struggling to cope and he thought that certainly more resources should go to the school. Mr Arthur also asked me to say that he appreciated that the recovery centre needed to close. All understood that, but what was required was a clearer process, a longer lead time and better communication from the government.

I don't believe there is any question of money around the continuation of the recovery centre. The Assembly has given plenty of money to bushfire recovery activities: during 2002-03 we spent $1.1 million on the recovery centre and allocated $2 million during 2003-04. The need in our community appears to be: an ongoing requirement for a continuation of what Richard Arthur calls "a symbol of the recovery from the bushfire disaster", the continuation of the provision of counselling services and a more effective transition to the post-recovery centre phase.

There are still a great many bushfire survivors in our community who need the continuing support of the recovery centre. As I noted a moment ago, experts, in dealing with the consequences of disasters such as the ACT experienced in January 2003, note that, for many people, issues relating to the disaster may not be properly identified or acknowledged until during the second year after the disaster. It is evident that there remain many people who continue to be adversely affected by the bushfire disaster. It is important for these people to see that the community recognises their situation and responds to it.

There are a great many others who are less dependent or who require less support but who want to be properly consulted on the future of the recovery centre as well as about

their future needs. Some of these needs seem to be more in the way of providing a sense of support and continuity for people who have experienced a traumatic event and who are seeking stability in their lives—lives that, for many, are still dramatically disrupted.

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.

MR SMYTH: There are two aspects to the operations of the recovery centre that I believe are important at this time and that are the focus of my motion. First, to ensure that plans are in place for an effective transition to the usual support programs and organisations that provide the services that will be needed and, second, to ensure that the closure of the recovery centre and the transition arrangements are properly communicated to ACT residents.

The concerns expressed in Duffy last weekend are deeply felt. I believe it is incumbent on us to respond to those concerns as quickly as possible. I propose, therefore, that one of the best ways to respond to these concerns would be to continue the operations of the recovery centre until 30 June this year. At the same time, it is imperative that we use this time to consult with affected people and that appropriate options and alternatives to the services that have been available through the recovery centre are communicated and well understood by the public as we transfer. In this way, we will ensure that adequate and appropriate programs and activities are in place to provide ongoing support to people who are still deeply affected by the bushfire disaster and its aftermath.

The ACT Recovery Centre will be seen as a symbol of the magnificent way in which our community responded to the bushfire disaster. I believe it is equally important, therefore, that the transition from the specific recovery centre to more usual programs is undertaken effectively and that all the relevant arrangements are properly communicated to ACT residents.

There is an aside to this issue. On 2 August last year the following motion was moved in the Assembly:

> That this Assembly calls on the Government to:
>
> (3) outline to the Assembly, by close of business 21 August 2003, its assessment of the future needs of those affected by the bushfires in regard to counselling and other services;

I don't recall, and a search by the staff here has been unable to find, the government's response to that issue.

It is important that we keep in mind that the closure of the centre is not easy for some but that it must occur. We have to take into account the subheading on the front page of the *Canberra Times* "We haven't been consulted: residents" and the fact that they feel they are in the dark. If the government have been out there doing the job—I am sure the Chief Minister will outline what they have done—it hasn't been as effective as it could have been or it hasn't worked at all. With that in mind, on behalf of the community I think it is quite appropriate that we, as an Assembly, say to the government that it is appropriate to

keep the centre open for a further three months, but we need to make sure that the systems are in place and that the arrangements are well communicated and well understood. At the end of the program, maybe on 30 June, we could hold some sort of celebration, a cathartic event, at the recovery centre to say goodbye. People can come and say their thanks to all the wonderful staff for the wonderful work they do. It would bring them together in a group one more time, in a public way. They can choose whether they want to come, as some did on 18 January this year. I know that the people I have spoken to would be absolutely delighted to give their personal thanks one more time to the people that have not just assisted them but become their friends on a very grim journey, a journey back to normality, and to show that they are very grateful to the staff of the recovery centre.

I commend the motion to the Assembly. I hope the government agrees. It is important that we move forward together on this aspect of the recovery and it is appropriate that these services are provided in this way. If the community are saying, "We didn't know" or "We haven't had enough warning" or "We're not sure of what will happen" we should not add to their pain this time. The transition must happen and must be as painless as possible.

MRS BURKE (5.04): I thank the Leader of the Opposition for his position regarding the rights and wellbeing of the community in relation to their ongoing recovery after the 2003 bushfires. I would like to start with a media release put out by the Chief Minister on the bushfire recovery process, dated 28 April 2003. There are five very positive things listed as long-term priorities for recovery. A couple of those priorities are:

> 3. rebuilding secure and cheerful neighbourhoods for families, children and other residents in the fire-affected areas—to recognise that the new local communities will include existing residents and new residents;
>
> 4. retaining and reinforcing the strong community spirit that Canberra has exhibited so visibly during and after the fires—people and community groups working side by side, and capturing the pride in the achievements of the recovery;

I believe it makes perfect sense that we look at continuing operations for a further few months at the centre as it exists now. The government has circulated some good information to the community on services available which seems to back up the notion that we should not be too hasty in our actions to close down the centre prematurely. We have to thank the State Emergency Recovery Unit, Operations Division, of the Victorian government for a lot of this information. I note that this information has been reproduced by the ACT government.

The following services are currently available at the centre: assistance with alternative accommodation; assistance with repairs to the home and essential contents; personal support, advice and information; community redevelopment; counselling and psychiatric support services; health monitoring; and assistance to farmers and small business. I believe that some have moved on, having been through quite a few of these areas; however, many see the centre as a means of stability for their lives. It is a focal point for many; a place that they can relate to.

We need to be very careful too about moving people through a process, which may be for the minority. The Chief Minister's consideration to resource this centre could have

crossed his mind. I believe that we are going to be spending money anyway, considering the foreshadowed amendment of the Chief Minister to the motion today, which talks about visible and easily accessible services. It means that he is going to be taking these services out to the people out there. If people are happy to align themselves with and receive the services in that centre, why work harder, why reinvent the wheel, why throw the baby out with the bath water?

The publication put out by the government also talks about human recovery from emergencies and information for workers in emergencies. Under the heading "Long Term Responses (From months to years) it is stated:

> Delayed reactions may include any short or medium term responses; changes in attitude, values, lifestyle, habits; loss of leisure and recreational interests; changes in friendship networks, isolation, preoccupation with disaster or recovery incidents; continuing pessimism, bitterness, resentment, distrust, unhappiness; marital, family or relationship problems; behaviour problems in children; changed work attitudes and motivation.

This is obviously notable by the calls that I have received to my office. I know that many other members have received calls too. We thought we were just over it, but we are now seeing children just beginning to manifest some of the situations and problems there. To incur more change in parents or carers lives in having to deal with children through this process I think is a little insensitive at this stage. I think the Chief Minister needs to think carefully before he moves down this path and takes on board, in the spirit that it is meant, the motion that is before him today. I hope that we can work together in a spirit of cooperation.

This is certainly not, as the Chief Minister is going to say, for political expediency. It would be very crass to even suggest that. We are really about wanting the best outcomes for people, surely. I support this motion. I acknowledge the Chief Minister's foreshadowed amendment, but I believe that the loss of the recovery centre as it stands now could have quite a negative impact on the people who still avail themselves of the services there and who relate to that centre. The Leader of the Opposition alluded to the centre as being a symbol for many people.

It seems slightly unjust and unfair to just spring this decision on the community. I don't believe that is an acceptable way to do that, given the delicate nature of what this centre represents and the great and fantastic work that it does. We must ensure that we bring the community with us. The government's approach is to simply steamroll over people who, as I have said, are already in a very vulnerable position. On recovery from trauma, the publication states:

> Most people recover from traumatic experiences, but it usually takes them longer than would be expected for non-traumatic crises.

It continues:

> Sometimes people can maintain things for some time (although those around them often see that all is not well) and eventually something happens that brings it to the surface again. This can happen even months after the event.

I suggest that removing this point of confidence, if you like, in building and integrating people back into the community, will have a negative effect. I am sure that is not what the Chief Minister intended. I ask him to again look at all the aspects, and I am sure he is going to tell me that he has. Pushing people into change when they may not be ready for it, given the expert advice that we have received through many good publications that have been put before us, is quite hasty.

There has been much talk about short-term, medium-term and long-term responses. Let us not forget that, in the short term, much has been done by the excellent work of the recovery centre. In the medium term, much is being worked through but there are still people who are struggling in the long term. I will quote again from the good publication put out:

> For many people, some effects of the disaster only become obvious after a year or longer.

Destabilising people in this way is perhaps not what the Chief Minister actually intends. Let us say that the opposition has put something up, but the government does not like it, so it won't even think about taking the concerns on board. These are very real concerns from very real people in the community who contact us. People are also experiencing economic hardship, but these things only start to manifest after a length of time. People have been displaced in the community and many properties have still not been built. Many who have been relocated and are struggling to come to terms with the whole change in their circumstances are still relating to that centre, to that place, to those people. It is a lifeline for them. We really need to think long and hard before removing it.

Many people are still living under and trying to work through stress and duress. They relate to the people at the centre. It is a focal place, a community of its own. A community centre serves a great need in our communities. It is a place where people can congregate and pull together. We see problems with children's development or behaviour, and of course things like that don't manifest overnight, in six months or 12 months. We are now perhaps seeing a new phase emerging where children, and indeed adults, who have not necessarily demonstrated any behaviours or have had any need for services, now find themselves in a place where they do. Things do take a while to manifest. I remember talking to a lady who was involved in the Darwin cyclone. I think I have told members about this before. Something that was said in a speech immediately after the bushfires sparked something in her and brought the whole thing back. She realised that, after nine years—this is an extreme case, I grant you—she had not dealt with all the issues in her life. So why are we, in this short space of time, snatching away from people something that they have great faith in?

We also see loss of leisure and recreation and loss of friendship networks. These are warm things that pull a community together. The comments I have had about the people at the recovery centre have been nothing but glowing. They have excelled and gone above and beyond the call of duty. I think also of the people who were involved. To take them immediately away and cut them off all of a sudden from the job that they have been doing so excellently may also be detrimental to them. They have gone through an enormous trauma themselves.

Mr Wood: It is detrimental to keep going forever.

MRS BURKE: We cannot keep the centre open forever, as Mr Wood interjects. We are saying that we should give people time.

Mr Quinlan: Say something real.

MRS BURKE: I haven't heard you talk in this debate. Perhaps you are going to say something real for us all to enjoy. That will be a delight. People also suffer from loss of sense of direction in life. Again, people have a sense of direction relating to the centre, a sense of purpose of going to a place where they know that they are going to be listened to, that their needs are going to be cared for. People also have continuing disturbing memories of the disaster.

I am pleased to support the motion today. I am pleased that the Leader of the Opposition had the foresight to move this motion. We have been lobbied by our constituency and have at least listened to people in a highly vulnerable state and a highly vulnerable position. We call on the government to think carefully and to consider this motion. I commend the motion and support it wholeheartedly.

MR STANHOPE (Chief Minister, Attorney-General, Minister for the Environment and Minister for Community Affairs) (5.16): The ACT Recovery Centre has indeed made a most significant contribution to the Canberra community and particularly to those individuals, families and community organisations directly affected by the bushfires last year. From the beginning of the recovery process, the government accorded the highest priority to assisting people directly impacted by the fires with information, services and support.

The ACT Recovery Centre has been instrumental in the overall effort to help the ACT community get back on its feet after the devastating events of 18 January 2003. The recovery centre was established on the basis of the disaster recovery principle that people want to manage their own recovery, but to do that they need sufficient support and information to enable them to make the decisions which are right for them and their loved ones. On that basis, the recovery centre has provided personal support to households, counselling for those who need and request it, and a range of practical help and information to enable people to regain their households and their lives.

The recovery centre provided services to more than 1,500 households, representing around 4,000 people. The forms of assistance provided to people throughout the recovery process have included: provision of a range of initial financial assistance for emergency household relief; the continuing provision of counselling services; provision of financial assistance and advice to fire-affected businesses, including home based businesses and rural leaseholders; support for community organisations and networks, including assisting volunteers, managing large numbers of donations of goods and services, supporting communities and community organisations directly affected by the fires, and supporting frontline community organisations and the community based bushfire recovery appeal; and supporting people through the decision making and recovering process by providing information on parenting after disasters, counselling and mental

health issues, and distributing material support, particularly in difficult times such as winter.

Emerging needs were identified through contact with directly affected residents at the recovery centre, information from the Community and Expert Reference Group and contact with community groups and others. Initiatives implemented in response to emerging needs included: a specialist case manager to assist with insurance complaints and disputes; a program of additional assistance during winter, including facilitating a winter warming project involving major charities, a large retail chain and government to provide vouchers to purchase winter clothing and linen; additional measures to assist with rebuilding, including a bushfire building cost advisory service; and additional assistance to those badly injured in the fires.

Another significant role played by recovery centre staff has been the provision of support for some 400 community development activities aimed at strengthening and unifying community resilience. Teams have focused their activities around social events and information sessions in an attempt to reach those most affected within the community. One of the primary aims has been to maximise the information and communication flow that has been vital to all affected residents. After 14 months of this support the vast majority of households are telling the recovery centre that they are well along their journey to recovery and that should they need help down the track they now know where to go for that help and assistance. In other words, those residents have assumed control over their own lives and they feel good about that.

In July 2003, the Bushfire Recovery Taskforce undertook a review to identify the key issues for the future and to provide advice to government regarding the second phase of the recovery process. The taskforce recommended to my government that direct services through the ACT Recovery Centre be continued until March 2004. At the end of last year I announced that the recovery centre would continue to provide support to bushfire-affected residents until April 2004 when services would be relocated into mainstream community and public service agencies.

On 11 December 2002, I tabled a report in this place—*Counselling services following the January 2003 ACT bushfires*—on the expected demand for ongoing counselling services and our intention for the transition of service arrangements during 2004. I advised the Assembly of that in December. That report noted that demand for counselling services was being carefully monitored and that planning was under way for the most seamless transition possible of those services that would need to be ongoing. A particularly important aspect of the recovery process has been the involvement of the community in monitoring service needs and emerging issues. Recovery of the suburbs and bushfire-affected communities has been greatly assisted through the guidance of the Community Expert Reference Group.

The Community Expert Reference Group has played a vital role in providing the Bushfire Recovery Taskforce and the ACT government with a channel of two-way communication to ensure that the recovery strategy was informed by community views and needs and by local knowledge and expertise from community groups, fire-affected residents, unions, the business community and the Commonwealth. The government has already thoroughly consulted with the Community and Expert Reference Group and

other community groups on how service delivery progression would best meet the continuing needs of bushfire-affected residents.

From April, we are moving the bushfire recovery process forward. Services that are currently provided by the recovery centre will be integrated into mainstream community and public service agencies as recommended by the taskforce. These agencies will include ACT Health, the Department of Disability, Housing and Community Services, Urban Services, ACTPLA, Relationships Australia, Woden Community Services and. Communities @ Work These changes have been well supported by all Community and Expert Reference Group members and represent the next important step in the recovery process. I think it is important and perhaps of interest to members of the Assembly for me to give some indication of who is represented on the Community and Expert Reference Group. The group comprises Mr David Dawes, who currently chairs it; Ms Karla Ries of the Duffy Primary School Parents and Citizens Association; Ms Jo-anne Matthews, a Kambah resident whose home was destroyed; Dr Tony Griffin, a rural SC; Mr Jeff Carl of the Weston Creek Community Council; Ms Catherine Townsend of the Institute of Architects; Mr Peter Malone of Unions ACT; Ms Trish Harrup of the Conservation Council; Mr Daniel Stubbs of the ACT Council of Social Service; Mr Chris Peters of the ACT Chamber of Commerce; Senator Gary Humphries, senator for the ACT; Ms Annette Ellis MP; Ms Wendy Anderson; and Mr Richard Tindale, owner of Canberra zoo. Members of this group advised the government unanimously on the steps and the processes that the government has put in place. The unanimous view of the Community Expert Reference Group was that we now take this next step for the future.

In the past month, in addition to that unanimous advice from the Community Expert Reference Group, the recovery centre has contacted over 1,000 registered households to ask them of their views about progression for the future. They almost all supported this next step in their recovery.

Mr Wood: And that side said there had been no consultation.

MR STANHOPE: Did they? That is part of the consultation the recovery centre has undertaken over the last four months. The recovery centre has contacted over 1,000 registered households. Of course, people are very sad to say goodbye to the centre, because it has been such a source of warmth, comfort and support in most difficult times. But by the same token, those people, those households, are telling the recovery centre that, with the backup of family, friends and community services, they can now manage without a specific bushfire recovery service.

The residual effects of the January 2003 bushfires should not be underestimated. Many people are recovering well, but despite our best efforts some will carry the effects for many years. For the small number of households that still require help, there are four bushfire specific sources of assistance. Firstly, from 5 April there will be a discrete Bushfire Support Unit in the Chief Minister's department. This will be staffed predominantly by workers from the recovery centre. The unit will have the same phone number as the recovery centre and will provide assistance to those households who continue to need help accessing services, including personal support and advice on rebuilding costs. It will continue to publish *Community Update*, the highly successful newsletter. Many of the people who have played a role in the bushfire recovery process in the last year will continue to be involved in the provision of services to bushfire-

affected residents through the Bushfire Support Unit. Importantly, the Bushfire Support Unit will be able to assist particular households and be a link to both government and community services.

Secondly, the regional community services organisations, Communities @ Work and Woden Community Services will take responsibility for continuing to support particular families referred to them by the recovery centre. These regional community services have indicated that they are keen and have the capacity to provide personal support services to bushfire-affected citizens within their local communities. Thirdly, bushfire recovery counselling services will continue to be provided by ACT Health through Relationships Australia and Child and Adolescent Mental Health Services. Appointments for these services will be able to be made through the Bushfire Support Unit. *(Extension of time granted.)*

And, lastly, we have written to every household that has registered with the recovery centre to advise of the new arrangements should they need help in the future. Information and contact details for the Bushfire Support Unit will be in *Community Update* and the advertisements in the Saturday *Canberra Times*. A brochure outlining changes will be available at the recovery centre, libraries and shopfronts and details will also be included in the bushfire recovery web site. The integration of most of the services undertaken by the recovery centre and the taskforce secretariat to the mainstream public service and community agencies is a natural progression and important in terms of moving forward and looking to the future. However, the government is committed to ensuring that support continues to be available for those who need it. Whilst there is still much to be done and challenges ahead, the time is right to move to the next phase—it is the wish of the vast majority of the residents affected by the fire to move to the next phase—of community and personal recovery and to integrate most of the recovery process into the normal business of government and community services. We have consulted exhaustively and in detail for the last four months on this natural progression and the next phase of recovery.

This motion, at its heart, is an appalling defamation of workers in the recovery centre who, it has been suggested through this motion, would simply abandon their clients, simply abandon the 1,400 families that have been part and parcel of their work for the last 14 months. To think for one minute that they would not have been consulted, to think for one minute that those that continue to be clients of that service or the service that has been provided have not been consulted in detail about their future care and the future array of services is a defamation of those hardworking and dedicated staff at the recovery centre who have made the delivery of this service through the recovery centre a benchmark for the rest of the world to follow and emulate.

To suggest that we are abandoning people in a cold-hearted way without any consultation is an absolute nonsense and I find it quite offensive. The government will not support this motion. This matter has been heavily negotiated. It would now be a matter of real concern for us to go back to the community, having negotiated this with them, and say, "We have changed our mind. We were going to close this centre and move to a whole new service delivery model, a whole new structure and a whole new set of arrangements that have now been articulated and communicated. Forget about all that—back to square one." We are not going to do that. We are going back to where we were.

People have indicated to the recovery centre that they want to move on. They see this as a vital part of their personal recovery, the recovery of their families and the recovery of their community. We would not have done it otherwise. In that light, the government will not support the motion. I have nevertheless, to allay or assuage some of the concerns that are expressed by the opposition, prepared an amendment which does go to reporting back to the Assembly, to providing information to the opposition and those members of the Assembly that have some desire for further information, particularly in relation to proposed future arrangements and, of course, our commitment to consult fully and as necessary with residents. I move:

> Omit all words after "that", substitute:
>
> "this Assembly notes the considerable contribution made by the Bushfire Recovery Centre to bushfire survivors and the Canberra community and calls on the Government to:
>
> (1) continue to provide the services of the Recovery Centre in a form that is visible and easily accessible to the clients of the Centre;
>
> (2) continue to properly and extensively consult with bushfire survivors and other stakeholders on their future needs;
>
> (3) engage in a process of closure that is positive to the clients of the Centre; and
>
> (4) report to the Assembly by the last sitting day of May on the results of the consultation and proposed future arrangements for bushfire recovery services.".

I commend the amendment to the attention of members.

MR WOOD (Minister for Disability, Housing and Community Services, Minister for Urban Services, Minister for Police and Emergency Services and Minister for Arts and Heritage) (5.30): Like everything else it has done, the recovery centre has worked extremely well—extremely effectively.

Mrs Burke: Nobody is doubting that.

Mr Smyth: Nobody doubts that.

MR WOOD: You contest it. I heard you speak. You contest that point and you say, "This isn't good enough, we've got to extend, expand and do all sorts of things."

Mrs Burke: We did not.

MR WOOD: Go and read your own words. The problem we have here is the competition on private members day. You proposed this motion, no doubt completely unaware of all that had been happening. You just did not know the way that this had been worked through so, on this private members day, you brought in a motion that was simply unreasonable. We saw earlier in the day a motion where there was an acceptable result in the end, but it was negotiated on the floor here. Why would you not come and ask some questions? "What is proposed about all this?" If you had come and asked some questions—if you had spoken to people who know about it—you would not have brought forward this motion.

You have to have something here for private members day. You ask, "What can we do?" You get a bright spark of an idea and you write down some words. You said there had been no consultation. What nonsense you went on with! You do not consult; you just write out some words and then circulate them. If private members day is to come up with constructive ideas, as we would all wish, on this and a whole range of other matters, I think there is scope for a whole lot of cooperation and coordination before things emerge onto the floor.

Except for a few people over there, everybody has confidence in what the recovery centre has done, and there are outstanding reasons for that confidence. What they have done is a landmark—it sets the example. They have set the example by saying that it is time to move on, and in the way they have talked to the people who have gone in—they know them darned well by this time. They have recognised that it is time to move on. They have done it very well, as with everything else. I think you should accept that, crawl back into a hole and say, "We goofed on this one."

MRS DUNNE (5.33): If we prick them, do they not bleed? The touchiness of the government over this motion is breathtaking.

Mr Wood: That is primary school banter. Get on with it!

MRS DUNNE: The splenetic outburst of Mr Wood over this is really inappropriate. Most of what has been said here today has been highly supportive of the recovery centre.

Mr Wood: Except the motion itself.

MRS DUNNE: No-one denies the wonderful work being done —

Mr Wood: You all spoke very nicely but the motion itself is not of that order. That is absolutely right. You cannot deny that. Now carry on.

MRS DUNNE: I would actually ask rhetorically, Mr Speaker, which parts of the phrase "notes the considerable contribution made by the bushfire recovery centre" does the minister not understand? This is really about consulting with and listening to the community.

The report of the bushfire recovery task force came out last year and it was made known that the recovery centre would be closed in March. When people from Duffy and other places came to me to talk about issues related to the bushfire and I said to them, "Do you know that the government is going to close the recovery centre in March?" It was greeted with universal horror. There were by no means hundreds but there were dozens of people I spoke to on this issue. The people we deal with as members here are probably at the harder end. I agree with much of what Mr Stanhope has said. Many people have moved on and have taken control of this.

We salute those people because what they have done has been exceedingly hard. But there are many people—they may not be a majority; they may be a relatively small number of the 1,000 or so clients of the recovery centre—who have not moved on and who do not know what is happening at the recovery centre despite letters having been

written to thousands of people. I would submit that telling people what is happening is not consultation, it is providing information, it is not actually engaging in feedback and I think that this is one of the failings, one of the signal failings, of this government, unfortunately.

There are many people, clients of the recovery centre, who are at a loss to know where their lives will lead them. I have had people in my office who have confided in me that they have been on suicide watch by the recovery centre. That is how good the work of the recovery centre is: they keep people under their wing at all times and they also give them space to work out when they need to come to them and address their problems.

As the research has shown and as Mr Smyth has indicated, just because a year or so has gone by it is not over. I know that there are many in the community at large outside those who are bushfire-affected who are a bit—well, people have said to me, "Look I am so over the bushfires," but that is because their lives have not been touched in the same way as people who lost their houses or saw their friends lose their house or who are so traumatised by what happened that they have not returned to work regularly and they have lost their income.

I have heard accounts of children who do not regularly attend school since the fire because they are so traumatised. There are many people who have not moved on, many people who are not "so over the bushfires". This motion has been floating around with the opposition for some time. The issue of what we do and what we think about the closing of the recovery centre has been discussed by the opposition since the tabling of the Chief Minister's report late last year.

It is when we talk to people, and people come to us to talk about a variety of issues associated with bushfire recovery, that we discover that they do not know what is happening and, quite frankly, I do not know that a whole-of-government announcement on 4 March is a good enough consultation on the process; but that is one of the pieces of information we have, that is one of the pieces of information that was acted on by the Phoenix Association.

I attended that meeting. I was not there for all the meeting, and maybe some other members attended the meeting after I left, but so far as I know I was the only member of the Legislative Assembly who attended the Sunday meeting of the Phoenix Association on Narrabundah Hill and, therefore, I suspect I am the only person who heard first-hand the concern and the anguish of the people who were there about the closing of the recovery centre; and, while I pay tribute to the fantastic work, the ground breaking work, the world first work of the recovery centre, I am concerned, along with my colleagues and along with many members of the community, that the work and the views of the recovery centre staff themselves have been ignored in this and that there is a view amongst the community that the recovery centre probably does not want to see its services wound up yet.

There is no denying that at some stage we will have to wind up the services of the recovery centre in its present form, but the view is that many of the staff at the recovery centre do not think now is the time and many members of the public who have not yet moved on do not think that now is the time. We cannot really tell just how many people, who think that they are okay, will have those things come to the fore again when they

next strike a trauma—such as, as Ms Burke talked about, someone who had been involved in Cyclone Tracy.

We do not know when these things will come up, but we do know that there are many people who have not returned to work regularly, who do not go to school regularly—sorry, not many, but there are some people who do not go to school regularly or who have not returned to work. Their houses may not have burned down but they now do not have the financial wherewithal to keep their houses because they have been so traumatised by this.

Housing is one of the most crucial issues. Again I will go back to the findings of the poverty inquiry. Unless you address people's housing you do not address one of the principal causes of poverty and many people run the risk of falling into poverty as a result of the bushfires because they are underinsured and they do not know where to go and how to progress getting themselves permanent housing again. And while ever there is a substantial proportion of people who do not have permanent housing or the prospect of permanent stable housing the recovery centre should be operating for them.

One of the great benefits of the recovery centre was the one-stop shop. Mr Stanhope's description of what is going to happen is the abolition of the one-stop shop. It is going to be the four-stop shop. Yes, there is continuity with the telephone numbers and things like that —

Mr Stanhope: It is what everybody wants.

MR SPEAKER: Order!

MRS DUNNE: Well, if it is what everybody wants, Mr Speaker, the people at the Phoenix Association meeting on Narrabundah Hill must be in an alternative universe. We must all have been in an alternative universe from the one that the Chief Minister dwells in because the palpable feeling at the meeting on Sunday, which I attended and I do not think the Chief Minister did, was great distress about the closing of the recovery centre.

And while there is great distress I do not think that we should be contributing in this place to setting back people's recovery by upsetting the apple cart. It works. It works fabulously. If it ain't broke don't fix it. Let us move through the process and let us take every one in the community with us because there is a palpable anger out there that the people affected by the fires are being left behind.

And I suspect that this Chief Minister and this Minister for Disability and Housing know that by the tone of their response. They are very sensitive on this. I am very sensitive to the needs of the people of Duffy and of all those people who attended at Narrabundah Hill the other day and I would like to champion their needs here, because at the moment their voice is not being heard by the government.

MRS CROSS (5.43): I rise to speak on this motion and the Chief Minister's amendment. It is an admirable motion and I congratulate Mr Smyth for continuing to show his concern for the bushfire victims. I am researching this and there has not been as much time to research it as I would have liked.

I am at this stage comfortable with the way the government is moving ahead. The reason I am comfortable is because I understand that the government has consulted more than 1000 of the 1400 or so bushfire victims face to face. Most of these 1,000 victims who have been contacted face to face agree with the next phase of the bushfire recovery process.

I have some statistics that people may not be aware of and I thought it important to bring them to the chamber today. Of the over 1,000 clients that the recovery centre had—and these were bushfire recovery clients—there remain 20 who require intensive support and 80 who have decisions to make that are not necessarily problems but with which the recovery task force is assisting. So there are approximately 100 clients remaining of the more than 1,000 who were on the books.

That represents 7½ per cent of those who were originally affected by the bushfires. Even though there are approximately 100 clients remaining, 20 of whom require intensive support, all will continue to be supported by the bushfire support unit. The other thing that I have managed to find through this consultation is that the letter that went out advising the householders followed the consultation with the more than 1,000 people who were happy with the progress and the change in the way things were handled. There is also a brochure that has been given to all those victims of the bushfires. As I understand it, if I, as a bushfire victim, have a concern, everything will be centralised and I can ring a number and state what my concern is and I will then be put through to the people who can assist me, or I am given the information.

No one is going to be neglected or forgotten. This is what I am advised. No one is going to be dropped like a hot potato or considered to be old news. I believe the information that I have been given is true and I support the Chief Minister's amendment to Mr Smyth's motion, which again I must stress is an admirable motion. In fact, it has made us think about this issue again today, and it is a very important issue. So Mr Smyth should be commended for this motion. But on the advice that I have been given, I am confident that the bushfire victims, those who remain and any who may surface who have not come up in the last 13 months, will be taken care of.

If they are not, we are here and we do have a date on this. The Chief Minister has to report back to this Assembly by the last sitting day in May. If there are people out there who feel that they have been neglected, if there are people out there who have come to any of you and said "Mr Smith has been forgotten or has not been looked after properly"—because no one has come to me and said it—then there are 17 people in this place whom they can come to. And I do not believe that any member in this chamber would not help a victim of the bushfires, let alone anyone from the community.

So on the advice that I have been given this afternoon, I am confident that the government is handling this in a responsible way. If, however, there are members of the community who feel that they have not been handled properly, then they should feel free to contact members of this Assembly. Given, however, that the government's consultation has been comprehensive—and I am impressed that they have managed to contact over 1,000 victims face to face, which is rather an incredible task—at this stage I will support Mr Stanhope's amendment to Mr Smyth's admirable motion and we will wait and see.

If things do not continue on the path they are on at the moment then we will do something about it, but at this stage I do not see a need to change the path that the government has put in place, simply because, on the advice I have been given and the information that I have before me, it appears that things have been handled responsibly.

MS TUCKER (5.49): As Mrs Cross has said, it good that we keep an eye on what is happening and if there is a change in the arrangements that are in place to support people affected by the fires, we all need to be clear what it is and that it is working and the community is aware of it.

I will move an amendment to Mr Stanhope's amendment to omit the word "continue" from the second sentence. That will then read: "to properly and extensively consult with bushfire survivors and other stakeholders on their future needs".

I also accept that there has been thorough consultation with the bushfire survivors. There were, as I understood it, 1,500 or so on the books, about 500 of which cases have now closed, leaving 1,000 still active. They have been talked to about this and included. Paragraph 2 of Mr Smyth's motion also says: "extensively consult with bushfire survivors and other stakeholders on their future needs". Mrs Dunne, Mr Smyth and Mrs Burke have said that there are people who feel that they are not aware of what the government is doing and feel out of the loop.

It seems logical that they may well be stakeholders who are not actually direct recipients of counselling services and so on, or that they were and the cases are closed, and so they would fit into that group of people who are no longer in contact with the recovery centre. So that is why I am moving to delete "continue" because it seems as though there may well have been potentially some failure to consult with those people, as they are expressing surprise at what is happening.

But, on the whole, I am also confident that the government is working in good faith with the community on this and am prepared to support its amendment. I believe that this motion attempts to set a date for the closure of the recovery centre, whereas Mr Stanhope's amendment says that the government has to continue to provide the services of the recovery centre in a form that is visible and easily accessible to the clients of the centre. Now that is fine. If the government is asked by the Assembly to do that and they do that, then that has met the concerns, I would suggest, of everybody here, as well as everybody in the community, because that is basically what we are talking about. Do we have the services of the recovery centre being provided for people who need them and is that service provided in a visible and easily accessible way? I cannot see how anyone could have a problem with that.

The motion also says: "engage in a process of closure that is positive to the clients of the centre". I think probably I would put here that it should say, "and to other stakeholders". It seems to me that what is coming out of this debate, this conversation, is that there are other people who may well not be clients of the centre but who feel a very strong connection and involvement with the whole recovery process and I think that it is reasonable that that is the case. I think that probably includes most of us here: we feel we are stakeholders and very much affected by and engaged in the process of recovery for the whole community.

So, really, I could have amended 3 to say, "engage in a process of closure that is positive to the clients of the centre and other stakeholders". I am not going to do that, but I am putting it on the record and asking the government to note it so that the process includes everyone who wants to be involved because the closure of the centre could well be significant to some people in terms of the whole process as other people have spoken about it.

We are also going to get a report back to the Assembly on the last sitting day of May on these arrangements and how they have been carried out. That is a very good thing in terms of accountability and keeping us in the loop, and I think the final point I would make is that I do urge the government to just look a little bit further at their consultation with the stakeholders, so that we can hopefully avoid the distress that has been spoken of today by some members here.

MRS DUNNE (5.55): I seek leave to speak again.

Leave granted.

MRS DUNNE: I move the amendment circulated in my name, which reads:

> Paragraph (1), omit "in a form that is visible and easily accessible to the clients of the Centre;", substitute "in its present form until 30 June 2004;".

I will address all the issues before us in an attempt to move this debate forward. The bushfire recovery centre has served as a focal point for families affected by the January 2003 fires. I understand that the mandatory counselling services remain strong and even 14 months on some people are reporting to the centre to seek counselling for the first time. I appreciate that it is not a good use of public funds for the recovery centre in Lyons to operate indefinitely, however I am concerned about when is the right time to shut that centre and the process that will work around the closure of the centre in Lyons. One thing that I am particularly concerned about is the lack of additional funding for services that will be picking up referrals from that centre where it is clear that there is still outstanding support work flowing from the fires.

I have no doubt that Communities @ Work in Tuggeranong and the Woden Community Service will make every effort to support the families referred to them after the recovery centre closes, as they are working to support the families referred to them now. However I have been hearing that every community service in Canberra is already working to capacity and they are often forced to put the needs of families receiving ongoing support to one side while they deal with families in crisis. I understand that there are 12 families from Tuggeranong and eight families from the Woden area who are still receiving ongoing intensive support through the recovery centre. Now these numbers are of course well down on the work of the recovery centre in the early months after the fire but they are not insignificant in the context of the total workload of our community services.

Based on discussions with community services that refer to other community services, there is generally a wait of between two and four weeks for assistance in all but the most urgent of cases and I can only imagine that the wait for service would be longer if the Tuggeranong and Woden community services had to take on unsupported and extra work from the recovery process.

Everyone seems to agree that the community sector is overstretched. The crisis and emergency accommodation is but one example and I am doubtful—well I am actually quite concerned—that existing services can take on extra clients without compromising the services delivered to existing clients. I know that that is something that the community sector struggles with each and every day: the prioritisation of need and who needs the most support and about how they provide that support.

I would actually like to refer to something that the Director of the ACT Council of Social Service said to the Estimates Committee for Appropriation Bill No 2 in September last year. Mr Stubbs said:

> As you may be aware, ACTCOSS, through me and others, have been heavily involved in the recovery process through our membership of the committee and an expert reference group which works with the recovery taskforce. One of the things that has been proven to be absolutely true in the process is that— after the lights and sirens go away, after the flames are no longer on the televisions, after things seem to quieten down—the community services sector, through major charities, through regional community service organisations and through small and large community service organisations, provides a wide range of service and really steps up in the process to assist a community to rebuild. That stepping up and that extended work are going on even now, and we expect they will go on for some time.
>
> The initial response by the major charities, and then the other organisations, was nothing short of extremely impressive, from what we know and from what other people know. So we would just like to draw the committee's attention to the fact that this appropriation doesn't recognise the extraordinary amount of work. Although we support the need to invest in the Emergency Services sector, we strongly urge the committee to recognise, and remind the government, that there is a need to invest in the community services sector and its ability to respond to major disasters like this.

What Daniel was getting at is that the community service sector has an amazing role to play in the recovery process and they need support to be able to work through that disaster recovery process. Now, we have seen the counselling services following the bushfires report that was tabled by the government in December 2003. Mr Smyth has already spoken about the report that we seem to be missing from August 2003 where this Assembly, by majority, or actually without dissent, called on the government to outline to the Assembly by close of business 21 August 2003 its assessment of the future needs of those affected by the bushfires in regard to counselling and other services.

We have the report on counselling; we do not have the report on other services. I am disappointed that that report was never tabled—or if it was tabled, I cannot find it. We need to look at all the support services that those families are looking for and accessing. The major point I am trying to get at is that we do not know what the transition arrangements are. We do not know how families are being supported as the recovery centre winds down and where things are going in the future. This report from December talks about those future needs, stating that it is quite clear that there will be ongoing need for personal counselling services well into 2004 and that any new arrangements must be able to meet the needs of ongoing clients as well as any new referrals arising in 2004. We have yet to hear how that will be achieved. With all that in mind, I am willing to support Mr Stanhope's amendment to Mr Smyth's motion.

After discussions that I have had with members of the bushfire recovery task force, I am hesitant to force the recovery centre to remain at Lyons until the end of June, but I am disappointed that the information that has helped me make that decision has only come through in the last 15 minutes. And I think that raises further questions about how information is being supplied to the community and to the Assembly about what is happening next.

We have heard from different members of the Assembly today that there was consultation done with affected members of the community about the closure of the recovery task force, but the impression that I am getting is that nobody was actually told how that process will affect them on the ground, what will happen next or where those ongoing support needs will be located to support people in the community. And that is where I think the angst is coming from. That is why people are so interested in attaching themselves to the Lyons centre. I think it is a reaction until they know what is actually going to happen next.

So I think we can call on the government to continue to provide the services of the recovery centre in a visible and easily accessible way. That is an important point to make: that those services still need to be provided. I believe that the Lyons centre is an important symbol, but the symbol can be transitioned, although we need to hear that process. We need to understand where it is going and what will happen to the community. So we do not need to put an end date on how long that building in Lyons will operate but I think we need information from government about where things are moving to and how things will move forward.

I am also quite pleased to know that Ms Tucker has an amendment, which I will support. It is important, as I just said, that we cannot say that the government should continue to properly and extensively consult because, as I have just articulated, there are so many problems in relation to the transition arrangements that the government needs to get right. I foreshadow that when we see that report on the last sitting day of May, I will seriously—on reading that report—consider moving a motion that we get six-monthly updates on the bushfire recovery process, because I think that what this debate has shown is that things are operating in isolation and we all need the information so we can see what is actually happening and that the community can rest assured that the support services that they may need to cope with a disaster will be there.

MR SMYTH (Leader of the Opposition) (6.05): In speaking to the amendment I will put it to the crossbenchers that the amendment by Mr Stanhope is illogical. Ms Tucker said that obviously there has been some failure to consult and she wants to remove the words "continue to". The motion will then read, "properly and extensively consult with bushfire survivors and other stakeholders on their future need".

But if we then go to part 4, the Chief Minister is not required to report until the last sitting day in May. Then, if we have actually got this wrong and we have shut down the recovery centre, there is no going back. Thus, if we actually get it wrong, what we are going to do is get a report in May that says, "We got it wrong." That will be useless. The opportunity is here to actually move forward in a logical and sequential way to make it work best for the victims out there.

Mr Arthur of the Phoenix Group, when I spoke to him, said that people are getting more upset daily. I said in my speech—and I am surprised at the response from the government—that perhaps the government could enlighten us on what it has done because, whatever it has done, the message has not got through to some people, and they are the ones I am concerned about.

This is not something we thought up for private members day, Mr Wood. I had a motion on this in August last year; it is mentioned in the Estimates Committee report. We asked the government for a report last August—that we do not appear to have received—the government reported in response to the Estimates Committee in August, and I think all of us have been watching this process. But the dilemma now is that if you make the decision to shut the centre it is impossible to reopen it. As the Phoenix Association has said, for many people the centre is a symbol of the way forward. It is there with the support when they need to fall back on it; it has helped them through to where they are moving on.

The reason we bring this on in this way is that Mrs Dunne attended the meeting on Sunday. In talking to people out there on the ground, they are saying they are concerned. It is recorded then in the article titled "Bushfire victims in the dark". "We have not been consulted," say the residents. It is there. Yet, without consultation, the government has announced that the recovery centre will be closed.

If it is a perception—and I take the work you have done, and I acknowledge the work you have done—out there that the work has not been done, that people are not ready and that people are not informed, then sometimes you have to take a step back and reconsider what you have done. That is what I am asking the crossbenchers to consider in their support for Mr Stanhope's amendment.

Mr Stanhope says we will continue to provide the services in another form. That eventually must happen; we all know that. For us to get to a point where the majority have moved on, this must happen. But, in terms of point 2—and as I said, Ms Tucker mentioned there must have been some failure to consult—if we properly and extensively consult with bushfire survivors and other stakeholders on their future needs and we do not report back until the last sitting day of May and in the interim the centre is closed and the report comes back after the consultation or the public says that they would have preferred the centre to stay open a little bit longer, then there is nothing we can do about it and we have got it wrong. And that would be unfortunate. That is why this motion is illogical.

To actually report back on something that has already happened does not help the survivors of the bushfire. I rang some people today, and I have had some phone calls, and I rang Mr Arthur today, and he said that a lot of people would love to see it continue much longer than 30 June. Much longer. But he did accept that an extension to that time would allow the message to be got out in a better way. I am not being critical of the government; if all the things that the Chief Minister has listed have occurred, that is a good thing. But if, for whatever reason, the message has not got out, then the message has not got out. That is why we have headlines like "Bushfire victims in the dark". If you read the next couple of paragraphs in the article it then goes on to say:

> Other concerns expressed at the meeting included a lack of replanting of vegetation, the intention to replant pine trees and that the proposed fire abatement zone would be ineffective. Mr Arthur said, "The concerns are well known to the association but the government has failed to acknowledge them. The issues we raise are very much in the too hard basket."

This is a way forward; it does offer some certainty. I acknowledge the work the government has done, but whatever it is that it has done, the message has not got out, and I would suggest to members that to report after the event is like closing the gate after the horse has bolted. I think it is very important that we get this right, otherwise we will sow the seeds of individuals' misery into the future. I think it would not be inappropriate if, as is apparent, the government's message has not got out, we extend it to the end of June. That is only three months. I acknowledge that, as you have said, you have contacted people and things like that but why, then, are we getting these reports that people feel they are left in the dark, that they are getting more anxious as the days progress?

The answer is that maybe the husband read the letter and the wife did not, maybe the wife got the message and the husband did not, maybe the husband and wife did not tell the kids, or maybe the kids tore the letter up. Who knows? Maybe sometimes, in the state some of these people must be in, because of what they have been through, they do not take it in. I do not know; I cannot offer an answer as to why we are getting these reports. But if we are getting these reports, then there must be concern. If there is concern, then perhaps we should take the opportunity to travel a little slower, and if we travel a little slower, then perhaps we can ameliorate some of the impacts that this must have on people into the future. That is all we are asking.

I am surprised at Mr Wood's saying that we are attacking the recovery centre. If he had bothered to be down here for the whole debate, he would have heard me say that it is extremely important that we, as a legislature, recognise in a formal way the work done by the people who have provided the services out of the recovery centre. Much has been said and written elsewhere about the magnificent work of the people working in the recovery centre. If that is an attack on the people of the recovery centre, then Bill Wood needs to go back to school.

As I closed the speech, I said that the ACT recovery centre will be seen as a symbol of the magnificent way in which our community responded to the bushfire disaster. If that is an attack, then maybe I need to go back to school to understand what the word "magnificent" means. But what it is is a high compliment that we on this side pay to those who have done the work over the last 14 months, because I have had nothing but praise back about them.

Members, I would ask you not to support Mr Stanhope's amendment. It is illogical. He says we will report after the event, after the centre has been closed. Unless we are certain that we will get back a message that clients are ready for the centre to close, then I think we need to hold off. As I have said, Ms Tucker has already acknowledged some failure to consult. None of us knows why some days our messages do not get out. We have all encountered that problem: press releases that have never run or messages that have been misunderstood. If there is doubt out in the community, we should make sure that we take the opportunity to fix that doubt and have a better process. I ask members not to support Mr Stanhope's amendment.

MR STANHOPE (Chief Minister, Attorney-General, Minister for Environment and Minister for Community Affairs) (6.13): Mr Speaker, I do not wish to speak for long. I just wish to indicate that the government does not support Ms Tucker's amendment to my amendment to remove the word "continue". I think to remove the word "continue" from "to properly and extensively consult" is a reflection on the absolutely exemplary consultation that has been part and parcel of the decision to move to this transition phase and to close the recovery centre.

I honestly believe—and I believe deeply—that it is an unjustified attack on the work that the recovery centre has done to consult and take its full complement of clients into account. There have been 1,000 face-to-face consultations—1,000 personal consultations—by staff at the recovery centre with their client group. Everybody who is a client of the recovery centre has been contacted—1,000 of them have been contacted personally to have issues around the transition and the closure of the centre explained to them in detail, the implications for them and—

MR SPEAKER: Mr Stanhope, if I can just interrupt. I think I heard you say that you were speaking to Ms Tucker's amendment. She has not moved it yet.

MR STANHOPE: I am speaking to the amendments—

MR SPEAKER: You can speak to Mrs Dunne's.

MR STANHOPE: And I am speaking to Ms Tucker's anticipated amendment, and I cannot accept it. I cannot accept the reflection that it actually imposes on staff of the recovery centre, to whom the government has delegated the responsibility for consulting with the community. The government has responded to a unanimous recommendation of the community and expert reference group. Who is on the community and expert reference group that recommended to the government—

MR SPEAKER: I think you will have to remain relevant to Mrs Dunne's amendment.

MR STANHOPE: I will remain relevant to the motion.

MR SPEAKER: You will have a chance to come back to Ms Tucker's amendment.

MR STANHOPE: I will just repeat the points that I made previously in speaking to the amendments and to the motion. Who is on the community and expert reference group that recommended unanimously to the government that it was time to move into this transition phase? Mr David Dawes, chairman and executive director of the Master Builders Association; Ms Karla Ries, a member of the Duffy Primary School Parents and Citizens Association, a resident of Duffy and a member of the Phoenix Association; Ms Joanne Matthews, a Kambah resident and a member of the Kambah residents group, who lost her home; Dr Tony Griffin, a rural lessee; Mr Jeff Carl, president of the Weston Creek Community Council; Ms Catherine Townsend of the Institute of Architects; Mr Peter Malone, executive of Unions ACT; Ms Trish Harrup, the chief executive officer of the Conservation Council; and Mr Daniel Stubbs, the chief executive of the ACT Council of Social Service, believe it is time to close the centre and move on.

Mr Chris Peters, chief executive of the Chamber of Commerce and Industry; Ms Annette Ellis, MP, member for Canberra; and Senator Gary Humphries believe it is time to close the recovery centre and move on. Ms Wendy Anderson, an affected resident of Weston Creek, and Mr Richard Tindale, owner of the National Zoo and Aquarium, believe it is time to close the centre and move on. They have studied it, they have discussed it, they have consulted on it, they have met with the ACT government, they have met with the recovery centre, and they have met with residents and resident groups. This group of expert advisers and community representatives has recommended to the government that the process that has been outlined be implemented. That is what they have recommended.

Over and above that, the recovery centre, on behalf of the government, contacted every client of the recovery centre. It met with 1,000 of them and asked them whether they are comfortable with this process and they indicated, almost unanimously, that, yes, this is what they want. We are now sitting here in judgement on that level of consultation and that level of response.

The Phoenix Association was consulted formally and yes, let us admit, Mr Richard Arthur did not agree. It is not that he was not consulted, it is that he did not agree with every detail of the proposal. But every member of the community and expert reference group did, including the president of the Weston Creek Community Council, including all of these other organisations, including the ACT Council of Social Service. They all agreed with every detail of the process.

One organisation did not agree with every detail, but that does not mean they were not consulted, and not consulted fully. It is just that they did not agree with every detail. For them to suggest that there was a breakdown or a break or a gap in the consultation that has been undertaken on this is simply not fair, and that is why I have this difficulty. This motion is not fair; it is not fair on the government, it is not fair on the recovery centre, it is not fair on the residents who have taken this step to move on. It is not fair.

MRS DUNNE (6.19): Mr Speaker, I think I probably need to seek leave to speak again.

Leave granted.

MRS DUNNE: Just briefly, I would like to explain why I have moved an amendment to put back the words that the Chief Minister seeks to take out. The standard Labor tactic on private members day is to amend motions by deleting all words after "that" with a view to substituting something else. I think this is about the fourth or fifth occasion on which members of the Liberal opposition have had to go back and attempt to reinsert essential words. Mr Speaker, the essential words in this case are to keep the recovery centre open until 30 June, until the government can report.

It is interesting that Mr Stanhope talked about the people who signed off on this recommendation unanimously. I am glad that he has raised this again—and this is why I sought leave to speak again—because there are people on that list to whom I have spoken and who expressed to me as recently as last Friday concern about the closing of the recovery centre. I will have to go back and re-read what is there, but, as recently as last Friday, Dr Tony Griffin expressed to me the view that he was not entirely sure about

the closing of the recovery centre. So something has happened between September/October last year, when this report was tabled, and now. Perhaps it is the quality of the consultation. Although they said in September, "Yes, it should be closed at some stage and March looks like a reasonably good idea," now we are in March and perhaps it does not look like such a good idea.

I know that there are members of the community who have said to me, "Yes, I was asked, but it is probably an indication of the state that I was in that I did not focus on the implications until I got to this stage, and I don't want it to happen." When there are people who have been so adversely affected by such an absolutely catastrophic incident in the ACT, when there are people out there who are still hurting that much, I think it is time that this Assembly took the precautionary principle, waited another three months and worked out whether we are taking the community with us.

We should do this rather than relying on a large glossy report from September/October last year. We should make sure that what is said in the large glossy report is in fact the reality of what the affected community, the people who still have not got their lives back on track, are actually feeling. It is our responsibility to make sure that this happens, and that is why this motion was moved today.

Question put:

> That **Mrs Dunne's** amendment to **Mr Stanhope's** amendment be agreed to.

The Assembly voted—

Ayes 5	Noes 10	
Mrs Burke	Mr Berry	Ms MacDonald
Mr Cornwell	Mr Corbell	Mr Quinlan
Mrs Dunne	Mrs Cross	Mr Stanhope
Mr Smyth	Ms Dundas	Ms Tucker
Mr Stefaniak	Mr Hargreaves	Mr Wood

Question so resolved in the negative.

MR SPEAKER: The question now is that Mr Stanhope's amendment be agreed to.

MS TUCKER (6.26): Mr Speaker, I would now like to move the amendment to Mr Stanhope's amendment which is circulated in my name. I move:

> Paragraph (2), omit "continue to".

I have already spoken to this amendment but I would like to briefly respond to a couple of comments that Mr Stanhope made. I want to make it quite clear that I am absolutely recognising the consultation that has occurred on the recovery centre. I did speak about that.

MR SPEAKER: You will need leave to speak, Ms Tucker. You have already spoken to Mr Stanhope's amendment so you have to get—

MS TUCKER: But I am speaking to my own amendment that I have just moved.

MR SPEAKER: You will still need leave.

MS TUCKER: Well, okay, I seek leave.

Leave granted.

MS TUCKER: I just want to respond very briefly to comments that Mr Stanhope made. I recognise the work that has been done by the recovery centre—that they have spoken to 1,000 people face to face. But as I said in the speech that I just made—a speech that I will not repeat, in the interests of shortening the debate, Mr Wood—some of the stakeholders clearly have some concern. All we are asking, fairly gently I would say, is that the government take that into account. It is certainly not an attack on the whole process.

Question put:

That **Ms Tucker's** amendment to **Mr Stanhope's** amendment be agreed to.

The Assembly voted—

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

Question so resolved in the negative.

Question put:

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

The Assembly voted—

Ayes 10		Noes 5
Mr Berry	Ms MacDonald	Mrs Burke
Mr Corbell	Mr Quinlan	Mr Cornwell
Mrs Cross	Mr Stanhope	Mrs Dunne
Ms Dundas	Ms Tucker	Mr Pratt
Mr Hargreaves	Mr Wood	Mr Smyth

Question so resolved in the affirmative.

MR SPEAKER: The question is that Mr Smyth's motion, as amended, be agreed to.

MR SMYTH (Leader of the Opposition) (6.34): I would like to thank members for their ongoing interest in this issue. The motion was brought forward in a genuine attempt to address the needs that have been expressed to the opposition and in the media that there are still those who would like to see the recovery centre remain open for a further period of time. We acknowledge that it must close at some stage, and it should close at some stage.

There is a signal that another phase has been entered into. The whole purpose of the motion, though, was to give a number of residents who still have some concerns some time to come to grips with what will be a significant change for them.

I would like to close by saying once again that all on this side of the house have nothing but admiration for what has occurred at the recovery centre. The efforts of the staff over the last 14 months to get the survivors of the firestorm in January last year to where they are at this stage have been nothing short of magnificent. The model that they set is absolutely fantastic, as is the way in which they carried out that work. It is an absolute credit to the standard of professionalism in the ACT public service, and I can only offer them all our thanks.

I am surprised at the reaction of the government. The message clearly has not got out that there are still concerns out there. We look forward to seeing or hearing on the last sitting day of May what the government consultation has revealed and what proposed further arrangements for bushfire recovery have been put in place. I thank members for their interest in this important subject, and I thank them for the debate that has occurred today.

Question put:

> That the motion, as amended, be agreed to.

The Assembly voted—

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

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Vocational and higher education students

MS MacDONALD (6.39): I move:

> That this Assembly:
>
> (1) recognises the high level of vocational and higher education student debt in the A.C.T. and throughout Australia;

(2) acknowledges that many A.C.T. students are having difficulty meeting the costs of living;

(3) notes that many students are forced to work increasingly long hours to meet the costs of living;

(4) acknowledges that the Federal Government's Youth Allowance, Austudy and Abstudy payments are not high enough to meet the costs of living; and calls on the Federal Government to:

(a) review the amount students are paid in Youth Allowance, Austudy and Abstudy; and

(b) reassess the eligibility criteria of Youth Allowance, Austudy and Abstudy, to make it easier for students to obtain these allowances.

I would like to begin by acknowledging the presence in the gallery of the president of the ANU Students Association, Max Jeganathan.

Australian university students will be $10 billion in debt by the end of this financial year and that figure is estimated to blow out to $15 billion in four years time—$10 billion in higher education contribution scheme debt with an expected 50 per cent increase in four years time. That figure is astronomical but it still does not take into account the millions of dollars students owe in personal loans and credit cards. In 2003 there were more than 929,000 part-time and full-time students enrolled in universities across the country and more than 2 million involved in vocational education and training. Of the 929,000 university students, 513,618 were HECS liable; 97 per cent of HECS-liable students were undergraduate students; and around 21 per cent of HECS-liable students paid their HECS contribution up front in 2003, while the remaining 79 per cent deferred their payment. That equates to about 405,700 students.

Australia, including the ACT, is facing a crisis. Vocational and university students are finding it more and more difficult to meet the increasing cost of living while studying, and many have to decide between studies and work. Why? Because they simply cannot afford to study.

The estimated annual cost of living for ACT university students is between $13,000 and $15,000, with an additional $2,000 per year recommended to cover books, rental bond and other expenses. But the average student income is $10,630 per annum. This means that each year a large majority of students are living with a budget deficit of between $1,500 and $6,500.

The Standing Committee on Education's inquiry into vocational education and training in the ACT found that the low wages of many VET participants, particularly those in the recreation industry, placed a considerable impost on students, especially where required VET activities did not take place in central locations.

The Recreation Industry Training Company advised the education committee that:

> Not all recreational activities are based in the Canberra town centres, and trainees are sometimes required to travel significant distances to attend work and off-the-job training.

> A Year 12 school-leaver entering a traineeship would receive a weekly training wage of between $247 and $265 before tax. Year 10 and Year 11 school-leavers received between $157 and $219. A monthly ACTION bus pass costs $80.50.

Mr Speaker, the committee recognised the huge impost travel costs had on VET participants, and agreed that transportation costs can act as a barrier to the uptake of traineeships and apprenticeships.

Recommendation 9 of the committee's *Pathways to the Future: Report on the Inquiry into Vocational Education and Training in the ACT* released last August stated:

> The committee recommends that the Government investigate the implementation of a public transport subsidy for young apprentices and trainees, or better publicise any existing subsidies that apply to trainees and apprentices, including the consideration of extending the student concession to this group.

The committee was pleased that the ACT government agreed with this recommendation. The issue of public transport support for young apprentices and trainees had been examined in the past and, as a result, concession eligibility was extended in the year 2000 to people on low income who hold a Centrelink health care card. Previously, this group was not eligible for concessions, as members do not receive a financial benefit from the federal government. Eligibility for this type of health care card is based on their low income, currently set at $366 per week.

The ACT government's main focus when including this group for concessions was that the majority of first and some second year apprentices would become eligible for public transport concessions. The funding for this concession is part of the general concession program administered by the Department of Disability, Housing and Community Services. While this is good news for ACT vocational education and training participants who use ACTION bus services, relieving the cost of transport, many still have difficulty paying other bills and meeting living costs. We all know that bills do not simply disappear, so how are students paying for their living costs? They borrow money, be it from financial institutions, lenders or family, or pay for bills and items on credit.

It is not just a small majority of students who are living this way. The Australian Vice-Chancellor's Committee 2001 report revealed that 78.2 per cent of all university students in Australia are in budget deficit. And I am sure that figure has increased since 2001. There are a number of reasons why this is the case. Firstly, the cost of living has increased. Accommodation, food and clothing are all more expensive than they were 10 years ago. Textbooks and materials have also increased in cost. But a major reason for the blow-out in debt is the increase in university and course fees across Australia.

Mr Speaker, when HECS was introduced in 1989, all students were charged a flat rate irrespective of their course of study. In January 1997 the Howard government introduced a three-tiered system of charges to reflect the different cost structure of various courses and the different potential earning capacity of graduates. This year the HECS contribution levels are: $3,768 per annum for arts and humanities; justice, legal studies; social science and behavioural science; visual and performing arts; education; and nursing. The majority of these degrees and qualifications take three years to complete, so $3,768 times three equals $11,304.

A contribution level of $5,367 per annum has been set for mathematics and computing; other health science; agriculture and renewable resources; built environment and architecture; science, engineering and processing; and administration, business and economics courses. Again, the majority of these courses take three years to complete but some take four and five years. This means that by the completion of these courses, HECS-deferring students can be between $16,101 and $26,835 in debt.

The third level is $6,283 per annum for law; medicine and medical science; dentistry and dental services; and veterinary science. These courses take at least five years to complete, with some specialist medical courses stretching to six and seven years. So if we do the sums again, these students will find themselves in debt between $31,415 and $43,981 by the time they complete their degrees.

From 2005 all these fees could increase by 25 per cent under the federal government's new higher education package. Under the new package, institutions will be able to increase HECS by up to 25 per cent on current rates. We have already seen since the announcement of the package several universities decide to increase fees the maximum 25 per cent.

Mr Speaker, it seems the days when everyone could access education regardless of his or her financial situation are long gone. The higher education report for the 2004 to 2006 triennium showed that students from poor families remain as unlikely to attend university as in the early 1990s. Students from financially disadvantaged homes make up 14.5 per cent of the university population, compared with 25 per cent of the general population. In 1991 the figure was similar at 14.7 per cent. A large reason for this is the difficulty many students have in obtaining government benefits such as youth allowance, Austudy and Abstudy, and the ridiculously low amounts students receive when they are eligible for these payments.

In 2003 only 171,430 university students were receiving Commonwealth assistance for living costs. That means the remaining 757,570 university students were reliant on their families, employment, or other forms of income to meet the costs of living while studying.

The three main government allowances available for students are youth allowance, Austudy and Abstudy. Abstudy is available for indigenous persons who are aged 14 years or more and studying part time or full time. How much assistance students receive is dependent on a number of factors, but the basic amount for a single independent student is $318.50 a fortnight.

Former president of the National Indigenous Postgraduate Association, Peter Randall, said many indigenous students were unable to study because of their financial situation and enrolments reflect this, with indigenous students making up only 1.6 per cent of all new higher education students in 2003. I am not so naive as to suggest that these are the only reasons why indigenous student numbers are at such a low level, but the financial imposition would certainly be a major reason why indigenous students are not taking up and not applying for courses.

Austudy is available for eligible students aged 25 and over who are studying full time or part time. The basic rate for an Austudy student is also $318.50 per fortnight—$318.50 not per week but per fortnight.

The maximum amount students can receive on youth allowance, paid to eligible under-25s, is $410 per fortnight. But many students find that they are not eligible for youth allowance because their parents' income is taken into consideration. Currently, students up to 25 years of age are considered dependent on their parents unless they can prove otherwise. For many, this is impossible to do so a large majority of 23 and 24-year-olds completely miss out on government support.

When looking at those fortnightly amounts of $318.50 for Abstudy and Austudy and $410 for youth allowance, it is no wonder that Australian students are in a crisis situation. To put it in a clearer context, the average rent paid per week in the ACT is about $120. When we deduct that fortnightly amount of $240 from the student allowances, it leaves $78.50 per fortnight for Austudy and Abstudy students to survive on and $170 per fortnight for youth allowance students. If we take food, clothing, books, material, travel and other costs out of the remainder, it becomes evident why 78.2 per cent of Australian university students live in a budget deficit situation.

The amount Australian students are currently paid on the different student allowances means they are living in an untenable financial situation. The ACT Council of Social Service recently revealed that of the 25,000 Canberrans living in poverty, a significant proportion are students. As reported in the *Canberra Times* on 28 February this year, ACTCOSS director, Daniel Stubbs, said:

> The fact is, if you live on Austudy, you are below the poverty line ... it's impossible to make ends meet on Austudy.

The poverty line, as defined by ACTCOSS, is about $400 a fortnight. The National Union of Students, the Australian Vice-Chancellor's Committee, the ANU Student Association and ACTCOSS are all in agreement that the federal government needs to review student support arrangements immediately and reassess the eligibility criteria to make it easier for more students to obtain relief. They are also united in saying that student poverty—and having to work long hours in paid employment in order to pay the bills—is a massive issue for Canberra students.

Professor Di Yerbury from the AVCC commented in an article on 12 February 2004:

> More students are being forced to work, and for longer hours. This affected their time spent studying, which led to failures and drop-outs.

She also said:

> We need a review of student income support from top to bottom.

(Extension of time granted.)

The AVCC has argued that the federal government should restructure the student income support system so that it is effective in reducing the need for students to work excessive

hours and so avert the detrimental effects heavy work commitments prompted by economic necessity have on academic performance. This is of particular concern for students whose family income is sufficient to exclude them from youth allowance but is not high enough that their families are able to support them while studying.

The AVCC's 2000 survey on undergraduate student finances, *Paying their Way*, revealed that full-time students worked an average of 14.4 hours a week, or nearly two days every week, to meet their living costs. This is nearly three times the hours worked by students in 1984. The number of students forced to work has also increased, with 70 per cent of all Australian students in paid employment compared with 50 per cent 20 years ago. But it is a catch-22 for many students on government allowances. They need to work to supplement their support payments but then the more they earn the less support payments they receive.

Students can earn only up to $236 a fortnight before their payments are reduced. To get around this, many students do cash-in-hand work, but conditions and pay levels in these types of jobs are often below the Australian standards. Others limit their work so they can earn just below the $236 per fortnight but say that, although their payments remain the same, the extra money they earn makes little difference when it comes to paying the bills and living costs.

It is evident that the entire student support system needs to be reviewed to better reflect the living costs students face today. Australian students are already under enough pressure trying to complete their degrees. The added burden of worrying about how they will afford to pay bills and living costs each week is often too much to bear and more students are dropping out of university for financial reasons.

The AVCC's 2000 report *Forward from the Crossroads* revealed that many students identify the financial need to undertake employment as a problem for their studies. Nearly one in every 10 students who are employed "frequently" miss classes because of work and nearly two in every 10 students in paid employment say that the work adversely affects their study "a great deal". The report also addressed whether financial circumstances had influenced the choice students had made in respect of courses of study and mode of study, and revealed that:

- Financial circumstances had influenced the choice of 11.1 per cent of all students. The percentage was similar for full-time and part-time students.

- The choice of university was influenced by financial circumstances for 17.4 per cent of students. The percentages were slightly higher for full-time rather than part-time students.

- Financial circumstances influenced the choice of mode of study of 23.3 per cent of students. The percentages for part-time students were substantially higher than for full-time.

The AVCC report supplied a full list of quotes from Australian students on the difficulties they face juggling work and study commitments. To read but a few:

> I am working so I can afford to study, but working drastically affects my attendance and revision. It feels like my job is full time and university is casual.

Another said:

> Youth allowance is not enough money and we are penalised in the extra hours we work through higher tax. Surely, you shouldn't be penalised for earning extra money, when youth allowance is not very much at all.

And finally:

> It is hard for me to be as committed to my university work as I would like to be. Mainly because I find work commitments a burden, but it essential for me to work in order to attend school.

These quotes sum up perfectly the struggles today's university and other students face, and it is not just the students who are suffering. Australia as a whole will pay the price if more and more students are forced to dedicate less time to their studies. All nations depend increasingly on three critical elements: new discoveries, highly trained personnel, and expert knowledge. Australia's universities have a primary role in supplying two of these and are a major source for the third.

It is reasonable that students should pay some part of the costs for their tuition, but the enormous public benefit that we all share in an educated work force should not be taken for granted. We cannot afford to waste even a small fraction of our talented youth but, at the moment and in the future, if Howard's higher education package remains in place, many of our youth and the advances they can bring to our society will be wasted. And why? Because they cannot afford to study.

The federal Labor Party is fully aware of the detrimental effect this will have on Australia in the future, so it has announced that, if elected, it will reverse the 25 per cent fee hike and replace it with properly indexed university grants. These grants will ensure that the Commonwealth provides universities with enough funding to keep up with the costs.

Federal Labor has also said it will extend rent assistance to Austudy students, therefore increasing fortnightly payments by $90, and will also lower the age of dependence from 25 to 23 years. This means the large majority of 23 and 24-year-old students who are not currently receiving government payments because of their parents' incomes will be eligible for payment.

This will help reduce the burden for Australian students, but it is dependent on the federal Labor Party being elected. That is why it is imperative that we apply pressure now on the Howard government to review and reassess the student support system. I urge all members of the Assembly to support my motion.

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

Adjournment

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

That the Assembly do now adjourn.

The Assembly adjourned at 7.00 pm.