DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

WEEKLY HANSARD

16 FEBRUARY

2005

Wednesday, 16 February 2005

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

Land (Planning and Environment) (Unit Developments) Amendment Bill 2005

Dr Foskey, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

DR FOSKEY (Molonglo) (10.32): I move:

> That this bill be agreed to in principle.

On behalf of the Greens I am pleased to present the Land (Planning and Environment) (Unit Developments) Amendment Bill 2005. This bill is an updated version of the bill that my predecessor, Kerrie Tucker, presented to the Assembly in June last year. The bill addresses the ongoing crisis of the lack of affordable housing available in the ACT and takes a step towards establishing mechanisms to ensure that we maintain a stock of affordable housing in our community. In December, total private sector dwelling approvals increased by almost 100 per cent to 544, but only 72 of those were for private houses. The investment market seems to be maintaining strength. This bill will assist the thriving housing market to work with government to address social needs of affordable housing. This bill is based on recommendation 33 in the report of the affordable housing taskforce, *Affordable Housing in the Australian Capital Territory: Strategies for Action*, which states:

> It is recommended that the ACT Government introduce inclusionary zoning based on 3-4 per cent of the floor space or its cash equivalent for all multi-unit/block residential development. Further, it is recommenced that both the housing stock and funding created be provided to, and managed by, affordable housing providers, the latter to be used to acquire additional affordable housing.

Unfortunately, the response of members in the last Assembly to this legislation was disappointing. Comments during debate indicated that members did not understand the flexibility of the bill. I make it clear that we are very happy to work together with other members to address the issue, and this time I look forward to a constructive response.

The most significant change in the bill is the reduction of the required percentage to 4 per cent of unit development dedicated to affordable housing. This percentage is in line with the inclusionary zoning recommendation in the taskforce report. This bill will essentially introduce two mechanisms to ensure an increase in the stock of public or affordable housing. First, where the government grants the new lease with the purpose of a major unit development, the bill will establish that the lease may only be granted if a condition is built into the lease requiring 4 per cent of the completed development to be either handed over to the Commissioner for Housing for public housing or to be otherwise used, and continue to be used, for affordable housing. This is requiring

government to do what it ought to do—that is, to use the fact that we have a leasehold system, where nominally there is an element of interest in the common good directing what happens on the ACT's land, to address the crisis in housing.

The second mechanism in the bill would affect the approval of a development application for a major unit development. This is the case where someone already holds a lease, and wants to redevelop the area for residential units. Again, this would apply only to major developments that the bill defines as 10 units or more—as suggested in the strategies for action—or as otherwise defined in regulations. In this situation, the bill would set an additional condition on the approval—that is, that the developer hand over 4 per cent of the completed development to the Commissioner for Housing to be used for public housing or that that percentage be otherwise used, and continue to be used, for affordable housing or that the developer pay an affordable housing contribution.

The contribution would not be less then 4 per cent, but could be determined at a different reasonable rate, with reference to several matters set out in the bill. These are: the extent of the need for affordable housing in the area; the scale of the development; whether the proposed development is likely to reduce the availability of affordable housing; and any dedication or contribution previously made by the applicant under the section or section 161—granting of leases—in relation to the area. This condition of approval would not apply if the relevant lease were originally made subject to affordable housing requirements.

The bill includes a review clause and states a goal of increasing the percentage of affordable housing in new developments to 10 per cent in 10 years. These requirements will only apply to applications received after the commencement date of the bill; it will not apply to applications made but not yet approved, at that point. Proposed new clause 245AB requires the territory to apply any affordable housing contribution to the purpose of providing affordable housing within a reasonable time after the contribution is made. Also, the Commissioner for Housing must use the units transferred in the exercise as the commissioner's functions in programs and arrangements for providing affordable housing. This task is consistent with sections 8 and 9 of the Housing Assistance Act 1987, where the functions and powers of the commissioner are set out. These new requirements would fit into the powers and functions the Commissioner for Housing already has.

The choice of contributing either affordable housing or a monetary affordable housing contribution is modelled on the New South Wales developer contributions scheme. For example, SEPP, or state environmental planning policy, 70, is described in the affordable housing taskforce report. I refer members to background paper No 3 to the report of the ACT affordable housing taskforce and titled *The Role of Land and Planning Mechanisms in Providing Affordable Housing*. The report notes:

> In Sydney, inclusionary zoning requirements are now up to 4 per cent and the market appears to be able to absorb that level without major concerns …
>
> To meet expected needs for affordable housing in the medium to longer term, the inclusionary zoning requirement will probably need to increase progressively to between 5-10 per cent.

The definition of affordable housing used in the bill is drawn from the standard definition of unaffordable housing, or housing stress, used by, among others, the ACT affordable housing taskforce in 2002—I refer to background paper No 4—and by the Affordable Housing National Research Consortium—that is, households in the lower 40 per cent income bracket who pay more than 30 per cent of their gross income on housing costs, whether renting or buying, are said to be in housing stress. That is how the bill will work.

As members will be aware, the need for affordable housing has not gone away. Housing options that are safe, secure, appropriate and affordable are unavailable for many people. According to *Housing people building communities*, another ACT Government report on housing, it was estimated that 8,400 low-income households experienced housing stress. The current average waiting time for the highest priority on the public housing waiting list is 172 days. For the second-highest category it is 564 days and for the third highest it is 902 days—nearly 3 years. There are currently 562 applications for the highest priority, 351 for the second and 902 for the third. Effectively this means that people in desperate need of housing cannot be accommodated. It also means that people who are on low incomes but without any other high needs have little chance of ever being allocated public housing.

The most recent figures from the Real Estate Institute of Australia indicate that median rents for three-bedroom houses, flats, units and apartments in the private rental market in the ACT continue to rise. The median weekly rent for a three-bedroom house in the ACT is the highest in Australia at $290 a week. The median rent for a unit, flat or apartment is $270 weekly, despite relatively high vacancy rates of 4.6 per cent. In this environment the chance of a low-income household being able to sustain a private rental tenancy is very slim.

In its social plan the government has committed to increasing the supply of public and community housing in the territory. Unfortunately this commitment has yet to be translated to a friendly housing market for people on low incomes. Increased stocks of public housing will always be the best buffer against the market. It is the only way rents will remain automatically at a level that matches tenants' incomes. It is stable; it enables people to get some stability into their lives. The problem is we do not have enough. In its latest progress report on the affordable housing taskforce report the government agreed "in certain circumstances" to recommendation 33 relating to inclusionary zoning provisions. It is disappointing that we still have not seen any progress or future commitment to implementation.

It is even more disappointing that the last time the Assembly debated this legislation all members dismissed it seemingly without thoughtful consideration. The key argument against the legislation is that it would put a strain on the developers' profit margins or, in Mr Quinlan's words, it will create a de facto tax regime. In this bill we have decreased the required percentage dedicated to affordable housing from 10 per cent, and the legislation is very flexible in that it allows a number of ways for the private sector to meet this social need in partnership with government. There is flexibility in how a contribution is made and there is great capacity for the government to work with industry to provide a reduction in other charges, such as the change-of-use charge.

Given such a high unmet need in housing there is a definite role for the private sector to deliver social outcomes. Industry has reported that it needs to be considered on a case-by-case basis, and this legislation has the flexibility to negotiate outcomes for each development. The Greens have always questioned the wisdom of the trickle-down effect, that rather fallacious notion that a thriving economy will produce environmental and social outcomes. It simply has not worked yet—here or anywhere else. This legislation is a practical step to address the lack of affordable housing in the ACT, something that no government has yet addressed in a holistic way. I repeat that the Greens are keen to work with others members to achieve a better outcome for those in housing need.

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

Animal Legislation (Penalties) Amendment Bill 2005

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

Title read by Clerk.

MR STEFANIAK (Ginninderra) (10.45): I move:

> That this bill be agreed to in principle.

All right-minded people would abhor cruelty to animals, especially animals that cannot look after themselves. They cannot talk, and many animals are totally dependent on human beings. They deserve the maximum possible protection from harm. This bill is identical but for a couple of respects to a bill I produced last year. Those couple of respects were errors that were passed relating to people convicted of cruelty to animals and who could or would be sent by the courts to receive some psychiatric assessment—which I think is a very positive step. None of the penalty provisions in the bill were accepted by the Assembly last year, so I have brought those back. I will come to them in a moment.

I have worked with the RSPCA on this bill, as I did with the bill last year. It has had concerns for many years about the need for more realistic penalties for cruelty to animals. Indeed, over the past couple of days, Mr Simon Tadd from the RSPCA has been saying that on air. The penalties have not changed for many years, and as well as the RSPCA, many people in our community are keen to see them increased. Over the years—and I am probably going back a couple of decades here—magistrates have often bemoaned the fact that the maximum penalty available for cruelty to animals is only 12-months imprisonment. There has been only one instance in Canberra of a person being jailed for horrendous cruelty to animals. That person had very significant convictions for other offences, including assaults on humans, and quite likely would have been jailed regardless of what he came back to court for.

As I said earlier, on occasions magistrates have commented that the range of penalties available to them is too low and too narrow. The current maximum penalty for cruelty to animals under a number of sections of the act is one year imprisonment or a fine. Imprisonment for one year is basically half of what is available to a court for a common

assault. Common assault is something as simple as a push or a shove. One year's imprisonment is five times less than what is available to a court for assault occasioning actual bodily harm. If someone punches someone in the nose and draws blood or breaks the nose, or punches someone in the lip and draws blood, that is assault occasioning actual bodily harm. So one year's imprisonment is a very low penalty and has very little deterrent value. As I said, that has been talked about by magistrates.

I have seen a lot of quite horrible acts of cruelty to animals during my time in the courts. We do not see quite as many here as they do in bigger jurisdictions, like New South Wales, but nevertheless, from time to time, we see horrendous acts such as a dog being viciously clubbed almost to death with an iron bar, dogs being poisoned, horses being starved—all sorts of acts of cruelty and neglect of animals. Today, the *Canberra Times* reported the brutal killing of puppies. On page 2 it states:

> Three puppies have been brutally killed in the same O'Malley backyard over the past eight months, leaving their owner devastated.
>
> The RSPCA is investigating the violent deaths of two Jack Russells and a Maltese Terrier, who were poisoned and beaten, with the aim of identifying the killer.
>
> The organisation said other dogs which may have died recently in the area, could also have been victims.
>
> The O'Malley man found his dog, Shuta, dead in the backyard of his Timbarra Crescent home when he returned from work on July 30 last year. He did not think it was suspicious until he brought home another Jack Russell, called Chomper, which also died suddenly only six weeks later.
>
> An autopsy revealed the dog had been poisoned.
>
> A third dog, Princess, brought home by the man, died between 7pm and 10pm last Tuesday. She had a fractured leg, burns, and a ruptured liver. It was then the owner contacted the RSPCA.
>
> The man has one surviving dog, Metro, which also shows signs of having been kicked.
>
> When the owner leaves his house, he takes the dog with him so it doesn't meet the same fate.
>
> The executive officer of the RSPCA ACT, Simon Tadd, said he and the dogs' owner were at a loss to understand who and why someone would have killed the pets.
>
> He said the man got on well with his neighbours and investigations had revealed the dogs were not known to be excessive barkers.
>
> "Obviously someone has got a grudge against him".
>
> Anyone who has seen suspicious cars in the area or who knows someone involved in the crime should contact the RSPCA inspectors …

And the numbers are given. So there have been some incidents recently in Canberra, and there was the horrendous incident recently in Sydney of those youths who brutally

attacked the poor, defenceless eight-week old kitten at a railway station. I refer members to *Hansard* of 13 May 2004, pages 1865 to 1867. On page 1866 I go through the various penalties and the increases I am proposing. I am not going to bother reading those out; they are in *Hansard* for anyone to see.

Other states are looking to increase penalties. Some states already have significant penalties. The RSPCA advised me that one state has a maximum penalty of up to seven years imprisonment. Increasing penalties does not mean a court is automatically going to go for the maximum, but it gives a better range of penalties for a court to bring home the seriousness of offences for cruelty to animals than we have at present.

I have also spoken to Mr Tadd recently in relation to this. My bill provides for penalties of up to five years imprisonment. The current maximum penalty is only one year. The comments made by the government in Saturday's *Canberra Times* seem to indicate it thinks two years is more reasonable. If that is what is needed to get an improvement, I am more than happy with that, as is Mr Tadd. Even an increase to two years would be a significant improvement on what we have at present.

So I am happy to work in a spirit of cooperation with all members of the Assembly on this bill. If people have different ideas—as seems the case after what I read in the paper on Saturday—I am more than happy to talk to them. At the end of the day any improvement that adds a greater range of penalties for the courts will be better than none at all. It is high time that we looked seriously at this issue. It is a particularly nasty offence because many animals are totally dependent on humans. They cannot talk or look after themselves, and acts of cruelty, especially particularly vicious cruelty, are probably some of the more reprehensible crimes one can think of. The RSPCA will tell you—and a fair bit of study has been done on this—there is a real correlation between people starting off being very cruel to animals and going on to be cruel to human beings. When I introduced the bill last year I mentioned the case of Martin Bryant as a case in point. He started his particularly nasty career by shooting neighbourhood cats and being cruel to them.

I commend the bill to the Assembly. I look forward to working with members of the Assembly on it. As I have indicated, if members want to amend it, I am more than happy to facilitate that, but it is crucially important that we address this issue. It has been around for decades and we would be derelict if we did not take some steps to improve the protection of animals.

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

Leave of absence

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

> That leave of absence be given to Mr Corbell (Minister for Health and Minister for Planning) and Mr Pratt for this sitting.

Gender-based violence

MS MacDONALD (Brindabella) (10.55): I move:

That this Assembly:

(1) acknowledges that in the ACT, Australia and the world, women and girls comprise the majority of victims of domestic, family, sexual and cultural violence;

(2) notes that violence, including gender-based violence, costs Australia billions of dollars each year;

(3) recognises that ending gender-based violence requires the dedication and assistance of all members of the community;

(4) recognises the important role community groups, awareness programs and events such as the White Ribbon Day play in raising awareness about gender-based violence; and

(5) acknowledges the ACT Government's and others commitment to reducing the incidence of gender-based violence.

Violence against women and girls is pervasive worldwide. In no country of the world are women immune and in no city of the world are they unaffected by gender-based violence—even in the ACT. In the ACT, women are overwhelmingly the majority of victims of sexual assault and domestic, family and cultural violence. Statistics show that one in three women over the age of 45 has experienced domestic violence, and 89 per cent of all reported sexual assaults during 2003 were perpetrated against women. Worldwide, a quarter of all women are raped during their lifetime. Depending on the country, 25 per cent to 75 per cent of women are regularly beaten at home and more than 120 million women have undergone female genital mutilation. The United Nations Development Fund for Women, or UNIFEM, report *Not a Minute More: Ending Violence Against Women* released in 2003 reveals that one in three women or girls will suffer violence during their lifetime simply because of their gender. The report states:

> One in three. That stark figure sums up the crisis confronting women throughout the world. Of the three girls sitting in the classroom, learning to read and write, one will suffer violence directed at her simply because she is female. Of three women sitting in the market, selling their crops, one will be attacked—most likely by her intimate partner—and hurt so severely she may no longer be able to provide for her family. Throughout the world, the violence will be repeated: globally, one in three women will be raped, beaten, coerced into sex or otherwise abused in her lifetime.

Violence perpetrated against women and girls can shatter families, destroy relationships and emotionally and physically scar victims forever. Take Victorian teenager Angela Baker, who was so severely bashed by her boyfriend in 2002 that she was left brain-damaged, confined to a wheelchair and unable to talk. During her two-year relationship, her boyfriend initially verbally humiliated Angela and then became physically violent. He was always sorry afterwards and would lavish gifts on her before starting the abuse again. As reported in the *Canberra Times* on 24 November 2004, despite everything, Angela still has a vibrant mind and the will to have a career and a family, but she warned:

> It's so easy when you're young to become attracted and influenced by people who maybe you think love you or who you think you can have a relationship with. I want to deter people and show them what can happen.

Gender-based violence costs Australia billions of dollars every year. In the 2002-03 financial year domestic violence cost Australia $8.1 billion. Nearly half the cost was borne by the victims of violence, while many other groups in the community also bear the cost. But, as noted by the World Health Organisation in 2002 in its world report on violence and health:

> Violence is not an intractable social problem or an inevitable part of the human condition. We can do much to address and prevent it. The global knowledge base is growing and much useful experience has already been gained which needs to be implemented.

Putting an end to gender-based violence requires the dedication and assistance of all members of the community. Violence against women and girls affects everyone in the community, including men and boys. Men's lives are personally affected if their girlfriends, wives, daughters, mothers, grandmothers or sisters experience violence or the threat of violence. Harmful attitudes and beliefs in the community are a large part of the problem. Helping tackle these will help build a community that is safer for women and girls. The majority of men do not condone the use of physical or sexual violence against women and want to help reduce the violence. There are many ways that men in the community and business sectors can play a role to stop violence against women. Being a strong role model for boys and speaking out against violence are some ways.

Some perpetrators believe their friends condone their actions, so it is important for men to speak out if their friends, colleagues or mates brag about using physical force against a woman or forcing a woman to have sex. It is also important for men to challenge some attitudes and beliefs of other men in the community. Beliefs such as, "women provoke men by the way they dress and talk", "men have uncontrollable sex drives", "men aren't responsible for their violent behaviours", "men can't help being violent when they drink", "nice girls don't get raped", and "real men don't take no for an answer" are completely unacceptable and should be spoken out against. White Ribbon Day, held on 25 November each year, is another way men can show their support for ending gender-based violence. I congratulate Mr Gentleman for his involvement in White Ribbon Day on 25 November just gone and showing the leadership that we need from men in stopping violence against women.

On 17 December 1999 the United Nations General Assembly adopted 25 November as the International Day for the Elimination of Violence Against Women, which is also marked by the white ribbon campaign. Introduced by the Dominican Republic with the support of more than 60 governments, the resolution stemmed from a growing global movement to end an epidemic that devastates the lives of millions of women and girls and is a barrier to development in every nation. Although it has been five years since the UN General Assembly adopted 25 November as the International Day for the Elimination of Violence Against Women, women's groups have been commemorating 25 November as a day to end violence against women for many years.

The date was chosen to commemorate the lives of Dominican Republic political activists, the Mirabal sisters. The three sisters, Patria, Minerva and Maria Teresa, and their husbands became involved in the activities against the Trujillo regime in the Dominican Republic. The Mirabal sisters were political activists and highly visible

symbols of resistance to Trujillo's dictatorship. As a result, the sisters and their families were constantly persecuted for their outspoken as well as clandestine activities against the state. Over the course of their political activity the women and their husbands were repeatedly imprisoned at different stages. Despite Trujillo's persecution, the sisters continued to actively participate in political activities against the leadership, prompting Trujillo to declare that his two problems were the Church and the Mirabal sisters.

On 25 November 1960 the three sisters were assassinated in an "accident", as they were being driven to visit their husbands, who were in prison. The accident caused much public outcry and shocked and enraged the nation. The brutal assassination of the Mirabal sisters was one of the events that helped propel the anti-Trujillo movement, and within a year the Trujillo dictatorship came to an end. The sisters, referred to as the "Unforgettable Butterflies", have become a symbol against victimisation of women. The memory of the Mirabal sisters and their struggle for freedom and respect for human rights for all has transformed them into symbols of dignity and inspiration. They are symbols against prejudice and stereotypes, and they raised the spirits of those they encountered. Even after their deaths, their lives raised the spirits not only of those in the Dominican Republic but others around the world.

Twenty years after their deaths a meeting of women's groups in Columbia decided that the murder of the Mirabal sisters should be commemorated as the International Day for the Elimination of Violence Against Women. In 1991 the first white ribbon campaign was also launched by a group of men in Canada, after the brutal mass shooting of 14 female students at the University of Montreal. Since then, many other countries have launched their own white ribbon campaigns and have adopted the white ribbon as a symbol of support for the elimination of violence against women.

Since June 1991, the period between 25 November and 19 December has been recognised as a global campaign of 16 days of activism against gender-based violence. During those 16 days, four significant dates are encompassed—25 November, the International Day for Elimination of Violence Against Women; 1 December, World AIDS Day; 6 December, the anniversary of the Montreal massacre, when 14 women engineering students were gunned down for being feminists; and 10 December, Human Rights Day.

The 16 days of activism against gender violence has become an annual event in many cities and regions across the world, and women's human rights activists use the period to create a solidarity movement which raises awareness about gender-based violence, works to ensure better protection for survivors of violence and calls for its elimination.

The ACT government has addressed issues of violence and community safety for women by developing the framework, "Justice, Options and Prevention—Working to Make the Lives of ACT Women Safe". The framework identifies three major outcome areas: a justice system that provides protection, support and advocacy for women; assistance for women that is appropriate, accessible and responsive; and a community that understands and accepts the right of all women to live their lives free of violence. It requires government agencies to develop action plans each year that identify tangible ways in which they will implement the goals of the framework.

The ACT women's 2004-05 action plan and a second action plan addressing violence and safety issues in the ACT further highlight this government's commitment to ending gender-based violence in the ACT. The second action plan builds on the inaugural action plan, continuing many of the initiatives and introducing several new ones. The action plan links with the Canberra plan's strategic theme of investing in people. It places emphasis on further reviewing legislation and legal processes for women experiencing violence, strengthening services and programs that support women and children experiencing violence, and continuing to work with the community to prevent violence against women.

Advancing the status of women and girls in the ACT is a government priority, and these plans provide a framework that supports government agencies to better meet the needs of all women and girls. The implementation of the recommendations of the 2002 report of the Select Committee on the Status of Women is further proof of the government's commitment to addressing and improving women's safety in the ACT. A number of measures to improve the government's response to violence against women have also been taken, including reforming criminal law in relation to sexual assault and domestic violence, new security measures where Family Court officers meet women in the car park and escort them into the court, new education programs that aim to help all family members after violence has been perpetrated, and a new forensic and medical sexual assault care unit that provides an integrated sexual assault service for adults.

As previously stated, putting an end to gender-based violence requires the dedication of all members of the local, national and international communities. Locally and nationally, groups and organisations such as the Women's Information and Referral Centre, the Domestic Violence Support Group, Men's Link, Women's Action Alliance, Lifeline Canberra, the National Foundation for Australian Women, Women's Energy Services Network and the National Women's Justice Coalition, help provide support and counselling to men and women affected by violence. These are just a few of the many groups that provide invaluable assistance to men and women in the ACT and across Australia.

At an international level, no organisation has worked as hard to improve women's safety as UNIFEM has. Created in 1976, UNIFEM works in over 100 countries and provides financial and technical assistance to innovative programs and strategies that promote women's human rights, political participation and economic security. The establishment of a trust fund in support of action to eliminate violence against women in 1997 has furthered UNIFEM's work on gender-based violence. The fund's primary goal is to identify and support innovative programs aimed specifically at preventing and eliminating violence against women. Since its inception, UNIFEM has provided grants to a total of 105 projects implemented in more than 65 countries worldwide.

The international community has recognised that the efforts to confront gender-based violence are central to human security and development. We all have to work hard to put an end to gender-based violence once and for all. I urge all members of the Assembly to support this motion. While the International Day for Elimination of Violence Against Women is in November, it is pertinent to talk about it at all times of the year, because violence against women happens at all times of the year.

MRS BURKE (Molonglo) (11.09): I thank Ms MacDonald for moving this motion today, but I cannot help but feel when I hear and read a lot, as I do, about domestic violence or gender-based violence issues, that somehow inadvertently we seem to get an unbalanced view of this whole subject. I am sure the things that she said were not meant in that way. I am just posing to the Assembly an alternative view, one that should be addressed while recognising the rights of women and girls who suffer domestic, family, sexual and cultural violence. At the 1997 domestic violence summit, the Office for Women described domestic violence as an abuse of power perpetrated mainly but not only by men against women in a relationship or after separation. It occurs when one partner attempts to physically and/or psychologically dominate and control the other. I will talk about that a little later, because that is probably at the heart of what I am trying to suggest.

We need to look at formulating and implementing strategies to address why men commit acts of violence towards women and girls. Ms MacDonald read out her statistics—and I have a bit of a problem with statistics, because we all know that they can be used or misused in any way. I am putting forward this view being very aware of the things Ms MacDonald raised, but we should err on the side of caution when looking at statistics. Looking at why men commit acts of violence is not something that is talked about much in our society. It is talked about to beat men around and say they are nasty, horrible things, but what are we doing? Ms MacDonald has found that most of the reports about violence by men on women, for example, are really quite derogatory. I do not believe it is helping. It is certainly not helping policies to be shaped. We shape our policies according to beliefs, assumptions and theories about how and why domestic violence occurs.

I am greatly concerned about any domestic violence, as we all are, but I am often more concerned about the pressure and inequity that is placed upon men. Ms MacDonald ranged widely in her motion about Australia and the world. That is right, but we here are charged with and mandated to protect the rights of individuals in the ACT. We cannot do much about the world, but we can start here. I notice Ms MacDonald's motion is one of acknowledging only. There is no call on the government specifically to do anything solid. Of course we acknowledge it, of course we recognise it. It is an important issue, but there are no actions with her words. There is no calling on the government or us as an Assembly to do anything.

We can all notice it and talk about it, and that is very nice, but what are we going to do to address the complex issues? Why have we as an Assembly been ignoring a significant half of any debate relating to acts of violence? That is all I am putting to you. The only way to find solutions is to go to the heart of the causes of any form of violence. More than likely we will discover that the solution is to assist the perpetrators of violence and, to protect sufferers of violence, take action that is aimed at the source—why violent acts are committed. Ms MacDonald gave some statistics about men, but it is worth noting that the Office for Women acknowledges that it is mainly men but not only men.

Let us look at another aspect of this. When men use violence they can experience a range of consequences, such as the breakdown of relationships with partners and children, including separation and divorce; loss of community relationships and respect; feelings of shame, hopelessness, anxiety or depression; the serious injury or death of their partner

and/or children; and being charged by police or taken to court. It is absolutely atrocious that any man would ever seek to strike a woman or a child, but let us not forget that men are not the sole perpetrators. I do not know whether Ms MacDonald was referring to that or not, but she might comment on that in her closing.

Ms MacDonald: It is 89 per cent.

MRS BURKE: I gave you time to talk. Sorry?

Ms MacDonald: It is 89 per cent.

MRS BURKE: It depends where Ms MacDonald is getting her statistics. As I said, she needs to be very careful about making such broad sweeping statements in regard to statistics because they can be very misleading. Gender-based violence is a political argument. Attacking this problem has its merits, and I fully support the efforts of community organisations, many of which have been talked about. Mr Gentleman is involved and is a very strong advocate of no violence against women and children and against domestic violence. Aren't we all? It is an obvious statement; of course we are.

I acknowledge that such events as White Ribbon Day play a pivotal role in raising awareness of gender-based violence. At the heart of this debate, the ACT Legislative Assembly should be looking at family violence—how men, women and children are affected by violence, and how we can put in place measures to protect them and find solutions. They can be additional legislative changes or community awareness, which is what a lot of those organisations that Ms MacDonald talked about do. That could be via education, rehabilitation and personal behavioural conduct to see why anyone commits acts of violence. Many of Ms MacDonald's comments imply that violence against women and children comes from males only. Other research shows that it comes from across the community. I am not going to go into the details now. Obviously Ms Gallagher is going to give us some insight into that.

The costs—physical, emotional and financial—to society cannot be ignored. The Liberal Party would certainly like to see further investigation into all forms of violence, particularly in the ACT community, as I have said. Very little in this motion suggests that we are focusing on domestic violence in the ACT, apart from giving the government a pat on the back. The motion says:

> acknowledges the ACT Government's and others commitment to reducing the incidence of gender-based violence.

Then there is nothing—no action. Where is the action? Perhaps Ms MacDonald can let me know what we are going to do to address some of the problems that I am bringing up now. I am trying to find a solution as well. Look at the whole problem, not just part of it. We cannot change the world or simply throw our hands up in the air. These days it is an all too frequent cry from the government that it is happening all over Australia or all over the world. What about the ACT? What are we doing specifically about violence in the ACT? We need to look at violence and its effect, and in particular how it affects the family unit—whatever that may be—and how and why violence is committed.

We all agree that violence affects the social, emotional, physical and financial wellbeing of individuals and families, and results in significant social and economic cost to the community. The entire community—all areas of society, regardless of geographical location, socio-economic status, age, culture and ethnic background or religious belief—have the right to feel safe and secure. It is easy to acknowledge a problem but much harder to recognise that there are two sides to it. Until we get that balanced view and look at the problem as a whole, we are never going to come up with the proper policies and services to meet the problem. So, whilst the Liberal opposition would have liked to see a motion of substance and actions rather than a mere filibuster, it will be supporting the motion today.

DR FOSKEY (Molonglo) (11.18): It has been interesting to hear the perspectives on this topic today. I certainly support the motion, but I wish to add to it. While I certainly note and endorse that the ACT government has set in place some positive measures to reduce violence against women, I am also aware that the number of reported incidents is continuing to rise. This indicates that more effort is needed to change the perception of what is permissible in relationships between men and women.

In 1998, the ACT government began working with domestic violence support groups, especially the Domestic Violence Crisis Centre, in a program of integrated and coordinated response. This has turned around the way that the police respond to incidents of domestic violence. A worker from the centre accompanies police during investigations. More prosecutions occur because solicitors and police are better educated about how to deal with cases, and more perpetrators are pleading guilty. Apparently, the message has got through that violence is unacceptable, but behaviour change is lagging behind.

We will be very much interested in the Domestic Violence and Protection Orders Amendment Bill, which will be tabled tomorrow. We hope that the government has consulted widely with affected groups, especially those that work closely with women and other victims of domestic violence, in preparing this bill. We certainly will be as we look into our response to it.

In my work as Canberra coordinator for the International Women's Development Agency and in my research on women's human rights globally, I have learned that being born female increases the probability of being a victim of violence in nearly every society in the world. In those countries where having daughters is considered an economic burden and is often combined with restrictions on the number of children a family can have, technologies which allow the sex of foetuses to be identified leads to sex-selective abortions in too many cases. This has affected the gender ratio, so that in a number of countries, notably India and China, there is a disproportionate number of boys and men. This is already exacerbating the trade in girls and women, which is the third greatest illegal trade after arms and drugs. In other words, girls' and women's lack of status and access to entitlements and human rights contribute to the spiral of violence against them.

Thankfully, the situation for women in Australia is less extreme. But this did not happen without a lot of work. And guess who did that work? Women. We still have a long way to go. Ask the staff at women's refuges where the demand continues to be greater than

they can comfortably serve; ask security guards on the university campuses where women are warned not to walk alone after dark. It seems ridiculous in our enlightened society that we still have to defend interventions on behalf of women and girls, who have a grave vulnerability to sexual and other forms of violence. This is not to deny that some boys and some men are at risk as well, but we note that it is often on the grounds of their sexuality or the perpetrator's perception of their sexuality.

One of the features of having the kind of government that we have nationally is the attack on many hard-line advances. For instance, indigenous people are suffering from the Howard government's successful undoing of policy and political machinery which has been slowly developed over years. It is my sense that women and girls are also suffering from the Howard government's approach on a number of issues: first, the family, where one form—the diminishing one of mother, father and children all living in the same house—is privileged over every other form. If we are not careful we will be going back to the old ideas that domesticity is sacrosanct and what happens in the home is no-one else's business. This situation implicitly sanctions domestic violence.

Second, the defunding of women's organisations federally has made it difficult for many groups to continue their work in countering gender violence and assisting the victims of it. This puts the onus on states and territories to make up the shortfall. I am glad to see the ACT government doing its bit in funding such activities by, for example, setting up the Betty Searle House for older women escaping violence. I understand that Betty's place has unfortunately been quite busy, indicating that there is still unmet need for support services for women leaving violent homes.

Breaking the cycle of domestic violence is a societal problem, and the provision of shelter and refuge should be considered a necessary but a short-term solution. Victims of violence need somewhere to go after leaving refuges, and the shortage of transitional accommodation and government housing for the longer term has been emphasised over and over again in this chamber.

In the December sitting week, Zed Seselja spoke about a crisis in masculinity, implying that this is a result of women's games. I believe that this is a furphy and adds to the unnecessary conflict between feminists and others. Social change is happening so rapidly that traditional masculine and feminine roles are no longer appropriate. I do not believe that appointing a minister for men would do more than set up an absurd conflict between that minister and the Minister for Women fighting for scarce funds for their various constituencies. Such a proposal is based upon the false assumption that men's and women's interests are opposed, not synergistic. We all benefit from a society where the human rights of all people are respected.

To find long-term solutions to the problems of violence against women and of boys and men failing to succeed in traditional masculine areas, we need to look at the context of their relationships and of societal pressures that provide women and men with unrealistic goals. Bob Connell, who has been studying issues related to gender and masculinities for many years, says:

> Violence against women, homophobic violence, and racist violence have common roots in violent men's beliefs in hierarchy, narrow conceptions of masculinity and anxieties about their own status.

One major tool for eliminating violence against both men and women is to encourage men to work with other men to encourage acceptance of diverse masculinities and to assist in other strategies for dealing with conflict in relationships apart from violence. Women have a right to safety in the home, on the street and in the workplace, but violence against women is not only a women's problem. Any act of violence should be condemned publicly and privately as unacceptable.

Mr Speaker, while violence against women and girls, and men and boys, must be addressed and victims helped and perpetrators punished, we must also work on the conditions that nurture that violence. These include poverty, lack of access to appropriate educational pathways, secure housing, employment and respect from service providers. Sentences for violent offenders need to be as much about rehabilitation as punishment. The gender inequity at the base of violence against women is systemic and sanctioned in powerful areas of our society. We only have to witness recurring publicity about sports teams' treatment of women as fun. We need to counter violence against women and girls systemically.

The Greens will be working with community organisations to ensure that the ACT remains committed to reducing the incidence of gender-based violence.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations) (11.27): I thank Ms MacDonald for bringing this motion to the Assembly. I also just enjoyed listening to Dr Foskey's contribution to the debate.

I will address some of the comments that Mrs Burke has made. I know she would expect me to do so—and that is probably why she is leaving the chamber now. That goes down as probably one of the most outrageous speeches on a motion about domestic violence that I think I have ever had to sit through, and I think it would be good for women's organisations around the ACT to have a look at some of the comments that Mrs Burke made.

She was essentially running the argument that all the statistics are a bit out of whack; that really the impact on women is there but we have to look at the impact on men because those statistics are often not fair; that it usually comes with this language that places pressure and is unfair on men; that it is a bit emotive; that these poor men have suffered obviously at some point to be actually engaging in this violence. She was saying that statistics give an unbalanced view of actually what is occurring.

As usual, I think Mrs Burke's speech was full of clichés and full of questions and had absolutely no substance, that I could see, in any research that would support her argument. Gender-based violence is overwhelmingly perpetrated against women and in almost all cases the perpetrator is male. And for her to be running a line that that is not the case really questions her fitness to be shadow minister in this portfolio, although I note her title is the shadow minister for men's and women's issues. I do not actually have an understanding of what that means.

We cannot underestimate the impact that domestic violence has on our community; it is not only here in the ACT but also across Australia and globally. The violence that

women endure is the biggest single issue affecting them and their ability to live the life that they deserve. As Ms MacDonald said, more than one in three women or girls are sexually abused or beaten in their lifetime. That statistic comes from the United Nations Commission on the Status of Women. Perhaps Mrs Burke can engage with them and question their statistics, but my understanding of how those statistics are pulled together is that it is done through some quite comprehensive analysis of research in countries across the world.

A study last year by the Commonwealth Office for the Status of Women—this is the federal government—says that in 2002-03 the number of Australian victims of domestic violence would have exceeded 400,000, of which 87 per cent were women, and 98 per cent of the perpetrators were male. That comes from a document called *The cost of domestic violence to the Australian economy: part 1* from Access Economics and the Office for the Status of Women 2004. So, again, that is some fairly up-to-date information that would just run holes right through Mrs Burke's argument.

Another reputable agency, the Australian Bureau of Statistics, has estimated that less than 20 per cent of violence against women is reported to the police. They are sort of saying that maybe we do not even have the exact statistics—that it is under-reported, not over-exaggerated as would be the case if you agreed with Mrs Burke's line.

Again, that report from Access Economics found that the cost of domestic violence to Australia is around $8.1 billion, and nearly half the cost is borne by the victims of the violence and the other half is borne by other organisations—hospitals and other community providers who foot the bill for the rest.

Nobody is questioning that we have unbroken cycles of violence that affect generation after generation. You go and talk to anyone who is running a refuge in the ACT and they will say, particularly in some of the older refuges, that they have seen the grandmother, the mother and now the child, all come, as adults, through their service; and sometimes the young men who have been children in their refuges have reappeared as perpetrators of violence against their partners in years to come. A lot more work doe needs to be done there. It is about early intervention and supporting children who have been witness to domestic violence. I do not think any government has done enough work on that, and we need to do more.

We need to look at the role that schools play—and they do a fabulous job of encouraging appropriate behaviour and conduct. That is embedded in the curriculum. There is no doubt about that. They are bringing up citizens of the future. The document from Access Economics says that more than 180,000 children in Australia witnessed domestic violence in 2002-03. They are the sorts of figures that we are seeing there. The children are victims as well.

Mrs Burke asks, "But what are we doing in the ACT?" She has not come in here with solutions. I could not find any in her speech, although she did say she was bringing solutions and that we should look at the whole problem, not just part of it. Where are all the ideas? Well, I will run through just a couple that we implemented in our first term and the work that is continuing. The Human Rights Act has been enacted; the women's plan has been launched; the policy framework *Justice*, *options and prevention—working to make the lives of ACT women safe—*

Mrs Dunne: And that's not a cliché?

MS GALLAGHER: That is not a cliché; it is a policy document. The framework will continue to be instrumental in guiding government agencies in their work to eliminate violence against women across their areas of responsibility. We will release later this year the third annual action plan addressing issues of violence and safety for women. That plan outlines concrete strategies in place in agencies to achieve the identified outcomes of the plan, which are protection and justice, that is, a justice system that provides protection, support and advocacy for women and options for women; and that ensures that the assistance provided to women is appropriate, accessible and responsive. The third key element is the prevention of violence. I think Mrs Burke spoke about that too. It is probably one of the areas we do not disagree on. Again, there is an understanding of the problem and acknowledgment of the right of women to live their lives free of violence.

Of course, there is a lot more work to be done. In 2003 the government prepared a response to the ACT Law Reform Commission report on sexual assaults, and legislative amendments have been made because of this. The protection orders legislation has been reviewed to strengthen the legislative response to domestic and family violence. Legislation has been passed to protect the confidential disclosures to counsellors and to prevent their use in criminal trials in circumstances of serious sexual assault.

In 2003-04, four outreach services were funded to provide immediate responses to people experiencing homelessness and who are on waiting lists for supported accommodation. Two of these services address the needs of single women and women with children escaping domestic violence. We have also established an outreach service to provide pre- and post-accommodation support to women, increasing their skills to obtain and sustain tenancies, and break the cycle of homelessness. The service is open to all women, including those who have experienced violence.

As Dr Foskey said, Betty Searle House opened in March 2004. It provides long-term, affordable, safe and secure housing for a small number—eight—and yes, it has been very busy, unfortunately. Money has been provided through the homelessness strategy to support families in individual dwellings via an outreach model. We work constantly with refuges to identify with them further ways that we can support the work they are doing. I think we can do more there. I would certainly like to do more there.

This is an important issue. It costs the community a great deal and it is something that every single government across the world is struggling to deal with: how can we manage the extent of the issue, not only to do with cost but to do with the impact on the community?

In terms of some of the federal government's agenda—where they have, I think, launched attacks on womens organisations and reduced support: this is perhaps the one area that they have continued to see as paramount in being involved in a national process to address domestic violence. Their advertising campaign from last year was part of that. But we will continue to work to ensure that we can provide options for women who are

experiencing violence and their children. But the problem is enormous and is one that we all need to work together on.

MS PORTER (Ginninderra) (11.38): I join with Ms MacDonald and commend her for bringing this important issue to the attention of the Assembly today. I am particularly alarmed by the statistics Ms MacDonald mentioned relating to the percentages of women and girls in our society who are subject to the terrible crime of rape and other forms of gender-based violence. There is simply no excuse, of course, for this gender-based crime, and I call on all members of the ACT community to do what they can to stamp out these horrible occurrences and to address the attitudes and values amongst our young people, particularly, that can lead to these offences.

Research indicates that violence against women is a problem of international significance, as Ms MacDonald has already said. Significantly, it affects millions of women and girls world wide.

I join with Ms MacDonald in her positive analysis of the ACT government's steps to address gender-based violence in the territory and commend the steps of past assemblies to address the growing concern of violence against women.

It must be remembered that the effects of gender-based violence, in particular sexual assault, are felt both physically and mentally long after the actual incident. They have a devastating effect not only on the person herself but also on those in close relationships with her, such as a partner, parents, siblings, perhaps her children, her friends and her workmates. And, of course, that has an effect on all of us in the whole community. The ACT government recognises this and has taken the appropriate steps to ensure that there are adequate support services available to victims of violence in this context.

I agree that prevention is the best way to address the problem of gender-based violence, as I have said before—and I acknowledge the compassionate approach of the ACT government to wholly support mental and physical rehabilitation programs and the development of strategies in the women's action plan. One such approach is the government-funded Women's Information and Referral Centre, which provides a central point for women in the ACT seeking support in response to gender-based violence and other gender-specific issues. This service is to be commended, as it allows ACT women a direct contact point for gender-related services, including counselling; domestic violence support; family law assistance; health management; loss and grief counselling; relationship counselling; sexual abuse assistance; and support groups such as VOCAL. All these services are supported by this government.

Unfortunately, Mr Speaker, violence is part of our daily reality in Western societies such as Australia. As Ms MacDonald said, both at home and in the workplace, women are often subjected to degrading attacks in a both physical and emotional manner. We need, in response to this growing problem, clarity and vision; we always need to be thinking outside the square. While the ACT government has implemented some of the most effective support and prevention methods in Australia for victims of gender-based violence, there is still more that can be done of course, and the ACT government is committed to doing that.

As Ms Gallagher has just said, the school system is the key as an intervention point in providing students, both boys and girls, with the information necessary to understand and prevent violence. Schools can and do set standards for healthy, violence-free relationships through formal education and through leading by example. I will read some extracts here relating to the Education Act 2004:

> The ACT is committed to the right of equality of all Territorians to access government education that provides the necessary knowledge, understanding, skills and values for a productive and rewarding life through inclusive, respectful and safe school environments.

One of the key commitments of the government schools plan 2002-2004, *Within reach of us all,* focuses on developing citizens of the future, with priority given to students developing the values and social capacity to exercise judgment and take responsibility. I am sure all of us can see the link between this and the values and attitudes that would lead people to have healthy relationships.

The ACT curriculum frameworks explicitly provide for schools to include significant ethical, social justice, environmental and ecologically sustainable development matters for students to study. This involves students clarifying and articulating their attitudes, values and beliefs about themselves, others, their place in society and the environment. Cross-curriculum perspectives emphasise the importance of students learning to appreciate human diversity and to accept differences in culture, aspirations, needs and abilities and to work harmoniously with a wide range of people.

We all know that a child's school friends and teachers are amongst the most formative influences in our young people's lives. These influences need to be increasingly used to promote values such as tolerance and respect. Once our children fully grasp the importance of these values to society, such as stamping out gender-based violence, which of course is inherently behavioural, this will be increasingly addressed and thus reduced.

Gender-based violence is a parasite on society. It costs civilisation in economic, social and real terms through the long-term damage caused to women and girls affected, to other members of their families and to the community. It costs us in terms of opportunity and long-term outlay, and the most cost-effective and proactive strategy for addressing gender-based violence is to develop and implement effective education prevention programs, an objective that the ACT government has been steadfastly working towards.

I would like to take this opportunity to join my colleague Ms MacDonald in commending the organisers of the International Day for the Elimination of Violence Against Women and Girls, and I am glad that at least two more male members have joined us across the floor. This day, which is commonly referred to as White Ribbon Day, is an event that allows governments and community groups the opportunity to highlight the prevalence of gender-based violence in modern society. This day also, as Ms MacDonald said, allows a meaningful discussion to take place regarding further preventative methods and support measures for victims of gender-based violence.

The ACT government is committed to protecting the rights and interests of all Canberrans, in particular this means protecting the interests of those who are most vulnerable in our community. We have a duty to all our constituents to provide legislative and advocacy-based support to all Canberrans. The proactive measures that the ACT government has taken and continues to take in relation to gender-based violence are just some of the examples of this government fulfilling its responsibility.

I congratulate Ms MacDonald on bringing this matter to the attention of the Assembly and I hereby assure the ACT community that I, along with my government colleagues, will do everything within our power to reduce the occurrence of these terrible crimes in our community.

MS MacDONALD (Brindabella) (11.45), in reply: I would like to thank Dr Foskey, Ms Gallagher and Ms Porter for their contributions to the debate, and I thank all members for their support of the motion. I always find it an interesting approach, Mr Speaker, when members of the opposition get up and say they support a motion or a bill and then they go on basically to slag it off.

I say to Mrs Burke that maybe she should have actually listened to my speech, because I talked about ways that the government is addressing issues. One thing that I did not mention was the fact that one of the first things that the Stanhope Labor government did when it first came to office was to establish the Select Committee into the Status of Women, which Ms Gallagher was on at that point, and since then we have gone on to implement and take account of the report that came out of that select committee. So if Mrs Burke is looking for practical ways that this government has actually dealt with ensuring the safety of women, she should look at those things and listen to some of the things that have been said in this place. It would be nice for Mrs Burke to listen to what other people say. I sometimes wonder if there is a clanging going on in her head that stops her hearing anything that is said by anybody other than herself.

I will not say much more than that, other than that Mrs Burke spoke for over nine minutes and did not make any sense in those nine minutes. I would agree with what Ms Gallagher said, that it really was quite an outrageous speech on the part of Mrs Burke. I think that I will leave it at the minister's comments, which pretty much demolished the arguments that Mrs Burke put forward—which were not based on anything. Mrs Burke stands up and says that she will not take statistics into account because they can be misused, but she does not back up anything that she says with anything reliable or anything evidence based.

As for the comments made by Dr Foskey, I agree that it is a concern that the number of reported incidents continues to rise and that more effort needs to be made. I think that is very important. It is one of the reasons why I put this motion on the notice paper back in December and why I am still continuing with it today. As I said in my introductory speech, even though White Ribbon Day is in November, violence against women takes place every day of the year. So I think it is pertinent that we talk about it whenever we can. We need to be ever vigilant in making sure that we do what we can. I thank Ms Gallagher and Ms Porter as well for their comments in support. Ms Gallagher raised a number of practical things that this government is doing to address the issues.

I would like to say as well, Mr Speaker, that violence against women remains prevalent in our community. It can be seen in the recent violent attacks against women that have been reported in the past few weeks. Yesterday's *Canberra Times* reported on the abduction of a 21-year-old woman while she was walking home from the Campbelltown railway station in Sydney. The woman was threatened with a machete, driven to a remote location and raped before ringing her fiancé to detail a ransom. Another article on page 4 of yesterday's *Canberra Times* detailed the abduction of a 50-year-old woman who was found in the boot of her car four days after she went missing. Her husband, whom she had taken a restraining order out on, has been identified as a suspect. He is a suspect but, obviously, he is not necessarily the person who has done it, but it highlights the incidence.

These violent acts occur daily across Australia and the world and will stop only through the cooperation and combined efforts of the entire world community. The up-coming International Women's Day, to be held on 8 March, provides the international community with another opportunity to celebrate the economic, political, environmental and social achievements of women. Since its inception, International Women's Day has stood for equality between men and women. I will repeat that: it has stood for equality between men and women. It is not about making women more than men or highlighting them more than men; it is about saying that women have equal rights to men.

I ask members to remember this horrifying figure: one in three—one in three—women will experience some form of violence during their lifetime, simply because they are women. This is completely unacceptable. I will end with a quote from the UNIFEM executive director, Noeleen Heyzer, who said:

> We need to say "no more and never again". If we commit ourselves to creating a world free from violence against women and girls, our children will say we stopped the universal and unpunished crime of all time against half the people of the earth.

I commend the motion.

Motion agreed to.

Sub judice convention
Statement by Speaker

MR SPEAKER: Before we go to private members business item No 4, I will make a statement in relation to the application of the sub judice convention, as that matter relates in some way to matters before the courts. The convention, as described in the fourth edition of *House of Representatives Practice* is:

> … subject to the right of the House to legislate on any matter, matters awaiting adjudication in a court of law should not be brought forward in debate, motions or questions.

Members will be aware that there is a coronial inquiry into the cause of deaths of four persons in the January 2003 bushfires. Members are also aware that the government and

other parties have taken action in the Supreme Court about possible apprehended bias by the coroner undertaking that inquest.

In deciding whether to invoke the convention for debates, questions and motions concerning both proceedings in the Supreme Court and the Coroners Court, I intend to follow the same principles that are set out in the 11th edition of Odgers, namely, that there should be an assessment of whether there is a real danger of prejudice in the sense that it would cause real prejudice to the outcome of the trial or inquest; that the danger of prejudice must be weighed against the public interest in the matters under discussion; and that the danger of prejudice is greater when a matter is actually before a magistrate or a jury. And it should be noted that magistrates undertake the duties of a coroner in the ACT.

It might be said that, this being a subject of public debate and much interest in the media, it is in the public interest that these matters be discussed here in the chamber. The difficulty, of course, is that reports that occur in the media are subject to the scrutiny of the courts and the courts might defend either the applicants or the defendants by way of their own powers for those sorts of matters that are reported in the media. But when matters are discussed in here, such as matters that may well be evidentiary, the court has no similar power it can use in the case of matters that have been dealt with in the Assembly.

So I ask members to be mindful of this issue when making comments in the Assembly on these matters, and I will rule that, in relation to matters still before the coroner, members should restrain their comments about the cause of death of the four persons involved. In relation to matters before the Supreme Court, I ask that members refrain from addressing issues in relation to the apprehension of bias in the conduct of the coronial inquest.

Mrs Dunne: Mr Speaker, could I just seek clarification on your statement? It is my understanding that the coroner has actually determined the cause of death of the four people who died in the fires.

MR SPEAKER: My understanding is that there has been no—

Mrs Dunne: It is probably not pertinent to the matter here today, but my understanding is that she has.

MR SPEAKER: The coroner's report has not been made; so the matter is still afoot.

Mr Seselja: Could I clarify, Mr Speaker, the last point? Just on the apprehension of bias, I assume you are talking about the claims of apprehension of bias against Coroner Doogan.

MR SPEAKER: Yes.

Attorney-General

MR STEFANIAK (Ginninderra) (11.56): I move:

> That this Assembly calls on the Attorney-General to stand aside until the Coronial Inquest into the January 2003 Bushfires and all other related court actions are concluded.

This is actually a fairly simple issue, Mr Speaker. Whilst it has been canvassed by a number of people in the media, it certainly, I think, does not infringe on any of the points you have properly raised in relation to sub judice. The simple issue is that the opposition says that, in this matter, the Attorney-General has a conflict of interest, specifically because he has been a witness before this coronial inquiry and has given evidence. It also relates to the conventions and role of an attorney-general.

One point the attorney raised yesterday I should make mention of. He indicates that it is quite common for attorneys-general to be involved in appeals. Absolutely. Yes, I am sure I was certainly involved in appeals. Mr Humphries would have been. I think Ms Follett was as Attorney-General; Mr Connolly was. All attorneys-general in any state or commonwealth parliament will be involved in appeals.

What the opposition says in relation to this particular appeal is a simple issue: it is unprecedented for an attorney to appeal in a case such as this. The role of an attorney is normally to back the coroner and there is no precedent for an attorney appealing in relation to apprehended bias or whatever against a coroner.

The problem is compounded, and the reason the Attorney needs to stand aside is that he is a witness. He has given evidence in the matter. That evidence has been recorded. Obviously, because of his position at the time of the fires, he is an important witness. Quite clearly, we are saying there is a conflict there because of the obvious inference of any vested interests that might flow from the fact that he has given evidence. There may or may not—

MR SPEAKER: Order! These are matters which are going to come before the courts and will almost certainly be led in evidence, and that is whether or not there is a vested interest in the Attorney-General—

MR STEFANIAK: It has not been raised to date, and I would be highly surprised if it is, Mr Speaker, because it is a very narrow point when you talk about conflict of interest.

MR SPEAKER: Well, if you go to that issue here that will prevent its being raised in the courts as well.

MR STEFANIAK: Mr Speaker, all we are saying is that there is a conflict of interest, that the attorney obviously gives the impression of a vested interest because he has given evidence, and that is the issue, full stop. I am not going to canvass anything about the facts. It is a simple point, and I make the simple point to members: the attorney has given evidence to the court in an inquest. He and the government are one of the parties to an appeal against the coroner. That raises the issue of vested interest. It raises the conflict of interest situation. Really, I would challenge the government to find any situation where any attorney is in a similar position.

It is not an earth-shattering or fatal problem, because what we are saying is that in those circumstances—in the circumstances we face here where the attorney, quite clearly, has a conflict of interest—he simply stands aside as attorney. He simply stands aside as attorney until such time as this court action and any related court actions that may come from it are finalised, then he resumes the role of attorney. He needs to do that primarily because, reason No 1, he is actually a witness who has given evidence in this matter when this coronial inquest was running and before the matter was appealed. It is that simple.

This is the situation—it is not really just a legal point; it is a basic, obvious point; blind Freddy out there could see it—there is a conflict of interest here. People face conflict of interest situations quite regularly. I noted with interest, Mr Speaker, yesterday when I was perusing the Remuneration Tribunal's determinations—and remember our Remuneration Tribunal comprises Alan Kerr, AM, Roberta McRae, OAM, former Labor Speaker of this house and former member for Ginninderra, and Jill Greenwell—a matter regarding the Cultural Facilities Corporation Board. This is a good illustration of what is appropriate behaviour, having regard to conflict of interest, by someone who faces it. In relation to the Cultural Facilities Corporation Board, I quote from page 3 of the Remuneration Tribunal's determination:

> The submission advised that a request had been made to the Minister to seek the Chief Minister's referral of the Chair of the Finance and Compliance Committee to the Tribunal for determination.
>
> It was also submitted that the Corporation's commercial operations would be more appropriately reflected in remuneration rates similar to those of the Australian Capital Tourism Corporation Board.
>
> Ms Roberta McRae excused herself from the Tribunal's discussion and any determination on this matter, as she is a member of an advisory committee to the CFC Board.
>
> The Tribunal noted it had not received a referral from the Chief Minister for the Chair of the Finance and Compliance Committee …

It goes on. It decided that further details should be obtained. What former Speaker McRae, now a member of the tribunal, has done there—in an obvious, classic case of someone on a body like that being faced with a conflict of interest—is excuse herself from further discussion.

What we are saying quite clearly here is that the Attorney-General, in his capacity as Attorney-General, has been a witness in this coronial inquiry, which now finds itself before the Supreme Court, and also one of the parties to that particular appeal. He is in a classic conflict of interest situation. It is irrelevant what happens or does not happen to that appeal and any legal argument in relation to the reasons for it. The problem here is the role of the attorney, the first law officer for the ACT, who has been a witness and who is now party to an appeal against the coroner in relation to a claim of apprehended bias. He has been a witness. He should stand aside.

Might I say, were he to stand aside, which we are asking him to do and calling on him to do, if there is any other minister who is going to give evidence before this coronial inquest or is likely to—regardless of whatever happens—that person should not stand in as Attorney-General either, for the very same reason. But any other minister who is not in that position could take up the role of attorney until that particular case, the coronial inquest, or any other related court actions, is concluded. When they are concluded, the Attorney-General then resumes his role as attorney.

It is crucially important that justice be done and be seen to be done and especially that the Attorney-General, the first law officer, ensures there are no possible adverse perceptions in relation to his role. It is not rocket science; it is not all that difficult. It is really quite a simple matter. It is not necessary even to interfere with the running of the government. It is something that should not happen in this case and should not happen right across the board. We are all on the same shore, I would hope. We have, on occasions, thought, "No, I have got a conflict there. I need to stand aside," just like Roberta McRae quite properly did in that matter that I indicated. That is the primary thing.

The primary problem is: the Attorney-General is a witness. There are inferences of vested interest, especially if there might be adverse findings. There might be positive findings. Either way, there is that conflict of interest situation, the vested interest. It is inevitable; it has to be. It is just simply there. I defy him to tell me if there is any precedent. I would be fascinated if there were any.

There is another matter here, which may well be relevant. It is the second point that I raise for members. That relates to the Coroners Act of 1997. "Report after inquest or inquiry", section 57, reads:

> (1) A coroner may report to the Attorney-General on an inquest or an inquiry into a fire held by the coroner.

I emphasise the words "may report". It continues:

> (2) A coroner shall report to the Attorney-General on an inquiry into a disaster.
>
> (3) A coroner may make recommendations to the Attorney-General on any matter connected with an inquest or inquiry including matters relating to public health or safety or the administration of justice.

I am not going to canvas whether it should be "may" or "shall" because that does get into the points, Mr Speaker, which are before the Supreme Court. But the fact is that a coroner at the end of the day may have to report to the Attorney-General, the Attorney-General who has been a witness, who has taken an action against that coroner and who is then going to actually get reports.

Again, I think that probably compounds the fact that there is a conflict of interest situation here, quite a clear one. It is certainly out there in the community. It is very important for the role of the Attorney-General, given the fact that he is the first law officer, to take this step—and it is not a difficult step—of standing aside and handing over that role for the duration of this process to one of his other ministers. He could

resume that role when the process was complete. That is what the opposition is calling on him to do; that is what I would submit to you all is something that the Canberra community would expect him to do, especially those who have been caught up in the traumas of the particularly horrible event that occurred on 18 January 2003. That is what we have been calling on him to do; that is what, I submit to you all, the conventions and indeed common sense would dictate that he do.

MR SESELJA (Molonglo) (12.07): I rise to speak in support of this motion today. This is an issue that, as Mr Stefaniak put it, is a fairly simple issue; it is not rocket science; you do not need a law degree to understand this issue. You do not need to be a practising lawyer to understand this issue. It is an issue about justice not only being done but also being seen to be done. I believe Mr Stanhope used those very words in the chamber yesterday. This is the crucial point here; this is what the community expects—that justice be seen to be done.

Mr Stanhope has, for some time, been talking about his duties as first law officer; he has been quoted widely in the media about what his duties are and his duties to the non-individuals and his duties as first law officer to uphold the principles of justice. I agree with him: it is his role as first law officer to uphold the principles of justice. It is also incumbent upon him and his government to ensure that justice be seen to be done. I put it to the Assembly and I put it to you, Mr Speaker, that in these circumstances, with the Attorney-General in the position he is, it is very difficult for justice to be seen to be done. I will just outline, I guess, a bit of the background and a few of the reasons why I have drawn that conclusion.

These are the facts: Mr Stanhope appeared as a witness in the inquest. That is a fact. He was a very important witness, as Mr Stefaniak put it. He is potentially subject to adverse findings from the report; that is beyond dispute. He has taken action to shut down the inquest in a court of law; that is beyond dispute. And if and when the inquest is finalised and the report prepared, it will most likely be presented to Mr Stanhope, as Mr Stefaniak has just pointed out. Under the Coroners Act, it is likely that this will go to the Attorney-General who then may well have recommendations to act on.

Put all that together and it is difficult for the average person to see that justice is being done. How can justice be seen to be done when the Chief Minister has interests in so many different areas? It is a conflict of interest. As I said, this is not rocket science. Any casual observer could see that, even if the Chief Minister and Attorney-General's motives are perfectly pure, there could be a perception that he has conflicting interests. He has an interest as first law officer; he has an interest as a witness; he has an interest as head of the government. These interests do not easily coincide; they are not easily reconciled.

As Mr Stefaniak has already pointed out, people often stand aside for conflict of interest. It is a common practice that people rule themselves out of committee meetings when they have a conflict and a certain matter is to be discussed; that is common practice in business and government. And people in the community would expect no less from our Chief Minister and from our first law officer.

On the issue of receiving the report, we know that the Chief Minister received the Gallop

report and sat on it. And that meant that the report was not released for several months. Justice was delayed. So he has got form; he sat on the report.

In this case, there will be a report presented to the Chief Minister; it may well have adverse findings against him; and he will receive it. He can sit on it. How is justice going to be served by the Attorney General, who has an interest in these proceedings, who may have adverse findings against him, receiving the report and choosing when to release it? I put it to you, Mr Speaker, that all these things together, without impugning the motives of the Attorney-General, could easily, and would reasonably, be seen to be a conflict of interest and therefore justice will not be seen to be done.

The government is involved in a court action to shut down the inquest. That was one of the points I made. The government, by even joining that action, is contributing to the perception of an apprehension of bias. They have muddied the waters, but the average lay observer would look at this and say, "Something's not right here; there are just too many different things going here." Well, they would.

MR SPEAKER: Order! The matter of apprehension of bias is very clearly a matter before the courts at the moment and I would order you not to refer to it.

MR SESELJA: Thank you, Mr Speaker. To recap: we have a Chief Minister and Attorney-General who appeared as a witness in the inquiry; he is potentially subject to adverse findings; he has taken action to shut down the inquest. The report, when it is finalised by the coroner, is likely to be presented to him as Attorney-General. If there are recommendations flowing from the report, he, as head of the government, will need to implement them. Those things together represent a conflict of interest; they represent justice not being seen to be done. In these circumstances we would ask that the Attorney-General step aside so that justice can be seen to be done and the people of Canberra can get resolution on this very important issue.

This tragedy occurred on 18 January 2003. People are crying out for resolution. There has been delay after delay. This kind of thing is not helping and will serve only to muddy the waters when the final results of the coronial inquest are made clear.

DR FOSKEY (Molonglo) (12.13): I put on the record in the early discussion on this matter that I believe that politics rather than justice is the motivation for its continual recurrence. But, as I understand it, there are two issues raised by this motion, both of which relate to the possibility that the coroner may report, under section 57 of the Coroners Act, findings to the Attorney-General. Each of these issues has, we believe, a pragmatic response—that is, one based on the facts of the matter and common sense.

Firstly, there is the matter of the conflict that is said to exist because the Attorney-General may himself appear before the coroner as a witness and could conceivably be the subject of an adverse finding or report by the coroner. This issue was addressed from a slightly different angle in the Assembly last year when a no-confidence motion was moved against the Chief Minister in relation to his recollection of events connected with the bushfire. The Greens supported the Chief Minister at that time, and we have had no further information that would suggest that we should take a different view now.

It is important to note that the coroner's report will be readily available to the Canberra public, and there is no possibility that the Attorney-General might be able to bury or selectively release the report. Under section 54 of the Coroners Act, the report must be made available, at their request, to any owner of property damaged or destroyed by the fire. If there is an adverse finding made against the Attorney-General in the report, it will be possible, when the report is made public, to make a judgment about the significance of the findings and whether a different Attorney-General should be called upon to act on the report.

If we lived in a larger jurisdiction with more members where there were any number of people available and qualified to take on the role of Attorney-General, then it might be reasonable to take a different position on this matter. However, other ACT ministers could equally be said to have the potential to be called before the coroner as witnesses and to have adverse findings made about their conduct.

Secondly, it has been said that there may be a conflict between the role of the Attorney-General as the recipient of the coroner's report and his role in supporting the appeal against the coroner on the ground of a perception of bias. It seems to us to be entirely appropriate for the Attorney-General to act in the public interest to ensure that processes of the coroner are without reproach. If the coroner were to continue without a resolution in relation to the perception of bias, then any findings or recommendations made by the coroner would carry little weight and the community's need for an honest and impartial assessment of all that occurred would not be satisfied.

The coroner is a creature of statute. It has powers and functions by virtue only of the Coroners Act, which specifies, amongst other things, that it is able to report to the Attorney-General. The same act stipulates that the actions of the coroner are answerable to review by the Supreme Court, and section 93 expressly authorises the Attorney-General to make an application to have an inquiry quashed, and I quote:

> … if it is necessary or desirable in the public interest or the interests of justice.

It seems illogical, therefore, to argue that the Attorney-General should stand aside on the basis of a conflict between two roles expressly contemplated by the coroner's enabling legislation. Nor would the issue be resolved by replacing this Attorney-General with another Attorney-General, because every subsequent Attorney-General would have the same conflict while the Supreme Court is reviewing the actions of the coroner.

For the reasons outlined here, we will not be supporting the motion of the opposition on this matter and believe that, without new information, there is no more useful debate to be had on this topic, at least until the Supreme Court has delivered its judgment on the actions currently before it.

MR QUINLAN (Molonglo—Treasurer and Minister for Economic Development) (12.17): I would like to thank Mr Seselja for his contribution because I think, within it, we may find some of the flaws in the arguments that have been put forward. Initially, I would like to refer to a claim that Mr Stanhope sat on a report that originated in the federal parliament. That is a nonsense, and I think it has been publicly disproved that that was the case. In fact, the delays were attributable to those on the hill as opposed to here;

and in fact Mr Stanhope gave his authority for release of that report in August. But it is an example of the case that what has been claimed in recent times in the media, particularly about Mr Stanhope, has been based on untruth.

Mr Stefaniak was out talking about costs and that all the moneys had been substantially burnt. He got it wrong, but he happily went out there and peddled this. What we have here, as I think Dr Foskey has quite clearly and well explained, is about politics and about trying to pass a message to the public; it is not necessarily about proving anything in this place. I think Mr Stefaniak said in his speech that it was not an earth shattering or a fatal problem.

But returning to what Mr Seselja said—and I think it is most apposite—about Mr Stanhope having several conflicts of interest: one as the Attorney-General and one as the Chief-Minister and head of government. If that is the case—everybody on this side of the house is part of the government—what you are saying is that we should have, effectively, a vacant role of Attorney-General because we all have a conflict of interest.

Mr Seselja: No, you're not the attorney; you do not have that special role.

MR QUINLAN: No, it is beyond that. These are multiple conflicts of interest. We are all part of the government. If the Attorney-General stood down and someone else took over, I am the Treasurer and I would be concerned that there may be financial impacts upon the territory.

Opposition members interjecting—

MR QUINLAN: Let me say in response to the interjections that the substance of Mr Stanhope's evidence, as reported in the newspaper, and that is all that I followed of his evidence, was purely about a few facts; it had nothing to do with putting the guy in the dock. There were no really challenging questions at the coronial inquest, nothing like, "Mr Stanhope, you are now in danger of adverse findings because of your appearance."

MR SPEAKER: Order! Minister, you should not be referring to the coronial inquest and I ask you to desist.

MR QUINLAN: I apologise completely, Mr Speaker. I thank Mr Seselja for his comments, but I have to say that the proposition being put forward by the opposition is a nonsense.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for Environment and Minister for Arts, Heritage and Indigenous Affairs) (12.21): It is interesting, Mr Speaker, that we are repeating essentially the debate that was held in our first sitting week in this Assembly in December. On that occasion, it was a no-confidence motion in me as Attorney-General, essentially a request or suggestion by the opposition that I resign. In December, my sins were so great that the position of the Liberal Party was that I should resign as Attorney-General. Now here we are in the second sitting week of the Assembly, and the story is: "Well, we'll give up on the suggestion that the sin is so great that he should resign. We have walked away from that. We now suggest that he should stand aside." Of course, Mr Speaker, next month, when

we return for our third sitting week, I imagine the motion will be that the Attorney-General—

Opposition members interjecting—

Mr Hargreaves: Point of order, Mr Speaker. I am trying to listen to the Chief Minister and I cannot hear a thing.

Opposition members interjecting—

MR SPEAKER: Members of the opposition, cease your interjections.

MR STANHOPE: Take a Bex and have a good lie down, perhaps.

Ms Porter: Take a week off.

MR STANHOPE: Take a week off. That's it, the sin bin. I can imagine the motion next month. In December it was: "Attorney-General, your sin is so great, so appalling that you must resign". Now, in the next sitting week, it is: "Attorney, this is a dreadful sin, a conflict of interest. You must stand aside." The third sitting week, of course, is in March and I can imagine we will have another motion. After all, it is in the interests of the Liberal Party to trawl for what puerile political advantage they believe they can obtain from this particular issue, and it will be: "Well, look, to the sin bin for a week. Declare yourself absent for a week. Don't come to work next week. Give the job to somebody else." That is the level to which we have descended in relation to this nonsensical motion, this suggestion that there is some conflict of interest; the suggestion that the Attorney-General, the first law officer of the territory, having involved himself in an appeal in a court, has somehow sought to undermine the processes of the court or the judiciary when, in fact, his very intention was to achieve the reverse.

The ACT government is represented in this coronial inquest and appears willingly before it to provide assistance consistent with the approach it has adopted from the outset to the coronial inquiry. We have provided every single document that the inquest has sought. We have answered every single question, to the extent that we have been able to, that has been put to us. We have provided every single witness that has been sought. I, of course, as Chief Minister of the Australian Capital Territory—not as Attorney-General, but as Chief Minister—attended to answer questions that were put to me about some of the administrative or practical arrangements or circumstances that applied in the lead-up to the fire. I attended as Chief Minister, as a representative of the cabinet and as a representative of the government to provide assistance, just as I provided the cabinet documents, just as I provided every other document in the possession of the ACT government that was sought of us.

It was simply part and parcel of our determination to ensure that this inquiry was full and unencumbered and that there was not a single aspect of the administration of the emergency services or a single aspect of the issue in relation to the fire that was not made available to the coroner. Of course, it is a great irony now that, as a result of the exuberance of our response and our determination to be absolutely helpful, the Supreme Court is now suggesting there might be issues around the extent of the jurisdiction that has been taken or pursued or assumed by the Coroners Court in relation to the matter. Of

course, there is a great irony that, in our determination, and in the determination of the court, to ensure that the inquiry is unencumbered, untrammelled and all encompassing and that there are no boundaries, that particular situation has arisen.

Mr Mulcahy: I raise a point of order, Mr Speaker. I thought your instruction was that those issues were not to be canvassed during the debate.

MR STANHOPE: I did not canvass any issues. I talked about an irony.

MR SPEAKER: The Chief Minister was talking about matters that are on the public record before the court. They were not evidentiary matters. He is not arguing the case one way or the other.

MR STANHOPE: Let me say this about the attitude of the Liberal Party to this matter. The suggestion that I, as Attorney-General, or the ACT government, in participating in an appeal from a lower court to a higher court, am in some way impugning the integrity of the judicial officer involved in the lower court against whom an application has been made for review of a decision, or any suggestion that this in some way impugns the court or puts me in a position of conflict, is an absolute nonsense!

Governments around Australia on a daily basis, and this government perhaps on a weekly basis, make appeals and applications. It is about the administration of justice. It is about ensuring that the process works. This is what happens in legal systems. Appeals are made; questions are tested. It happens constantly. It happened under Bill Stefaniak as Attorney-General; it happened under Gary Humphries as Attorney-General; it happened under Bernard Collaery as Attorney-General. It is part of the role of the first law officer.

One of the issues relating to the first law officer that has not been well understood and that is, of course, being glossed over is the extent to which a first law officer has a role over and above politics. I accept that role. I understand the distinction and I respect it absolutely. But I do, from time to time, make decisions pursuant to my responsibility as the first law officer to ensure the integrity of the administration of justice in the ACT, and that is all I have done in this situation.

I think, in a political sense, it needs to be understood what the Liberal Party is saying to us about their attitude to justice and fairness. It is this: an Attorney-General, with advice, should pursue an issue that goes to the quality of the administration of justice. But if that action were to be seen in some way to question a position that a judicial officer has taken, it should not be pursued because it actually represents an attack on the court. The point about it is that it really represents an attack by the Liberal Party in this place on the principles of justice and fairness. It sends a very interesting and direct signal to all those people within our society and community who do, from time to time, put themselves in a position where they might very well be embroiled in the coronial process. Every police officer, every ACT government official, every public servant, ACT and commonwealth, needs to understand the attitude of this opposition, this Liberal Party, to them and the extent to which they will be sacrificed on the altar of the Liberal Party's political agenda in this circumstance and in any similar circumstance.

Just imagine what we have here. We have got nine fine ACT public servants who, in pursuit of their commitment to this community, find themselves, simply as a result of

trying to do their best, embroiled in a matter before the Coroners Court. That could be any public servant. Some of them are volunteers. Some of them are there in a voluntary capacity. What is the signal that has been sent—

Mr Smyth: Which ones are there in a voluntary capacity?

MR STANHOPE: Members of parks brigades volunteer to be members of a parks brigade.

MR SPEAKER: Order! We are getting into a discussion of the relative merits of particular persons involved in this matter and I would not want members to stray into that area.

MR STANHOPE: I take your point absolutely, Mr Speaker. I will paint a hypothetical situation. Imagine, then, we are not talking about the fire; we are talking about another similar circumstance. Say young police constables are engaged in a pursuit of a vicious criminal—a rapist, a murderer or a drug dealer—and there is an incident; the car crashes and the matter ends up in front of the Coroners Court. The attitude that we see here, the Liberal Party attitude is, "Look, boys, you're on your own. You're in the Coroners Court now." Say Bill Stefaniak is the Attorney-General. There is a question of justice that needs to be pursued to ensure that these young police constables actually receive the protection that they deserve, that there is no suggestion or perception of bias in a matter in which they are involved, and Bill Stefaniak, as Attorney-General, says, "Well, look, boys, I would like to support you in your application to ensure that you receive justice, but it would be seen by the people of Canberra as an attack on the coroner. So, boys, you're on your own. I really appreciate what you were trying to do, chasing down suspected murderers, but you're on your own."

MR SPEAKER: Order! The member's time has expired.

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 12.31 to 2.30 pm.

Questions without notice

Policing—criminal investigations

MR SMYTH: My question is directed to the Minister for Police and Emergency Services. As you would be aware, the ACT currently has a number of unsolved murders on its books, such as the Grosvenor murder, and other serious criminal investigations underway. The police annual reports show that in recent years apprehension rates for offences against the person have declined.

Page 5.50 of the productivity commission *Report on Government Services 2005* shows that spending per person in the ACT on criminal investigations has declined from $90 per person in the 2000-01 financial year to just $54 per person in the 2003-04 financial year. Why has the spending per person on criminal investigation in the ACT declined so dramatically?

MR HARGREAVES: I thank the Leader of the Opposition for the question and for his public declaration of his blatant ignorance of policing processes in this town. Obviously, the Leader of the Opposition has been to the Steve Pratt school of politics. He has this fixation with numbers. We shall have numbers and dollars at 50 paces! As a former police minister, he should know that the whole concept of policing in this town has changed. And it has changed for the better. Mr Smyth is going back into the bowels of history and dragging up a figure that suits him.

Opposition members interjecting—

MR HARGREAVES: Of course he is. Why is that? It is because the Leader of the Opposition has not had the wit to say to me, "Can you have a chat to me about where we're at with this particular crime in the ACT?"

Mr Smyth: Mr Speaker, I rise on a point of order. I did not ask the minister a question about me; I asked him why the dollar value has dropped from $90 to $54. Under standing order 118 (b) he must answer it.

MR SPEAKER: Come to the point of the question, Mr Hargreaves.

MR HARGREAVES: Certainly Mr Speaker, but I cannot pass up the opportunity to expose the Leader of the Opposition for his absolute and blatant ignorance of the process. The fact is that no more do we use the archaic method of applying dollar figures to police activity. Those are workload statistics; they have nothing to do with the effect of what they do. They are non-effectiveness measures.

If Mr Smyth wants to have a look at some of the other numbers—when he gets his up-to-date numbers; when he asks for them—he will find that, in all major criminal activity that has occurred in this town over the past 12 months, and compared with this time last year, the figures are down significantly in double digit figures.

I will not indulge in police numbers or dollar values at 50 paces with the Leader of the Opposition. I am satisfied. When you think about it, you realise that we have had a 100 per cent increase in murders in this town in the last twelve months.

Mr Smyth: Shame!

MR HARGREAVES: Shame—yes, we have gone from one to two! I am surprised that you call yourself a person that can count money and people. That is a 100 per cent increase. Of course, the police in this town are not really effective because they did not prevent that 100 per cent increase—what a lot of nonsense!

This jurisdiction and the way in which we provide policing in this town is the best in the country. And the Leader of the Opposition and his cohorts in crime know that. I am absolutely disgusted that they would bother to trot out this sort of drivel led by his colleague, the very shadowy minister for police and emergency services.

Mr Smyth: Mr Speaker, I rise on a point of order. Under standing order 118 (b), the minister cannot debate the question; he must answer why the number has dropped from $90 three years ago to $54. He has not answered the question.

MR SPEAKER: He has to deal with the subject matter of the question. And he has five minutes to do it.

MR HARGREAVES: The Leader of the Opposition pops up to run his points of order. All I can say is: I will not indulge in your number crunching at 50 paces; I will not do it. I am quite happy to talk about the way in which crime in this town has been tackled—how it is being beaten—compared to other jurisdictions. I will not say to you, "Why has it gone down?" Maybe it is because not as much money is being spent on activity; maybe we are doing a better job than you did when you had stewardship of it; perhaps we are using the money better than you did. That is because you, Mr Smyth, were an ineffectual minister.

MR SMYTH: Mr Speaker, I have a supplementary question. How can the minister claim that Labor is improving resources for police, when the Productivity Commission shows, quite clearly, that in the past three years money spent on criminal investigations has dropped from $90 to $54?

MR HARGREAVES: Because the rates of criminal activity have gone down. Over the past twelve months, most of the criminal activities in this town have gone down in double digit figures.

Aged care accommodation

DR FOSKEY: Mr Speaker, there won't be quite as much fun and games in my question. It is to the Chief Minister. Mr Hargreaves, you can relax. This question relates to this government's response to concerns that residents in nursing homes have suffered retribution for complaining about the quality of their care.

The Chief Minister announced on 4 February that the ACT's elder abuse task force would investigate the retribution claims. Yet the ABC reported yesterday that the government had opted not to investigate, in its response to the Legislative Assembly—

Ms MacDonald: I seek your ruling on this, Mr Speaker. The government's response to the committee of the Fifth Assembly's report came out yesterday. Debate was actually adjourned.

MR SPEAKER: What is your point of order?

Ms MacDonald: Is Dr Foskey allowed to ask a question when it is yet to be debated in the Assembly?

DR FOSKEY: Let's call this the start of that debate then. I do have a question. I am sorry there is a little bit of a preamble. Without this preamble, the question has no context.

MR SPEAKER: The standing order that Ms MacDonald seeks to refer to is 118 (f):

> Questions may be asked to elicit information regarding business pending on the Notice Paper but discussion must not be anticipated.

It is reasonable for questions to be asked in relation to the matter.

Mrs Dunne: On the point of order, Mr Speaker, as well: the report that was tabled yesterday is about the allied health care needs of people in aged care. That is about dental and podiatry as well.

MR SPEAKER: I have just ruled on the matter.

DR FOSKEY: Anyway, the point is that we are a little confused. Today's *Canberra Times* says:

> … the Government's commitment to investigating issues of retribution in nursing homes in now unclear …

It also reports:

> … the government's formal response to a health standing committee report declined to look into the matter.

My question is: can the minister here confirm that the government will carry out a thorough investigation into retribution claims against aged care facilities and ensure that policies and procedures are in place so that all residents are able to complain safely?

MR SPEAKER: I just want to raise a question here in relation to ministerial responsibility for this because it is a commonwealth responsibility. If the Chief Minister wants to add to that, he may.

MR STANHOPE: Mr Speaker, I was going to make that point. It is quite clearly an area of commonwealth responsibility. But the point I made at the time I announced that the ACT government would involve itself in this particular issue was that no government can turn its back on the serious allegations that were made, particularly in relation to its own citizens. But let's not walk away from the acceptance that the primary responsibility for issues in relation to the management, accreditation and the way in which complaints are treated in nursing homes in the ACT is the responsibility of the commonwealth government.

To the extent that complaints of retribution, elder abuse or unacceptable behaviour in relation to our residents in nursing homes within the ACT have been made, the accusation has been made about the level of care, control and oversight that the commonwealth is showing to this particular issue. And I accept that and I cannot go to that, other than to say that the response I made was that, in light of the very serious allegations of retribution against those residents or family of people within aged care facilities in the ACT, of course we as a government or as a community cannot turn our backs and walk away and simply say, "Look, this is a commonwealth responsibility. The

commonwealth is not handling it in a way which we approve of but it's up to them, so we won't bother ourselves."

I must say, Dr Foskey, to the extent that you are somewhat confused by reports on the ABC and in the *Canberra Times*, so am I. At no stage have I indicated that I would not be pursuing the investigation that I said I would pursue. The Office for Ageing in the Chief Minister's Department has, over the last week since I made this announcement, been holding discussions with interested persons and developing, at my request, terms of reference for the nature and the scope of an inquiry which we can involve ourselves in—accepting, as I said, this is a commonwealth responsibility.

I have to say, and I hesitate to say this, that one of the concerns that I have in relation to the allegations that have been made—and I think it needs to be said—is that the issue is also subject to a Senate committee of inquiry where the very same concerns have been lodged by ADICUS. Some of the allegations that have been made, particularly by the representative of ADICUS, involve, to my mind, allegations of criminal behaviour. I think that the complaints are of an order that raise serious questions—indeed, questions going to the extent to which some of the behaviour constitutes quite serious assaults. I am taking advice, for instance, in relation to whether or not, indeed, it behoves ADICUS to take its concerns to the ACT Police.

DR FOSKEY: I have a supplementary question. I was wondering whether you could provide us with some sort of timeframe for your follow-up work.

MR STANHOPE: In fact, Dr Foskey, I have a meeting scheduled in my office today with officers of the Office for Ageing from within the Chief Minister's Department to discuss issues around how we might structure an inquiry or a way forward.

The issue, though, of elder abuse, let me just repeat, is an issue that the ACT government has taken seriously. In our last budget, I think we appropriated something like $400,000 in pursuit of our commitment in dealing with issues of elder abuse. The ACT, I believe, at this stage is the only jurisdiction in Australia that has an elder abuse hotline to allow people who have suffered elder abuse, or the families of people who have suffered elder abuse, to make direct contact, in a confidential way, with officers of the ACT government so that their concerns and complaints around elder abuse are heard sympathetically and responded to.

One of issues that I would pursue further, of course, is the extent of the work that we have done through the elder abuse task force and, for instance, our education campaign and program, with our commitment to an elder abuse hotline. We are making the services that we provide in relation to elder abuse available to all residents of aged care accommodation as well, of course, to all other residents within the community.

Bushfires—rebuilding

MRS BURKE: My question is to the minister for housing. Yesterday, in response to a supplementary question that I asked about security of tenure for Pierces Creek residents, the Chief Minister said:

> It is the ACT government's position that when the public housing tenants return to Pierces Creek—and that is the government's strong desire—they should not only be able to move back into housing at Pierces Creek, they should also be able to own their houses. That is the position of every other public housing tenant and it is our intention in relation to those who would move again to Stromlo or Uriarra.

Will the Minister for Housing confirm what process tenants must go through to purchase the ACT public housing property in which they reside?

MR HARGREAVES: Is the member speaking on behalf of people at Pierces Creek, or is she talking about anybody at all?

Mrs Burke: No, just anyone.

MR HARGREAVES: Would you like me to outline the process that people go through when they apply for their own house? I will not do that today, Mrs Burke. I will take that question on notice.

Mrs Burke: Are you not able to?

MR HARGREAVES: I will not answer that question today. If want me to give you a briefing on a very lengthy process, please contact my office and I will expedite that for you.

MRS BURKE: I ask a supplementary question. Was the Chief Minister correct when he said yesterday that every public housing tenant is able to own the house in which they live?

MR STANHOPE: I might reply as that question was directed to me yesterday. I will respond to the question so far as it relates to Pierces Creek—a matter to which I was responding yesterday. Every resident of a house—

Mr Smyth: On a point of order: The question, which was directed to the housing minister, was whether or not the Chief Minister was correct in what he said yesterday to the Assembly. I cannot see how the Chief Minister can answer that question.

MR SPEAKER: Order! We went through this yesterday.

Members interjecting—

MR SPEAKER: Will members let me respond to the point of order that has been raised? The Speaker usually gets a chance to respond to points of order. The question was raised yesterday as to whether the Chief Minister could deal with this issue. He dealt with it as part of the recovery process from the fires. The question related to public housing tenants. I cannot see any reason why the Chief Minister cannot follow up on a question that was raised yesterday. You might not want the Chief Minister to answer this question, but I think it is fair enough for him to answer it.

Mrs Burke: With respect, Mr Speaker, the point to the question that I just asked was that that is the position of every other public housing tenant. My question was: will the

minister for housing confirm what process tenants must go through to purchase the public housing property in which they reside? The minister could not answer my question. In my supplementary question I asked the minister whether the Chief Minister's statement of yesterday, when he said that every public housing tenant is able to own the house in which they live, was correct. My question was not specific to Pierces Creek.

MR HARGREAVES: Let me address the question asked by Mrs Burke in this way. If she thinks I am going to stand up in this chamber and assist her in her clever trapping mechanisms she is wrong.

Mr Smyth: It's right or it's wrong.

Mr Stanhope: Mr Speaker, I wish to make a personal explanation.

MR SPEAKER: We usually deal with those at the end of question time.

Mr Stanhope: It is in response to the question that was asked. I will answer the question.

Mrs Burke: I am satisfied with the response, thank you, Mr Speaker.

Environment—heritage trail

MS MacDONALD: My question is to the Minister for Environment, Mr Stanhope. The 2004-05 budget allocated $250,000 for the construction of a Murrumbidgee River natural and heritage trail from Angle Crossing in the south to Uriarra in the north. Minister, can you please advise the Assembly how work on the project is progressing?

MR STANHOPE: Work is progressing well on the proposed heritage trail, which will link a whole range of sites along the Murrumbidgee River corridor. In fact, it will link sites from Angle Crossing through to Uriarra Crossing. It is a major undertaking and, when completed, the trail will consist of a range of self-guided, vehicle-based routes that will take visitors to a range of significant sites along the Angle Crossing-Uriarra Crossing route, all within the Murrumbidgee River corridor.

I have always felt that that was a gap within the provision of recreational opportunities or entrees to the Murrumbidgee River corridor, a very beautiful piece of the ACT. Along that route there are places such as Angle Crossing, Tharwa, Point Hut, Pine Island, the Cotter and Uriarra Crossing, as well as the possibility or opportunity of having a long distance walking track all the way from Point Hut to Casuarina Sands.

There are some tremendous recreational sites along there. They are going to be upgraded. We are going to enhance the visitor facilities, the signage and the amenity landscaping and will, of course, do everything we need to reduce environmental impacts and to improve the quality of visitor experiences. Once visitors do access these sites, we propose to provide a whole range of exploratory walking trails. They will be themed and will be of a very high quality.

It is our intention that the heritage trail will use existing road networks, but there will be some new walking tracks constructed as part of the project, all on territory land. The

heritage trail project is being implemented with close linkages to the Murrumbidgee River corridor walking track project to restore and upgrade the Point Hut to Casuarina Sands long distance walking track.

The new walking track network will provide a wide range of walking opportunities for all ages and abilities. I think that in time it will become something that the people of the ACT will utilise very willingly and happily. Most of the surfaces will be natural, though there will be some tracks or trails that will be prepared to a standard to make possible access by prams, strollers and, in some case, wheelchairs.

There are some fantastic views along this part of the ACT. There are tremendous views of the rivers, as well as enhanced opportunities for wildlife to be viewed and enjoyed by residents. Environment ACT, which is very committed to the particular project, is putting an awful lot of energy into testing innovative systems in track construction and track marking and in the development and placement of a whole new range of interpretative media, particularly new signage that is being used to enhance visitor experience in a whole range of areas throughout the ACT. Some of the new technologies that can be implemented in relation to signage are very good, enduring and, we hope, vandal resistant.

I must say that the heritage trail is part of a wide program of work that the government is committed to in relation to the Cotter, Tidbinbilla and those other areas of the ACT that were very savagely impacted upon by the fire. It is our consistent hope that we will, through the recovery work that we are doing in a whole range of non-urban areas of the ACT, develop and provide a real and lasting enhanced legacy for the people of the ACT.

Vehicle fleet operations

MR MULCAHY: My question is to the Treasurer. It relates to the financing of government vehicle fleet operations. In light of advice provided to the Treasurer that the current financier will not be extending arrangements beyond 30 June 2006, what steps have been taken to source a replacement finance mechanism after this time?

MR QUINLAN: I cannot answer that specifically, because I do not know. We have just been in the process of setting up Rhodium, so we have a whole set of lease arrangements there. In turn, it has set up a relationship with Westpac. The member will have to give me more of an inkling as to the point of the question. I am not here with an encyclopaedic knowledge of every deal we have done to be implemented beyond 1 July 2006. I need to know the important stuff and not get bogged down with detail.

MR MULCAHY: My supplementary question is: has the government contemplated disposing of its responsibility for fleet management and outsourcing these services to the private sector?

MR QUINLAN: This government, on most questions, contemplates all the options.

Bushfires—coronial inquest

MR SESELJA: My question is to the Treasurer as minister responsible for the ACT

Insurance Authority. Are the legal costs specifically due to the appeal against the coroner covered by insurance?

MR QUINLAN: I will take that question on notice. Again, is there a point to this?

MR SESELJA: So, you are taking that on notice. Thank you. I have a supplementary question. If they are covered, what impact will this unanticipated expenditure have on the financial state of the—

MR SPEAKER: The question is hypothetical. It is contrary to the standing orders to ask hypothetical questions.

Mr Seselja: It is only hypothetical because he cannot answer the first question.

MR SPEAKER: It is still hypothetical.

MR QUINLAN: Let him rephrase it.

MR SPEAKER: You can rephrase the question, if you like, but hypothetical questions are out of order.

MR SESELJA: So the minister is happy to answer?

MR QUINLAN: Not a hypothetical, no.

Gungahlin child and family centre

MR GENTLEMAN: My question is to the Minister for Children, Youth and Family Support. The ACT government committed in the Canberra social plan to establish child and family centres, with the first centre to be opened in Gungahlin. Minister, can you please inform the Assembly of work recently completed in Gungahlin in seeing this important community facility open, and what services will now be available to the people of Gungahlin?

Mrs Dunne: I raise a point of order, Mr Speaker. I think there is a question that I have put on the notice paper in relation to children and family centres.

Ms Gallagher: On the point of order: there is question 165 on the notice paper. This question is quite different from the question that has been put on the notice paper.

Mrs Dunne: Have the positions been filled? Where are they going to be built? When will they be opened?

Ms Gallagher: That was not the question that I was just asked.

Mrs Dunne: What was the question?

Ms Gallagher: If you had listened—

MR SPEAKER: Order! Would you like to repeat the question, Mr Gentleman?

MR GENTLEMAN: My question is to the Minister for Children, Youth and Family Support. Minister, the ACT government committed in the Canberra social plan to establish child and family centres, with the first centre to be opened in Gungahlin. Can you please inform the Assembly of work recently completed in Gungahlin in seeing this important community facility open, and what services will now be available to the people of Gungahlin?

MS GALLAGHER: I thank Mr Gentleman for the question. The child and family centre in Gungahlin has recently opened, fulfilling a flagship commitment in the Canberra social plan to put in place a new form of community-based service delivery, starting with Gungahlin and proceeding to Tuggeranong. The Canberra social plan committed the ACT government to provide local services with a focus on support and early intervention, including health, education, parenting and family support services. The opening of the Gungahlin child and family centre will provide universal and targeted early intervention and prevention services to children and families within the Gungahlin region. The opening of this centre is part of the government's commitment to improve services in Gungahlin, to ensure that it is an attractive place to live and that people are able to access adequate government services and support.

The child and family centres will include new features such as an integrated service model where services are networked and easily accessible, client focused service delivery, outreach in community settings so that services are available where they are needed most, and important partnerships between government, the community sector, service clubs, charities and businesses, ensuring that the best practitioners provide the best service.

At times, children and their families require additional assistance. The child and family centre in Gungahlin will work closely with families to determine the additional assistance required and the best way that this can be provided across the government and the community. Seven community outreach workers have been employed and include two maternal and child health nurses, a speech pathologist, a psychologist, a social worker, an early childhood educational specialist and a maternal and child specialist with early infant mental health qualifications. The management team comprises a centre manager, a team leader who has added qualifications in sociology and teaching, and a clinical specialist with qualifications in welfare sciences who is currently undertaking a masters degree in community development. Gungahlin centre manager, Di Butcher, will be well known to Canberrans through her role heading up the 2003 bushfire recovery centre.

A range of services is now directly provided through this centre, including many important clinical services such as early child and maternal clinics, including immunisation services; speech pathology services, including monthly Therapy ACT drop-in clinics for speech pathology services; and ongoing individual and family case management with families identifying more complex issues.

In addition, Housing ACT will shortly commence sign-ups from the centre for clients being allocated a property within Gungahlin. Housing ACT workers will also use the centre as a base when undertaking client home visits, debt recovery appointments and/or individual case management meetings. Relationships Australia will operate from the

centre one day a fortnight. This will be a free service to Gungahlin residents requiring relationship counselling and/or family counselling. The Child and Adolescent Mental Health Service will attend the centre on a regular basis to undertake counselling and case management work with clients in the Gungahlin region. They will also join the centre as a partner to undertake community education and community development opportunities.

The centre will also provide an important resource for community education and development programs. We have already seen Dr John Irvine, one of Australia's leading child psychologists, address more than 100 parents at each of a number of evening forums on the topics of "fathering boys", "starting school" and "parenthood—the first 12 months". Other programs currently being offered include over the trolley, held fortnightly at the Marketplace shopping centre. An initial eight-week babysitters group has been held in partnership with Gold Creek High School and the Gungahlin regional community service organisation. Relationships with schools are strong and the centre attended several welcome information sessions for new parents functions. Workers also attended a welcome information session for defence families who had recently moved to Gungahlin.

We are already seeing the results of this new model of community participation in Gungahlin. For instance, this morning a community breakfast was held at Ngunnawal primary school to promote to students and their families the importance of healthy eating and maintaining a nutritious diet. Around 300 students and their family members attended. As well as the free school breakfast to highlight the issues, a regular newsletter will now be provided to parents and students as part of this initiative.

I visited the centre late last year and it is a fantastic initiative. It will be interesting to hear back from the community how they feel the services are working in their area, and we will be taking all that feedback. I would like to congratulate all the staff who have been involved in setting this up from scratch, and I look forward to seeing the progress of the Tuggeranong centre, which is already under way.

Child protection

MRS DUNNE: My question is to the Minister to Children, Youth and Family Support. Yesterday I drew attention to an incorrect statement she made on 24 June last year about her department's failure to comply with its statutory requirements. She responded that her "… answer at that time was entirely correct." She has a responsibility, which is reinforced by the Stanhope government's own Code of Conduct for Ministers, to correct the record as soon as she became aware that she had made an incorrect statement to the Assembly. Why did she fail to correct to the record as soon as she became aware that she had made an incorrect statement to the Assembly?

MS GALLAGHER: I am sure my answer yesterday gave a comprehensive response to the question. My answer, and the advice that I have, was that all statutory obligations were being met. I have explained that to Mrs Dunne. She refuses to listen to the reasons. Subsequently, the Community Advocate had concerns about the timeliness of the completion of section 267 reports—not the fact that these reports are not being done, but the timeliness in finishing that work. I explained why those section 267 reports might not be achieved on time and the reasons behind that.

I have taken on notice the question Mrs Dunne asked me about at what point was I made aware of the department's not being able to meet the timeliness of that part—I think it is subsection (4) (a)—of section 267, and I will respond when I get that advice. My answer to the Assembly was correct. Mrs Dunne can keep her head bogged down in trying to trick the government on child protection matters, but the reality is that she just cannot understand and accept the work that is being done in child protection. If she looks at all the comments I have made, she will see I have said it will be some time. If she reads the Vardon report, she will understand she made comments around section 267.

Mrs Dunne: Point of order: Under standing order 118, the minister is supposed to answer the question and not debate it. The minister is going back over things that she said yesterday which did not address my question yesterday and do not address my question today. My question today is why did she fail to correct the record—not what are we doing to fix up child support? This is not the issue. I do not want to debate that; I want to know why the minister failed to correct the record. I put out a press release on 27 January that alerted her to the fact that she made a mistake, and she has not corrected the record at the first available opportunity. Why has she not done it?

MR SPEAKER: The minister is entitled to respond to the question, and she has several minutes in which she can respond to it. She is not off the subject matter, so I do not feel I can oblige her to do anything other than what she is doing.

MS GALLAGHER: If you refer back to the Vardon report, comments were made about the annual reports, and I think there was reference in Gwen Murray's report as well. This is not new news. It is like they have uncovered this new scandal in child protection. It is not news that the child protection system has been and is under stress. The opposition cannot come to grips with that, even though it has been fully briefed and has a whole stack of information. The ability to do all the work required has been compromised by the huge increases in workload that the office is dealing with. Mrs Dunne can keep running with it, and everyone will get tired of it. In the meantime, we will continue doing all the work that we have to do to fix the system that her party left in disarray when it left government, after years of neglect. She can keep niggling around the edges, saying, "Why did you not say this or do that?"

MR SPEAKER: The minister will come to the point of the question.

MRS DUNNE: I ask a supplementary question. What steps will the minister take to correct her answer of 24 June 2004 and put the record straight in this place?

MS GALLAGHER: I answered that question yesterday, and in part in answer to the first part of the member's question.

Mrs Dunne: No, you didn't.

MS GALLAGHER: Yes, I did.

Dragway

MR STEFANIAK: My question is directed to the minister for sport and recreation. During the election—in fact, a couple of days before the October election—the

Chief Minister promised to build a dragway within 18 months. Indeed, he repeated that commitment in a media release on 7 December when talking about the government's second term agenda. Minister, will you be able to keep the Chief Minister's promise made during the campaign to build a dragway within 18 months—that is, I think, April 2006?

MR QUINLAN: No, I will not. In fact, the Chief Minister and his department have undertaken to build a dragway. I think what was said in the lead up to the election was, "How long do you think this will take?" We have said, "Eighteen months". We have not said, in black and white, "In exactly 18 months there will be a dragway." We tried to acquaint the community and those who were directly—

Mrs Dunne: But he did. He said it in a media release on 7 December—that is black and white.

MR QUINLAN: Do you have to? We tried to explain to the people of Canberra, particularly those people who supported the establishment of a dragway, that there are difficulties—difficulties that you would face if you were on this side of the house. You know those difficulties exist. All the facts are on the table. The intention is there.

If you guys cannot rise above the nitpicking along the lines we have seen in the previous question, we are in a for a long, tedious series of question times. This government intends to establish a dragway. We have advised people that, for all the searching we might do, there are probably two sites available: sections 51 and 52, Majura. The preferred site falls within the purview of the National Capital Authority—about 40 per cent. It is the preferred site in terms of its topography and usefulness for establishing a dragway.

The next site is rather more undulating. Therefore, it may be more difficult to use as a dragway site. On the other hand, some of the undulations if left, or half left—whatever—might still work out OK in terms of the sound attenuation necessary for the dragway.

In my capacity as the sports minister, I have directed that we examine that second site, despite the fact that we have not resolved the first site. We should just get on and do the engineering assessment of the second block, should we not be able to get past that whole framework that has made it difficult to build the thing within range of the airport. That is one of the major problems—the connection between the desires of the airport and the considerable amount of influence in relation to the National Capital Authority. I think you are probably aware of that.

We will still face difficulty in trying to establish that dragway. If we cannot do it on those two sites, we have a problem. If you have any suggestions for alternative sites that might work—that might not have all sorts of other problems associated with them—please let us know.

As best I know, the work is being done to try to make sure that we establish that dragway within the envelope of the $8 million that we set aside, which I am advised is not a whole lot of money when it comes to dragways, if we are talking international standards. We do not intend to build international standard; the intention is to put the dragway fraternity

back where they were. Somehow, between the previous Liberal government and the federal government, they were parlayed out of the site they had. It appears to me—I drove past it yesterday morning—perfectly adequate to continue as a dragway. If you blokes have any influence on the hill: perhaps Mr Mulcahy, who likes to hobnob with federal ministers, might pop up and put in a word.

MR STEFANIAK: I have a supplementary question. Minister, will the government definitely build a dragway at Majura or are you looking at other options, such as Williamsdale? I note your answer, but I saw in the press something about 307 hectares, or something like that, of land at Williamsdale for some other motor sport facility that no-one seemed to know about. My question, basically, is: will you definitely build it at Majura or is the government looking at other options, such as Williamsdale?

MR QUINLAN: I cannot bring you up to date exactly on Williamsdale, but an area of Williamsdale is also being kicked around as a general aviation airport as well because of the pressure that is being applied to general aviation at Canberra airport. A lot of the general aviation has been just elbowed out and people who ran businesses out of the Canberra airport previously are now standing at Cooma and other places, even as far as Cowra, in terms of flying schools and those sorts of things that have been squeezed out.

I think that it is fair to say that the Williamsdale site is inhibited largely by the development at Royalla. It is a development outside our control—it is a New South Wales development—of 100 houses or so, but I am not sure exactly of the number. It is quite independent of the ACT. It is not dependent on our infrastructure, but established, and that tract of land is now placed within earshot of suburban development.

Of course, we are all aware that the one great problem with a dragway is the amount of noise, particularly when you get into the top fuellers and the more exotic motor cars that run on airline fuel, high-powered kerosene, or whatever. It is beyond my ken. Nevertheless, they do make a hell of a noise, apparently, and that is the major problem. So the footprint that a dragway requires is huge and, for any community, it is one thing to have a dragway and allow people to build as close to it as they like because the dragway was there first, but it is another thing to plonk one somewhere literally within earshot of residential development.

We have seen the sound maps out of Majura. A lot of work has been done. Unfortunately, once we want to do this thing, and we want to do this thing closer to Canberra because we cannot have it where it originally was, we do impose a sound profile of quite large proportions, in terms of the 45-decibel line and the 30-decibel line, and more sophisticated sound measuring techniques or standards have been adopted and we are now looking at inversion layers. In fact, that just makes it that little bit harder.

But we are pretty damned sure that it can be done at Majura without really causing grief to the suburbs of Hackett, Watson and Campbell. We have seen from the sound maps for Eastern Creek and Kwinana in Western Australia how the actual measurement has been significantly, but not a huge amount, below the original estimates and the original sound maps; so we would be confident that the measurements or the projections that have been done for the Majura sites will be within the isobars or whatever the sound equivalent is of isobars that have been measured; if not, they would fall below that. But I have to say

that we have still got to get over either approval for a flatter one, the one that falls within the range of the airport—

Mr Stefaniak: Fifty-two.

MR QUINLAN: Fifty-two. The alternative is 51. That has its own problems and it is going to send us around the mulberry bush one more time because of the community standards that we have now in terms of environmental protection and in terms of all the other things that we have to measure before we can actually establish something like a dragway. It is a thing that has such a dramatic effect. That might delay it, but the intention of this government is to get the damned thing out of the road as an issue.

Housing—homeless fathers

MS PORTER: My question is to the Minister for Disability, Housing and Community Services. Can the minister inform the Assembly of the government's new supported accommodation service for homeless dads and their children?

MR HARGREAVES: I thank Ms Porter for the question. I am very pleased to advise the Assembly that the Canberra Fathers and Childrens Service (CANFaCS), known to many members, has been funded to provide a new support accommodation service for homeless dads and their children. The new service offers families access to safe, affordable housing and encourages stronger relationships with the broader community. It will provide crisis accommodation for six families at any one time for periods of up to 12 months. The government has committed more than $450,000 per annum to this service. In total, we have committed almost $3.1 million in funding to new homelessness initiatives this year.

CANFaCS is a highly specialised support service providing accommodation and outreach assistance to men and their families. Single father families have unique needs, so it makes sense to provide them with a tailored service. The aim of the new service is to provide men who have children in their care with specialised support that will assist them in resolving their homelessness and in supporting their children.

Families accessing the service are accommodated in their own residences, head leased through Housing ACT, with support provided through outreach. This model provides families with an individual home, as opposed to refuge-style accommodation, in which they can be supported to resolve the immediate crisis that led to their homelessness and to gain skills that will help them sustain independent accommodation after support.

The government recognises the many ills that beset people in our community, particularly homeless fathers with children about them. Accommodation, a guaranteed roof over their heads, is the rock upon which they can build their recovery and that is why the government has been particularly active in addressing homelessness.

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

Supplementary answers to questions without notice
Bushfires—rebuilding

MR SPEAKER: During the discussion about points of order in relation to a question taken by the minister for housing, there was some commentary by me and others on the standing order about who is entitled to answer questions. The Chief Minister need not feel constrained about answering any questions. I have had the time to consult parliamentary practice and, if it is his desire to answer questions or add to answers of ministers, he should not feel constrained.

MR STANHOPE: Thank you, Mr Speaker. If I might now clarify a point on that issue: I did want to take the opportunity at that time to add to an answer provided by the minister for housing to the supplementary question asked by Mrs Burke in relation to whether or not what I had said yesterday was true.

What I said yesterday was, in fact, the case, depending, I suppose, on how one wishes to manipulate what I said. Yesterday, I was asked whether the residents of the houses at Pierces Creek would have security of tenure. One of the issues that the ACT government is seeking to resolve is what will be the case when, not if, the displaced residents of Pierces Creek return to their homes. We wish them to have security of tenure, which means that we wish them to be able to purchase the houses that will be rebuilt for them.

The difficulty is, of course, that there is no leasehold at Pierces Creek—there are no units or leases that can be sold—and the NCA and the commonwealth, to date, have not conceded that they will support a change to the territory plan to allow individual leases or individual blocks to be assigned to, if it is to be 13 houses, the 13 houses that we would rebuild. I made the point that in that context, as individual houses, they would be the only tenants of public houses that would not be able to purchase their public houses and secure title in the ACT. The comment I made applied to houses on individual blocks and that was the point of the hilarious supplementary question that was pursued today. Of course public housing tenants in facilities that are not strata titled or in relation to which there are not unit leases cannot purchase their units.

Mrs Burke: You should check your facts.

MR STANHOPE: It is not a question of checking my facts. It is really about question time, or questions, descending into this sort of spurious, undergraduate, juvenile nitpicking: "Were you talking about whether public housing tenants in multiunit developments can buy the entire block of units?" Of course they cannot. We do not sell public housing units in blocks that are not multititled. That was the point, of course, of the incredibly childish question that was asked, seeking to entrap me, just as we saw today with regard to Ms Gallagher—the same puerile, childish attempt at point scoring on a nonsense. So I clarify the answer of yesterday, Mr Speaker, by saying that unless the commonwealth is prepared to work with the ACT government in relation to Pierces Creek, I fear—

Mr Smyth: That is not what you said yesterday.

MR STANHOPE: It is what I said. I fear that if the commonwealth will not work with the ACT government on Pierces Creek, the residents of Pierces Creek will never, ever achieve security of title because of the attitude and as a result of the—

Mrs Burke: What about your attitude?

MR STANHOPE: I cannot change the territory plan, Mrs Burke. It is really a question of our not being able to do it at Pierces Creek. Only the commonwealth can.

Mrs Burke: Why don't you help the situation? You are hindering it.

MR SPEAKER: Mrs Burke is interjecting and she should not do so any more.

MR STANHOPE: Whether the residents of Pierces Creek will ever achieve security of title is in the hands of the commonwealth government, your Liberal Party colleagues.

Bushfires—coronial inquest

MR MULCAHY: Mr Speaker, I want to raise a matter under standing order 118A. Yesterday in question time I raised a question with the attorney that related to a question on 7 December. I believe that the attorney said that he would be in a position to table the information sought after question time. It does not appear to have been tabled as yet, Mr Speaker, and I am wondering whether he can inform the Assembly when that will happen.

Mrs Dunne: Perhaps he should not walk away when someone is seeking information.

MR SPEAKER: I think that is the answer.

Mr Smyth: I take a point of order, Mr Speaker. Mr Mulcahy has asked a question and it has not been answered.

MR SPEAKER: All I can do is ask members of the opposition to take a look at standing order 118A and decide whether they want to explore any of the options therein.

Disability services

MR HARGREAVES: On 15 February 2005, Dr Foskey asked two questions about Disability ACT's 2004-05 disability support funding process and I undertook to get her further information. The process for allocating funding under individual support packages was that there was a funding panel made up of representatives of the Department of Disability, Housing and Community Services and the community. Each application was assessed for eligibility and against criteria identifying risk and impact of funding. The applications were ranked accordingly. Sixty-nine applicants were short-listed and 153 people were unsuccessful in applying for funds.

Mr Speaker, there are no appeals processes as all funds have been fully expended. Where applicants have requested further information or advice, the department has provided their assessment information and provided an invitation to meet with the department to

discuss their application and outcome more fully and advise of possible alternative action. There is a range of support options for unsuccessful applicants. For example, applicants are referred to other agencies where generic and existing funded services are available.

Agencies have been notified of the outcome of the funding round and we will continue to work with unsuccessful applicants on other options within existing resources. Disability ACT respects an applicant's privacy and right to peruse or not to peruse funding outcomes. Therefore, all applicants are invited to contact the department if they wish to have more information or advice.

Mr Speaker, the government receives data on unmet need as an outcome of each funding round, including the 2004-05 funding process. To address the needs of people with disabilities, the government has already committed to a significant increase to funding, including $21 million in its first term of office—I repeat, $21million in its first term of office. Finally, the government will further examine funding priorities in the upcoming budget. I hope that this information will be useful for Dr Foskey.

Attorney-General

Debate resumed.

MR SMYTH (Brindabella-Leader of the Opposition) (3.32): Mr Speaker, in moving this motion, Mr Stefaniak has sought to clarify a great deal of concern that has arisen in the community about where the government actually stands on the coronial inquiry. I point members to the heading on page 2 of the local newspaper this morning, "Residents set up web site for protests at delay to fire inquiry". Yesterday, the Chief Minister, in answer to a question, said, "This goes to a fundamental principle that justice should be done and that justice must be seen to be done". The feeling of the public is that justice is not being seen to be done. Why isn't it? It is because we have a Chief Minister who was a witness before the inquiry, who is also the Attorney-General and who has the ability to add to the protest of nine individual citizens, thereby throwing up a view of bias against the coroner. He is also the man who will receive the report.

Is that fair? Having the guy who runs the system, who has actually played in the game and who can decide the rules make the final decision is not justice being done. He is in charge of the system. His actions have been looked at by the system and, in the end, the system may actually make a comment—we are only saying may—about his actions in relation to the fires of 18 January 2001. The Chief Minister goes on that the scales of justice not be weighted one way or the other. Why are all the weights in this case sitting on his side? Why is it that the people of the ACT feel that way and why is it that they are now organising protest rallies and, at the same time, going out and organising web sites to keep each other informed of what this government is doing to thwart the process of the coronial inquiry? I read from the article:

> Web site organiser Laurie Buchanan, whose Duffy home was destroyed by the firestorm, said … "We shouldn't have to protest … We've got businesses to run, families to look after. We shouldn't be out on the street, but we will if we have to".

Why are they out on the street, Mr Speaker? It is because there may be only the perception of a conflict of interest, but it is there. The only way an honourable man, an honourable Attorney-General, can answer that is by standing aside. He is saying, "I am in charge of the system. I fund the system. I have actually been called to answer questions by the system. I am now appealing against the system. I will get the report from the system. I may have to respond to that report and put in place the actions desired by the system. But I am the system and I am not responsible to anyone". What we have from the community is a concern and what the opposition is saying is that the best way to answer that concern is to stand aside.

An excuse was given by Mr Quinlan in his standard way. When you get an answer from Mr Quinlan on something that he is concerned about or on which he does not know what to say, he just misdirects. He said that that would mean that all members on his side of the chamber could not be the Attorney-General. That is not true. Mr Stanhope, as the Attorney-General and as Chief Minister, is the only member of the government to have appeared before that inquiry, so any one of the other seven members could possibly carry out duties under the Attorney-General's portfolio.

If you wanted to say anyone who was not a member of the previous Assembly when the bushfire tragedy occurred, that would leave Ms Porter and Mr Gentleman as members who could possibly act as Attorney-General. If you wanted to say that other cabinet ministers were affected, let Mr Hargreaves—God forbid—act as the Attorney-General. Mr Hargreaves was not a cabinet minister at the time—18 January 2003.So, in answer to Mr Quinlan's criticism, there are many people on his side of the chamber who could act as Attorney-General, unless Mr Quinlan does not have any faith or confidence in any of his other colleagues.

Mr Quinlan said that the government is trying to send a message to the public. Mr Quinlan ought to open up page 2 of the *Canberra Times* this morning, because members of the public are sending the government a message that they are concerned. They are taking public action, organised public action, to show that they are concerned at what this government is doing. They are saying, "We have had a protest rally, with almost 300 people present. We have now got a web site for communicating with other citizens on their concerns about what this government is doing to the coronial inquiry into the bushfires". I think that Mr Quinlan ought to listen for a change to what the public is saying. He does not do that very well.

Mr Quinlan, who does not even listen to what is being said in this chamber let alone what is being said by the public, attempted to say that Mr Stanhope had not stymied the release of the COAG report, that eventually he had written back and said that it could be released. Mr Quinlan indicated that obviously Mr Seselja did not understand the situation. Good try, Mr Quinlan, but turn your hearing aid up or clean out your ears, because Mr Seselja did not even mention the delay in the release of the COAG report. He was speaking about other reports that your government has sat on. That was typical of the misdirection of Treasurer Quinlan when he is in a bind.

Mr Stanhope came in and tried the same sort of misdirection, as he did yesterday when he said, "What about the other appeal last August?" To the best of my knowledge, the government was not joined to the other appeal last August; again, more obfuscation,

more misdirection. If you do not like the issue or you cannot answer the question, you play some sort of silly game. That is when we get the puerile arguments that we get so often from the Chief Minister. It is the typical arrogant response of someone who does not believe that he is being held accountable by anybody, that he is above that now.

We saw that recently when the Chief Minister strutted away from the bench when Mr Mulcahy asked whether he would keep his promise and table the documents that he said he had yesterday, which still have not been tabled today, Mr Speaker. So we had that arrogant strut away, that cocky strut with the folders under his arm, because he is not accountable.

The difference between this appeal and the appeal of last August is that the appeal in the court is now against an inquiry at which the Attorney-General has appeared as a witness. He claims that this government has provided all assistance, all documents, to the coronial process. He should go back and read the *Canberra Times* reports since the coronial inquest started.

On many occasions, Magistrate Doogan asked the government to provide additional legal counsel, individual counsel, for those appearing before the inquest because, she said, of the potential for conflict of interest when one solicitor might not be able to represent to the best of his or her ability the entire group to which the solicitor was assigned. She was right. This Attorney-General slowed down the process. If that is his definition of providing all assistance to the coronial process, he has got serious problems with his perception of the world.

The Chief Minister also said, "I understand the role to be to ensure the integrity of this process". If you understand that, Chief Minister, and you have read page 2 of the *Canberra Times* today, you would understand that you have undermined the integrity of this process. If you are an honourable man and you believe in the law and you believe that the first law officer must rise above politics to carry out the position of Attorney-General, then you will stand aside.

We are not offering a judgment here. We are not saying innocent or guilty, good or bad, right or wrong. We are saying that the people of Canberra are now, more than two years since the fires and since this process commenced, concerned about your behaviour and the action you have taken. You chose to take that action because you told us, in answer to a question last year, that you had three choices, but you took the choice that said you would stand against the coroner.

I note the fancy footwork in the last couple of days. There was a bit of ducking and weaving and a bit of sidestepping and shuffling yesterday. We had an attempt to blame the opposition. Apparently we are against the coroner; it is all our fault that we are here today. People do not believe that, Chief Minister. They have seen you sign up to the appeal to undermine the coroner, an action unprecedented for this country.

The first law officer, whose role and function you say you understand, is meant to protect the court system as well as guarantee justice. Sometimes that justice is blind. But you have blinkers on, not a blindfold, and your blinkers are about protecting you and your government. If you do understand the role and if you want to ensure the integrity of the process, Mr Attorney-General, you will stand aside.

Mr Speaker, it is quite interesting to read some of yesterday's answers. Mr Stanhope said:

> One of my fundamental responsibilities is to ensure the integrity of that system.

He went on to say:

> This goes to a fundamental principle—that justice be done and that justice be seen to be done …

Justice is not being seen to be done, Chief Minister, and I believe that the public would like you to stand aside for the duration of this coronial inquest.

MRS DUNNE (Ginninderra) (3.42): Mr Speaker, this motion is about ensuring the integrity of the position of Attorney-General. Mr Stanhope spoke yesterday fairly eloquently, almost with a quaver in his voice, about the role of the Attorney-General as the first law officer and how he had to ensure the integrity of the position. Mr Smyth just quoted those words—he has to ensure the integrity of the position.

This motion is about ensuring the integrity of the position of Attorney-General. It is not for us to pass judgment on whether the attorney has done the right thing or the wrong thing. The motion is about requiring the attorney to act as we and the people of the ACT expect him to act—to, like Caesar's wife, be above reproach. All of us in this place have to act like Caesar's wife, but for the Attorney-General that bar is placed even higher.

I would like to refer briefly to a recent instance in which one of Mr Stanhope's colleagues saw just how high the bar was set and acted accordingly. Midway through 2003, allegations were made against the Attorney-General in the South Australian parliament. They were very serious allegations. Although those around him knew that he had no case to answer, the matter was referred to the police for investigation. The Premier of South Australia said of Mr Atkinson that, in accordance with the highest possible standards of conduct, the Attorney-General had resigned, pending the outcome of the inquiry.

Mr Atkinson was entirely and utterly exonerated and he went back to performing the duties of Attorney-General in South Australia as an honourable man. But what did Mr Atkinson do when there was even the vaguest shadow of a question about his performance and the implications that that would have for the first law officer? He did not just stand aside; he resigned, Mr Speaker. He set the bar for himself very high and Mr Stanhope sets the bar for himself in this place considerably lower than that.

I think that Mr Stanhope should take a leaf out of the book of his Labor colleague, his fellow attorney in the South Australian parliament, Mr Michael Atkinson, and follow suit. He does not have to resign. We are not actually asking him to resign; we are asking him to stand aside. He should stand aside. He should do the honourable thing. He should behave as we expect all people in this place to behave—with the utmost integrity.

MR STEFANIAK (Ginninderra)(3.46), in reply: I thank members for their varying contributions to the debate. Taking them in reverse order, there was an excellent analogy

from Mrs Dunne of a Labor Attorney-General doing the right thing, but actually resigning rather than simply standing aside. Standing aside in that instance would have been fine, but he resigned. Of course, he is now back as Attorney-General after being exonerated. That was absolutely spot on in terms of what the public would expect. As with Caesar's wife, the attorney is actually a little bit above the rest of his colleagues.

Mr Smyth gave a very good summary of the general community perception that is being relayed to members of the opposition. He gave a very good summary in relation to relating it back to the system. Unfortunately, it does seem now that Mr Stanhope feels that in this place he is the system. Mrs Dunne said, "L'etat c'est moi"—"The state is me." Pardon my French pronunciation.

Turning to some of the other members who made comment in this debate, I agree with Mr Seselja that justice does have to be seen to be done. That is what people want here. That is exactly what the community is expecting. In relation to Dr Foskey, I think she has completely missed the point. We do not necessary want to see a different Attorney-General after the event, after it is all over. We are not suggesting that. We are suggesting that the present Attorney-General—

Mr Hargreaves: Do you want me to do it?

MR STEFANIAK: I am sure that you would be wonderful, John. We are only suggesting that the present Attorney-General, the Chief Minister, stand aside for the duration of this coronial inquest and the related court cases and then, once all that is over, come back as Attorney-General. We do not even want him to do what his South Australian colleague did and resign. He should simply stand aside. Any one of the other ministers, given, I assume, that none of them is going to give evidence in this inquiry, could be Attorney-General for that period.

It is a pretty simple, basic concept that is going to do absolutely nothing to interfere with the good running of the government. However, it will ensure that the position of Attorney-General is honoured, that precedent and perception are actually followed, and that the attorney, who has got himself into an awful muddle in relation to this matter, does the right thing, realises that he is in an impossible conflict of interest situation and stands aside. It is very simple. Dr Foskey, it would be pointless to do anything much after the event, because he would be fine after the event. He would come back as Attorney-General. I think that your thinking is a bit muddled in relation to that.

I think that Mr Smyth and I have answered Mr Quinlan's point about all government members potentially being in a conflict of interest situation. No, they are not, unless they are going to give evidence at the coronial inquest. I cannot accept his point there. I think that it is a nonsense unless you are a witness.

Mr Stanhope made some gratuitous comments in relation to what happened last year when we were trying to get up a vote of no confidence in him, saying that we are now down to suggesting that he stand aside and asking what it is going to be next time. Maybe he should take a Bex and lie down occasionally, but he probably does not need us to move such a motion. I think that he completely missed the point as to what we were doing at the end of last year and sadly, it seems, misses the point as to what we are doing here today.

By the way, the opposition will move whatever motion is appropriate at any time against the government when it, or any of its members, is doing the wrong thing. The Attorney-General and Chief Minister can rest assured—watch this space—that in relation to this matter or any other matter we will do our job accordingly.

In terms of the matter last year, yes, it was a no-confidence motion. The attorney took the absolutely unprecedented step then of appealing against his own coroner. I am not going to repeat what Mr Smyth said about its being against this system, but I think that he said it particularly well. The attorney has conceded that his action was unprecedented. There was no precedent in Australia for appealing against your own coroner. That was compounded by the fact that he was a witness in that case; hence this motion.

I have no qualms about the action of the nine individuals as such things occur. It has occurred in the past and, no doubt, it will occur again. But for the government to step in and appeal against its own coroner was a breach of a whole lot of conventions. It breached precedent. It caused real problems in legal circles in relation to the separation of powers. Those are very serious issues.

The attorney completely confused the situation when he gave some example of a police chase. Actually, there was a coronial inquiry about that. No action at all was taken against the police, but the matter was investigated. But that shows how he is either twisting the situation or completely missing the point there.

The attorney seemed to indicate that we would never criticise the judiciary. He missed the point again. I refer to some comments, which might have been made in December, about the role of the Attorney-General. No-one is suggesting that an Attorney-General has to stay mute and not occasionally criticise decisions by a court. That has happened quite frequently. In fact, I think that several chief justices of the High Court have said that no-one expects an Attorney-General to agree with every legal decision. You cannot. Judges are human beings too and make mistakes. That is why governments and attorneys actually get involved in normal appeals.

Why shouldn't an attorney or a government appeal against a stupid decision? If, say, someone gets injured in a playground or something like that and a court makes a complete stuff-up of a case, why shouldn't the attorney join in an appeal? Those things do happen on a regular basis. But it has never happened before in Australia that an Attorney-General who was a witness in a case has appealed against his own coroner. That is absolutely a first. This government, it seems, is going to have lots of interesting precedents and firsts like that if it keeps it up. That was unique, which is something that he just does not seem to be able to grasp.

Also, the attorney does not seem to be able to grasp the fact that, if there are going to be any unfavourable comments made in relation to a coronial inquest, at the end of the proceedings the coroner will invite the relevant people to make submissions in relation to that. He seems to miss the point, too, that the attorney and the government do not have to act on the recommendations of a coroner in a coronial inquiry and that there are further processes there, ranging from simply saying that they think that something is a crock of a recommendation and they do not agree with the points made through to acting on certain points.

But to take action at the time the attorney has taken it is unprecedented. What we did in December was very different from what we are doing now. But what we are doing now is appropriate on this point—a most important point, but a narrow point in terms of the proper administration of justice, the role of the Attorney-General and the need for him to be seen to be doing the right thing.

The fact is that the attorney was involved as a witness—an important witness, no doubt—in this coronial inquest. He initiated an action on behalf of the government. It was separate from but in conjunction with—at the same time, anyway—the action initiated by the nine individuals through their legal counsel, legal counsel probably paid for by the government.

There is great angst out there in the community. People want answers. They want answers to simple questions such as why they were not warned, and they actually want to see this process continue and come to a conclusion. They want finalisation. They want to be able, especially the victims, to move on. I think that the actions of the government in relation to the matters around these proceedings are seen as not allowing that to happen. People out there are saying, "Why is the Attorney-General being involved in this? He is a witness". People out there can see that there is a conflict of interest, even if none of the members opposite can. That is why we have brought on this motion today calling on the Attorney-General to stand aside.

Quite clearly, he is not going to do so. I think that is a great shame and I think that he stands condemned for that. It is not rocket science. It is not saying that he is right or wrong, or even commenting on the case. We are not going to comment on the case. The motion is simply saying that the proper thing for the Attorney-General to do is to stand aside. Precedent clearly indicates that that would be the proper thing to do. I think that it is very disappointing at the very least to see that he will not do so and that members opposite are supporting him in that regard.

Question put:

> That **Mr Stefaniak's** motion be agreed to.

The Assembly voted—

Ayes 6		Noes 9	
Mrs Burke	Mr Stefaniak	Mr Berry	Ms MacDonald
Mrs Dunne		Dr Foskey	Ms Porter
Mr Mulcahy		Ms Gallagher	Mr Quinlan
Mr Seselja		Mr Gentleman	Mr Stanhope
Mr Smyth		Mr Hargreaves	

Question so resolved in the negative.

Sustainability targets

DR FOSKEY (Molonglo) (4.00): I move:

That this Assembly:

(1) recognises the need for mandatory sustainability targets in the building design and construction industry in the A.C.T.; and

(2) calls on the government to:

(a) commit to the implementation of a user-friendly planning tool for all residential dwellings, such as the Building Sustainability Index from NSW that:

(i) requires each dwelling design to meet water consumption and greenhouse gas emissions targets that are linked to territory level sustainability targets;

(ii) ensures each dwelling design meets minimum sustainability standards through the completion of a mandatory sustainability assessment before lodgement of the development application;

(iii) has the capacity and flexibility to increase the standards; and

(iv) requires certification of sustainability features by a building certifier when issuing a certificate of occupancy; and

(b) commit to implementing sustainability requirements for all government office developments and all new government tenancies using a recognised assessment and accreditation tool, such as the Australian Building Greenhouse Rating Scheme and Green Star; and

(c) report back to the Assembly with an implementation plan by June 2005.

Today the Kyoto Protocol is being ratified. While it is a great occasion for the planet, it is a terrible shame for Australia as the Australian government still refuses to ratify the protocol. Debating this motion today connects the ACT to global action and calls on the ACT government to act to reaffirm the territory's commitment to cut greenhouse gas emissions to 1990 levels by the year 2008.

This motion calls on the government to ensure that all new residential development applications demonstrate that they meet minimum sustainability standards that are linked to territory level targets for reducing water and energy use. The motion asks the government to commit to the implementation of a planning tool to achieve this.

The ACT Greens, it will be no surprise to you, are committed to working towards a planning and design framework that will allow people to live in more ecologically and socially satisfying ways and which will promote a healthier and more sustainable Canberra community.

The ACT Greens have been keeping an eye on the development of the building sustainability index, commonly known as BASIX, in New South Wales, and we have been impressed that it makes sustainable buildings mainstream, is a practical tool that is

easy to use, sets measurable minimum benchmarks and allows flexibility in how those benchmarks can be achieved.

We have also observed the development of tools that measure the sustainability of commercial office buildings, such as the Green Building Council of Australia's GreenStar and the Australian building greenhouse rating, the ABGR scheme. This motion also asks the government to commit to implementing sustainability requirements for all government office developments and all new government tenancies, using a recognised assessment and accreditation tool.

During the election period, the government committed to increase the minimum mandatory energy rating for new single residential dwellings to five stars from four stars. This scheme is known as the ACT house energy rating scheme and only takes the building envelope into account. The building envelope affects the energy needed to heat and cool the house but not other energy uses such as lighting or refrigeration. Newer tools such as BASIX take a broader range of sustainability factors into account, including energy and greenhouse, water, materials, waste and transport. We are yet to see a real commitment to mandatory sustainability targets in the building approval process for single residential dwellings.

Last year the Planning and Land Authority created building and design guidelines that encourage energy and water conservation measures, the more suitable use of building materials and consideration of orientation and thermal mass. The residential sustainability report, which is a new requirement in a development application, determines the extent to which building design gives effect to sustainability principles. A sustainability rating, using the residential sustainability report, of greater than 100 is considered appropriate. However—and this is why our legislation is important—this is not mandatory and so is not enforced by ACTPLA.

To truly commit to a more sustainable built environment, the government must prescribe minimum standards for design and construction in the ACT. There should be clear sustainability standards and targets like those already established in other parts of Australia. We are lagging behind in the ACT. Victoria already has mandatory five-star efficiency standards for new houses and from July 2005 new houses will be five stars and must have either a rainwater tank or a solar hot water system, though of course nothing prevents people having both. These new regulations are expected to save 30 megatonnes of carbon dioxide over a 40-year period and that is equivalent to removing 10,000 cars from the road every year.

New South Wales reacted to the sustainability challenge in a more sophisticated way and has created a planning tool that enables new buildings to meet flexible sustainability standards in a number of ways. From now on, for example, all residential development applications must include a building sustainability index, BASIX, certificate. To get a BASIX certificate, applicants must be able to show that their proposed homes will be designed and built to use 40 per cent less mains supply water and produce 25 per cent fewer greenhouse gas emissions than the average house in that area. From 1 July 2006, this will rise to 40 per cent less than the average greenhouse gas emissions.

New homes must also meet BASIX requirements relating to the thermal performance of the building envelope. This requirement is aimed at ensuring that homes are not overly

reliant on artificial heating and cooling, such as airconditioning, in order to be comfortable. The BASIX scheme is starting in metropolitan Sydney and will be rolled out across New South Wales. It is first applied to single residential dwellings but will be expanded to include units, townhouses and mixed use development. In July, new houses in our neighbouring city of Queanbeyan will require a BASIX certificate before approval.

The implementation of the prescribed targets in New South Wales will result in a cumulative reduction in water consumption of 182,000 megalitres and a cumulative reduction in greenhouse gas emissions of 7.2 million tonnes over the next 10 years. These reductions will save consumers across New South Wales $182 million for water and $36 million for energy. This equates to a saving of $300 to $500 for an average family home certified by BASIX.

The Greens believe that sustainability requirements in the housing approvals process can be met without trading off housing affordability. The Institute for Sustainable Futures, in their submission to the inquiry into first home ownership, argued:

> The costs to society of not implementing sustainability in housing are immense. As one example, poorly designed residential development … has led to excessive use of air conditioning, which is driving the need to expand the electricity infrastructure because of increasing peak demand. This illustrates that diluting sustainability requirements for housing will ultimately lead to less affordable housing. It also illustrates that a definition of affordability that is limited to the capital cost of a new house is inadequate and misleading.

In addition, "green mortgages" and other innovative financing mechanisms are an effective way to reduce any extra upfront costs to the consumer. Some banks and credit unions offer these already.

Our motion also addresses the sustainability of commercial buildings. Canberra's largest source of emissions is the commercial sector, chiefly office buildings using energy for cooling, heating, lighting and equipment. To date, no measures have been implemented, but it is pleasing to note that the government is committed to introducing the GreenStar energy efficiency rating methodology, developed by the Green Building Council of Australia, for all new commercial and multistorey residential buildings. GreenStar is a tool used at the design phase; 8 Brindabella Circuit, a building at the Canberra airport, was the first building in Australia to be accredited using GreenStar and to achieve a rating of five stars. Members, if you have not yet inspected that building, I recommend that you do, because I suspect that, if the ACT takes this on, it will be providing the kinds of buildings that tenants will be demanding as a matter of course in five years or so.

The Australian building greenhouse reading is another tool that is available for use in commercial buildings. Its rating is based on the energy performance of the building over 12 months, making it suitable for use at the time of lease or sale of existing buildings. So we have a tool to be used at the design stage and a tool that can be used in existing buildings. As I said, the government has committed to introduce the GreenStar ratings for commercial and multistorey residential buildings. My motion requests this commitment again in the context of committing to a tool for single residential development and also in the context of creating an implementation plan.

We recognise that ACTPLA is moving slowly towards more holistic sustainability measures for the built environment. However, that movement is too slow. We need to make changes now. In July this year, our neighbours in Queanbeyan will have sustainability standards for new homes and we will not. We have an opportunity to act now to curb our greenhouse emissions in the built environment. On a per person basis, Australia is one of the highest emitters of greenhouse gas pollution in the world, pumping 19 tonnes of CO_2 into the atmosphere for every one Australian citizen. This puts us just behind the USA with 20 tonnes per person per annum. Severe water restrictions in the ACT and across the country highlight that water is a finite resource and the fact that Australia is the driest inhabited continent.

It is also worth mentioning that I have changed the motion slightly since it appeared on the notice paper in December. The motion now asks the government to present an implementation plan rather than to implement the tools by the end of June 2005. This reflects the fact that it is now a couple of months later, and it provides some time for longer consideration of how such a scheme could be implemented. This is a very reasonable request. We have also changed the motion with regard to the targets in water consumption and greenhouse gas emissions. Initially, the motion mirrored the requirements from New South Wales as of July 2005, but we actually consider that it would be beneficial to the territory to set our own targets that are linked to strategies such as the ACT's water strategy "Think water, act water" and the ACT greenhouse strategy.

The aim of our motion is to encourage the government to move more quickly to adopt sustainability standards in the built environment. We have structured the motion to allow the government to decide on the best way to introduce the necessary standards to the development approval process, in the hope that this will lead to speedier government action. I will listen with great interest to the government's response to our motion.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (4.13): I seek leave to move amendments 1 and 2 circulated in my name.

Leave granted.

MR HARGREAVES: I move:

(1) paragraph 1, omit "and" at end of paragraph; and

(2) paragraph 2, omit the paragraph, substitute:

"(2) supports the Government's commitment to re-establish Canberra as an Australian centre of sustainable and innovative design as stated in its election policies;

(3) encourages the Government in its development of strategies to ensure that:

(a) new single residential building design meets minimum sustainability standards including minimum water consumption and greenhouse gas

emissions with targets that are linked to Territory sustainability targets; and

(b) the strategies have the capacity and flexibility to increase the sustainability standards;

(4) notes the Government's commitment in its policies to implementing sustainability requirements for all new commercial and multi-storey residential buildings using a recognised assessment and rating tool; and

(5) agrees that the Government will report back to the Assembly on the progress in implementing these strategies, on an annual basis.".

Before I move on to the substance of the motion and my amendments, I foreshadow that the members opposite intend to put forward an amendment to remove the word "mandatory" from the first part of Dr Foskey's motion, and I foreshadow for the Assembly that the government will support that amendment. Dr Foskey's motion calls upon the government to recognise the need for mandatory sustainable targets in the building design and construction industry in the ACT. This government is committed to sustainability and is working hard to ensure that both the government and the community contribute effectively to the territory progressing towards a more sustainable future, environmentally, socially and economically. That is a true commitment to triple bottom line.

The government's 2004 election platform included commitments that will require all new single residential dwellings to achieve a level of energy rating consistent with the standards being developed for the building code of Australia, and a minimum standard for water efficiency. We will introduce an energy efficiency rating methodology equivalent to GreenStar, currently being prepared by the Australian Building Codes Board for introduction into the building code of Australia, for all new commercial and multistorey residential buildings, and establish new standards for water sensitive urban design in new greenfield developments and in significant redevelopment projects. We are also committed to re-establish Canberra as an Australian centre for sustainable and innovative design through targeted initiatives, programs and public land development activities.

Based on these commitments, the ACT Planning and Land Authority is investigating tools and strategies to improve the environmental performance of buildings. These policies and tools must be able to be applied in a way that does not compromise the building code of Australia, established by way of an intergovernmental agreement to provide for uniform building standards across Australia. We must not enact things that compromise those intergovernmental agreements that have been struck. These tools must also not complicate the planning system. The last thing in the world we need is further complications of our planning system. I see Mrs Dunne is in fact in absolute and complete agreement with any undertaking not to make the planning system any more complicated. These tools must also be applied in a way that produces clear sustainability dividends in a manner that is cost effective to the community, to industry and to government. They are challenges indeed.

To this end it is imperative that these investigations are thorough, consultative and do not result in hasty decisions being made that commit all to a regime that is impractical,

incompatible and expensive. The government is committed to undertaking research to determine if there is one simple and robust tool available to the planning system that will guarantee both energy and water savings in the residential sector without compromising the building code of Australia and complicating the planning system.

The research will identify both the costs and benefits to the government, industry, the community, individual home owners and the ACT environment, will involve extensive consultation with industry and the community and will identify mechanisms to implement any changes required and ensure that all due diligence is undertaken.

Investigations are on a range of models that the government will consider with the due diligence that is required when introducing such measurers into a regulatory environment. Any model adopted would need to have the capacity and flexibility to increase sustainability standards and targets as necessary. Consultation with industry and other key stakeholders has commenced to enable a full evaluation of potential systems and strategies in an ACT context. However, this process would be inappropriately compromised by the setting of arbitrary time frames. Some of the systems being considered are proprietary brands and cannot simply be purchased and customised for ACT purposes.

In relation to implementing sustainability requirements for all government office developments and all new government tenancies, it should be noted that the government has provided $4 million for the sustainable infrastructure program to supplement the capital works program. This initiative considers measures aimed at increasing energy efficiency, water reduction and reuse, alternative energy sources and other activities targeted to deliver cost-effective enhancements in the environmental performance of public facilities and infrastructure. The government has incorporated sustainable design principles into the design of major infrastructure projects including the proposed ACT prison, rural villages foreshadowed for Uriarra, Stromlo and Pierces Creek, and the powerhouse glass centre, and has also undertaken energy audits of government buildings and will continue to do so.

In relation to making a commitment to recognising assessment and accreditation tools, I have already outlined a number of commitments above and we will progress these in accordance with the national framework. In addition, the ACT currently recognises two schemes on a voluntary basis: the Australian building greenhouse rating, ABGR, scheme for existing buildings, and the GreenStar system for new commercial development.

The ACT Planning and Land Authority recognises that both of these systems can encourage improved environmental performance in existing and new buildings. Further policy work is under way in relation to these tools and to encourage their adoption on a voluntary basis. This will be done prior to any decision based on due diligence to make them mandatory. I repeat that it will be done based on due diligence before it is made mandatory.

The government has already made a serious commitment to increase the sustainability of the built environment in the ACT and is preparing to make a significant announcement in the near future on other initiatives. This announcement will be the result of careful and detailed analysis of the various tools available and the implications of applying standards and targets from not just an environmental point of view but also a social, economic and

administrative perspective. The announcement will include an implementation plan, ensuring there is an appropriate degree of due diligence followed by the government and that industry and the community are engaged and consulted about the new initiatives being proposed. It is proposed to report back to the Assembly on a yearly basis on the progress of implementing these strategies in both the residential and commercial sectors.

For the reasons outlined above, I seek the Assembly's support for the amendments and again I signal the government's support for the amendment to be moved by Mr Seselja. I look forward to the opposition's support for the amendments and of course I am really looking forward to Dr Foskey's overwhelming endorsement of our amendments.

DR FOSKEY (Molonglo) (4.24): I do not suppose it comes as any surprise that I am extremely disappointed by the government's response to our motion. It really does make empty the so-oft repeated words "our commitment to sustainability". The Greens see our role as helping the government turn that rhetorical commitment into practical steps and I do not think you could have found a motion that offered more ways for the government to achieve its own declared aim of reducing greenhouse gas emissions.

The amendments water down our motion to a sort of "we'll investigate" with the wording "encourages the government". We do not want to just encourage the government; we want the government to bring the ACT up at least to the level of our neighbouring area. Nonetheless, I do acknowledge that the spirit of the government's motion at least is that it sees the need to move to mandatory sustainability targets, and that is good. We do have agreement on that.

However, the government, Mr Hargreaves claims, is still in the process of investigating tools. We just say this process could be short-circuited. We could save ourselves a lot of time, because that work has been happening already in the other states and in fact the BASIX tool is a tool that probably provides the most cost-effective means for the government to move this way, remembering that the border that exists between us and Queanbeyan is not actually a brick wall. We need to be able to work in harmony with our neighbour. I do not really think that we want to be behind them.

Mr Hargreaves also announces that the consultation with industry and other stakeholders has commenced and would be compromised if the government adopted mandatory targets now. I suspect that you could consult with industry and other stakeholders for a very long time, but I think on global warming the community expects the government to take the leadership. People expect the government to help us reach the targets that the community have generally endorsed.

It is very interesting that the government evokes a national framework when it suits it and yet also derides it when it suits it. We really do not see that there is a problem for the government in getting behind our motion as it exists. It is presented in the spirit of cooperation. The government and the opposition both said prior to the election that they were very keen to reduce our greenhouse gas emissions, because they did catch on to the fact that the community expects this of the government. We will of course be voting against the amendments and we would also hope that the government might change its mind and withdraw those amendments.

MR SESELJA (Molonglo) (4.28): The opposition will be supporting the government's amendments but with an amendment of our own, which I shall move, so I will be speaking to all three motions, I believe.

There are some parts of the motion put forward by Dr Foskey that are sympathetic with our stated policies for reduction of energy use by both government and private residents. The Liberals have, through our policies prior to the election, announced targets for reduction in water use, increased energy efficiency in residential housing and the installation of solar hot water in new housing. These measures are aimed at moving towards better sustainability for the territory.

I think we need to be very careful, however, when we move towards the imposition of mandatory targets. I do not know that we are able to say that there is a particular target, an ideal level or requirement, and then say it is mandatory. Either the level we set is a mandatory requirement and must be met, or is it a target, a recommended and desirable level that we would like to achieve, that acts as a guideline for industry to work towards.

I do not think that what is needed at this time is the big stick approach that Dr Foskey wants us to take, dictating to industry about supposed targets and the adoption of a system which, by all accounts, has been riddled with issues around its implementation, is not understood properly by the community and has meant uncertainty for the construction industry in New South Wales. We have seen delays with the implementation of the BASIX scheme by New South Wales in relation to multiunit dwellings, with February of this year pushed back to July.

I also have concerns about the impact of this motion on housing affordability. The BASIX system in New South Wales requires parties involved to commit to positions such as whether or not they will have airconditioners, water tanks and other facilities within their homes. I would hate to think that they would then need to commit absolutely to installing some of these features as part of the approval of their home, especially as there can be enormous financial pressures on persons constructing a new home. If unforeseen circumstances strike, the resident may not be able to meet the commitments they made pre DA. It may mean that a cheaper or less efficient appliance needs to be purchased. It may also mean further cost in the design and construction of new homes at a time when the government is seeking to introduce further measures for the design of homes, for example, bushfire measures. Indeed, Mr Corbell said at the time of that announcement that, although the costs were estimated to be around $5,000, he suggested that for residents building new homes it was not a significant impact. I would suggest that there are many residents of Gungahlin, or the south of Tuggeranong or other parts of Canberra, the recent purchasers of home building blocks under the moderate income land ballot, who would love to think that $5,000 was not a significant sum but, unfortunately, that is not the case.

As I have said, I cannot provide support for a big stick approach, but there are certainly elements that could be looked at by the opposition in more detail before we could support such a motion in the future. I therefore move the following amendment to Mr Hargreaves's amendments:

(1) Omit "omit 'and' at the end of the paragraph", substitute:

"Omit 'mandatory sustainability targets in the building design and construction industry in the ACT; and', substitute 'sustainability targets in the building design and construction industry in the ACT.'.".

DR FOSKEY (Molonglo) (4.31): Thank you for moving the amendment, Mr Seselja. I am just sorry that the amendment in fact weakens the Labor government amendments even further, in my opinion. I liked hearing you say at the end of your speech that the opposition needs to do a little bit more investigation into this. For instance, I think perhaps your understanding of the BASIX tool is not a comprehensive one, because the tool allows trade-offs in various areas. For instance, people may have a water tank or they may have a solar hot water system. What they are doing is trying to collect a number of points, which allow them to pass that threshold. So it is not actually an onerous tool and you would not be surprised to hear, Mr Seselja, that that tool does not go as far as we would like it to. Nonetheless, it does provide a really good entry, it gets people used to thinking that way, it is very user friendly and I do know that ACTPLA are looking at it quite seriously.

I just wanted to respond to your second major point, as I see it, which is that $5,000 is a significant sum to a home owner. I know that that is definitely the case—that is the reason I do not own a house in Canberra as yet. But that $5,000 will very quickly be saved with lower energy bills over time. We did suggest prior to the election that the ACT government, if it were committed to sustainability, would be considering ways to assist people to meet upfront costs of introducing the technologies and the measures that will reduce their bills in the long run and that they could pay those loans off, in the long run, with the savings that they make on their energy bills. So we just do not think those arguments are good enough.

There is something else going on here between the government and the opposition, both of whom, by the way, were flaunting their environmental credentials prior to the election. I do hope that the public become very aware of the things said here. There is something going on when they can combine to block a measure that would put the ACT equal with New South Wales—not ahead of it, as we used to be in planning, but equal with it. So it is a bit of a day of shame. This is the day the Kyoto protocol is being ratified all around the world. If the government were to support a lot of the processes and technologies that we are talking about in this motion, it would assist the development of the alternative industries that we so desperately need here in this territory, because it would open up a market. I think both the opposition and the government believe in a market based approach, but here it looks as though they are missing that opportunity again. So we will be opposing Mr Seselja's amendment as well.

MRS DUNNE (Ginninderra) (4.35): The motion that Dr Foskey has brought forward today is a very important one, and it is timely with the Kyoto protocol; it is a very symbolic measure. But what Dr Foskey is proposing today is unworkable. She sits there and says, "We are greener than you and our credentials are better than yours; you flaunted them before the election but you're not going to do anything about it now." Well, Dr Foskey, I give you a challenge to look at the Liberal Party policies on energy efficiency and greenhouse, on water efficiency, on the Bluebell rating scheme and on the Greenbank loan scheme we took to the last election. I give you the challenge: when we

come in here with motions to support and further those things, you support them. If you think that we are not as good as our word, you watch this space. What was done before the election campaign by the Canberra Liberals was significant in terms of bringing the ACT forward. We had a mixed approach; there was a bit of carrot and there was a bit of stick. Dr Foskey's proposal is entirely stick.

Dr Foskey talks the talk about educating people and getting people to understand. We know that, if people implement these things, they will be better off in the long run financially. But I am not going to whip the people of Canberra to a position where they must do this and they must do that. There has to be a combination of things, and what we brought forward at the last election campaign was a combination of those things that addressed not just the new housing stock but the 80 per cent of housing stock in the ACT which is not new—which, rather than being substandard in terms of energy efficiency and environmental friendliness, is sub-substandard. And there is nothing that is being proposed here today that will address anything to do with the existing housing stock.

The Canberra Liberals took policies to the last election that set very firm targets that we were prepared to set for ourselves. We would set them for ourselves as a government, not for individual households. Dr Foskey's move today is about putting all the responsibility onto individual householders. We would provide information and education and government leadership. There would be some mandatory things, and the first of those—and I challenge this government to do this, because the Minister for Planning has been talking about doing this for a very long time—would be to improve the house energy rating system, the ACTHER system, to make it a five-star mandatory system by 1 July 2005.

That is a challenge for this government. They could do it tomorrow if they had the will. They have not done it. They probably will not do it. We would then move down the path of increasing that energy rating system as soon as possible after that to six stars—no one in the country has gone to six stars yet—and look at means of improving the ACTHER system beyond six stars. We would also make the ACTHER system open ended so that it can be reported that something has a six-star energy rating if it does. As it currently stands at the moment, if something has got a six-star energy rating, you cannot report it as that.

We also had a bit more stick, which was the mandating of the installation of solar hot water systems on all new homes. That is a significant step forward, which the government and the crossbenchers in the previous Assembly would not even contemplate; they were too frightened to do so. We had proposed a range of things, one of which was a voluntary system that would address not just new houses but the existing housing stock. It was called the "bluebell" rating scheme for Canberra houses, which is not on the green scale system.

That was proposed to be a voluntary scheme, as is the GreenStar rating scheme. Dr Foskey wants to turn it into a mandatory scheme. It will not work as a mandatory scheme. The experience in the United States, where the Green Building Council first established itself and established the GreenStar rating system, and in Europe has told us that mandating in commercial buildings does not work. In some ways what makes it work is the sense that we are doing something better than our competitor and we can flaunt that plaque or something that says that we are at the cutting edge and our

competitor is not. It is like a sense of civic pride: "I've got a five-bluebell rating for my house and my neighbour only has a four-bluebell rating" or whatever.

The most important element is to find the means so that people can actually afford to do these things. You cannot just come in off the street and say, "We are going to introduce BASIX," which, by the way, does not actually work very well yet. It may work well one day, but, if you talk to people in local government in New South Wales where it is implemented, you will find that there are a number of problems with it. This is not to say that BASIX will not work in the future, that we will not succeed in ironing out the problems, but I do not want to commit the people of the ACT to a system that is currently flawed, where an efficient operation of the system is not yet established and the added costs to building and development of which are unquantifiable, without a bit more information.

We know the system does not work. We know that the roll-out of BASIX for multiunit developments in the Sydney metropolitan area has been put on hold because there are problems with the system, and that is the reason why we, as responsible legislators, should not be going holus-bolus in support of the BASIX system. The BASIX system has merit. The industry recognises that BASIX has merit, the planners recognise that BASIX has merit, the opposition recognises the merit in BASIX and I suspect that even the government, who are absolute troglodytes when it comes to energy efficiency, recognises that there are merits in the BASIX system. But we should not be signing up to a system that is so unproved, that still has so many problems with it, and we should not be signing up to a system that imposes huge imposts on people in the ACT without the means of supporting it.

I refer to one of the other innovative approaches advocated by the Liberals before the previous election, which is the Greenbank loan scheme and which was highly commended by people across the Green movement. The Conservation Council at one stage said that it was exceedingly innovative and it hoped that whichever government won the election would take it up and implement it. I lay down the challenge to the Minister for Environment, who before the election pooh-poohed it and said, "We cannot do that because we are not a banking organisation and we'd have to get all these approvals to do it". What rubbish! What absolute rubbish! Again, on matters of the environment, the environment minister is laughably and alarmingly out of touch with what is needed.

We cannot support the motion that Dr Foskey has brought forward today, however well intentioned it is. We do not support things just because they are well intentioned. We have to think about the implications of them. Unfortunately, I think the amendments that the government propose do not go far enough and I criticise them for being self-congratulatory. There is more to being in government than walking around saying, "Aren't we good? Aren't we fantastic?" Beating yourself on the chest does not actually make good policy. There is much more that this government can do but they have failed to do because they lack imagination in this area, and they are hidebound by convention. They cannot think outside the square. They say they will not adopt the Greenbank loan scheme, which would actually make it possible for people to afford these innovations. They will not do anything to educate people about how they can make their lives (a) better, (b) more comfortable and (c) cheaper, which they could do if some of these schemes were implemented.

There is much that this government can do, and I agree with some of the criticisms of Dr Foskey about the government amendments. It would have been better had the Liberal amendment succeeded. I think there is a place in the future for the Standing Committee on Planning and Environment to look at this development and ensure that it is going down the right path. We on this side can count, we are numerate, and we recognise that there needs to be some amendment to Dr Foskey's motion and, therefore, we will reluctantly support the government's amendments, but with a further amendment that Mr Seselja has already moved.

MR GENTLEMAN (Brindabella) (4.46): I also note, as Dr Foskey did, the absence today of Australia's participation in the introduction around most of the world of the Kyoto Protocol.

All state and territory governments are addressing the issue of how best to achieve an improvement in the environmental performance of new buildings. While seeking to work within the national frameworks provided by the building code of Australia, this government is actively involved in examining and assessing policies and systems that could be adapted for the territory's needs.

The Australian Building Codes Board has itself now determined that it will focus more of its attention in the future on developing construction standards for improved environmental performance in the areas of energy and water efficiency, use of materials and internal air quality. It is currently involved in new energy standards for all forms of housing and commercial buildings.

This government has always been quick to adopt these standards and has already indicated in its election platform that it will introduce the national standards to be introduced to the buildings code in Australia in 2006 for multistorey residential and commercial buildings and a five-star energy rating for new, detached residential buildings.

Tools and systems for assessing the environmental performance of new buildings come in all shapes and sizes but, as they become more sophisticated, are being designed to avoid a one size fits all approach. This in turn necessitates careful consideration of their application to different jurisdictions in terms of adaptation within the respective regulatory frameworks, consistency within the building code, any local climatic or geological conditions, resources implications and potential costs and benefits to industry and consumers.

On this last point, it is necessary to consult on the applicability of any new approach and provide rigour in the form of a regulatory impact statement. Typically, these systems also cost money to acquire, which requires the provision of properly scoped budgets. The government, through its relevant agencies, is exploring all of these issues to arrive at what it believes will be the best outcome for the territory.

It is important to note that the government has an extremely proud track record in promoting more sustainable development within the ACT, starting with its broad sustainability policies and principles contained within its People, Places and Prosperity strategy; the Canberra spatial plan and sustainable transport plans that promote integrated

land use and transport planning, as well as a new urban structure that will limit the harmful effects of urban sprawl; the introduction of the good design series publication and accompanying changes to the processing of development applications with advice on how to obtain greater efficiency in the design of new buildings; and the new guidelines on the use of rainwater tanks and grey water.

The government is also developing water-sensitive urban design guidelines that will apply to new developments and residential estate design. Both the ACT Planning and Land Authority and the Land Development Agency will be involved in the preparation of new subdivision guidelines to improve environmental performance of new residential estates, and the government actively encourages the use of the GreenStar energy rating tool for use in the design of new commercial buildings within the city, as mentioned by Mr Hargreaves.

In conclusion: the government is seriously examining the introduction of further tools for improved environmental performance of new buildings within the ACT. Before a commitment is made, however, to any new policy or practice, there needs to be a more in-depth investigation of its capabilities and suitability, costs and benefits, as well as appropriate levels of consultation. I commend this motion, as amended by Mr Hargreaves and Mr Seselja, to the Assembly and urge members to support it.

Question put:

That **Mr Seselja's** amendment to **Mr Hargreaves's** amendments be agreed to.

The Assembly voted—

Ayes 14		Noes 1
Mr Berry	Mr Mulcahy	Dr Foskey
Mrs Burke	Ms Porter	
Mrs Dunne	Mr Quinlan	
Ms Gallagher	Mr Seselja	
Mr Gentleman	Mr Smyth	
Mr Hargreaves	Mr Stanhope	
Ms MacDonald	Mr Stefaniak	

Question so resolved in the affirmative.

Question put:

That **Mr Hargreaves's** amendments, as amended, be agreed to.

Ayes 14		Noes 1
Mr Berry	Mr Mulcahy	Dr Foskey
Mrs Burke	Ms Porter	
Mrs Dunne	Mr Quinlan	
Ms Gallagher	Mr Seselja	
Mr Gentleman	Mr Smyth	
Mr Hargreaves	Mr Stanhope	
Ms MacDonald	Mr Stefaniak	

Question so resolved in the affirmative.

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

DR FOSKEY (Molonglo) (4.56): This is a very interesting result and a sorry day. It is really interesting the way that Liberal and Labor vote together when it comes to something that involves real action and real change for the better.

I just want to round off the debate by reiterating that today we saw the Kyoto protocol ratified around the world, but some of us feel a little bit embarrassed that our own federal government is so weak that it could not itself ratify it. Because our federal government is so weak and refuses to support sustainable energy industries, for which we are so well set up with our excellent ability to create solar power, it is up to the territories and the states to make up for that slackness. However, when really the crunch comes, we find that neither Liberal nor Labor is interested.

MR SPEAKER: Order! It is disorderly to reflect on a vote of the Assembly. The Assembly has voted clearly in favour of a couple of amendments and it is inappropriate to reflect on those votes.

DR FOSKEY: Okay. Thank you. In speaking to Mr Seselja's amendment, Mrs Dunne contradicted the things that I had said about the Liberal promises in the lead-up to the election. I have here the policy statement for the Liberal Party, which, at the time, we thought was really good. In fact, I think we might have thought that the Liberals were as green as the Greens. People who voted for the Liberal Party might have thought that they meant what they said when they said they would increase the mandatory house energy rating to five stars by 1 July this year, and then to six stars, and that they would mandate the installation of solar hot water systems in new houses regardless of the expense. We find that people have very short memories in this place.

I have already addressed the issues of affordability. If we had the commitment, we would be able to make it affordable for people to move to energy efficient dwellings with lower bills. Mrs Dunne also said that the Greens were very well intentioned. I appreciate that; but I also want her to note that we are actually well researched as well. We have done the work. We know this stuff. I think Ms Tucker had been trying for many years to get something like this happening, and I of course will not resile from my job as a Green. It is why people vote for us.

Every new development in the place is a lost opportunity. Kingston is an absolute lost opportunity. Those dwellings are certainly not five star. They are very low on the scale. We are seeing new developments being put up, established, at a great rate, and each one of them is a lost opportunity. This is why it is so important to pass this motion, to see the government take some action, so that building applications in a year's time have to meet these standards.

Rome burned while the emperor fiddled. Global warming is a bit like that. The results will be on the heads of the other members of this Assembly. It is a sorry day.

Question put:

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

Ayes 14		Noes 1
Mr Berry	Mr Mulcahy	Dr Foskey
Mrs Burke	Ms Porter	
Mrs Dunne	Mr Quinlan	
Ms Gallagher	Mr Seselja	
Mr Gentleman	Mr Smyth	
Mr Hargreaves	Mr Stanhope	
Ms MacDonald	Mr Stefaniak	

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Health—Charnwood

MS PORTER (Ginninderra) (5.03): I move:

> That this Assembly notes and congratulates the work of the Charnwood Community Health Committee in their endeavours to establish a community health centre for Charnwood and surrounding suburbs with bulk-billing doctors and allied health services.

MS PORTER: Mr Speaker, for over two years now residents of Charnwood, Dunlop, Flynn, Fraser and Macgregor have been without appropriate medical services. This situation arose as a consequence of the retirement of two doctors who long practised in Charnwood and Macgregor, and another doctor who was practising in Charnwood returning to South Australia for family reasons. These events occurred within a relatively short space of time. Local business people have placed advertisements in various medical journals seeking to attract general practitioners to the area. However, despite the offer of assistance with establishment costs and the availability of cash incentives from the federal government, none of those who have expressed an interest have as yet been prepared to give a commitment to establish a practice in this area. As a consequence of these events, the pharmacy in Charnwood has, to a large degree, become the de facto medical centre for many residents and the proprietor of the pharmacy, Brian Frith, and his dedicated staff are to be commended for the work they are doing to assist this community with its wide-ranging health needs. But, of course, this is not enough.

In September I attended a public meeting in Charnwood called by concerned citizens of the affected area seeking to gauge the level of interest in forming a committee to work towards the re-establishment of appropriate medical services. Significant interest was indicated. That evening, a committee was formed and I became a member. Subsequent to my election to the Assembly, I have relinquished my position on the committee and, along with other Ginninderra MLAs and also the federal member for Fraser and both ACT senators, I have now become a patron. I have, however, continued my close interest

in the project and have attended every meeting the committee has held. Depending on my availability, I will continue to do so.

The committee comprises a wide range of local residents and is chaired by Mr Roger Nicoll, who is also the secretary of the Flynn neighbourhood watch. The committee secretary is the president of the Charnwood primary school P&C, Michael Pilbrow. The committee also has representatives from Belconnen community service, the west Belconnen residents group, the north Belconnen community association and a GP who has links to, but is not currently practising in, the area, as well as other concerned local citizens and prominent local business people.

Since its establishment in September 2004, the committee has achieved a great deal. It has researched the demographics of the north-west Belconnen area, investigated other models for community health care in Australia and, with the assistance of funding from a local business person on the committee, brought the CEO of the South Kingsville health service, a cooperative health care service operating successfully in the western suburbs of Melbourne for over 20 years, to speak with the committee and detail the operations of that health service. It has prepared and distributed a survey to be given to 8,000 households in the catchment area to determine the health needs of the residents. The costs associated with this survey were met by the Canberra Labor Club group. The committee is currently analysing the responses to the survey which, to date, clearly demonstrate a high level of concern at the lack of GP services in the area. Based on the information received to date, it is clear that a large percentage of those in the targeted suburbs experience significant difficulty in accessing affordable GP services. Getting access to the few doctors who do bulk-bill is difficult as the majority have closed their books to new patients and those accepting new patients have long waiting lists for appointments.

Charnwood, in particular, is a suburb of acute need and social disadvantage. The 2001 census revealed that Charnwood has a median weekly individual income in the $300-$399 range, compared with the ACT average of $500-$699 and it has one of the highest levels of indigenous residents, almost double the territory average. Over 27 per cent of Charnwood families are one-parent families, the highest percentage in the ACT. The unemployment rate is nine per cent—75 per cent higher than the average—and over 68 per cent of the residents have no formal qualifications. According to the socioeconomic indicator for areas, which is a measure of an area's disadvantage, Charnwood is the ACT's fourth most disadvantaged suburb. However, the three ranked lower than Charnwood are non-typical suburbs, such as Oaks Estate and Symonston.

The Charnwood community health committee is typical of many of the community groups with which I have been associated in the almost 30 years I have been actively involved in the Canberra community. Members of the committee have recognised that there is a need and have set out to find a way to meet it. Like many such groups, they have not said to the government of the day "We have a problem, so what are you going to do to fix it?" Rather, they have systematically worked to determine the extent of the need and are now seeking innovative ways to develop an achievable solution. A positive result for these community projects can only be achieved by the energy that is created by people coming together and working towards a common goal. People actively involved in such committees gain a great deal of satisfaction and pride in their achievements. The development of such projects is what strengthens our community and enhances

sustainability. It also increases the skills of those involved, who go on, on many occasions, to hold leadership positions in our community.

As I mentioned earlier, the committee has already had the opportunity of meeting with the CEO of the South Kingsville health service, a community health cooperative established in an area of the western suburbs of Melbourne in 1980. This initiative, in an area demographically similar to north-west Belconnen, was also experiencing difficulties in attracting GP services to the area. With the support of the local Baptist church, the health service was started with one GP. Six years later it took its destiny into its own hands and became a cooperative. Today, the South Kingsville health service is thriving, with two locations, 7,600 members, 11 GPs, a host of allied health services providing 25,000 consultations per year and an annual turnover in excess of $2 million. Under the cooperative model, members pay an annual subscription of between $15 and $100, depending on income levels. All GP consultations for members and their families are bulk-billed. They also receive an annual dental check at no charge, plus special rates on other allied health services. The service is fully funded from membership subscriptions and Medicare rebates and any surplus is reinvested into the medical centre or community projects.

The community owned health model has many advantages: it allows doctors to get on with their jobs, rather than having to spend time in managing their practice, and builds local capacity and benefits that stay in the community. It also improves the level of health in that community and promotes genuine community health by allowing members to seek immediate attention for their health concerns, rather than waiting for them to somehow magically get better of their own accord, or perhaps having to wait so long that it endangers their long-term health. Crucially, it takes the pressure off already stretched accident and emergency units at local hospitals, as many of those who seek bulk-billing consultations will present to A&E as their only alternative for medical attention.

Based on the South Kingsville model, it is believed that a membership base of around 1,000 would be required to sustain a medical centre with two, perhaps three, GPs. The committee will continue to investigate and assess this and other options as it seeks a solution to this major concern for those living in Belconnen's north-west. The outcomes the committee is seeking are congruent with those sought by the government as they will maintain the level of good health in the community, narrow the gap in health outcomes experienced by certain individuals and groups in the community and improve health and community care systems.

The aim of the committee is to develop a community owned health service. This aim is consistent with that of the Canberra social plan, in that it seeks to reduce poverty and exclusion among vulnerable people and build and support community participation based on common interests and outputs. It also seeks to strengthen the health of the community through a whole-of-government approach to health issues and to establish community partnerships to develop sustainable social care supports, improve the good health of the Canberra population and narrow the health gap between the general community and the poor and the disadvantaged. As I said earlier in support of this motion, the members of the Charnwood community health committee are to be congratulated for the innovative approach that they have taken in seeking a solution to the lack of GP services in the area, particularly those who bulk-bill. I seek the support of the Assembly for the motion.

MR STEFANIAK (Ginninderra) (5.13 pm): The opposition is delighted to support the motion, although I must admit that initially I thought I might have a slight problem here because Mary and I were actually part of the Charnwood community health committee. But, in fact, we are now patrons; we are not on the committee. I might have had a conflict of interest in voting on a motion to congratulate myself. Also, being a second row forward and not a back, I would have had great difficulty voting on a motion to congratulate myself. But we are not members; we are patrons. Indeed, a number of members of this Assembly—all the members for Ginninderra—as well as the local federal members, are patrons. It is with great pleasure that I rise to support the motion, as will my colleagues.

It is appropriate that we take note of and congratulate the work of the committee, as Mary read out, for their endeavours to establish this health centre in Charnwood and the surrounding areas with bulk-billing doctors and allied health services. The members of the committee have done a wonderful job in the short period of time since the committee was formed back in September last year at a public meeting downstairs in the Ginninderra Labor Club. Already representatives from a similar type of set-up have come up from Melbourne and briefed the committee. Also, the committee will be actively involved in the annual Charnwood fair, which is on 12 March. It has already sent out throughout the relevant suburbs a questionnaire, which is now in the process of being collected and collated.

It is very sad to see that a number of doctors who practised in the area in recent years no longer practise. I remember pleading with Dr Berenson back in May-June 2003 to continue practising. I know that he had had trouble with the ACT government and urban services about where he was located. That was finally resolved to the extent that at least he was promised he would be given another place to operate out of in the region. Unfortunately, the government was a bit tardy and it was too late for him. He decided he had had enough and ceased to practise. He had about 3,000 patients on the books and they were very sad to see their family doctor cease to practise. I remember talking, too, to the doctor who then practised at Charnwood, to see if he would like to stay. In fact, I think there might have been more than one there at one time, but the doctor there also, for personal reasons, wanted to move on and do something else and could not be persuaded to stay.

It is hard being a general practitioner. I know of a number of doctors who have ceased to practise in recent times. That does not help in an area like north-west Belconnen with the sort of demography that Ms Porter has mentioned. There is a real need for some type of medical facility there. Brian Frith, the chemist, does a wonderful job of assisting people. He and his staff sometimes do some basic treatment on people who would have immense difficulty getting medical treatment. Many of the residents who attend the Charnwood chemist find it very difficult to get to, for example, Calvary Hospital. They rely on public transport. Sometimes they just have to go to Calvary Hospital for things that could be done by a doctor or some sort of health facility. Brian Frith reckons that sometimes between 15 and 20 patients come to his chemist shop because they need medical assistance. If they had to go to Calvary, they would be there in emergency waiting to see medical staff. Obviously, if they could be treated by a doctor or proper medical people in their own area, that would relieve pressure on the hospital. So that would be a win-win situation. No one has the answer yet as to what is the best way forward, but this

committee certainly has done a lot of work. Ultimately, there will probably need to be assistance given by both local and federal governments.

The committee is really to be commended for its work so far. It has looked at models, which may not involve very much assistance, if any, from government. The Victorian model, for example, may have a few problems, but it was a case of people in a community doing it themselves. Certainly that community has a much bigger population, 180,000, but that is one model that the committee is actively looking at. The committee meets at least once a month and I have been very impressed by the work they have done to date. Mary, I also thank your partner, Ian, for his efforts in raising some initial money from his club, the Labor Club. That $1,000 has been very helpful in getting the committee going. Hopefully, some more money will be raised from various organisations over the next months to assist the work of the committee.

I do not know—perhaps no-one can, because there are all sorts of models that could be applicable—how this is going to pan out, but certainly what we hope to see is some type of centre with doctors and medical staff to look after the people of north-west Belconnen. Many of them do not have access to a car or have great difficulty getting out of the area to see medical staff. Many of them are elderly, single or have various problems that are not that common in other parts of Canberra. In the last several years they have suffered as a result of doctors ceasing to practise, for whatever reason. I congratulate the Charnwood community health committee on its endeavours so far to establish a community health centre for Charnwood. I look forward to that happening in the near future. With the dedicated people on that committee, I am sure that it will be sooner rather than later. The opposition is happy to support the motion by Ms Porter.

MRS DUNNE (Ginninderra) (5.20): Mr Speaker, I commend Ms Porter for moving this motion today. I add my congratulations to hers and those of Mr Stefaniak on the excellent work of the Charnwood community health committee. As Ms Porter said, they are working in a self-help way. They have not sat on their hands and said, "Here is a problem, somebody go and solve it for us." They have taken a proactive approach, involving many sections of the community and I think that, through that involvement of the community, they will actually achieve a good outcome for the Charnwood community.

It is humbling, really. I was at the meeting in September last year when the group was formed and I think I said at the time to many of the people there that I had never been to a more productive, cooperative community meeting with such a spirit of getting on with the job and doing something. Often we go to community meetings and there is a fair amount of carping and whinging. There was none of that. There were people there who recognised a problem and they were going to do something about it. The committee is a great model for other people in the community to build social capital in the community. The government has done none of this. It was individuals in the community who saw that there was a problem.

The members of the committee, the movers and shakers, should be commended. We should also commend the excellent work done by the Charnwood pharmacist, Mr Brian Frith, and also the Demarco family, who have gone to great lengths to attempt to attract a GP to their shopping centre—and not for any commercial gain. They are prepared to forgo rent because they see that it is important to the community as a whole.

This is a fantastic effort by the community and it is something we should be supporting. I am proud to be a patron of such an innovative and self-starting organisation. The work that its members have done will bear fruit and they will be a great example for other people who want to make improvements in their community. I commend Ms Porter for moving the motion. I congratulate and commend the Charnwood community health committee for their excellent work in this area and I wish it speedy success.

DR FOSKEY (Molonglo) (5.23): The ACT Greens thoroughly support this initiative of the Charnwood community to find a way to address its health needs. The Greens are absolutely committed to the model of community health centres with salaried doctors who bulk-bill and with allied health services available. This appears to be the model that the Charnwood people are seeking for themselves. It is particularly commendable that they are considering offering dental services because there is no doubt that for people on a very low income without adequate subsidised dental services teeth are the first casualty. Of course, teeth are just the start in relation to health.

One of the things that I would like to see—and I did not actually notice it in Ms Porter's motion—is a commitment by the government, when the community has finished its survey of health needs, to more than in-principle support of this initiative. That might mean help with the administrative structures of running such a centre and it might include help finding doctors. One of the biggest problems that we have, not only in Canberra, but also all around the country, is finding doctors who will commit to this kind of service in particular. This sort of service will require a particular kind of doctor, one who is able to work with the community, answering their needs. That will obviously require a broad range of skills among which would need to be people skills. So the Greens absolutely commend the Charnwood community health committee. We will support it in any way we can and we will certainly support it when it comes to asking the government for logistical or other support.

MS GALLAGHER (Molonglo—Minister for Education and Training, Minister for Children, Youth and Family Support, Minister for Women and Minister for Industrial Relations): (5.26): I rise to support Ms Porter's motion and congratulate the residents and local businesses of Charnwood on this fantastic example of community spirit and initiative. As a member for Molonglo I am not involved with the Charnwood community health committee but I have listened to the members for Ginninderra and it certainly sounds like a very vibrant and engaged community organisation that is growing there. It is lovely to see the sorts of bipartisan connections that are being made.

Society is strengthened and progressed when government, the private sector and communities work together. The Charnwood community health committee is an example of these processes working at a local level. The committee's work involved researching the primary health care needs of the Charnwood community and investigating community health care models that have been successful in other areas of Australia. The ACT government appreciates the committee's concern about access to primary health care services. In particular, the government has been concerned about GP shortages in the ACT and is working to increase the number of GPs operating in Canberra. The shortages in the ACT are being accentuated by the retirement of a number of established GPs and their inability to attract replacement doctors to take over their practices.

As a result of lobbying by the ACT government, the Australian government extended its outer metropolitan GP incentive scheme in the ACT to include the areas of Belconnen, Gungahlin, Hall, Weston Creek, Stromlo and Tuggeranong. The outer metropolitan GP incentive scheme assists ACT doctors to recruit overseas-trained doctors and doctors from metropolitan areas to fill vacancies in their practices that they have otherwise been unable to fill. In order to derive the maximum possible benefit from the expansion of this scheme, late in 2003 and in February 2004 a national advertising campaign was undertaken, in conjunction with the ACT Division of General Practice and the ACT branch of the AMA, to inform GPs of the availability of the incentive scheme. The campaign successfully raised GP awareness of work opportunities in Canberra and the ACT Division of General Practice has received increased numbers of inquiries from GPs in response to this campaign.

The Australian government has also agreed to support a model for improved after-hours primary health care services to complement the ACT government's funding support to the Canberra After-Hours Locum Medical Service. The service aims to enhance access to GPs in Canberra between the hours of 6pm and 6am. The ACT government has worked with local GPs to develop this model and continues to work towards implementation. The ACT government also shares the Charnwood community health committee's concerns about the rate of bulk-billing in Canberra. On this issue, it is pleasing to note that the Australian government has now included the ACT in the increased Medicare plus bulk-billing incentives announced last year. The government is happy to support this motion to note the work of the Charnwood community health committee and to congratulate its endeavours to enhance the Charnwood community's access to primary health care services.

Also, as minister for education, I would like to place on record how proud I am that Charnwood primary school has played a prominent role in this process. Like all schools, Charnwood primary realises that schools do much more than teach facts and figures. Schools take a holistic approach to the development of students as individuals and as members of society and play a vital role in building social cohesion, social responsibility and values. Schools are also uniquely positioned to assist children and young people, particularly those at risk, by linking families with each other and with services and support structures to improve the quality of their lives.

Charnwood primary school, as an active member of its local community, was well aware of the difficulties faced by families in accessing medical services. It is fantastic to see how the Charnwood primary staff, realising that the health and wellbeing of students and their families impact on students' ability to learn and develop as active members of their community, worked with the school board and P&C to investigate ways in which the school could assist the wider community. The Charnwood community health committee meets at the Charnwood primary school. The school continues to play an active and dedicated role in the committee, particularly through the involvement of the principal and the P&C president.

The school and the committee have also been supported by the schools as community program under the Office of Children, Youth, and Family Support. Schools as community is a fantastic program of the previous government, one that should be recognised. It is an excellent program. It recognises that we can improve social and

educational outcomes for children and young people by creating strong and effective working relationships between families, communities and their schools. I congratulate the Charnwood community health committee and the members for Ginninderra for being involved in this initiative and giving it that extra support. I also commend ACT schools, particularly Charnwood primary school, for the work they do every day to build strong, supportive relationships with their local communities.

MS PORTER (Ginninderra) (5.31), in reply: I thank members for their very positive contributions in support of the motion. One of the avenues the Charnwood community health centre is keen to pursue in its endeavour to have bulk-billing medical services available to the citizens of north-west Belconnen is the incorporation of nurse practitioners into such a facility. I did not mention that before, but I was reminded by Mr Stefaniak's mentioning that they were looking at a number of models.

Having spent 12 years in the Northern Territory in the sixties and seventies, working as a nurse in remote indigenous communities without recourse to a GP for many weeks, and even months, at a time, I am well aware that patients often present with fairly minor ailments and that these can be successfully treated by an experienced nursing sister. This government has recently released a discussion paper for public comment and consultation pertaining to nurse practitioners. I eagerly await the responses and look forward to the introduction and passing of legislation that will enable suitably qualified nurse practitioners to work in medical practices in support, perhaps, of GPs. I believe this will assist in reducing the delay in residents obtaining appointments to bulk-billing doctors. Such a medical service would also help to alleviate the pressure on the accident and emergency department of Calvary Hospital. As has previously been mentioned, a large number of people are forced to go there because of the lack of an alternative.

I believe that everything that has been said in this place this afternoon not only serves to highlight the concern that the Charnwood community health committee has for health services in the north-west of Belconnen, but also affirms the steps they have taken. I conclude my remarks by again congratulating the members of the Charnwood community health committee, in particular, the committee chair, Roger Nicoll, and the secretary, Michael Pilbrow, who have worked tirelessly to return appropriate medical services to Charnwood, Flynn, Fraser, Macgregor and Dunlop. I commend the motion to the Assembly and seek the support of all members.

Motion agreed to.

Canberra Hospital

MR SMYTH (Brindabella—Leader of the Opposition) (5.33): I move:

> That this Assembly:
>
> (1) notes:
>
> (a) the failure of The Canberra Hospital to attain full four year accreditation from the Australian Council on Healthcare Standards (ACHS);
>
> (b) this failure indicates that The Canberra Hospital did not meet at least one of the 19 mandatory ACHS criteria; and

(c) the ACT Government was aware of this failure in mid-2004 and concealed this information from the public; and

(2) calls on the Government to table the full ACHS report by close of business today.

Mr Speaker, I am moving this motion today because I believe it is vital that the Canberra community is fully informed about the state of their hospital system. As we know anecdotally, the Canberra Hospital is struggling. Just last week we had the case of a man who had broken his pelvis and who waited 22 hours to be admitted to the hospital, which is bad enough. But this was compounded by his having to wait five days before getting surgery. And if that was not enough, this man was in a bed in the neurosurgery ward, meaning that there were not enough beds available for that week's neurosurgical operations. As members are aware, the elective surgery waiting lists are climbing ever upward, and after the January holidays we can expect the waiting list to hit an all time high of over 5,000 Canberrans waiting for surgery.

Mr Speaker, this is not an attack on the nurses, the doctors, the allied health professionals and the clerical staff that run the hospital. This is about the health reforms put in place by this government that has seen a blow-out in waiting times, waiting lists; in the meeting of the various categories for patients to be seen in a timely manner; in bypass, a feature we never had before; in ambulances being used as hospital wards; in that amazing letter from the Australasian College for Emergency Medicine saying that they could not guarantee patients' safety; and now the debacle over the hospital not gaining the full four-year accreditation from the Australian Council on Healthcare Standards.

What we have not known is why they failed. And they have failed, because what they did not get was full accreditation. What the public were not told was why and what, indeed, the full accreditation had not been gained. Who knew? The government knew. When? Well, the government knew way back in May last year but did not see fit to inform the community. No doubt this was craven cowardice in an election year.

Mr Speaker, the Australian Council on Healthcare Standards, the ACHS, has been gradually introducing a new edition of its assessment tool known as EQuIP. Under the EQuIP rating tools, there are 43 criteria, 19 of which are mandatory. Criteria are assessed as low achievement, some achievement, moderate achievement, extensive achievement or outstanding achievement. And from 1 January this year the Australian Council of Healthcare Standards has stated that organisations will have to reach a minimum of moderate achievement against all 19 mandatory criteria to attain accreditation.

As part of the transitional arrangements, the Australian Council of Healthcare Standards announced in a press release—and I quote directly from them:

> In response to concerns expressed by some EQuIP members, the ACHS Board decided at their meeting in August 2002, to extend the period of phase-in for the nineteen mandatory criteria in EQuIP 3rd edition until the end of 2004. This means that all organisations will have the advantage of the phase-in period for their first survey in EQuIP 3rd edition as all organisations will have either an Organisation-Wide Survey or Periodic Review during 2003-2004.

> During this phase-in period, organisations will need to reach at least Some Achievement (SA) for all mandatory criteria to gain or maintain accreditation status, rather than the Moderate Achievement (MA). It is important to note however, that 'at risk' issues in any criterion, mandatory or non-mandatory, will be assessed for a high priority recommendation (HPR) using a risk rating approach. If deemed necessary a HPR will be given and the accreditation status will be either non-accreditation or two years with HPRs.

That is the important part: "If deemed necessary a HPR will be given and the accreditation status will either be non-accreditation or two years with HPRS." May I remind you that the Canberra Hospital only got two-year accreditation. Their press release goes on to say:

> As the ACHS Board considers that the achievement of the mandatory criteria is vital for quality and safe care, an SA rating will mean a limited accreditation status of two years. It is expected that the elements of MA—often those relating to data collection, evaluation and improvement of systems and processes—will be in place by 1 January 2005 when all mandatory criteria will need to be achieved at an MA rating to gain accreditation.

Mr Speaker, what did the Canberra Hospital achieve? We got zero; none of the criteria were found to be of some achievement; we got three criteria met with some extensive achievement; we got 28 of the criteria with moderate achievement, we got 11 with only some achievement; and we got one with low achievement. And that related to the poor performance of the management of staff. For the Canberra Hospital to have only attained a two-year accreditation, it has not met the transitional standards of the Australian Council of Healthcare Standards and we can be sure that had the assessment occurred after 1 January this year the Canberra Hospital would have lost its accreditation.

The minister has taken advantage of the technical nature of the ACHS accreditation to muddy the waters; he has been saying, "Yes, we've got two-year accreditation; we've got accreditation." But from that press release that I have read from the council itself, you can see that obviously what we have is limited accreditation; that is the status we have for two years.

In the transition period the Australian Council of Healthcare Standards offered three outcomes: full accreditation, which we did not get; non-accreditation, which we did not get; and limited accreditation for two years, which is the outcome for the Canberra Hospital. So despite anything the minister may choose to say, the Canberra Hospital has only got limited accreditation. The shame of that is that it used to have full accreditation.

The minister has made some interesting claims in relation to this issue. And it is a shame that he is off sick because it would be interesting to have him here today to actually explain why he has been shifting on his stories. On the morning we broke the story, he stated that the issues were to do with clinical governance. Mr Speaker, as a former health minister, you would know that "clinical" relates to patients and their care. So, on the morning the story broke, clearly the problems were in clinical issues. The next day the minister was saying that it was due to human resource management issues, which we know they got little achievement on—the lowest rating—but that is only one.

During this time the minister then selectively released information about the actual rating achieved by the Canberra Hospital. In typical fashion, the information released presented the best possible interpretation of an appalling outcome. And we all know that Mr Corbell is good at that. At last count there are some 11 of the mandatory criteria that the government has remained silent on.

Mr Speaker, if we had full accreditation, as the minister asserts, there would be no need to remain silent on 11 of the mandatory criteria and the minister, if the report was as glowing as he tries to paint it, would have released the report. But he has not. That is why the conclusion of this motion calls on the government to table the full Australian Council of Healthcare Standards report by the close of business today.

This is an issue too important and too serious for Mr Corbell to be allowed to sweep it under the carpet. It was interesting that the Chief Minister, when he took the questions, was a little more open to the concept of actually releasing the information. But as at today we are yet to see that information and as at today people of the ACT are still in the dark as to why their hospital only got limited accreditation. And this limited accreditation comes after three years of health reforms under the Stanhope Labor government—the reforms started under their first health minister, the Chief Minister himself—but he quickly realised that he could not solve the problems because his bureaucratic and administrative answers were not the answers that the people of Canberra deserved or the hospital needed.

He flick-passed it to Mr Corbell. Although Mr Corbell has made some fine statements and some grand statements about his priorities and the things he will achieve, the system has done nothing but deteriorate under Mr Corbell's time in office as the Minister for Health. Perhaps if he spent more attention or spent more time on health, as he does on planning, the health system might be better off.

But still we get to the point that this report was given to the government last year—probably in May. We know that in December they actually submitted their action plan. This is a plan to remediate the faults. So for all the gloss, for all the spin that Mr Corbell has put on this situation, we know two things: we did not get full accreditation and the government has been forced to submit an action plan on how they will rectify the flaws that exist in the Canberra Hospital so that they can maintain their accreditation and, hopefully, get full accreditation in the next period.

I think it is very important, when the major health facility of the territory is under a cloud, that we clear that cloud as quickly as possible so the people of the ACT can actually have some information about what their government is doing to fix the problem that their government created. This is the government that lost full accreditation of the Canberra Hospital through its health reforms and this is the government that is hiding the issues and the criteria from the people of the ACT. I think it is only with full and frank disclosure that we can monitor the government's progress in fixing the problem that they have created and that people can regain the confidence in their public hospital system that they should have.

It is interesting to note that another hospital, Calvary Healthcare, is accredited to 2007. So, depending on when their assessment was done, you have to assume they have got

a minimum of three years. I suspect it is four years; so they look like they got full accreditation. The John James Memorial Hospital, for instance, is accredited to 10 October 2008; so they would appear to also have managed to gain full accreditation, unlike the hospital system run by the Stanhope Labor government under the charge of health minister, Simon Corbell.

Mr Speaker, this is a very important motion and these are two very important pieces of information that the public should have access to. I think, if the government was sincere in their call that they always said they will be more honest, more open, more accountable, they will bring both of these reports in and table them by close of business today. We want both reports; we want the health council's report and we want particularly the government's action plan because so far every reform they have put in place, under both Mr Stanhope and Mr Corbell, has faltered. Indeed, it took the acting health minister last year, Mr Wood, to demand that the department do something, to demand that the head of health actually put in place a plan to address things like bed-lock, before we got any activity to suggest that the government was responding to their failure and the damage that they have done to the health system.

I commend this motion to the Assembly. It is very simple. If Mr Corbell is correct in that there is nothing to worry about, then there should be nothing to stop the government releasing this report, because clearly it would be a glowing report. But obviously there are flaws, because the government has been forced into the embarrassing situation of putting together an action plan for the remediation of the problems that they have caused in our No 1 public hospital, the Canberra Hospital, which used to have, under the previous Liberal government, full health accreditation. I commend the motion to the Assembly.

MS MacDONALD (Brindabella) (5.47): This motion is yet another example of the Leader of the Opposition's relentless attack on the ACT health system. It is an attack that is not founded on fact but on political expediency.

Mr Smyth: Table the report then.

MS MacDONALD: Mr Speaker, could you ask Mr Smyth to refrain, because I heard him in silence and I ask that he do the same for me.

MR SPEAKER: Mr Smyth, order, please!

MS MacDONALD: It is an attack that is eating away at the morale of the territory's nurses, doctors and health professionals. It is interesting, because Mr Smyth made a comment that this was not an attack on the nurses, the doctors or the health professionals Mr Smyth fails to understand that, by his continuous white-anting, he is undermining the morale of the health professionals working in the ACT health system. It is an attack that is undermining the community's confidence and trust in our hospitals and our health system in general. It is an attack that contains no constructive criticism, only negative hype; it is not checked for accuracy before it is unleashed.

Mr Speaker, I am happy to put an end to this conspiracy right now and inform members that I understand the Minister for Health will be releasing the Canberra Hospital accreditation report and action plan and will do so on his return to duty. The Canberra

Hospital was awarded full and unconditional accreditation for two years in September 2004. This result, two years full accreditation, is considered a good outcome for the Canberra Hospital, given the fact that the hospital was reporting against new mandatory criteria and operating in a new portfolio-wide corporate structure.

The Canberra Hospital achieved a rating of moderate achievement or better for 70 per cent of the 19 criteria, and 72 per cent overall. I want to emphasise that the report did not mention any areas of activity in the Canberra Hospital that required high-priority attention or that placed patients at risk. I think that bears repeating. There was nothing that required high-priority attention.

Mr Smyth: Table the report then.

MR SPEAKER: Mr Smyth, if you interject again, I'll have no alternative but to warn you.

MS MacDONALD: As I was saying, Mr Speaker, there was no high-priority attention required or anything that placed patients at risk.

Let us, for a moment, look at some of the facts about the ACT's health system. Only last month the report of government service provision was released. These are the facts: (1) Canberrans are healthier and live longer than other Australians. In 2000-2002, the average life expectancy at birth was 79.2 years for men, when the national average was 77.4 years; and 83.3 years for women, when the national average was 82.6 years. The infant mortality rate for the ACT in 2000-2002 was 3.5 per 1,000 live births, against a national average of 5.2 per 1,000 live births. The ACT foetal death rate and the neonatal death rate were also below the national average in 2002-2003. In the ACT in 2002, the mortality rate per 1,000 people was the lowest, with 5.9 deaths per 1,000, the national average being 6.7.

(2) In 2002-2003, the ACT had the lowest proportion of people hospitalised for vaccine preventable conditions—33.1 per 100,000 people; for potentially preventable acute conditions—788.8 per 100,000 people; and for potentially preventable chronic conditions—1,012.9 per 100,000 people. These were all well below the national averages of 77.9, 1,283.4 and 1,757.9, respectively.

(3) Fewer Canberrans commit suicide or suffer from high levels of psychological distress than other Australians. In 2002, the ACT had the lowest suicide rate in Australia, with 8.1 suicides per 100,000 people—still too high, of course, I believe. The national average is 11.8.

Mr Stefaniak: Why don't you table the report then?

MS MacDONALD: Please stop interjecting, Mr Stefaniak.

This rate has declined significantly since 2001, when it was 14 per 100,000 people, and is now lower than it was in 1993. The report notes that 9.2 per cent of Canberrans experienced high and very high levels of psychological distress in 2002. The national average was 12.3 per cent.

(4) Recurrent government expenditure on health per person has increased by 15 per cent since 2000-2001 to $2,270. Government expenditure on health per person reached its lowest point in 2000-2001 when, I believe, the Liberals were in government.

(5) In relation to our hospitals, the report found that the emergency departments of the ACT's hospitals are the most responsive in Australia. In 2002-2003, 74 per cent of all ACT emergency department patients were seen within triage category timeframes, significantly better than the national average of 65.9 per cent.

Mr Speaker, these are facts, not political hype; they are facts. The Leader of the Opposition has made numerous statements in the media and in this place that the Canberra Hospital has failed to get full accreditation. That is not true. ACHS says that during 2003-2004 organisations were required to achieve some achievement for all mandatory criteria. The Canberra Hospital was surveyed in May 2004. Of the 19 mandatory criteria, the hospital achieved two extensive achievements, 11 moderate achievements and six some achievements. The last six criteria were:

- an organisation-wide risk management policy ensures that safety is considered in all activities;
- information is readily available to consumers;
- consumer records are used to improve performance;
- there is a system that identifies and manages health and safety risks to employees, consumers and visitors;
- management of manual handling;
- management of hazardous substances.

Clearly, the Canberra Hospital does not fail to get full accreditation. In response to the ACHS report, the TCH management introduced a broad, quality-action plan to address all of the criteria that required improvement. This plan was forwarded to ACHS in December 2004. Work is well under way on implementing the action plan, and the achievements are already apparent. Actions to date include:

(1) Governance arrangements are being strengthened within TCH and within the new clinical streams. Preparatory work for the new governance structure has commenced.

(2) A medical staff council has been constituted and a chairperson appointed. A staff member has been tasked with the implementation and support of the new arrangements.

(3) The new executive director of nursing and midwifery has taken up her position within TCH and is progressing nursing-related initiatives, such as recruitment and retention and nurse practitioners at TCH.

(4) Clinical and administrative policies are being reviewed to reduce duplication and ensure that those requiring revision are updated appropriately.

(5) Workshops have been conducted to plan for the implementation of performance agreements within TCH. A draft framework will be available shortly. This initiative is on track, with the original timeframe for implementation with all executives and their direct

reports—end of June 2005—still achievable. Rollout to other staff will progress thereafter.

ACT Health is committed to a high-quality health service, and the TCH accreditation report will inform service improvement across the health portfolio. As an example of this, the ACT health risk management framework is a whole-of-service approach to risk identification and management. I understand a budget bid has gone to ACT Treasury for funding to enhance clinical audit within ACT Health, based on the TCH model.

Another example relates to workforce issues. ACT Health is addressing these issues, guided by *Working together, shaping our future with our people*, a strategic plan for building a sustainable workforce. I am pleased to see that the changes in progress will go a long way to meeting many of the recommendations in the report; so the hospital will score even better in the next survey. The improvements that TCH is making as a result of this accreditation exercise can only benefit both staff and the community in the provision of even better services. They will add to and supplement initiatives already introduced by this government to make this hospital one of the country's major trauma hospitals and centres of excellence.

One of the most important of these initiatives was the establishment of the ANU Medical School, which enrolled its first intake of students in February last year. Indeed, work on the medical school's new building at the TCH campus began this month. The ACT government has committed $14 million to funding new facilities at TCH and to enhance facilities at Calvary Hospital to ensure students and staff have access to high-class facilities.

We expect that the new medical school will eventually augment the current ACT medical workforce, as students attracted to the Canberra region elect to remain in the ACT to undertake additional medical training and studies. Mr Speaker, I seek a very short extension of time. *(Extension of time not granted.)*

DR FOSKEY (Molonglo) (5.57): I am sorry to cut you off, Ms MacDonald; it's just that there is going to be a guillotine at 6 o'clock.

It is important that the Canberra community has confidence in the Canberra Hospital's compliance with accreditation outcomes. Under EQuIP it would appear that there are three levels of recognition open under the ACHS. It would seem that a two-year accreditation, such as the one awarded to the Canberra Hospital rather than the unqualified four-year accreditation, indicates that the process has identified areas that need improvement and that corrective action in those areas is required within 12 months.

I do not think that we need to get anxious because the Canberra Hospital was only awarded two years accreditation at this stage, so soon after the introduction of the revised EQuIP standards, with mandatory criteria. Rather, we need to know what the precise areas for improvement are. I simply call on the government to release the report or at least an edited version of it so that health consumers and the general community can be aware of the performance of our hospital and the most urgent areas for quality improvement.

If the Greens held the balance of power, then I would look at amending the motion. However, I do not see any point in describing this result as a failure nor in saying that the government has concealed the information. I reiterate that I call on the government to release the report.

At 6 pm, in accordance with standing order 34, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting, and the motion for the adjournment of the Assembly was put.

Adjournment
Housing

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (6.00): Mr Speaker, yesterday in the adjournment debate Mrs Dunne raised some concerns about a Housing ACT client. She used these words "the monumental failing on the part of ACT Housing". She said:

> What followed can only be described as a comedy of errors—a monumental stuff up in relation to this.

She also went on to say:

> My constituent made a mistake because the family was eventually put on the category 1 housing list and offered a house in an area that was not very convenient for those who had to travel to look after the mother …

Then she said that there had been a continuing comedy of errors and talked about the family being taken off the housing list over an administrative stuff-up.

Mr Speaker, firstly let me categorically and absolutely reject that for the absolute, complete rot that it is. I wish, in fact, now to let the Assembly know something about this. It is clearly inappropriate to discuss the private details of any person or household in a public forum such as the Assembly. Mrs Dunne raised it. However, I am more than happy to brief Mrs Dunne privately on the specifics of this case and provide her with additional information, which appears not to have been provided by her constituent.

I also believe there are some general issues around this matter of which the Assembly needs to be aware. Mrs Dunne advised us that this family were sponsored migrants. In such circumstances, the sponsor is required to make certain undertakings in respect of the arrangements, not the least of which are commitments to provide accommodation and financial support for a period of two years. Accordingly, it is appropriate that public housing in any jurisdiction consider most carefully the necessity of providing support to sponsored migrants. In the ACT, Housing ACT has the capacity to consider exceptional circumstances such as the irrevocable breakdown of a sponsorship arrangement and to exercise discretion to permit access to early assistance.

Housing ACT can only act on information provided to it in accordance with the requirements of the Housing Assistance Act and subordinate programs. Where applicants

for housing assistance do not provide the necessary documentation or details of changes of circumstances, it is impossible for Housing ACT to respond appropriately.

They say that the house that they were offered to view was not in the right area, which was a bit inconvenient. In fact, the original offer was in Dunlop and they wished to be in Melba. We do things by district, not by suburb. People are well aware of that.

But I wanted actually to give a very quick chronology of events. The people were sponsored as migrants in July 2001 by a medical practitioner relative. The family went on the list, and in January 2004 there was an offer to view a property. The property was declined because one of the people said they were not able to live independently. Fine, no problem. A reassessment was done and the family were then approved for early allocation category 1, with an effective date of 17 November 2003.

During 2004 they were offered an opportunity to look at a property in Dunlop with wheelchair access. They refused it because it was not in Melba. In December 2004, Housing ACT received a fax from the family requesting that the application be changed. Housing ACT received a little later—on 19 January this year—a second fax from the family requesting that their original withdrawal application be withdrawn. On 28 January 2005 they then turned up to Housing ACT with a notice to vacate their private tenancy.

Housing ACT has bent over backwards for this particular family for all of this time and has processed it with the information that they have. I think they have done a sterling job. When they got this notice to evict, they were again interviewed; they were assisted with the application forms; the family was granted EAC 1, that is, early allocation category 1 status, with an effective date of 31 January 2005, which incidentally was only 2 weeks ago. In fact, the application has been reviewed and these applications have been backdated to November 2003—well over 12 months.

I do not see that any human could do more to assist this family who has been in some difficulty, but they have to understand that housing properties are not at the beck and call of people. We will do the best we can, and I am particularly proud of my officers and the work that they have done.

Canberra Hospital

MS MacDONALD (Brindabella) (6.04): I will just finish that speech that I was giving. There are a number of other measures the government has taken to improve our hospital and our healthcare system.

MR SPEAKER: It is coming back on again, you know.

MS MacDONALD: Yes, I know, but I would like to do it today, to get it over and done with, if that is all right, Mr Speaker, so it is not separated. There are a number of other measures the government has taken to improve our hospital and our healthcare system. We have redeveloped the emergency department at the Canberra Hospital to enhance patient flow; introduced rapid assessment and response teams at the TCH; established an eight-bed clinical decision unit and four multi-bay medical beds at Calvary Hospital; and allocated $11.368 million over four years to increase the number of beds in the intensive care unit at TCH.

At no time did the government attempt to conceal the findings of the accreditation survey from the public. It is in the public's interest to know about the quality and standards of health services provided in ACT health facilities. It is nonsense to say that the results of the survey were kept secret. An all-staff email was sent to all TCH staff on Friday, 14 May 2004, stating that TCH had received preliminary advice of a favourable result, following the accreditation survey by ACHS, and that the survey team had advised hospital management that they would be recommending to the council a two-year accreditation.

Staff were informed in September 2004 of the formal result of a survey, which was a two-year accreditation. Successful accreditation is not an opportunity for scare-mongering; it is an opportunity to congratulate the hospital staff who worked long and hard to achieve this result and an opportunity to identify further improvements towards future accreditation by the ACHS. To suggest that there was some attempt to cover up and that the ACT government thought that there was something to hide in relation to this really does not stand scrutiny in light of the willingness with which the hospital shared this information with its staff.

It may be in the interests of the opposition to continue to attack our hospitals and our health system. It is not in the interests of those dedicated health professionals working in the system or in the interests of the broader community. I suggest we spend less time on these unproductive debates and be allowed to get on with the business of building and improving our already top-class health system.

Mr Speaker, I did actually think that my 15 minutes speaking time had gone very fast. I conferred with the clerk. I am loath to actually ask for an extension of time, but there is a necessity to put our side of the argument forward. In actual fact there had been a mistake and I had been given 10 minutes, not 15 as I was entitled to. I just wanted to place that on the record to make sure that people are aware that I would have actually stuck to my time limits if I had have been given the correct amount of time.

MR SPEAKER: But you sat down.

Climate change

DR FOSKEY (Molonglo) (6.07): If ever there was a case for thinking globally and acting locally, climate change is it. There is general agreement that there is evidence that human-induced climate change is well under way. The IPCC has recently produced new, alarming evidence and recommends that we reduce our emissions by 60 per cent of 1998-1999 global levels by 2050.

In our region just at the moment, two cyclones, one of which is at the highest rating possible, are battering Samoa and the Cook Islands. Are these cyclones a result of climate change? We can't say. But whether they are or not, there is no doubt that the precautionary principle, which was generally accepted by the global community in 1992 at the Rio De Janeiro conference on environmental development, at least requires us to take "no-regret actions" as they are called. Given that our government has refused to ratify the Kyoto protocol—

Mr Hargreaves: The federal government.

DR FOSKEY: The federal government. Thank you for that. It is up to states and territories to act. Why the concern about setting mandatory targets? It is certainly true that the government has over the past years accepted mandatory water licensing and mandatory electricity market deregulation.

Mr Hargreaves: Mandatory sentencing?

DR FOSKEY: No, we have not taken that one on. Of course there were carrots offered with both of these. Also, many business bodies are actually begging the Australian government to sign the Kyoto protocol because it opens up a carbon market that they would like to get into.

The reason regulations and mandatory provisions are necessary, even for those who believe that market-led solutions are the answers, is to create the market that will provide the technologies and services and make it easier for us to adopt energy efficient standards. If Canberra joins Queanbeyan when it adopts BASIX, we will at least triple the number of homeowners and developers requiring those services and technologies. As a region, we have the critical mass required for these cutting-edge industries. And there is no doubt that the ACT needs to enter a technical employment area and to reduce our reliance on land sales and development.

The trouble with climate change, Mr Speaker, is that we will not see the impacts of today's actions for decades. Our children, who will have to live with its effects, will have their ability to enjoy this wonderful planet denied them. They won't thank this government for caring more about setting up a dragway than for setting safeguards on their children's quality of life.

The Greens are doing all we can to work with the ACT government to ensure that we play our part. The government now has three years and eight months to meet the Assembly's target of reducing greenhouse gas emissions to 1990 levels by 2008. Instead of a cost, we are going to have to learn to look at this as an opportunity. The government is likely to find that the community supports the leadership it can take on this matter, if the government decides to tell them that it is taking it for the sake of our children.

Kippax shops

MR STEFANIAK (Ginninderra) (6.11): Mr Speaker, recently I have been contacted by a number of constituents and, indeed, business owners in Hardwick Crescent, Holt, the Kippax shops area. Members might be aware—and this is a problem for Mr Hargreaves—that a lot of elderly people live in the APUs and facilities around the shopping centre. There are some pedestrian crossings there. There has been a problem from time to time basically with people hooning around and speeding. It causes quite a lot of concern for the elderly people, especially at the aged units there.

I have been told—and I think it is true—that there actually have been some very serious accidents involving pedestrians, even on the pedestrian crossings. I am not sure of that, minister. One of my constituents actually said she understood that in the last five years

there'd been a death there. Again, I cannot comment on that one. At any rate, there is certainly great concern in relation to people speeding. In recent weeks, the time has been narrowed down—Monday to Friday between about 3.30 and 5pm and, again, generally during the daytime on weekends; but specifically Monday to Friday. Some of the residents think it might even be someone out of school in motorcars hooning around or just generally people causing problems particularly for pedestrians at that time.

I raise that for the record and I would certainly appreciate it if your office could look into that, take the appropriate steps, perhaps have some police there. I do not know whether Hardwick Crescent actually comes under the speed-camera van regime.

Mr Hargreaves: No.

MR STEFANIAK: It is a pity in a way, because that often is very effective. Anyway, I raise that problem and I'd certainly be grateful for any action you and your relevant officers could take—especially perhaps a police blitz for a few weeks often has the desired effect, as used by various predecessors of yours quite significantly and with a lot of effect. I commend that to you. It certainly would allay some of the concerns my constituents have.

Youth centre grants

MS PORTER (Ginninderra) (6.14): I would like to draw the attention of the Assembly to the ACT Youth InterACT grants. The applications are being called for and are about to close on 25 February. This is the third round of this very successful grant program giving ACT young people the opportunity to apply for funds for events and programs that benefit young people themselves.

The grant applications are assessed by a group of young people. An important aspect of these grants is the way the young people are involved in the decision-making and in the implementation of these programs. I think that this is another example of people doing things for themselves and joining together. Particularly, I think it is very encouraging for young people to be able to do this thing because it builds leadership skills for the young people.

The closing date for applications, as I said, is 25 February, and successful applications will be announced during Youth Week, which is in April. So I think it is very important that we get the message out that these grants are available and that people put in applications before 25 February.

Chief Minister

MR SESELJA (Molonglo) (6.15): Yesterday, the Chief Minister tried to offer me a lesson in financial affairs. Mr Stanhope said something along the lines of "revenue comes in and expenditure goes out". That's about all I remember, but it was certainly very enlightening for me, and I am very grateful to the Chief Minister for the lesson because I would have always thought it was the other way around!

People commented to me that before yesterday they had no idea that the Chief Minister had such a strong grasp of matters financial. It is clear what the Chief Minister is trying

to do. He is seeking to bully the newcomer—and I am aware of that; I understand that. This is what goes on in politics. I can understand it. Bullying is often a result of the bully's own feelings of inadequacy, and I am sure that the Chief Minister would not have liked me having to explain in the last sitting of parliament the differences between sub judice, on the one hand, and contempt, on the other. In fact, in my very first question in the chamber, the Chief Minister sought to hide behind the sub judice rule but was overruled.

I refer the house to page 41 of *Hansard*, 8 December 2004, when Mr Stanhope claimed that Mr Smyth had breached the sub judice rule on radio. Of course, sub judice only exists in parliament; so just a quick lesson for the Attorney-General—an easy way to remember: sub judice, in the chamber; contempt, outside the chamber. It is a pretty simple rule. Maybe he can remember it from here on in.

I guess we have heard the saying, "People in glass houses shouldn't throw stones." Others would say, "People with glass jaws shouldn't throw stones." When you do not know the basic legal principles, such as the meaning of sub judice, when you say in this house things like, "All public housing tenants can buy their own property," it is a bit rich to be lecturing others. And you certainly do not do it with much credibility.

But let it not be said that I am not open to learning. I just wanted to reflect on what I might be able to learn from this government. There is, of course, how not to make a decision with a dam; how to preside over a failing health system; how to preside over a planning system labelled by union officials as the worst in the country; how to preside over a child protection system where the law is not complied with.

We saw an amazing display today, an amazing example, in the house today of ministers not answering questions, ministers refusing to answer simple questions. And if that's going to be the way the government does this, then certainly we will learn a lot, I am sure. I will just say this to the Chief Minister, "Your bluster and obfuscation and the bluster of your ministry will not deter me, nor my colleagues, from pursuing the government in this place, from keeping them accountable in the way that the people of the ACT would expect."

Action bus service—school routes

MR MULCAHY (Molonglo) (6.18): Mr Speaker, I wish to raise a matter that relates to representations from parents of students at Radford College who are resident within Tuggeranong, Woden and Weston Creek. It concerns the issue of transport to and from their school, and I thought it appropriate to draw it to the attention of the Assembly and the minister in the hope that we might be able to get an early resolution.

I am informed by a group of parents who have taken this matter to me that, on Tuesday of this week, the issue of overcrowding on their buses hit a crisis point. A number of students could not get on buses at all because of inadequate services provided from the Woden interchange. Radford parents in the Weston Creek and Tuggeranong areas in particular appreciate that scheduling is not an easy task, but I think we are aware this is not a new problem.

For some time a large number of the parents who send their children to Radford from this area have been requesting a direct bus service from somewhere such as Cooleman Court to Radford. If this bus were to link with the service from Tuggeranong, that also would solve much of the problem being faced by parents. It is suggested this would have the added advantage of taking pressure off services at both the Civic and Woden interchanges.

Radford College itself has made a number of direct approaches to ACTION without any result. The matter was raised on 666 ABC radio talkback with the Chief Minister prior to the election last year and there was an undertaking that the matter would be examined, but in fact nothing has materialised. Recent events have resulted in southside and Radford parents grouping together to try to get a better outcome on this issue to ensure their children are not forced off buses and do not have to travel in overcrowded or unsafe buses.

Parents are seeking an explanation from ACTION as to why their children are not getting access to ACTION services, travelling on overcrowded buses and, given the distances involved, having to spend up to two hours on buses when the journey for a large number of Radford students from the Weston Creek area could have been made in less than 30 minutes if there was a more direct service.

From my inquiries, I understand that up to 30 students have had to be denied transport through the school bus service. I understand the school has instructed the senior students to make way for those who are younger and who are less confident in travelling on the normal public services, but I do not think the situation is satisfactory and I would hope that the government might look at that or ask ACTION to review the situation as a matter or urgency so that people are not put in the situation of relying on the general commuter services and arriving quite late at school, as is happening at the moment.

The issue resonated with me because I am also aware of a comparable issue in relation to the schools of Sts Peter and Paul and Garran primary where a service has also been terminated in the morning. It was serving students from Garran, Isaacs, Farrer, Mawson and O'Malley. Once again, a school service has gone and I believe that parents are being advised that they best take commuter transport down to the Woden interchange. I do not think that situation is entirely satisfactory and it would be helpful if that could be examined.

Woden interchange, I might add as a footnote, is an area of concern. I know it has been for a long time. I heard discussion long before I was elected. It needs attention as an area. I went through there a few Saturdays ago with my 12-year-old. She was a few paces away from me and was bothered and hassled for money by people who are in that area. It is right on the doorstep of Woden police station.

I do not think members of either side ought to accept that that situation should prevail. I am not sure who is responsible—whether it is Woden Plaza management, who were most enthusiastic in the election, throwing candidates from all political parties who are in the region out of their centres and away from their centres. I think they could make a contribution to attending to that area. If it is outside of their title, then I think the authorities need to ensure that people can move through Woden interchange, particularly

younger people who may be less confident, without being subjected to those sorts of demands from people who are pressuring them to hand over money. I would hope the government would give serious regard to those representations.

Housing

MRS DUNNE (Ginninderra) (6.22): Mr Speaker, I come into the chamber to respond to Mr Hargreaves's little brain snap previously about the matter that I raised yesterday and I will make three points. My constituent has acknowledged—and I acknowledged in this place yesterday—that they made a mistake when not accepting the first house allocation that they were given. But they did not accept it because they were told that if they did not accept it they may obtain a more favourable one in the future. My constituent said to me earlier this week, "It was the worst mistake I have made." Probably a number of the other mistakes he has made were due to actually following the advice that has been given by Housing who have advised them on a number of occasions to change the method by which they applied for housing.

On the specific question, Mr Speaker, of documentation not being provided, I will actually tell you what was not provided. The department insisted that my constituent had never provided evidence of the birth of the young child that I spoke of yesterday. In a meeting at Housing in Belconnen my constituent and his brother insisted that Housing officials go through the file because they said, "You've never provided the birth certificates; never happened; you're very remiss in this." They insisted that Housing go through the file on that occasion. And what did they find in the file? The birth certificate, at about the time that they said that they had provided the birth certificate which, from memory, was September 2002.

The other matter of information that was supposedly outstanding according to the department of housing was information of income. My constituent's sister-in-law had attempted to operate a business, which had been unsuccessful, and they provided the information that was set out on the Housing website as appropriate information to indicate their income, which was a tax return, et cetera, because it was a small business.

The Housing official said, seemingly unknowing of what was on their website, that this was not suitable. They needed a set of certified accounts from a certified accountant when this was a business that had failed and these people were on welfare. They do not have the means to access a certified accountant. My constituent raised this with them, pointed out that what was required as set out on their web page was what was provided, but that was not enough for the Housing people.

I understand that some action has happened this week. I hope it has not happened just because I have started to get my dander up and started to talk to people about this issue. What has happened with this family has been a litany of errors. Some of it may result from the fact that, whilst being quite well-educated people who have quite a good command of English, their accents are not great. These people are Chinese and migrated to Australia from the People's Republic of China. Sometimes their English is not really easy to understand and perhaps they are not getting the message as clearly as they should.

I am not saying the treatment of these people is malicious; I am just saying it is a comedy of errors—it is tragedy of errors—which needs to be addressed and should never be repeated in this territory.

Aboriginal tent embassy

MRS BURKE (Molonglo) (6.27): I just refer to an article that was in the *Canberra Times* today, a discussion over the future of the tent embassy. It is very pleasing to see that new federal territories minister, Jim Lloyd, is about to begin a two-month consultation process. I also note that Senator Humphries is calling for all Canberrans to tell him what they think ought to happen with the embassy as well.

It is interesting to note the Chief Minister's comments that he is indeed supporting Senator Humphries's call for comments, but I am bemused by the next bit. He has accused the senator of push-polling that would lead to a distorted outcome. That is quite interesting, I think, given that the Chief Minister has now positioned himself somewhere in the middle. He is quite happy to continue to play wedge politics. It is very much like the issue with Pierces Creek; it is quite a parallel and you can see what is happening here. The Chief Minister is using the NCA and the commonwealth government as some way out for him to not go ahead and do what he knows he has been able to do for nearly two years now.

So I think it is quite disappointing that the Chief Minster, in some twisted way, does not want to see an outcome because he is able to use this. I want to know when the Chief Minister is going to actually meet with—

Mr Hargreaves: You guys have got Iron Bar.

MRS BURKE: Are you going to help him, Mr Hargreaves? You two seem to have a great double-act there.

Mr Hargreaves: We've got a better record than you have. Where were you when the fence went up?

MRS BURKE: You go and talk to the territories minister and minister for indigenous affairs.

Mr Hargreaves: You were hiding behind a bush, that's where you were. I took your mate Wilson on and he threatened me with jail Where were you? Defending the indigenous people? You were nowhere to be seen.

MRS BURKE: You can do that, Mr Hargreaves; you can go and do that. It's nearly teatime.

MR SPEAKER: Mr Hargreaves, order, please!

MRS BURKE: When is the Chief Minister going to meet with the territories minister to discuss his plans and ideas? I would like to know what the Chief Minister's plans and ideas are. Sooner or later he is going to have to stand up in this place and tell us. We

have got a plan. The Liberal opposition has a plan—a well-documented plan that has been presented to and talked about with Aboriginal elders, Mr Hargreaves. What have you done? Not a lot. We haven't heard. We have heard a lot of wedge politicking, sliding in there, to divide and conquer but we do not see anything that supports the dignity and decency of the majority of Aboriginal people in this country.

I drove around the tent embassy site and I was absolutely ashamed. I then heard Matilda House talking about it. How shameful is it, as a national capital, that we have that to represent the true, first owners of this land. We all stand up in this place and acknowledge that they were the first people on this land and so on and so forth. That to me is giving cheap lip-service. We need action; we need to see something happen down there. It is about time that the Chief Minister started to work with other people.

I think Ms Gallagher talked today about good cooperation with the Charnwood community. That is fantastic, excellent, Ms Porter.

MR SPEAKER: Order! The time allotted for the debate has expired.

The Assembly adjourned at 6.30 pm.