Debates

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Tuesday, 21 November 2006

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MR SPEAKER (Mr Berry) took the chair at 10.30 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Legal Affairs—Standing Committee
Scrutiny report 35

MR SESELJA: I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 35, dated 20 November 2006, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MR SESELJA: Scrutiny report 35 contains the committee's comments on one bill, 24 pieces of subordinate legislation and three government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Powers of Attorney Bill 2006

Debate resumed from 21 September 2006, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (10.31): I note we are not debating this bill cognately with another bill. That is fine. The opposition will be supporting this bill. We will have one amendment.

The genesis of the Powers of Attorney Bill was an inquiry back in 2001 into elder abuse in the 2001 Assembly—before the previous government. As a result of that, some recommendations were made to address the abuse of older people's power of attorney.

Those recommendations were the impetus for a review which the current government commenced. An issues paper for that review was released in March 2004. The bill is the outcome of that review of substituted decision making in the ACT.

It was considered that these recommendations could be addressed by reviewing the entire scheme of powers of attorney. The review covered directives a person could give in advance about the type of medical treatment that may or may not be given during the time a person would not have decision-making capacity—ie, advanced health directives.

Advanced health directives, I understand, will be considered for later legislation after further consultation. That is certainly something we will be watching very carefully.

There are a number of issues in this bill, which concern the opposition; hence the amendment we will be putting forward.

The Powers of Attorney Bill proposes to revise and update the powers of attorney regime in the ACT and also to bring it into line with developments in that area in Queensland, New South Wales and Victoria. It is good to see the government bringing us into line with other states. They do it when it suits them. Of course, in other areas where it does not suit them—such things like the anti-terrorist legislation—they will not. As a general rule, I think it is very sensible to have uniform legislation in areas such as this.

We do not live in the 19th century. We are not six independent colonies anymore. Certainly in most areas of the law I think it is very important that we have uniform legislation. Obviously, there may be the need from time to time for local differences to be recognised. But with things like this—powers of attorney—which are so crucially important, I think it is important that we have uniform legislation.

The bill covers both general and enduring powers of attorney. Turning first to general power of attorney, for example, if someone has to go overseas and leave behind family here—they have property and interests here that need attending to while they are away—it is a fairly common practice to appoint either a relative or good friend to look after your affairs when you cannot. In this instance, it is simply because you are unable to because you are away. Conversely, I suppose, if someone is perhaps seeking medical treatment and will have to be out of action but is obviously going to recover, again, a general power of attorney might be appropriate.

An enduring power of attorney is the same as a general power of attorney except that an enduring power of attorney continues on when someone becomes mentally incapacitated and is unable to exercise their affairs. Sadly, I had to take out one of those on my own mother about 18 months before she died. She was still compos mentis then, but clearly was starting to have a few problems. I had an enduring power of attorney in relation to her estate. That is also something that is quite common.

Notable features of the bill are that it provides safeguards for making a power of attorney; it has explicit provisions for dealing with multiple attorneys; ending of a power of attorney; and obligations of attorneys. It provides for the power of the guardianship tribunal to deal with matters arising in relation to an enduring power of attorney where the principal has become a person with impaired decision-making capacity.

It includes general principles. It enshrines the right of an incapacitated principal. It obliges the attorney to comply with them to the maximum extent possible. It clarifies the meaning of "decision-making capacity", "impaired decision-making capacity" and things that do not indicate impaired decision-making capacity. It provides for the power of the Supreme Court to confirm a power of attorney. It is a pretty thorough rewrite. Looking at the bill generally, it seems to be an improvement on what we had before. With our ageing population, I think probably more and more we have the need for enduring powers of attorney.

There are a number of issues that I will address now. They tend to specifically revolve around such things as the health directive. Accordingly, the opposition will be moving an amendment in relation to that. Other concerns some of my members have—and I think

Mrs Dunne will be speaking to this—relate to the area of possible abortion. We have some concerns specifically about items 12 to 17 of the bill in relation to that. I thank the government officers for their very prompt assistance and for their explanation of this bill. In respect of those concerns, it is probably opportune for me to read out that particular area of the bill.

In relation to items 12 to 15 of the Powers of Attorney Bill, section 70 of the Guardianship and Management of Property Act 1991 entrusts the guardianship tribunal with the decision-making power in relation to prescribed medical procedures for an incapacitated person. Abortion is a prescribed medical procedure.

You will also see the definition of "prescribed medical procedure" in the act. Section 70 operates once the tribunal makes a declaration under section 69 (2). The policy behind these provisions is that, in relation to an incapacitated person undergoing an abortion, the decision making should rest with the tribunal and not with anyone else.

Section 37 (1) (c) of the Powers of Attorney Bill strengthens this policy by clarifying its application in the context of an attorney's exercise of power. That is, an attorney cannot exercise that power even if the principal authorises it under the enduring power of attorney. Allowing an attorney to exercise such power would involve a risk of possible abuse of a principal. If the attorney wants to terminate the pregnancy of an incapacitated principal, the attorney would need to apply to the tribunal.

In relation to items 16 and 17, the general principles in schedule 1 of the bill are for an attorney of an incapacitated principal to comply with. A child cannot be a principal. Hence the need for the principals to include recognition of an unborn child does not arise. The right to life is also not suitable for inclusion. An attorney could consent to withhold or withdraw medical treatment to the principal only if the enduring power of attorney authorises it.

In addition, in exercising that power, the attorney has to comply with the requirements of section 46 of the bill. Section 85 obliges a doctor to refuse to withhold or withdraw medical treatment to a principal where the doctor thinks it is not in the best interests of the principal. These provisions mean that there is no need for an explicit right to life to be provided in schedule 1.

Principle 1.11 is that a decision about the health care of a principal should be, in a way, least restrictive of the individual's rights and freedom of action. This principle does not prejudice the right to life the principal has.

I thank the officials for that explanation. This is a difficult area of law. You are dealing with people who are unable, ultimately, to exercise their will. They are entrusting that to someone. It is crucially important that there are as many safeguards as possible to stop elder abuse, which we see all too often.

There are still problems, might I say, in relation to people who, while they are still probably compos mentis, are conned into putting things into their will that they probably would not. I have seen situations like that in my travels as well. This is a very difficult area. The principal, as much as they possibly can, should be able to exercise control over their own life but, sadly, at times that is not possible.

I think it is important to put as many safeguards as possible in relation to the medical provisions and certainly those vexed questions of whether someone lives or does not live and the ethical problems of whether treatment is given or not given. I think it is important to recognise the law in the territory there and to make it crystal clear—because I do not think it is at present—that in no way can this bill assist in euthanasia. That is against the law. Indeed, that is now even in the powers of the Legislative Assembly in the self-government act of 1998 and hence the amendment I will be moving. I will speak more about that later.

This is a difficult area of law. Whilst there are still a few problems generally, I think the thrust of the bill is quite acceptable. It covers the issues. The way the tribunal operates too I think is a good thing. In most aspects I think there are some very big positives in this bill. I have highlighted some of those areas of concern.

This is something the opposition have been watching very carefully to ensure that abuses are not made. I appreciate that that is hard. It is always hard to completely stamp anything out, but we should try as best we can. We will be continuing to monitor how this bill operates in practice. The opposition will be supporting it and will be moving the amendment I mentioned.

DR FOSKEY (Molonglo) (10.42): To a large extent, this bill is a welcome development in the consolidation and codification of substitute decision-making laws. But, as is increasingly the case as this government settles into its majority in the Assembly, the process of consultation which was undertaken in preparing this bill was deficient in a number of ways.

Yes; agreed that there was a good round of public consultation around 2002—I am not quite sure of the date, but early this century—in which community groups were engaged, forums were organised and views were actively sought from a wide range of stakeholders. That was good decision making in action, but then something went wrong.

The need for this bill arose after an inquiry into elder abuse identified the need to make changes for the powers of attorney regime. Elder abuse did not go away. Between 2001 and today we have heard regular stories about horrible examples of elder abuse involving breach of trust. Why did it take five years to come up with a legislative response? The anti-terror laws were rushed into existence in a number of months, even though we did not read regular stories about terrorist acts. We have not used those laws since.

The point is that these laws are well overdue. Given the gravity of the subject matter, I cannot accept that any excuse is valid. There may be reasons, such as resource constraints or competing priorities, but they are not excuses. Our old people deserve better than being effectively ignored for five years before laws are enacted to better protect them from abuse.

In the Attorney-General's presentation speech he said:

> People should have confidence in the law to protect their rights when they give powers to someone else to make decisions for them …

But on a close reading of these laws, that statement does not quite ring true. There is very little proactive policing or oversight of powers of attorney. There is not even an obligation to register these documents. In the case of enduring powers of attorney, I think that is an oversight. It is one I will return to later.

The capacity for fraud is still very large. There has not been much of a shift from the previous situation where a person has to have confidence not in the law but in the person to whom they grant a power of attorney over their affairs. The crucial decision is still the one that is made by the person in the first instance—the choice of power of attorney and negotiations on a mutual understanding of what both parties see that role to involve.

It could be that this is unavoidable. People who take on the responsibility of powers of attorney generally do so for altruistic reasons. They are generally not legally trained. They are generally not intent on perpetrating fraud or abuse of their principal. We do not want to make it too difficult or onerous for people to come forward and volunteer to care for their loved ones or to look after those who they recognise need help to organise their affairs in a world that has little patience with people who no longer want to ride in the fast lane at best or, at worst, are in need of full-time care.

Of course, powers of attorney, especially enduring powers of attorney, not only apply to the elderly. Another category of users are people who endure mental illness, either permanently or recurrently. There are numerous ongoing cases where people in these situations find themselves classified as lacking decision-making capacity, even though they have either regained or never lost that capacity in the first place. They are then left with lengthy, hurtful and costly legal processes to regain control of their own affairs. It cannot be easy to fight a costly legal battle when someone else has legal control of your finances. ADACAS has made me aware of two such cases in the last three months alone.

This bill contains some welcome guidelines on when a person does and does not possess legal capacity. It also contains a presumption of capacity, which is also very welcome. In the minister's presentation speech he also said:

> The issues paper examined issues related to powers of attorney and advanced health directives. The Powers of Attorney Bill implements the outcome of the review.

This bill does not really address the issue of advanced health directives at all. I think there is ample evidence that an overwhelming number of elderly people do not want to die hooked up to life-support machines, in chronic pain or doped to the eyeballs and unable to recognise or respond to their loved ones. This bill does not directly give them the right to direct medical specialists to let them die with dignity.

However, it could be that this bill goes some way towards addressing that issue. An enduring power of attorney that contains an express condition that the attorney is empowered and directed to resist intrusive medical life-support procedures may be able to be wielded by a diligent attorney to give effect to the principal's wishes.

It is usually the case that, once an elderly person has slipped into a condition where intrusive medical life support is applied, they no longer have the capacity to resist it. This is a very real fear for many elderly people. I urge the government to bring the

development of a legislative remedy onto the front burner and not to let it languish in the too hard basket for another five years. We have to realise that there is also the issue of life-threatening neglect for many elderly people.

As I was saying, at least an attorney with a well-drafted power of attorney document will be able to argue with the medical specialists on the principal's behalf. Presumably one of the first legal cases involving the new legislation will involve an attorney trying to give effect to their principal's wish to die with dignity.

Perhaps provisions giving power to the attorney over medical procedures which are not expressly excluded by the bill should be beefed up. Alternatively or additionally, the Attorney-General could use his fiat to intervene in the case and argue on behalf of the attorney's power to give effect to the principal's advanced health directives.

In his presentation speech the minister also said that safeguards have been included to ensure a more rigorous assessment of the principal's capacity to understand the nature and effect of making a power of attorney. Combined with the stiff penalties for dishonestly inducing the making of a power of attorney, these measures are welcome. However, they still rely largely on the goodwill and capacity of the attorney and the witnesses.

The capacity to apply to the Supreme Court for guidance as to the scope of an attorney's powers is useful, but just lodging a Supreme Court action costs several hundred dollars. When you add legal fees to that, I doubt that these provisions will be utilised by many people who are merely seeking clarification of their powers.

The people assessing the principal's decision-making capacity will usually be the witnesses to the original documents. They will usually lack medical expertise. They could understandably be loath to question the principal's decision-making capacity to their face. Nonetheless, without ramping up the mandatory legal and medical procedures and expenses, this may be a very good compromise solution.

I note that some other jurisdictions have gone the extra step of requiring qualified medical and/or legal advice. I agree that this is possibly too onerous a requirement, but I urge the government to keep a watch over developments in those jurisdictions to see how the more tightly regulated regime works in practice.

The principles in schedule 1 of the bill are a welcome addition to the regime. I hope the forms that are developed will draw potential attorneys' attention to these matters. I do not share the Attorney-General's belief that this bill will address abuse of older people's powers of attorney. It will go some way to addressing them but, without a much more tightly regulated regime, it is inevitable that abuse will occur. This bill does not really make it easier for attorneys to understand and comply with their obligations. That will hopefully come in the form that the forms take. Of course, that is not before us today.

I note that this bill was developed following substantial consultation with and work by the community sector. I was surprised, then, to discover that at least one of the government's key partners in this project was not aware that the bill had been introduced into the Assembly and that others were surprised it was coming on so soon.

While I am pleased with the role the ACT Greens continue to play in working consultatively with this sector, I cannot understand why the government does not, as a matter of course, advise affected agencies when legislation they have contributed to is tabled. An email with a link to the legislation register sent to all interested parties would do that job for them.

Unless informed stakeholders get to see and comment on a draft of the final document, the value of their input is seriously compromised. Given that there is a government amendment here today and a number of issues that we recognise in this bill itself, it would have made a lot of sense to have had a draft tabled before we had the final legislation.

I appreciate that the work of ACT public servants is becoming more pressured. I want to thank very much the two officers who came and talked with my staff yesterday. They could not have been more helpful. I appreciate that the government makes that service available to me as a crossbencher and, no doubt, to the opposition. Again, we need that draft and we need that time.

One of the key issues raised by the Council on the Ageing—COTA—right from the early days is ease of operation. This bill, in seeking to deal comprehensively with the many issues surrounding powers of attorney, is in itself complex.

The forms and public information will be the interface for most people with these laws. It is essential that they are in a form that makes this legislation clear and accessible to lay people. I have been advised that COTA had hoped such materials would have been provided with this bill, but that has not happened.

I am aware that officers of the department believe they have a good understanding of what the forms and explanatory material need to contain. I urge the minister and the department to make a commitment to develop the education, the program and the relevant forms in real consultation with the relevant stakeholder groups.

In discussion with staff at ADACAS—the peak advocacy body for aged people, those with a disability and mental illness—a number of specific concerns were raised which, as they have not been addressed in legislation, need to be considered at the next stage. They include the specific need for people seeking to issue powers of attorney to understand that, while an enduring power of attorney is answerable to the Public Trustee, a general power of attorney is not. Depending on your situation, you may well want to give someone a general power of attorney while you have the capacity, which would then translate into an enduring power of attorney when and if that capacity was lost.

There is nothing in the legislation which makes it clear that someone you give a general power to act on your behalf dealing with bank accounts and so on has to consult with you and provide transparent accounts of what they have been doing. While there is a common law fiduciary duty to properly account to a principal, I think the content of this duty should have been fleshed out in this legislation. Given that it has not at this stage, I can only say that it ought to be made clear in public information and on the relevant forms.

There are many other points of complexity. For example, while family members, identified carers and the public advocate have access to the principal where an enduring power of attorney is in place, there is no such access for community-based advocacy services who have staff that could very often be of the most help in difficult situations. I understand that, if such a service holds legitimate concerns and the attorney seeks to bar access to the principal, the service could approach the public advocate and seek an access order. Again, that information needs to be made clear to all parties at the front end when the powers are established.

Similarly, one of the fairly simple protections in this bill is that someone being given power of attorney needs to be nominated and witnessed by three people. There are some specifications as to who they might be. While the legislation is silent on the issue, commonsense dictates that the form will need to require not just a signature but also the name and address, at the very least, of those people.

I would like to put on the record a plea that the government work closely with the relevant government and community agencies in the development of the associated forms and to consider making them disallowable instruments, in recognition of their centrality to the effectiveness of this legislation.

I note there have been two amendments circulated while I have been standing here making this speech. Again, while I appreciate that they may improve the quality of this legislation, it would be very helpful to have them a little bit before we vote on it in the Assembly and not at the very time we are considering these complex matters. Nonetheless, I will be supporting this legislation with all the caveats I have just presented.

MRS DUNNE (Ginninderra) (10.57): These two bills—the Powers of Attorney Bill and the one that accompanies it, the Medical Treatment (Health Directions) Bill—are significant pieces of legislation. I share some of the concerns expressed by Dr Foskey about, first of all, the speed they took to get into the Assembly, which was fairly snail-like, and, once they were in the Assembly, the fact that they have been dealt with rather quickly. Sometimes I and my office would have preferred to have more time. It is not an area which is in our usual bailiwick. Because of the huge implications it has for all of my constituents, it is one that we have taken a particular interest in.

I am pleased that Mr Stefaniak proposes to move on behalf of the opposition a couple of amendments that draw connections between these pieces of legislation and some of the prohibitions that rest in the self-government act. My colleagues and I are concerned about the slight possibility that some of the powers that are instituted in the Powers of Attorney Bill and in the health directions provisions—

MR SPEAKER: You should confine your remarks to the Powers of Attorney Bill.

MRS DUNNE: I will probably be saying the same things on the health directions bill. My colleagues and I are concerned that these create the possibility, possibly inadvertently, that decisions may be made that would impinge upon the prohibition against euthanasia in the self-government act. Mr Stefaniak has drafted and circulated an amendment to highlight the prohibitions under which we stand in the ACT in relation to this, and to reinforce it in this very important piece of legislation.

Other issues that arise in the Powers of Attorney Bill, which Mr Stefaniak touched on, are in relation to sections 35, 36 and 37. These mean that, by a circuitous definitional structure, it is possible that a bill allows for an attorney to authorise an abortion for or sterilisation of a principal with impaired decision-making powers if such a determination forms part of health care without which an organic malfunction or disease of the principal is likely to cause serious or irreversible damage to the principal's physical health. These are fairly thorny issues that arise almost inevitably when there is a discussion about sterilisation and termination. I am concerned that this may not be an appropriate standard of evidence for a grave decision. This is the case with all legislation in the ACT.

There is no-one in this decision-making process to take the part of the unborn child. In fact, the advice provided by the officials says that there is no need to include principals in the right to life because the need does not arise; that no power of attorney is exercised over a child; nor does the guardianship tribunal have powers to exercise intervention on behalf of an unborn child.

There are circumstances here that we, as members of the opposition, are concerned about. We will be watching very carefully the administration of these provisions to ensure that they are appropriately applied. As this legislation is rolled out and is informed by day-to-day practice, we will keep that in mind with the possibility of considering amendments to these provisions.

We understand that the guardianship tribunal provides some safeguards, but it will not necessarily provide enough safeguards in an emergency—for instance, when a pregnant woman is involved in an accident and a decision has to be made, possibly rapidly, or there may be an imperative to make a decision rapidly. There are some concerns here which I flag—not for amendment or excision—as matters that, as legislators, we should be vigilant on in this particular matter.

I echo the call of Dr Foskey to ensure that there is very active involvement of the key players in the formulation of the documentation that makes this legislation work. I agree with Dr Foskey that I think we are falling out of one habit. When we introduce a piece of legislation that has complex documentation underpinning it, it would be better for the legislators to see it. We can then have a discussion about the whole raft of instruments that hang off it. They are integral to the effective operation of this legislation, and we will be coming at it in dribs and drabs. I echo Dr Foskey's call for the Assembly to be able to revisit the documentation by way of leaving open the possibility of disallowance if members of the community are not satisfied with the documentation.

I think that, for the most part, it is a good step forward. But it is one that needs to be closely monitored by all of the community and us particularly, as legislators, to ensure that it does what it is supposed to do and does not unduly infringe upon people's rights. I suppose it is a cautious endorsement of the bill, and a call for the minister and all of us to be vigilant about its application.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.04), in reply: I thank members for their support. I would like to address a couple of items in closing the in-principle stage of the debate.

Dr Foskey made some assertions about the adequacy of the consultation. I would like to reject her assertions. There has been extensive consultation on these reforms since 2002. In 2004 an issues paper was released. There was further community consultation after that that involved a number of submissions being made by community organisations and also the convening of focus group sessions in that year. So the assertion by Dr Foskey is incorrect.

Dr Foskey: Mention it in the explanatory documents.

MR CORBELL: I know that you do not like being shown up, Dr Foskey, but you got it wrong. I also advised all media outlets, on tabling the legislation, of its tabling and issued a press release to that effect. It was also made available on the ACT government website, which has an automatic mail arrangement for those people who subscribe to areas of interest to them. I would imagine that most community organisations do subscribe to that. The government has not hidden anything here, nor has the government failed to consult properly, contrary to the assertions by Dr Foskey.

The government has paid close attention to the issues raised by the scrutiny of bills committee. I will be moving an amendment in the detail stage to clarify some matters raised by the scrutiny of bills committee in its scrutiny of this bill. I foreshadow that now. There will also be a supplementary explanatory statement for that.

Mr Speaker, the Powers of Attorney Bill is an outcome of an exercise undertaken by this government to review the substituted decision-making regime of the ACT. The review addressed the relevant recommendations made by the Legislative Assembly Standing Committee on Health and Community Care in 2001 in its inquiry into elder abuse, in relation to preventing abuse of powers of attorney made by older people.

The bill provides safeguards for making a power of attorney, in particular an enduring power of attorney, by anyone. It also sets out matters that a person making a power of attorney must understand and provides for witnesses to be satisfied that the person has understood the nature and effect of making the power of attorney.

The bill enables a person making an enduring power of attorney, who is known as the principal, to express his or her wishes about what decisions his or her attorney should make in relation to the person's financial, personal care, and health care matters when the person has lost decision-making capacity.

The person may choose to specify in the document when it should commence. The enduring power of attorney may state that it will start on a particular day, or if a certain event occurs, or from the time it is signed. Where an enduring power of attorney starts to operate before the person making it becomes a person with impaired decision-making capacity, it will not end but will operate during the time of such incapacity.

An important feature of the bill is that it requires an attorney under an enduring power of attorney to comply with, to the maximum extent possible, the general principles set out in the schedule to the bill. These principles enshrine the rights of the principal, such as the right to access to family members and relatives, human worth, participation in community life, quality of life, participation in decision making, maintenance of existing supportive relationships, maintenance of environment and values, confidentiality and

health care. The court, when considering relieving an attorney from liability for a breach of the attorney's obligations, is required to consider the extent to which the attorney had complied with the principles.

The guardianship tribunal is given power under the bill to make a number of orders in relation to an enduring power of attorney where the person who has made it has lost capacity. Such orders range from giving a direction to the attorney to do or not to do a thing to making a declaration about the interpretation or effect of the enduring power of attorney. An interested person, who may be the attorney, a relative of the principal, the public advocate or a guardian or manager of the principal, could seek such orders.

These and other measures provided in the bill strengthen the protection of persons who make an enduring power of attorney, in particular when their attorney acts for them during the period they have impaired decision-making capacity. The bill will also contribute to people having increased confidence in providing now for their affairs during their incapacity.

The bill explicitly provides for the circumstances in which powers of an attorney will end for the specific obligations of attorneys. It also provides for the right of the public advocate to have reasonable access to a principal with impaired decision-making capacity. This would enable the public advocate to make decisions about a course of action needed to address any concerns about the abuse of powers by an attorney and to protect the interests of the principal. A relative or carer of the principal, or any specified interested person, is also given the right to apply to the guardianship tribunal to seek access to the principal whose decision-making capacity is impaired. This right would prevent any attempt by attorneys to have unreasonable control over the principal.

The scheme provided in the bill will ensure that attorneys discharge their duties to the principal in a responsible manner. An innocent attorney is, however, protected even if the attorney acts in breach of an obligation.

A health care facility is required under the bill to check whether a patient who receives care in the facility has made an enduring power of attorney relating to his or her health care and personal care matters and, if so, to keep a copy of it or a note about it. This measure would ensure that the principal's wishes about his or her treatment are respected. I think this is an important form.

Interstate enduring guardianship documents, and interstate enduring powers of attorney and general powers of attorney, will be able to be recognised under this bill. This will encourage the use in the ACT of substitute decision-making instruments made under the law of another state or territory.

The Legislative Assembly Standing Committee on Legal Affairs, in its report No 33 of 16 October this year, noted that the provisions of the bill would enhance the protection of rights. It also expressed a "rule of law" concern that paragraph 32 (2) (b) of the bill seems to negate the point of attaching conditions to the exercise of a power under an enduring power of attorney and considered that this required explanation. The standing committee also asked what kinds of conditions are affected and whether this would include a condition stated in the bill, such as those in clauses 33 and 46.

Paragraph 32 (2) (a) provides that a power under an enduring power of attorney can be exercised while the principal has decision-making capacity. Paragraph 32 (2) (b) provides that it does not matter whether a condition that must be satisfied before the power can be exercised has not been satisfied. The government's amendment to this subclause addresses the concern of the standing committee by clarifying the intent of the provision.

The intent of the provision is that an attorney can exercise a power under an enduring power of attorney while the principal has impaired decision-making capacity, even though the power of attorney specifies a condition about when the power is to start to operate. As provided in the example included under the amended provision, an enduring power of attorney may specify a date for its commencement, but an attorney can exercise power under it where the principal becomes a person with impaired decision-making capacity before the specified date.

Going back to the standing committee's concern, I wish to clarify that other conditions of the exercise of a power under an enduring power of attorney will normally need to be satisfied before or when the attorney exercises the power. Conditions under clauses 33 and 46 of the bill referred to by the standing committee will need to be complied with. Clause 33 provides that an attorney under an enduring power of attorney cannot authorise anyone else to exercise the attorney's powers unless the power of attorney authorises it. Clause 46 provides a mandatory obligation that must be complied with before an attorney asks for the withholding or the withdrawal of medical treatment to the principal.

Mrs Dunne, in her comments, made some remarks about documentation. The government is always very happy to make available any documentation that members request. We do that through the briefing process. I am not aware of any particular request for further information being made in the briefings provided to Mr Stefaniak or Dr Foskey, but the government is always very happy to consider those requests and attempt to respond to them wherever possible. I am not aware of that being the case in these circumstances. Mr Stefaniak foreshadowed an amendment. I will deal with the amendments when we get to the detail stage. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 31, by leave, taken together and agreed to.

Clause 32.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.15): I move amendment No 1 circulated in my name *[see schedule 1 at page 3724]*. I present a supplementary explanatory statement to the amendment.

As I foreshadowed in my previous comments, this amendment clarifies that an attorney can exercise a power under an enduring power of attorney while the principal has impaired decision-making capacity, even though the exercise of the power would occur before the date specified in the power of attorney. This will ensure that as soon as a person's decision-making capacity becomes impaired their affairs can be attended to by their chosen attorney.

This is an important provision. Clearly, the person who becomes impaired in their decision-making capacity and who has made an enduring power of attorney has indicated that they want someone to exercise decisions on their behalf, but they may have specified a different date or a different set of circumstances leading to the triggering of the exercise of those powers. This amendment provides for the person appointed as the attorney to exercise those powers if the other person suffers some incapacity that results in their being of impaired decision-making capacity, even if it occurs outside the bounds specified in the enduring power of attorney.

DR FOSKEY (Molonglo) (11.17): As I intimated earlier, having just seen the amendment, the amendment makes sense and we will agree to it. I take this opportunity to thank Mr Corbell for outlining the consultation the government had in 2002 and 2004. I would just reiterate something that came up last year when the Greens proposed that the government outline in its explanatory statement the consultation it has undertaken. That would have obviated the need for Mr Corbell to mention it now as it would have been all out in the open.

Whether or not it was to the government's taste, I did report in my speech only on what my staff was told. It does appear that there are differing perceptions about the quality of consultation. That is bound to be the case. My remarks were made in the interests of improving that.

I take the chance now to indicate that I will not be supporting the opposition's amendment because I believe that it is quite redundant, but I will be supporting the government's amendment.

Amendment agreed to.

Clause 32, as amended, agreed to.

Clauses 33 to 86, by leave, taken together and agreed to.

Proposed new clause 86A.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.19): I move the amendment circulated in my name *[see schedule 2 at page 3724]*.

I alluded in the in-principle debate to this amendment and concerns we had about there being some vagueness still in the bill in relation to issues around medical treatment, specifically the issue of euthanasia, which , under the self-government act, is something that the Assembly has no power over. We thought it was necessary to ensure that that was clarified in what is an area of some vagueness in the bill. Accordingly, this

amendment seeks to insert a new clause stating that the act does not authorise euthanasia or anything to do with it, stating:

> To remove any doubt, this Act does not:
>
> (a) authorise, justify or excuse the killing of a person; or
>
> (b) affect in any way a prosecution for an offence against a provision of the Crimes Act 1900, part 2 (Offences against the person).

The note there is a reference to section 23 (1A) of the ACT self-government act 1988. I also put on the record my appreciation and thanks to the parliamentary counsel who provided this amendment for me at very short notice. I thank them for that and also the amendment to the Medical Treatment (Health Directions) Bill, which we are yet to debate.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.20): The government will not be supporting Mr Stefaniak's amendment. The reason for that is that this amendment is, essentially, unnecessary. An enduring power of attorney or a power of attorney cannot authorise an illegal act. That is the bottom line. So an enduring power of attorney cannot authorise someone to do something which is illegal.

As we are well aware, euthanasia is prohibited in the ACT by virtue of an act of the commonwealth parliament. In addition, the circumstances in which treatment is withdrawn are spelt out in the Medical Treatment Act. Further, the issues around prosecutions against medical or other health professionals are also clarified in relation to directions given to the Director of Public Prosecutions by the Attorney-General.

So there is a clear framework for managing these matters and the most important principle that members need to appreciate is that in a power of attorney you cannot authorise the doing of a thing which is contrary to law. For those reasons, Mr Speaker, this amendment is unnecessary and it is the government's view that the existing provisions and the existing legislative framework are sufficient to guard against the concern which Mr Stefaniak has raised and which has prompted his amendment.

Amendment negatived.

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

Bill, as amended, agreed to.

Medical Treatment (Health Directions) Bill 2006

Debate resumed from 21 September 2006, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra–Leader of the Opposition) (11.23): This bill is a consequential amendment to the Medical Treatment Act 1994 and it does repeal the act.

It redrafts the provisions of the Medical Treatment Act that relate to directions people may make to withhold or withdraw medical treatment to them.

The provisions of this act that deal with powers of attorney and authorising the withholding or withdrawing of medical treatment are being removed because the Powers of Attorney Act, as it now is, deals with all types of powers of attorney, including those under which a person may authorise an attorney to withhold or withdraw medical treatment to the person. I understand that some terms in the bill are used to reflect current drafting style and also to be consistent with the Powers of Attorney Act which has just been passed—for example, the health directions.

The bill allows approved forms to be made. The Medical Treatment Act has the forms in its schedule. Also, there is in the bill an offence of dishonestly inducing the making or revoking of a direction which replaces the offence of obtaining a direction by fraud. The offence in the bill is consistent with criminal law policy. The opposition will be supporting this bill.

DR FOSKEY (Molonglo) (11.24): I understand that this bill is essentially an amendment to the Medical Treatment Act consequential upon the Powers of Attorney Act that we have just passed. I have been advised that this bill needed to be introduced because it amends a different act than the Powers of Attorney Act amends.

There is, however, an associated area of legislation which is in desperate need of development that these two bills draw attention to, namely, advance directives. In the mental health context, they are often referred to as Ulysses agreements, echoing the story of Ulysses with a sound mind having himself tied to the mast of his boat so that when he was later in the thrall of the sirens he would be unable to abandon his post and bring disaster upon himself and his fellow travellers.

Last year's contentious amendment to the Mental Health (Treatment and Care) Act facilitating the involuntary administration of electroconvulsive shock therapy raised many concerns. As part of the discussions around that bill, the need for further work to be done on advance health directives was flagged and the government did report that it was undertaking that work with the sector at the time.

Similarly, in relation to the ongoing debate around dying with dignity, proponents have suggested to my office that more robust forms of advance directives might put their minds at ease, at least in part, and take some of the urgency for the legalisation of euthanasia from their campaign.

I would like to refer to some comments made last year by the retiring community advocate, Heather McGregor, in her final speech to an absolutely packed reception room in this place, with people spilling out the doors, when she suggested that the work of the community advocate, now the public advocate, would be much facilitated, indicating a number of instances that she had come across an advance directive being produced by somebody of sound mind and with concern for their relatives who would have forced upon them extremely difficult situations. I think that members will remember that at that time in America there was the case of a woman who had been young at the time of an accident but was of middle age by the time that her husband of the time was in a position

to request that the life support machines which maintained her in what appeared to be a vegetative state be turned off.

Whilst that was, of course, a topic of huge controversy, as these issues often are due to the fact that they are seen as moral questions, a person contemplating the end of their life or their ability to withstand involuntary treatment such as electroconvulsive therapy would, perhaps, be advantaged by government support and legislative support if they could see that writing an advance directive might facilitate that the treatment that they received when they were no longer in a position to control it would be of the type that they would countenance at a time when they were in a position to control it. These are complex and vexed issues, but they are the issues that I believe our government should be engaged in and I do recommend that we have that public discussion and that future legislation deal with it.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.28), in reply: Again, I thank members for their support for this legislation. The Medical Treatment (Health Directions) Bill 2006 is a rewrite of the provisions of the Medical Treatment Act 1994 which deal with medical directions people can make for withholding or withdrawing medical treatment to them. The bill refers to such directions as health directions, which can be written or non-written.

The Medical Treatment Act currently provides for powers of attorney a person makes to authorise another person, an attorney, to make a decision on his or her behalf about withholding or withdrawing medical treatment to the person. This bill, however, does not provide for powers of attorney because the Powers of Attorney Bill 2006 now provides for enduring powers of attorney to allow the attorney to make such decisions.

Dr Foskey raised the issue of advance health directives. That is a matter which is of significant interest to me and, I think, also the Minister for Health. It is a matter which, I think I would be honest in saying, we are both very familiar with from our discussions with the mental health community sector, carers and sufferers of mental illness and it is a matter that will be given close consideration in the review of the Mental Health (Treatment and Care) Act which has commenced.

That is the area where these matters need to be properly and significantly thought through and that will be the process for doing that work. I certainly look forward to the work of the consultation process and the working parties in discussions which are currently under way. Mr Speaker, I thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.30): I move amendment No 1 circulated in my name *[see schedule 3 at page 3725]*.

Mr Speaker, my reasons for moving this amendment are the same as with the previous bill, that is, to remove any doubt that the section does not authorise the making of a health direction for euthanasia. The attorney's comments probably will be the same as those he made in regard to the previous bill. I commend the amendment to the Assembly.

MRS DUNNE (Ginninderra) (11.31): In support of this amendment, I will go to a couple of points that were touched on at length in the previous debate. This is being done quite purposely. I understand the point that the attorney will soon make, but I think that the attorney's point does not go to the full extent of the implications, especially of the Medical Treatment Act.

The self-government act does not say, for instance, that euthanasia is illegal in the ACT. It says that the territory government cannot make laws in this area. Mr Stefaniak's amendment is essentially about the principles laid out in the Legislation Act. It takes all the bits of law that relate to a particular activity and puts them in the one piece of legislation. Mr Corbell can say that it is superfluous, that it is a belts and braces approach to put this provision in this piece of legislation, but it is also consistent with the way we draft legislation and the approach that we have taken since the new Legislation Act came into effect.

I would suggest to the minister that, notwithstanding the previous conversation we have had and the previous points that he has made, he consider incorporating this amendment in this very important piece of legislation which could lead to deaths, which may be construed as euthanasia simply because this is the right place to put it as these are the things that we are talking about. Health directions, and eventually advance health directions, will go to the heart of issues relating to euthanasia. That is why they should be in this piece of legislation and also because, as things currently stand, the self-government act does not outlaw euthanasia in the ACT. The self-government act says that we may not make laws. Putting in this amendment would reinforce what is in the self-government act, but it would go one step further and put what is in the self-government act in law in the ACT.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.33): The government will not be supporting this amendment for exactly the same reasons as I indicated in response to Mr Stefaniak's amendment to the Powers of Attorney Bill.

As to Mrs Dunne's point, it follows that, if the territory is unable to make laws for euthanasia, euthanasia is currently not permitted in the territory. As I have indicated previously, it is not possible to authorise an unlawful action through a directive through an enduring power of attorney. For those reasons, the amendment is unnecessary and the government will not be supporting it.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.34): If I could exercise my right to speak twice, I hear what the attorney says, but I think Mrs Dunne makes a very valid point in relation to putting anything beyond doubt. Whilst the self-government act says that the Assembly has no power to make laws permitting, or having the effect of permitting, an intention to kill another person—in other words, euthanasia—this amendment removes any doubt. It states that it does not authorise the making of a health direction for euthanasia.

The issues around health directions are somewhat vague and, as Mrs Dunne also rightly says, it is the practice under the new legislative style that has been adopted, the clear language style, for points to be reiterated in laws made. I can recall in this Assembly on a number of occasions laws stating what may be obvious to some people having been made in individual acts. In an act that is as unclear in this area of medical treatment as this one, I think it is important to make this point. Whilst I hear what the attorney says, I do think Mrs Dunne has made a valid point and I do recall some other acts where law has been absolutely clarified. I think that, in an area as difficult as this and as important as this, it certainly does not hurt to make the law crystal clear.

Question put:

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

The Assembly voted—

Ayes 7		Noes 10	
Mrs Burke	Mr Smyth	Mr Barr	Mr Gentleman
Mrs Dunne	Mr Stefaniak	Mr Berry	Mr Hargreaves
Mr Mulcahy		Mr Corbell	Ms MacDonald
Mr Pratt		Dr Foskey	Ms Porter
Mr Seselja		Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

Amendment negatived.

Bill, as a whole, agreed to.

Bill agreed to.

Children and Young People Amendment Bill 2006

Debate resumed from 19 October 2006, on motion by **Ms Gallagher**:

> That this bill be agreed to in principle.

DR FOSKEY (Molonglo) (11.40): Mr Speaker, I am delighted to take this opportunity to speak on the Children and Young People Amendment Bill 2006. I support the bill and I recognise the government's need for more time to deal with issues regarding work experience and standing orders for the youth detention centre. I appreciate that work experience is being dealt with through the rewrite of the Children and Young People Act and will be presented shortly. I am concerned, however, about the long time being taken to deal with standing orders for Quamby. I understand that the government intends to make 11 of the new standing orders publicly available in January and the remaining two shortly after that.

I appreciate that all standing orders will be disallowable instruments. In the past the Greens have been concerned that quite a few were confidential for security purposes, and, even though members of the Assembly were required to consent to these standing orders,

we were not allowed to see them. I am also somewhat concerned about the long time it has taken to review the standing orders. When we dealt with the government's previous amendments to the Children and Young People Act on 1 July 2005, the minister said that her department would provide her with an analysis of the standing orders within three months, and that was up 15 months ago. This analysis was to incorporate recommendations from the human rights audit of Quamby.

On the one hand, I do understand that the review of standing orders has taken much longer than anticipated, as it has included a lot of consultation and comprehensive analysis. I hope, as a result of this hard work, all new standing orders will operate within human rights principles. But on the other hand, the longer the government takes to conduct this work, the longer children and young people detained in Quamby must experience standing orders that have been found to be human rights deficient.

We have recently been told of one case where a young person, upon entry to Quamby, was held in the cage for nine days for the purposes of induction and behavioural management—or those were the reasons given. The young person in question was held in a bare cell with nothing but two blankets and two books. The only recreation available was transition from that bare cell every second hour to the concrete cage, where the young person was given a soccer ball and a cricket ball with a plastic bat that was later removed. One would hope that such conditions are unwarranted under the new standing orders and that the ACT government will find the budget and the commitment very soon to develop an alternative to this cage.

The human rights audit of Quamby also recommended that the detainees handbook be updated as a matter of priority. Over a year later it still has not been updated—but, of course, that may be because the standing orders are not yet complete. I look forward to these concerns being remedied by the ACT government as soon as possible.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.44): Mr Speaker, the opposition will be supporting this bill. I note that the original bill, which I think I introduced back in about 1999, was due to be reviewed within three years of its commencement. I also note that the government has indicated that a rewrite of the original bill is well under way, that extensive community consultation was undertaken between January and March of this year, and that an exposure draft of the bill will be issued for public consultation later this year. That, of course, is absolutely essential.

The bill effects a number of changes. It removes two sunset clauses: firstly, in relation to the exemption of work experience from the employment charter; and, secondly, in relation to the power to make standing orders for the youth detention centre. This bill is part of the government's ongoing commitment—and we acknowledge that—to seek to improve outcomes for children, young people and their families through improving their participation in decisions that affect their lives, preserving and enhancing identity and improving the recognition and assessment of children and young people at risk of abuse and neglect.

As I have indicated, the bill seeks to amend the act by removing two sunset clauses. The power to make standing orders for places of detention has been extended until December 2006 to allow for a detailed consideration of the policy matters related to youth justice, particularly that delivered at the Quamby youth centre. This is to allow a detailed

consideration of how the new adult sentencing and correction laws, which are being developed within what the government says is its human rights framework, might apply to children and young people. I understand that is to be undertaken in consultation with the community.

I understand that currently 27 standing orders that have been based on informal work practices over many years need to be succinctly defined under law to uphold a higher standard of care and protection of young people in detention. I am also advised that some of those standing orders have been suppressed from public viewing due to security issues. I am also advised that by February next year those standing orders will be refined and reduced to 13, all of which for transparency's sake will then be accessible for public viewing.

We will watch with interest what the government is going to do in this crucially important area. It is important, of course, that the rights of young people, especially those in custody, are balanced against the rights of the community. I appreciate the dilemma the government has got itself into with its Human Rights Act in respect of things like Quamby. I think it is going to get itself into more and more dilemmas. It is a balancing act. The opposition has supported many improvements made at Quamby. We supported the announcement by the minister of a very major project to build a new youth detention centre. I think at the time we mentioned that we would prefer it to be not co-located with or part of an ACT prison. The government has indicated it is building it out in the Mitchell area and that would appear to be something we supported at the time.

It is crucially important that all these matters are balanced properly. A young person invariably does not go to Quamby unless they have got some real problems, unless they have committed some quite serious, or indeed multiple, offences and there is no other realistic option. It is important to continue to review such things as the standing orders. It is important to ensure that young people have the opportunity to be rehabilitated rather than go down the road of a life of crime. It is crucially important to have programs in place. Since 1995 governments of all persuasion have been attempting to do that at the youth detention centre. This is something that just has to continue because, quite clearly, if young people leave Quamby better than when they entered they will have a real chance of actually getting along in the world and not reverting to a life of crime which will lead to periods of incarceration in an adult prison. So I think it is very important to ensure that we get this right.

The bill that is now before us is concerned with only a relatively small portion of the Children and Young People Act. The act deals with a wide range of other areas, including the ability of courts to impose penalties on young people and questions in relation to such things as youth detention. Some significant issues have arisen over the last few years, especially issues in relation to the 2004 recommendations of the Vardon-Murray report. It is a particularly difficult area of government and it can be a particularly costly area of government. Each year hundreds of thousands of dollars of taxpayers' money is spent on some young people who need extensive care. There are some huge issues in relation to the Children and Young People Act and that is why, despite the fact that a lot of work went into the first piece of legislation, it was envisaged that within three years there would be an operational review. Although it has taken a bit after three years, I am pleased to see that is happening. The opposition and I look forward to seeing further developments in this area.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (11.50), in reply: I thank members for their support for this bill. As members who have contributed to the debate have said, this bill essentially seeks to remove two sunset clauses relating to provisions under the current Children and Young People Act. One relates to the Quamby detention centre and the other one relates to the exemption of work experience from the employment chapter. This removal is required because of some of the delays in progressing the major review and rewrite of the Children and Young People Act.

As members have said, an exposure draft of legislation will be ready towards the end of this year. That bill, which has been the subject of extensive consultation and which contains several hundred pages, is certainly going take up a lot of the Assembly's time next year. Members will be working through the issues raised through that review to make sure that we have a very robust and modern piece of legislation that governs everything to do with children and young people in the territory.

The bill that we are discussing today seeks to remove the sunset clause relating to the power to make standing orders for the youth detention centre. The existing standing orders at Quamby have been reviewed in light of contemporary procedures and human rights requirements. I note that Mr Stefaniak linked the bill to the Human Rights Act. That is only one of the areas that are being considered in the review of the standing orders. In consultation with a leading human rights law expert, the standing orders have been reviewed against national and international standards for juvenile detention because they are out of date from that point of view as well. Those standing orders, which are currently with me, are very detailed pieces of work and they will be presented shortly to the ACT Legislative Assembly as disallowable instruments. So the Assembly can certainly still take part of that discussion.

Dr Foskey said that she had not seen the standing orders. However, they will all come before the Assembly—I think 11 in the first instance and then there will be a further two. The Assembly will certainly be able to consider them through that process. The removal of the sunset clause will enable the existing standing order regime to stay in place at the Quamby Youth Detention Centre and allow sufficient time for adequate legislative provisions to be established for the new youth detention centre in 2008.

Proposed legislative amendments for the new youth detention centre will be part of a bill that will rewrite the Children and Young People Act and will be presented as an exposure draft for consultation in December 2006. Failure to pass this clause today will mean that the standing order regime will expire on 1 December and there will be no authority to administer the youth detention centre.

In relation to the second sunset clause, the Children and Young People Amendment Bill 2006 exempts work experience arrangements from the employment provisions until 30 December 2006. This is to allow for more detailed work to occur. This work will be presented as part of the larger piece of work through the exposure draft of the bill that will rewrite the complete act which, as I have said, is due for release in December this year. Failure to pass this clause would mean that work experience for young people aged under 15 years would fall within the definition of employment on 30 December 2006. These work experience programs would then need to comply with the provisions of the

employment chapter or cease operation. So these are time-critical amendments and I thank members for their support.

Dr Foskey made a comment about a young person allegedly being held in a cage at Quamby for nine days. I can certainly say that would never happen. That would simply never happen, so I would question your information. The structure that is referred to as the cage is the outdoor enclosed area that is attached to the induction area where young people come in. Usually they spend a very short amount of time—we get them through as quickly as we can—where they are monitored, watched and supported through their first arrival at Quamby. The cage is an outdoor area which provides a safe and secure environment for young people who may need that type of environment. So I do not think it is fair to raise something in here that basically accuses the staff at Quamby of putting a young person in a cage for nine days, because that would simply never occur.

As to whether or not a young person may have had to stay in the isolated induction unit for nine days for one reason or another, staff at Quamby do not make these decisions lightly. They just do not think, "There is a young person. Oh great, we will put them in the isolated induction area for nine days." They have to have a reason to go in there, whether it is self-harm or harm to others. Detailed deliberations are held with health professionals, outside agencies and staff at Quamby before those decisions are taken. I think it is really unfair to come in and allege that that kind of practice is ongoing at Quamby because it simply is not.

I meet regularly—I think on a fortnightly basis—with the official visitors who visit Quamby. In all their reports to me—and they are full and frank reports, as you would see from what they attach to their annual reports, and we address the issues that they raise from time to time—they are overwhelmingly positive about the arrangements that are in place at Quamby. Time and time again they mention that they believe staff do an excellent job with very complex young people who are more often than not there very much against their will. These very complex kids may have health issues or behaviour issues which require them to be provided with a safe area within the facility. This is something that the staff at the facility, the executive within the department and I from time to time are briefed on. If it is relevant, these young people are given the right support when they are in Quamby because they are not easy to look after.

I really resent the allegation which implies that staff were basically making decisions which were against the interests of the children and young people. I know that is simply not the case. We have invested millions of dollars in Quamby to make it a better place than it is. And it is an appalling building—I think every member in this place would stand up and say that. We have put in, I think, probably with the transportables and minor new works, almost $4 million worth of investments at Quamby to try and make it a better place for young people and for the staff who work there. There has been a range of new accommodation options, minor new works for the facility and additional security to make sure that we do not have young people voluntarily removing themselves from the facility. We have made significant investments in the Hindmarsh Education Centre to improve what is offered to young people, including vocational programs to make sure that we are supporting them to think about life outside of Quamby once they have finished their period of time there.

Quamby gets a lot of bad press but, given the environmental constraints, I certainly believe that the staff and management of the facility, and the executive within the department, take their job as guardians of these children, essentially while they are in the care of Quamby, very seriously and are always guided by the best interests of the children principle. They do everything they can to make sure that children and young people are provided with a safe environment, and from time to time that will mean that children and young people need to spend time in an isolated area which is safe for them and for other young people at Quamby.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Transitional housing
Ministerial statement

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (11.59): Mr Speaker, I ask for leave of the Assembly to make a ministerial statement concerning transitional housing.

Leave granted.

MR HARGREAVES: I thank members. Today I am very pleased to present a government initiative that responds to the need for an increased range of powers and options for people who are experiencing homelessness in the ACT. As Minister for Housing, I am proud to be able to play my part in bringing forward public housing stock in an innovative, best-practice approach to breaking the cycle of homelessness. It is, of course, an issue dear to my own heart from my time as Minister for Housing and Community Services and I am glad that I can continue that whole-of-government approach to breaking the cycle of homelessness by working with my colleague the Deputy Chief Minister and her homelessness services.

The transitional housing program that we have developed will contribute 20 additional Housing ACT properties to homelessness service provision in the ACT, which is equivalent to an additional $6 million of capital funding. The program began on 1 October 2006 with four properties and will grow to utilise 20 or more properties. Anglicare Canberra and Goulburn is coordinating the use of these properties.

The recent changes to the public rental housing assistance program, PRHAP, have established a public housing system which targets and responds to those most in need. The highest need categories are those experiencing homelessness, escaping domestic violence, people with mental illness, people with a disability, people from ATSI background and children at risk. We aim to house within three months the 150 families and individuals that are in the most need.

At this point, I reflect on some of the approaches I have received in my office over the last two years from Mrs Burke. I think all of the cases for which she sought my intercession to have a higher priority accorded to those who contacted her office fit within those groups. This is not about people waiting too long; they were people in distress waiting too long, which is what our priority is about.

These changes to PRHAP require the best possible utilisation of Housing ACT properties. Some properties are by necessity temporarily vacant, either because they are hard to let or they are waiting to be redeveloped. The transitional housing program uses those properties that are habitable and available on a short to medium-term basis to house people who are identified as ready to move on from crisis services and make use of short-term accommodation with the appropriate outreach support. The properties will be available to SAAP clients on a three to six-month basis to assist and encourage clients to achieve their goal of independent living.

The transitional program will also increase the availability of crisis accommodation in homelessness services by allowing those people who are no longer in crisis to move to more independent living with outreach support. The transitional program will free up the crisis beds for those people who need the intensive support. Those entering the transitional housing program will do so with supports, goals and strategies identified and in place to achieve longer term independent living. The strategies will include having an identified exit point. This program thus provides a range of benefits. The community sector has a greater range of housing options available for community members moving on from crisis and consequently more crisis accommodation for those who need it. The community also knows that the ACT government is using its housing stock in the most effective way and people in need of housing assistance have more options available to meet their needs.

People who are experiencing homelessness need a range of effective responses as they move through crisis towards independent living in the community. We need to build these responses into a coordinated and seamless pathway that assists people at every stage of the process. The ACT homelessness services sector provides accommodation and support to people who are homeless or at risk of homelessness. A majority of people in receipt of this support initially access a SAAP crisis service. Current reform of the ACT homelessness services sector includes mapping the sector's responses to create an integrated service system that addresses clients' needs along this pathway. This reform work has identified the need for more transitional options to assist people who no longer require intensive crisis support.

The transitional housing program provides secure medium-term housing once the initial crisis has passed. The programs generally require people entering the program to plan and access the supports they need to develop their skills and strategies. Most of these services use a case management approach to ensure these plans allow for the best possible outcomes for clients.

The transitional program we have initiated here in the ACT follows the best practice leads of other jurisdictions. People will be referred to the program from the SAAP agency that has supported them through crisis. Eligibility is dependent on that agency and/or other community services engaging with the client and providing case

management to ensure that individual needs and skills are addressed. This case management approach will maximise people's chances of maintaining long-term tenancies and reduce the chances of a recurrence of homelessness.

The transitional housing program is a partnership between the Department of Disability, Housing and Community Services and the ACT homelessness service sector. It is based on the women and children's domestic violence response trialled over the Christmas period of 2005-06—a collaborative project between the government and the women's sector. The domestic violence response offered short-term supported accommodation to 27 women and 35 children in temporarily vacant public housing properties between 16 December 2005 and 24 January 2006. All were able to move through to alternative accommodation. Transitional housing programs can only remain transitional if there are no blockages to exiting them. The accommodation has to be able to be part of a pathway to more permanent long-term accommodation and this requires a systemic approach.

The successful trial contributed to the development of the women's pathways group. This group began the mapping of the homelessness service system with a view to creating an integrated pathway from initial homelessness to independent living in the community. There are now pathways groups in the ACT looking at creating integrated service systems and pathways for homeless men, families and youth, as well as women. These groups are collaborating on prioritisation of how people are placed into the transitional housing program. The initial four properties in the transitional housing program will be used by the single men's sector to trial a pathways project based on the women's and children's Christmas project. Further properties will be made available to families, women and young people as associated pathways projects are developed and implemented.

We need to break the cycle of homelessness. We need to encourage and assist people experiencing homelessness to move through crisis to independent living along a seamless pathway that addresses needs and offers support at every stage. This program is a practical and workable solution towards breaking the cycle of homelessness. Mr Speaker, I move:

> That the Assembly takes note of the paper.

Question resolved in the affirmative.

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 12.09 to 2.30 pm

Questions without notice

MR STEFANIAK: My question is to the Minister for Planning—

MR SPEAKER: You are in trouble; you will have to direct your question to somebody else.

Mr Stanhope: I beg the Assembly's pardon, Mr Speaker. I am not aware of where my colleague is at the moment but I am sure he will be here shortly. I beg members' indulgence until he arrives.

Schools—closures

MRS DUNNE: My question is directed to the minister for education. Under the so-called school renewal program, *Towards 2020*, there is a proposal to close 22 preschools, 14 of which are scheduled to close at the end of this year. Given that the preschool associations—that is, the parent associations—own all of the removable inventory in preschools, what assistance will be given to associations of those preschools that you close to wind up their affairs and divest themselves of the resources that they own in the preschools?

MR BARR: It is the case that the government has put forward a proposal whereby some preschools will close progressively over a three-year period. I understand that the majority of those preschools are proposed to close at the end of this year. There is a further stage process at the end of 2007 or at the end of 2008.

Should the proposal proceed, the government will be working with the Canberra Pre-School Society on the issues that Mrs Dunne has raised. A number of issues need to be considered in that context. We have already begun conversations with the preschool society. I have had discussions as I have moved around the preschools over the last six months and I have sought to talk with individual preschools about those issues. As Mrs Dunne has identified, there are assets that belong to the parent associations of those preschools. The government would not seek to direct those assets in a way that the preschools associations or parent associations were unhappy with. We expect to work in consultation with them should any preschools close.

MRS DUNNE: Mr Speaker, I have a supplementary question. Minister, what access will preschool parent associations have to the property that they own on the sites of the preschools after the preschools close? Who will be responsible for maintaining their security after preschools close?

MR BARR: Obviously, the associations would still have access to their assets. We would seek to work with them in order to ensure that they were properly secured. Where assets might go will be on a case-by-case basis. But the government will work collaboratively with the associations in the event of any preschools closing.

At this point, I hasten to add that there is a proposal on the table. Mrs Dunne's questions are largely hypothetical at this point, as no decisions have been taken. If and when these issues arise, the government has undertaken—in the lead-up to this it had some conversations obviously with the preschool society around what options may be considered—that the full detail will be worked through at the conclusion of the consultation process and when decisions are actually taken.

Planning—EpiCentre lease

MR STEFANIAK: My question is to the Minister for Planning. It relates to the EpiCentre sale. Advice provided by the ACT Government Solicitor's Office to the government prior to the EpiCentre auction recommended:

> … suggesting to the LDA that the auction be cancelled or postponed and undertaking a variation to the Territory Plan.

Minister, why did you and your agencies ignore the advice of your own legal team and continue with the auction when there were clearly issues of concern surrounding it?

I seek leave to table the advice.

Leave granted.

MR STEFANIAK: I present the following paper:

> Epicentre—Block 8 Section 48 Fyshwick—Territory Plan Interpretation—Part B3—Copy of email to the General Counsel, Business and Information Services Branch, Planning and Land Authority from the Principal Solicitor, ACT Government Solicitor, dated 30 November 2005.

MR CORBELL: I am not aware of that advice.

MR STEFANIAK: I have a supplementary question. I suggest that the minister have a look at paragraph 6. Minister, was it your own personal decision to continue with the auction, even after the ACT Government Solicitor suggested the auction be postponed or cancelled?

MR CORBELL: I am not aware of any advice from the GSO to that effect. I will need to look at the document that Mr Stefaniak has tabled.

Planning—EpiCentre lease

MR SESELJA: Mr Speaker, my question is to the Minister for Planning and is in relation to the EpiCentre sale. On page 6 of the legal advice as provided by the ACT Government Solicitor's Office to ACTPLA it discusses the issue of ACTPLA's interpretation of the territory plan. It says that if it—ACTPLA—says nothing, then the auction may not be as successful as it would otherwise be if there were no doubt.

If the government's own solicitors had identified that the auction may not achieve the best possible result if all bidders were not adequately informed as to the interpretation of the territory plan, why did you state in estimates on 21 June this year, "They knew what they were buying and it was clear to all parties what the potential uses were for the site"?

MR CORBELL: It was not just I who said that. It was, of course, Justice Connolly of the Supreme Court who also indicated that the lessees knew what they were buying. They were buying a lease with lease and development conditions that outlined the uses,

and if they were unhappy with that they had remedy available to them. That is what Justice Connolly said.

I am not aware of the documentation Mr Stefaniak and Mr Seselja are referring to. I will need to look at the documentation they have tabled. But what I will say very clearly is that this matter was raised by Mr Snow before Justice Connolly in the Supreme Court a couple of days prior to the auction. Justice Connolly threw out the suggestion that it was unclear what was being sold. The view of the court was that it was not at all unclear as to what was being sold. Justice Connolly said that the potential bidders knew what was being made available for sale. He rejected claims made by Mr Snow to the contrary.

MR SESELJA: Mr Speaker, I have a supplementary question. Minister, how were the potential bidders meant to understand the territory plan implications if the government's own solicitors were unsure?

MR CORBELL: As I have just said, this issue was tested in court prior to the auction. The whole point of Mr Snow's injunction in the Supreme Court a couple of days before the auction was on the ground that he did not know what was being sold. The Supreme Court rejected that argument. The Supreme Court decided that it was clear. The Supreme Court said bidders knew what they were lining up for and how they were going to be negotiating the sale of the land and that there wasn't ambiguity in that regard. That is what the Supreme Court found. I do not know what the document is that Mr Stefaniak and Mr Seselja are referring to but it is quite clear that this matter has already been raised in the Supreme Court, and the Supreme Court has found against Mr Snow on exactly the same arguments that Mr Stefaniak and Mr Seselja are now raising.

Housing—public

MS PORTER: My question is to the Minister for Territory and Municipal Services and Minister for Housing. Minister, what initiatives have the ACT government undertaken with our housing stock to ensure water and energy savings that benefit both the household and the environment?

MR HARGREAVES: I thank Ms Porter for the question. It touches on issues that are the subject of considerable public debate at the moment—the impact of climate change and what we can do to respond to climate change. It also has a bit to do with whether or not the government, through its housing stock and its housing tenancies, can take a bit of a lead for the rest of the community to start embracing climate change. It really goes to whether or not we have more practice than rhetoric, and I suggest that we have.

Housing ACT has for a number of years progressively installed a range of energy and water efficiency devices as part of its regular maintenance and upgrade work. Since the introduction of water restrictions and the community focus on water efficiencies, public housing tenants in the ACT have reduced their water utilisation, matching, and in some cases bettering, the general community achievement, with the spin-off benefits to people in public housing and community housing that the cost of running their household reduces as well as their having a responsible approach to climate change and efficient water usage.

In the 2005-06 budget a total of $1 million was allocated to improve water and energy efficiency in public and community housing. Energy Strategies Pty Ltd, a national leader in energy analysis and advice, was engaged to identify water and energy efficiency initiatives for community and Housing ACT properties. The results of this consultancy were used to work out how to best implement energy and water initiatives in over 30 community organisation rental housing accommodation program, CORHAP, properties. Under this initiative for community housing 30 CORHAP properties were upgraded with solar hot water and ducted heating systems. These and other public housing properties will also benefit from 50,000 energy-efficient light globes, 7,400 Doust valves, which limit the amount of water used, and 1,850 fluid cistern inlet valves to assist in conserving water.

A pamphlet has been developed on water and energy saving measures and was distributed to all Housing ACT tenants in the October quarterly newsletter. The initiative is supported by the government's water and energy savings in the territory program, the WEST program, that targets households that have been identified as having higher than normal energy and water bills. WEST involves energy audits, education and refit works for participating households.

A short while ago I had the pleasure of inspecting a property in Sladen Place, Curtin. It is head leased by L'Arche, a community organisation that works with people that have intellectual disabilities. They now have a heating and hot water system that will make a difference. Not only will it make their lives more comfortable; it will be cheaper to run and have less of an impact on the environment. The initiative further demonstrates this government's commitment to the environment and to the welfare of public and community housing tenants. The environmental benefits will accrue over many years.

Planning

MR GENTLEMAN: My question is to the Minister for Planning. Minister, last week you announced that the ACT has been recognised for its performance by the Planning Institute of Australia's national report card on planning jurisdictions. Minister, can you tell the Assembly how the ACT performed in this assessment?

MR CORBELL: I thank Mr Gentleman for the question. I was very pleased to see the results of the Planning Institute of Australia's national planning report card, which was released to the public late last week. PIA is the national body, representing planning professionals across the country. It is an advocate for improved planning performance and systems and actively promotes economically, socially and environmentally sustainable communities. This is the first time that the Planning Institute of Australia has conducted this survey of its members across all states and territories.

It has reviewed the performance of all the state and territory governments across the 10 most critical criteria for a strong and healthy planning system. This assessment, I am very pleased to say, has shown that ACT planning has rated highly in a large number of categories. Based on the aggregated results across all criteria, the ACT has topped the national poll when it comes to performance on planning.

This is a very encouraging result, given that we are the smallest jurisdiction in the country. In particular, we were ranked first by the planning profession for the way we are managing growth, introducing sustainability indicators and supporting development through governance systems. That is a very strong endorsement of the arrangements the government has put in place for planning, with the establishment of the planning authority and the mechanisms around it. In particular, it is a very strong endorsement of the framework we have put in place through the Canberra spatial plan, the urban containment boundary and the mechanisms to contain and manage growth in a sustainable way. It is very pleasing that the profession itself recognises this as the best performance in the country.

In addition, we have been ranked second in the country for the way we are addressing the impacts of population shifts and putting in place streamlined planning assessment processes. This is a very welcome endorsement by the planning professionals themselves that this jurisdiction leads the way in this regard.

It is also pleasing to note that, in relation to the criterion of streamlined assessment, the ACT was rated the second highest. The report card noted that, for this criterion, the ACT and South Australia are performing well, with the ACT being congratulated for proposing to implement the nationally devised leading practice model for development assessment. The report card goes on to acknowledge that the ACT is a leader in many areas of planning, such as introducing higher energy efficiency standards, new water sensitive urban design initiatives and reforming our planning system to create and implement the national best practice model.

I think this endorsement by planners themselves is a strong argument to rebut those claims that we hear from time to time that in some people's minds the planning system does not perform well. We all acknowledge that the planning system continues to have its weaknesses, and we are committed to addressing them. But this strong endorsement by the profession at a national level that the ACT leads the way in these key areas is testimony to the hard work of our planners, our planning authority and of the government's policies to put in place progressive governance arrangements and progressive sustainability measures.

Municipal services—community access

DR FOSKEY: My question is to the Minister for the Territory and Municipal Services and is in regard to government shopfronts and community access to government services. Given the government's elevation of Canberra City to being the pre-eminent commercial and employment centre in Canberra and the adoption of planning principles which support that approach, could you explain to Canberrans why people whom your policies encourage to live or work in, or visit, the centre of Canberra do not need access to over-the-counter government services, whereas those in Dickson and the other town centres do? Could you please outline the attempts that were made to seek alternative cost-saving solutions, rather than shutting down the Civic shopfront?

MR HARGREAVES: I do wish sometimes that Dr Foskey would read some of the things that we put out to explain various decisions and would listen sometimes when I explain these things in the house, as I have done before. We know that people use the

Australia Post outlets a lot. They are an over-the-counter opportunity to transact business with the ACT government. We know that people in the ACT use the telephone quite a lot to transact business, either for inquiry or for paying bills through credit cards. We know that people use the internet and a range of other ways in which to communicate with the government, for example, cheques. So we have to look at whether some of the services are being underutilised or are being utilised fairly. We believe that most of the people in the Civic area are actually in transit, that they come from somewhere else, that they come from another part of the town—Belconnen, Tuggeranong or wherever.

Mr Smyth: All roads lead to Civic.

Dr Foskey: That's it.

MR HARGREAVES: I will wait for as long as you want while you interject, because that just explains to me why you do not listen in the first place. We do know that there is one over-the-counter service that only the government can provide, that is, where you need to have a photograph taken to renew your licence. That service will be available at the Civic library from around January—as soon as we can transfer the electronics.

People can go to Australia Post agencies anywhere in town. It does not have to be an Australia Post shop. There are many of them in newsagencies round town. People can do so by phone. In fact, if one has a look at the back of the bills, one will see that half of the back page lists alternative contact sources. So I reject the notion of Dr Foskey that the closure of one shopfront, the Civic shopfront, is going to have a disastrous and detrimental effect.

Mr Pratt: Bills carrying your exorbitant rates—those bills.

Mrs Dunne: Yes, those bills.

MR SPEAKER: Order!

Mr Pratt: It's all right. Carry on as if you were normal, John. Carry on.

MR SPEAKER: Order!

MR HARGREAVES: Thanks very much, Mr Speaker. I will treat Mr Pratt's remark with the contempt that it is due. I do not accept the hysterical point that Dr Foskey makes—the highly emotive point. This merely builds on her straw man construction that all these services are disappearing, whereas they are not. Access has never been better, in fact. We are a very literate society. We have access to telephones. Almost every person in Civic can do something. They use their work phones for private purposes. There is a whole range of opportunities for them. In fact, I believe that across town the facilities for contacting and accessing government services, whether it be paying bills or acquiring knowledge and information, have never been better.

DR FOSKEY: What was done to find out how many people who use the Civic shopfront do not have access to the internet and a telephone and what provisions have been made for their access to similar services?

MR HARGREAVES: Mr Speaker, I can now prove to you that Dr Foskey does not listen when she has been given an explanation. No more than two minutes ago I explained that to her. I have explained to Dr Foskey that it is very doubtful indeed that people in this town do not have access to a telephone; it is very doubtful. There are some, however, who may have no access to a telephone. We also know, and I will say it yet again, that most of the newsagencies round town have an Australia Post outlet and all of the business can be transacted through them. Indeed, in Civic, the Australia Post outlet, for Dr Foskey's information, is between the two segments of the Canberra Centre. People have an opportunity, as I have said, to perform a whole range of activities there.

With respect to the Civic library, programs are going to be available there pretty much straightaway, but I would guess definitely from January, whereby there will be education and training, if you like, for people who do not know how to access the internet to pay their bills, who do not have a PC at home on which they can do that. The PC system in the libraries will be available to them to do that. They will be available in the new Civic library, which is a stone's throw from the old place that they may or may not have used.

Furthermore, in recent times I have ruled out a charge for that service. There was a recommendation that I charge $1 an hour and I rejected it. I think, as I have said, that there are ample opportunities. There is internet access, which is available at the libraries. There is telephone access, and most people have access to a telephone. Credit card facilities are available and listed on the back of the forms. Eftpos is available through Australia Post. There is Australia Post itself if you want to go there and pay cash. I could go on, but I would address Dr Foskey's attention to the back of her next bill because, clearly, she has only looked at the front of it.

Planning—EpiCentre lease

MR MULCAHY: My question is to the Minister for Planning, Mr Corbell, and it relates to the EpiCentre sale. Minister, when you appeared before the estimates committee on 21 June this year, you said:

> All of the uses were very clearly spelt out to bidders before the auction occurred.

If this is true, why did the in-house counsel for ACTPLA write to the ACT Government Solicitor's Office asking whether there should be an addendum to the sale documents to "explain the appropriate interpretation of the territory plan in its application to this block"?

MR CORBELL: It is quite normal, when an inquiry is made of the planning authority and there is uncertainty as to whether or not interpretations are accurate, to get advice on that interpretation. That is what they did in this case. On conclusion of that advice, they decided that no further information or clarification was required.

It is very interesting that the opposition are relying on this legal advice which has been released under FOI, I understand, from the ACT Government Solicitor to the general counsel of ACTPLA. This advice says very clearly:

> … the better view is that the Controls in Part B3 of the Territory Plan do not operate in a way that prevents an outlet centre such as that apparently contemplated for Block 8 by Austexx Developments … from having a building area in excess of 3,000m2 provided that each shop in the building or buildings constructed on Block 8 does not exceed the relevant floor area specified in the Controls.

This legal advice says that, in the government solicitor's view, the better interpretation of the territory plan was that you could have multiple retail shops as long as the shops individually did not exceed 3,000 square metres in size. That is the advice from the government solicitor. This is legal advice that confirms ACTPLA's position. This is legal advice that confirms the government's position that a retail outlet is permitted on the site and that individual shops, as long as they do not exceed 3,000 square metres in size each, are permitted on the site. That is the advice from the government solicitor.

To construe this document in any other way is mischievous and misleading because this advice is quite clear. The government solicitor confirms that, on balance, the interpretation of the territory plan by ACTPLA is the correct one. That is what this advice confirms. To suggest otherwise is mischievous and misleading and a desperate attempt by those opposite to try to justify their position in the face of evidence to the contrary.

MR MULCAHY: Thank you, minister. Why was the advice sought just 23 days prior to the auction?

Mr Seselja: It sounds like there was still uncertainty 23 days before.

MR SPEAKER: Order! Mr Seselja, cease interjecting.

MR CORBELL: The advice was sought following a request from Austexx, a potential bidder. What does the opposition think we should do, ignore it?

Planning—EpiCentre lease

MR SMYTH: My question is to the Minister for Planning and relates to the EpiCentre sale. Minister, advice provided by the ACT Government Solicitor to ACTPLA prior to the EpiCentre auction stated that there were several courses of action available to ACTPLA, ranging from cancelling the auction to:

> … advising Austexx that it should rely on its own legal advice …

Minister, on 8 December 2005 ACTPLA wrote to Austexx and, instead of taking the government solicitor's advice, wrote:

> Our interpretation … of the Territory Plan … does not accord with the company's legal advice …

Why didn't ACTPLA follow the advice of the ACT Government Solicitor and tell Austexx to rely upon its own advice? Why did it instead state it did not agree with the Austexx advice?

MR CORBELL: In that same letter to Austexx, ACTPLA made it very clear that it should rely on its own advice. It is there in black and white in the letter.

MR SMYTH: Mr Speaker, I have a supplementary question. Minister, were you personally involved with the decision to give comfort to the company regarding its legal advice?

MR CORBELL: I was not the decision-maker on these matters; the decision-maker was the planning authority. They have the statutory responsibility to interpret the territory plan.

Mr Seselja: There was no official decision made there.

MR SPEAKER: I warn you, Mr Seselja.

MR CORBELL: They—not I—have responsibility to interpret the territory plan, and I was not involved in that interpretation.

Rape Crisis Centre

MRS BURKE: My question is to the Attorney-General and it is about the Rape Crisis Centre that operates in Canberra. Minister, does the ACT government provide any funding for the operation of this centre? If so, what is the level of this funding and what other resources, if any, are provided to the centre? What processes are used to ensure appropriate accountability for the use of these funds?

MR CORBELL: I am not aware what funding arrangements, if any, exist between the ACT government and the Rape Crisis Centre. I will take Mrs Burke's question on notice.

MRS BURKE: Mr Speaker, I have a supplementary question. Minister, when was the last time the Rape Crisis Centre was subject to any form of evaluation, and what was the outcome of that evaluation?

MR CORBELL: I will take the question on notice and provide some information to Mrs Burke.

Emergency services—volunteer brigade funds

MR PRATT: My question is to the Minister for Police and Emergency Services. I refer to the volunteer brigades association letter of 20 November 2006 rejecting your government's individual trust fund proposal to resolve the highly charged issue of the RFS and SES volunteer bank accounts and community funds. As you know, the VBA argue that this is money that they have raised and that they should control it. In his letter, Mr Barling of the VBA states that this issue has "caused a great deal of anger, distrust and angst for volunteers, which has not helped retention issues, but has also most likely damaged the recruitment of potential volunteers".

Minister, would you now support a motion to suspend standing order 137 to enable the vote taken last week on the Emergencies Amendment Bill 2006 to be rescinded?

MR CORBELL: I thank Mr Pratt for the question. I am very disappointed by the decision of the VBA to reject the compromise position put by the ESA and I note that Mr Barling in his letter thanks my chief executive and officers of the government solicitor's office for their genuine commitment to listen to volunteers' concerns. I think he goes on to state that it was "refreshing" to hear concerns in a genuine way, so I thank him for those comments.

But I am disappointed by the VBA's decision. The reason for that is that the government had put forward a proposal that addresses our concerns and, I believe, addresses volunteers' concerns. The volunteers' concerns are that they have control over how the money is spent and that they have control over how the money is managed. The proposition put by ESA to the volunteers was this: the money would go into individual trust accounts for each individual brigade and unit, the only signatories of those trust accounts would be the brigade or unit treasurers and they would continue to have access to that money from their local bank branches. That was the proposition—their accounts, their signatures and their controls, but in an account that was a territory trust account.

It was entirely possible and feasible—and what was proposed and offered to volunteers was—that they each had an individual account at their local commonwealth bank branch, they would be the signatories to that account, they would be responsible for depositing money into that account and taking money out of that account, they would be the only signatories of that account and they would exercise the control of it. That would seem to me to completely satisfy volunteers' concerns in terms of control, in terms of access and in terms of day-to-day responsibility. I think that was a very reasonable proposition put by my department and I am disappointed that volunteers have taken this decision to reject that compromise.

Unfortunately, I am not going to agree to the proposition that there should be legislation to exempt volunteers from the requirements of the Financial Management Act in this regard. I think what we have put in place is entirely reasonable and I will be asking the volunteers to reconsider their position and to sit down and talk these issues through further. That is how I intend to progress this, in the hope that we can get agreement on this, because one side or the other just standing off and saying, "We don't agree" is not going to work. We need to sit down and talk it through—and that is what I am committed to do.

Emergency services—volunteer brigade funds

MR PRATT (Brindabella) (3.06): I seek leave to suspend standing order 137.

Leave not granted.

Suspension of standing orders

MR SMYTH (Brindabella) (3.06): I move:

> That so much of the standing orders be suspended as would prevent Mr Pratt from moving a motion to suspend standing order 137 to rescind the resolution of the

> Assembly of 15 November 2006, which negatived the Emergencies Amendment Bill 2006 at the agreement in principle stage.

Last week the minister gave us assurances that this matter would be resolved. The minister said that he was working towards a solution, but the solution is simply "our way or the highway". The volunteers have said no to the minister's proposal. As we face perhaps the most dangerous fire season in many years, the volunteers feel disenfranchised by this minister. They feel that the minister is not listening to them. For the territory, that is a very dangerous state of affairs. I can never remember an occasion when the volunteer brigades refused to turn up to the official start of the fire season. It is an indication of their lack of confidence in this minister and the process that he has set forward. We need resolution. We do not need a minister standing on his digs.

Mr Corbell: I raise a point of order, Mr Speaker.

MR SMYTH: We need the opportunity to look at this bill again because it provides the solution the volunteers want.

MR SPEAKER: There is a point of order. Sit down, Mr Smyth.

Mr Corbell: Mr Speaker, the motion before us is that standing orders be suspended. We are not debating the substantive matter. Mr Smyth, as he well knows, should address the motion to suspend the standing orders.

MR SPEAKER: Thank you, Mr Corbell. Your comments should be relevant, Mr Smyth.

MR SMYTH: I am giving you reasons why the standing orders should be suspended. I am not actually giving you reasons why the bill itself should be recommitted. There is a different set of reasons why the volunteers should be given a solution that lets them get on with their job.

But resolution is required and if this matter goes unresolved it will affect morale. In the letter that he sent to the minister and to all members, Mr Barling said, "We believe it is affecting morale and we believe it is affecting recruitment. For these reasons, it is very important to resolve this issue." The volunteers have said to us and to the community that the only way to resolve this issue, the outcome that they would like, the outcome that would allow them to get on with fighting fires or rescuing people, is for the legislation to be changed. The volunteers were very happy with the legislation that Mr Pratt put forward. We seek to suspend the standing orders so that the vote can be rescinded and the bill recommitted under standing order 137. That is the substance of what we propose. It is a simple solution.

Mr Corbell has said that the parties will keep negotiating. How do you negotiate when one party to the negotiations says, "I want it this way," and the other party says, "We will only do it that way"? It means that there will be no resolution and we will go through a fire season in which the minister does not have the confidence of his brigades. It is very important that this matter be recast.

Mr Hargreaves: I raise a point of order, Mr Speaker. Mr Smyth is debating the issue. He is not giving us the reason for the suspension.

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

Mr Hargreaves: Give us the reason for the suspension.

Mr Pratt: Mr Smyth is outlining the urgency of the situation and the need to reconsider the legislation today.

MR SPEAKER: I can see the connection.

MR SMYTH: Thank you, Mr Speaker. I know government members do not want to hear it, but the point is that this matter is urgent. We all know—and I am sure Ms Porter will jump to her feet in support of volunteers—that it is harder and harder to get and keep volunteers. We were given the example of southern, which put forward 25 volunteers but got only one through the system for the fire season. If that is happening to southern brigade, we have got a problem. Under standing order 137, we want to look at this issue again.

This issue needs to be looked at again because the minister said last week that he would fix it. The Volunteer Brigades Association, in a letter to all 17 members today, said that the minister is not fixing it. They thanked him for his officials' efforts, that is true, but the solution provided is unacceptable to them. We now have to choose. We can choose either to reject the volunteers and say, "Our way or the highway; we do not care what you want," or we can do the reasonable thing, which is to suspend the standing orders and allow the vote to be recast. All members, if they wish, can join in the debate and we can look at the issue again.

The minister's solution has failed. It has created a situation of distrust among the brigades. The letter mentions distrust; they no longer trust the solution that the minister is putting forward. Does the Chief Minister want to leave in place a minister who does not have the trust of the volunteers of the SES and the rural fire service?

The ACT is coming into a very, very dangerous season. We have a total fire ban today. We have high winds, high temperatures and high fuel loads. It is a recipe for disaster. If the minister's decisions are affecting the chain of command and belief in the chain of command, and if the minister's decisions are stopping the volunteers doing their jobs properly and protecting the city to the fullest of their capability we need to resolve this today. There could be a solution on the table today. If we were to deal with the matter under standing order 137, we could reach a solution that would be acceptable to the volunteers. It should be acceptable to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (3.11): Mr Speaker, the government will not be supporting the suspension of standing orders today. The reason is that this is a difficult negotiation, but it cannot be a one-sided one. The government's concerns must also be acknowledged as legitimate. It is not just the volunteers' concerns that are legitimate; the government's concerns are also legitimate. The government has a responsibility on behalf of the taxpayer to ensure that funds are managed in accordance with the law. That is the obligation and responsibility that we have also.

I believe that the proposition that has been put forward by ESA is a reasonable one because, as I have indicated to members, they will have the bank account. They will be the signatories to the bank account. They will be the ones depositing and withdrawing the money, and no-one else will have access to that bank account. That would seem to me to satisfy their concerns. But the government also has legitimate concerns, and they are entitled to be acknowledged as well. Those are the issues that need to be addressed.

It is not appropriate to revisit the legislation proposed by Mr Pratt. The absurd claim we hear from those opposite is that this somehow impacts on our operational response. What a load of nonsense! Is Mr Pratt seriously suggesting that volunteers will not hop on trucks and go to the fire if there is a fire call this afternoon? Of course they will, because that is what they are committed to doing. Is Mr Smyth seriously suggesting that incident control will be compromised because of a dispute about what bank account volunteers' donations go into? What absolute nonsense!

That is the sort of pathetic grandstanding we get from those opposite all the time. This has become a difficult issue because the compromise position put by the government has not resulted in agreement. But that is all right. We will sit down and keep working on it until we get agreement. That sort of grandstanding is not going to be agreed to by the government and we do not support revisiting this issue. The issue needs to be addressed in a way in which the government's legitimate responsibilities in terms of appropriate financial management are also recognised, along with the volunteers' need to have recognised their access to, and control of, funds raised by them.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (3.15): This particular standing order has been used on a number of occasions. Not very often, but on occasions, the Assembly simply gets it wrong and circumstances dictate that a matter must come back before the Assembly to be redecided. That has happened on occasions in the past, so that is an argument in favour of the motion to suspend standing orders.

This is a very difficult situation—it is a crucial situation. As Mr Smyth has said, we are facing a dreadful bushfire season. We have heard in this place that the heath country is going to be a real problem, and no-one quite knows how to handle that. We need every single volunteer and every person we have available. We need to ensure that people are, in fact, recruited. This matter has been in the Assembly a couple of times. A letter dated 20 November from Mr Barling, stating that the issue has caused a great deal of anger, distrust and angst to volunteers, has not helped retention issues and has also most likely damaged the recruitment of potential volunteers, demands action now.

The action is quite simple. I understand that all these accounts in the past have been audited. I ask the minister to point out when they have actually failed, when this actually has been a problem.

Mr Smyth: Who is he accusing of corruption?

MR STEFANIAK: I do not think that he is accusing anyone of corruption. It just seems that he is hell-bent on this going this way. Previously the system has worked very well. No-one has pointed out that the way it was done has failed. The volunteers, quite obviously, are very, very upset by this.

I have heard Mr Barling say on a number of occasions, not just on 20 November, that this issue has most likely damaged the recruitment of potential volunteers. That is an incredibly serious matter. It is now 21 November. We are in a dreadful situation. Today we have temperatures over 30 degrees, and it is not going to get any better. We have had about 340 millimetres of rain, which is well below the average for this time of year. We will be lucky to get 400 millimetres, instead of the 640 or so we normally get. We are in for a very, very hot summer.

We have this ongoing issue over what is a relatively minor point, but a point of real concern to these volunteers. I ask the government to swallow its pride, accept what the opposition is trying to do here and do the right thing by the people of Canberra and the volunteers.

MR PRATT (Brindabella) (3.17): Mr Speaker, a suspension of standing orders is justified because we have a running sore that has been allowed to run for more than six weeks now, ever since the minister said that he was going to form a committee to deal with an issue which goes to the heart of volunteerism and that he would be dealing with this issue "at the end of the bushfire season". That is what has got the volunteers stirred up.

The timing is crucial. This matter needs to be addressed here today. We need to get on and sort this matter out so that the volunteers can get the monkey off their back on this particular issue and get about the job right now, this week, of attending to the bushfire threat that we currently have. It is disingenuous of the minister to say that volunteers are not going to jump on their fire trucks and that Mr Pratt and Mr Smyth are making complaints about—

Mr Corbell: That is what you are saying. That is your argument.

MR PRATT: No, we have not said that. What we have said is that you have imposed an unnecessary impost. Volunteers have a hard enough job as it is. We ask them to put themselves on the line of risk. We do not need to make their lives that much more difficult. That is why it is urgent, Mr Speaker, here, this week in this Assembly to sort this matter out.

The minister had an opportunity last week to accept wholeheartedly the opposition's tabled legislation that would have put this matter to bed. It would have put it to bed then. I presume he was hoping that the meetings that occurred last weekend between emergency services and JACS were going to solve the manner. As we are painfully aware here today, that was not the case. As is clearly stated here today in the VBA letter dated 20 November, they are far from impressed.

So, despite what the minister is saying here today, that the trust fund accounts will meet all of the requirements of the brigades and the units, the brigades and the units remain mistrustful of this particular initiative. That is a fact. They are stating that here. Mr Barling has gone out to all the brigades and gathered the information that indicates that, in the majority, in the main, they are not satisfied with the proposals put forward by JACS. Yes, they are very happy that JACS made the time to meet with them and that

there were at least professional negotiations, but they are very unhappy with the plan that has been put on the table. They have said that. There is no way of getting around that.

We cannot go from this day onwards into this fire season with this issue remaining unresolved. It is a running sore that needs to be dealt with now. There is no way that there is going to be a negotiation between the VBA and JACS to come up with yet another plan. The opposition has road-tested its legislation. The volunteers are happy with that legislation. It meets all their needs. If the government were to rescind the vote of last week, we could have here within a short time the legislation that would firewall the SES units' and the RFS brigades' bank accounts and community fundraising procedures. Those traditional practices can be firewalled from the concerns that have been expressed by the government solicitor in the context of the Financial Management Act.

The legislation will do that, minister. If you are big enough to look after your people, your volunteers, to look after their morale, you will vote here today to rescind that vote. We need to do that today. We cannot wait until December.

MR SPEAKER: What you really mean is that we will need to suspend the standing orders, is it not?

MR PRATT: I do indeed, Mr Speaker. We need to move today to suspend the standing orders so that we can embark on a process of resolving an issue that remains an open sore. I just finish by saying that Mr Barling, in his letter to the minister, has said—

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

Question put:

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

The Assembly voted—

Ayes 7		Noes 10	
Mrs Burke	Mr Smyth	Mr Barr	Mr Gentleman
Mrs Dunne	Mr Stefaniak	Mr Berry	Mr Hargreaves
Mr Mulcahy		Mr Corbell	Ms MacDonald
Mr Pratt		Dr Foskey	Ms Porter
Mr Seselja		Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

Questions without notice

Health—smoking in enclosed public places

MS MacDONALD: Mr Speaker, my question, through you, is to Ms Gallagher in her capacity as Minister for Health. Following the passage of the Smoking (Prohibition in Enclosed Public Places) Act 2003, bans will shortly come into effect on smoking in enclosed public places. Could you please update the Assembly on the introduction of these bans?

MS GALLAGHER: I thank Ms MacDonald for her question and for her significant interest in all things related to tobacco control. It is a longstanding interest.

The ACT has always been at the forefront of tobacco reform. In 1994, the Follett government introduced landmark legislation to ban smoking in many enclosed public places. Since then, other jurisdictions, nationally and internationally, have followed our lead to ensure non-smokers are not exposed to passive smoke. Smoke-free environments encourage and assist smokers to make that decision to quit.

Right across the world, New York, Dublin, Quebec and the countries of New Zealand, Norway and Scotland are just a few examples of international communities that have recognised the need for clean, smoke-free air in our enclosed public places. I read with interest recently that England will shortly follow suit, with even the usually smoke-filled pubs of London soon to be smoke free.

Here in the ACT, 10 years on, we continue to take steps to keep our air clean and tackle the issue of smoking amongst our young people. The Smoking (Prohibition in Enclosed Public Places) Act 2003 continued Labor's commitment to reduce passive smoking. On 1 December this year, that legislation will ensure that it is prohibited for a person to smoke in any enclosed public place such as a restaurant, pub or nightclub.

The purpose of the smoke-free laws is to avoid exposing people to tobacco smoke in public places where the building is not sufficiently open to allow natural ventilation. There has been strong community support for the change from partially smoke-free areas, which currently exist, to entirely non-smoking public places. We have sought to strike a balance with this legislation. Smoking may still occur in outdoor, unenclosed areas and in public places that are less than 75 per cent surrounded by cover.

To ensure both business and the general public are aware of the cleaner, healthier, smoke-free Canberra, the Health Protection Service has developed a campaign that includes television, radio and print advertisements. Members may have also seen ACTION buses prominently displaying the message about the introduction of the new smoke-free legislation. The advertising campaign commenced on 15 June 2006, with radio and TV ads, followed by the bus ads. From now until mid-December, these will increase in frequency, followed by a general information campaign that will be running until mid-January 2007.

The Health Protection Service have also been working with businesses to help them to understand and implement the new smoke-free legislation. Public health officers have been visiting premises to provide information and guide businesses on how to comply with the new laws and will continue to do so in the lead-up to 1 December 2006. Information fact sheets and flyers have been developed and distributed to business. Template coasters and posters have also been provided.

The message has been getting out. The Tradesmen's Club is running TV advertisements about smoke-free and their new facilities to accommodate smokers at their premises. The Labor Club has information on its website and was proactive in seeking advice about smoke-free requirements. Mix 106 has advertised that it will host a smokers and singles

party mix night at the Hellenic Club on 2 December 2006. The Hellenic Club has also had in-house advertising about going smoke-free.

The campaign was developed in consultation with the Smoke-Free Consultative Group, which consists of representatives from industry, including Clubs ACT, the AHA ACT Branch, and health groups, including ASH Australia and the Heart Foundation here in the ACT. It is a credit to the ACT community that these changes have broad-based support.

These bans are part of a comprehensive strategy from the ACT government to tackle smoking in our community. The government will also shortly begin compliance measures to tackle teenage smoking, recently passed by the Assembly. I, like other members, look forward to sitting in an ACT club with my family in a smoke-free environment in a few short weeks.

MS MacDONALD: Thank you, minister, for that answer. Can you update the Assembly on the compliance testing?

MS GALLAGHER: I thank Ms MacDonald for her supplementary question. In the ACT, the most common age to begin smoking is between the ages of 15 and 16 years. Early uptake of smoking is associated often with heavier smoking, a lesser likelihood of quitting and higher probability of succumbing to smoking-related diseases. Tobacco use by children has also been found to form part of a pattern of risk-taking behaviour. ACT data shows that students aged 16 to 17 who smoke are at a significantly greater risk of consuming alcohol, using cannabis or other illicit drugs than are non-smoking students of the same age.

With all that in mind, we cannot stand idly by. In the face of these facts, delaying the uptake of smoking, as well as discouraging it entirely, is a major public health goal. Research has shown that if a person does not use tobacco regularly by the age of 18 there is only a small chance that he or she will ever do so. There is mounting evidence from Australia and overseas that the availability of cigarettes—in fact, purchasing cigarettes—is a factor in children progressing from experimental smoking to regular smoking.

The Assembly recently passed measures to introduce compliance testing, a tool to measure compliance of the tobacco retailers in relation to the sales to minors provision of the Tobacco Act. It involves training young volunteers, under the supervision of an authorised officer, attempting to purchase cigarettes or other smoking products from retail outlets.

Since being passed by the Assembly, compliance-testing provisions are now contained in part 6A of the Tobacco Act. While these provisions are effective and operational, from a practical perspective they cannot be used yet. This is because, under section 42D, the minister must first approve the compliance testing procedures through a disallowable instrument. We are currently developing these procedures, with input from the Office of Children, Youth and Family Support, along with the Department of Justice and Community Safety.

These procedures will include requirements for the young person's appearance, how the cigarettes are requested and how the young person responds if asked for proof of age.

Particular care will be taken to ensure that the purchase assistant in a compliance test is indistinguishable from any other young person who might enter the shop to purchase tobacco products, except that the volunteer young person has been assessed to look under 18 and does not lie about his or her age. If asked about identification, the purchase assistant will indicate that he or she does not have any identification. The purchase assistant will not in any way try to persuade the seller to sell the smoking products to him or her.

Once procedures have been developed and approved by the Assembly via the disallowable instrument process, compliance testing cannot occur unless the minister has approved a compliance testing program. As the Minister for Health, I will consider the information about the need for a program, what area will be targeted and the duration of the program, before approving such a program.

I will bring the procedures before the Assembly in the coming months and will keep all members informed as compliance measures are implemented. I also look forward to keeping the Assembly informed of any future measures we might take to reduce smoking and the uptake of smoking in our community.

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

Land (Planning and Environment) Act
Papers and statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning): For the information of members, I present the following papers:

> Land (Planning and Environment) Act, pursuant to section 216A—Schedules—Leases granted, together with lease variations and change of use charges for the period 1 July to 30 September 2006.

I ask for leave to make a statement in relation to the papers.

Leave granted.

MR CORBELL: Section 216A of the Land (Planning and Environment) Act 1991 specifies that a statement be tabled in the Assembly outlining details of leases granted by direct grant, leases granted to community organisations, leases granted for less than market value and leases granted over public land. The schedule I have tabled covers leases granted for the period 1 July 2006 to 30 September 2006.

During the quarter, three leases were issued by direct grant. Of these, one was granted using disallowable instrument 220 of 2003. The lease was granted over block 5 section 23 Gungahlin to Amarso Pty Ltd on 2 August 2006. The lease was granted to enable the construction of a service station in the Gungahlin town centre.

For the information of members, I have also tabled two other schedules relating to approved lease variations and change of use payments received for the same period.

Review of library service
Paper and statement by minister

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs): For the information of members, I present the following paper.

> Consolidation of library services—Provision of consultancy services—Going forward together project 7—contract No C06424, version dated 24 August 2006.

I ask for leave to make a statement in relation to the paper.

Leave granted.

MR HARGREAVES: It is a matter of wide public knowledge that I have announced the closure of the Griffith library from 1 December 2006. Among the calls for further information about the decision and the report from Dr Lunn on her review of the library services was a call for the terms of reference that she was given. The Government Procurement Act 2001 requires all contracts of $50,000 or more to be placed on the BASIS website. Dr Lunn's contract was for an amount less than $50,000, if one discounts GST, and, in the normal course of business, would not be placed on that website. However, I asked that special efforts be made to put the contract on the website. I am happy to announce that it went up yesterday.

The terms of reference are embodied in the contract at schedule 2 item 2. It is an unremarkable contract that required Dr Lunn to review all library services, examine the movement of library expenses against national benchmarks and examine the ACT Legislative Assembly and heritage libraries. I have tabled the contract for the information of members.

Papers

Mr Corbell presented the following papers:

> **Petition—out-of-order**
> Melba shops—upgrade to car parking—Mr Stefaniak (925 citizens).
>
> **Subordinate legislation (including explanatory statements unless otherwise stated)**
>
> Legislation Act, pursuant to section 64—
>
> Agents Act—Agents Amendment Regulation 2006 (No 3)—Subordinate Law SL2006-47 (LR, 2 November 2006).
>
> Health Act—Health (Interest Charge) Determination 2006 (No 1)—Disallowable Instrument DI2006-241 (LR, 9 November 2006).
>
> Public Health Act—Public Health Amendment Regulation 2006 (No 1)—Subordinate Law SL2006-48 (LR, 2 November 2006).

Public Place Names Act—

Public Place Names (District of Gungahlin) Determination 2006 (No 1)—Disallowable Instrument DI2006-242 (LR, 9 November 2006).

Public Place Names (District of Gungahlin) Determination 2006 (No 2)—Disallowable Instrument DI2006-243 (LR, 9 November 2006).

Public Place Names (District of Gungahlin) Determination 2006 (No 3)—Disallowable Instrument DI2006-244 (LR, 9 November 2006).

Public Place Names (Gungahlin) Determination 2006 (No 1)—Disallowable Instrument DI2006-245 (LR, 13 November 2006).

Public Place Names (Kingston) Determination 2006 (No 1)—Disallowable Instrument DI2006-240 (LR, 2 November 2006).

Water Resources Act—Water Resources Amendment Regulation 2006 (No 1)—Subordinate Law SL2006-46 (LR, 26 October 2006).

Supplementary answer to question without notice
Ambulance service—crews

MR CORBELL: I have an answer to a question without notice taken on notice by me from Mr Smyth on 15 November. He asked me:

> You were recently quoted as saying that the ACT ambulance service has seven ambulance crews fully operational around the clock. If this is the case, why, on Saturday, 4 November 2006, was it necessary for ambulance service management to hold back day-shift crews for the night shift and, even so, they still failed to have more than five fully manned ambulance crews available after midnight?

The answer to Mr Smyth's question is: in regard to ACT ambulance crew levels on the evening of 4 November, I can advise the following: on Saturday, 4 November there was a requirement to hold one day shift officer back until midnight; there were 6½ crews available until midnight, six stretcher ambulances and one single-response unit; and there were 5½ crews available after midnight. Projected crewing levels were adversely affected by access to unplanned sick leave and leave of a personal nature, despite all attempts being made to cover vacancies at that time.

Aged citizens—mobility issues
Discussion of matter of public importance

MR SPEAKER: I have received letters from Dr Foskey, Mr Gentleman, Ms MacDonald, Mr Mulcahy, Ms Porter and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, I have determined that the matter proposed by Mr Mulcahy be submitted to the Assembly, namely:

> The current challenges related to mobility issues for aged citizens in Canberra.

MR MULCAHY (Molonglo) (3.37): I make some comments on an increasingly important issue facing the ACT over the coming years. I believe that comprehensive infrastructure solutions will be required to maximise the mobility of aged citizens in the ACT and begin to address problems associated with an ageing population.

This issue has been the subject of considerable discussion over the past few months and culminated in a recent seminar on older drivers that was sponsored by the Australasian College of Road Safety and the NRMA ACT Road Safety Trust. The seminar was attended by a host of local and international authorities on the subjects of ageing and transport, and the conclusions drawn from the various speakers shed new light on the problems associated with seniors' mobility and how to begin tackling them.

It is generally thought that those aged 55 years or more are appropriately included in this debate. As life spans increase, the baby boomers of today are extending the age range of what it means to be an older driver or public transport user. Expectations are also increasing on what are acceptable means to maintain an independent lifestyle.

Professor Don Aitken of the Road Safety Trust believes that, despite older drivers being very safe and cautious, their susceptibility to accidents increased from the age of 84. During the seminar, Professor Aitken stressed the fact that older drivers themselves may not necessarily be the problem. However, the world's population is definitely getting older—and the ACT community is certainly ageing rapidly—and the birth rate is declining on an Australia-wide basis, which will start to change perceptions on seniors' mobility and its associated policy problems.

Dr Bella Dinh-Zarr, the acting North American director of the make roads safe international road safety campaign, agreed that in the United States as well as Australia we are experiencing an ageing population. She stressed that we need to do something now and not wait for the baby boomers to get older, as they generally have better health than previously and have become accustomed to more independence. This is particularly true in the ACT, where the population is ageing rapidly and issues concerning the aged will become ever more important over the medium to long term. We need to have the right policies in place to begin solving these problems now before they become too expensive and unmanageable.

Why is mobility important for older citizens in our community? Mr Robin Anderson, an executive member of the ACT and region chapter of the Australasian College of Road Safety, believes that mobility for older people is critical for both physical and mental health. That is why the cessation of driving, when necessary, should be done gradually and not consist of a sudden, traumatic experience. No longer being able to drive can be a traumatic experience for some older people. There currently exist overseas programs addressing this problem.

Mr Allan Brownsdon from the Council on the Ageing presented some telling statistics about how aged citizens currently get around the ACT. Apart from demonstrating that we as a territory have the most rapidly ageing population in Australia, he showed that, amongst the various travel options that are utilised by older people in the territory, some 280,000 people drive their own car; 150,000 people walk to get around; 66,000 people are driven by their carer; 30,000 people use the ACTION bus system; 27,000 people are

driven by family or friends; and 7,000 people use taxis. Overwhelmingly, driving cars and walking seem to be the main methods by which our older people choose to pursue their mobility.

What are the issues surrounding these methods and what can be done about them? Observations made by Mr Anderson were particularly revealing. He believes that older drivers are safer than previously believed and are keeping themselves safe on the roads by determining when and where they drive. Studies carried out by the Monash University Accident Research Centre indicated that most older drivers were not considered a large road safety issue, but the number of older drivers is increasing with the number of baby boomers who grew up with a car and keep driving.

Interestingly, in public health terms, older drivers are not nearly as dangerous as the younger drivers. Associate Professor Drew Richardson of the NRMA ACT believes that, in individual terms, people over 75 are just as likely to be involved in a crash as 17 to 24-year-olds. Ironically, by preventing those over 85 years from driving, we would, in fact, only reduce serious injuries by about four per cent—not insignificant, but it needs to be kept in perspective.

Fatigue is a significant contributor to road trauma. Most drivers will admit to becoming tired while driving, not just older drivers. Yet many older drivers are on several forms of medication and this can certainly compound the problem. Furthermore, if older drivers get involved in a serious accident, they may have more problems because they are more susceptible to broken bones.

Mr Jim Langford, a senior research fellow at the Monash University research centre, cited some indicative figures on car crashes involving older drivers. According to Mr Langford, two in three crashes are in urban areas, and one in two are at intersections. There are considerably fewer long-distance crashes involving older drivers than short-distance ones. Short-distance travellers are more likely to use the urban road network, yet most older driver fatalities occur on urban roads. Usually lack of fitness is not a problem for older drivers. However, crashes involving older drivers are mainly due to frailty of some description.

The frailty of older drivers is believed to be a significant factor in this debate. Mr Brownsdon contends that the message of frailty is not getting through to the community. He says a large number of older drivers have cars over 10 years old, and the health and fitness of drivers has not been seriously taken into account as a safety feature to date. It is interesting that 80 per cent of the older population believe their doctor will let them know when they are not fit to drive and, perhaps mistakenly, many older people think they are not fit to walk but they are still fit to drive.

Walking, as was seen in the figures I cited previously, is in a clear second place when it comes to seniors' mobility. It is widely seen as an important transport method. However, there are problems that are associated with walking. For instance, older people have a tendency to get intimidated when crossing the road and can be limited by the lack of footpaths provided in their local area.

It is also worth noting that ACTION buses are only being used by about six per cent of the population. Older people are not using buses, which is particularly unfortunate

because ACTION is really the only alternative to driving that currently exists in the territory.

What can be done to mitigate the challenges being faced by older citizens in relation to their mobility? Real solutions will exist in finding the most effective ways for older citizens to maintain their independence and mobility so that they can access essential services, shops and medical care on their own terms. Dr Dinh-Zarr suggested some very simple and straightforward ways by which, in the short term, conditions can be improved. She believes that good, clear signage and lighting can save people from accidents on the road. Likewise, relatively low-cost improvements such as identifying and modifying dangerous intersections can help road safety.

But there are general measures. A more targeted solution that was canvassed in the US has been CarFit, which was established through collaboration between the American Society of Ageing, the American Occupational Therapy Association and the AAA, the American Automobile Association. The CarFit program is designed to give the older driver a comprehensive check on how well the driver and the car work together. A trained professional would ask the older driver some simple questions to complete a 12-point CarFit checklist for comfort and safety. This would include such measures as ensuring that there is a clear line of sight over the steering wheel, plenty of room between the front airbag and the steering wheel and a seatbelt that holds the driver in a proper position while the car remains comfortable to drive.

A report being compiled by COTA includes recommendations that are most relevant for the ACT. They include linking frailty, health and fitness to road safety, developing an older persons road safety strategy plan, trialling a transport options adviser and looking at developing an older travel refresher program. These ideas, in my view, are a good first step. I strongly believe that society has a responsibility to put in place the practical and user-friendly infrastructure that older citizens need to get around their local community. We need to take a bipartisan approach in finding the best methods of guaranteeing seniors mobility around Canberra.

I sincerely hope that the ACT government takes these issues seriously enough to work with me, as the opposition spokesman on ageing, to find the right solutions to these pressing community concerns.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (3.48): I thank Mr Mulcahy for bringing this matter of public importance to the Assembly today. As minister for ageing here in the ACT I would be very happy to work cooperatively, as I try to do with all members of the Assembly, to address issues relevant to people's or members' interests and portfolio responsibilities.

The ACT government is committed to ensuring that Canberra's older citizens live in a society where people of all ages and abilities and from different cultural and linguistic backgrounds are valued for their contribution, respected, included and encouraged to reach their full potential and to share in the benefits of our local community.

Mobility is a critical issue for all Canberrans, and particularly for our older citizens, as Mr Mulcahy has pointed out. In this context mobility is much more than just an ability to

move around independently. It involves not only enhancing the quality of life of senior Canberrans but also ensuring that they are able to continue their contribution to our community in terms of their caring, volunteering, mentoring, late career opportunities and further and different roles that they undertake.

I would like to focus this afternoon on mobility in its broadest sense—that is, in terms of ongoing community participation and engagement. The age structure in the ACT is changing. In 2006 there are 47,000 people aged 60 years and over, which represents some 14 per cent of the population. This group is expected to more than double over the next 25 years. People are living longer than those of previous generations and older people are certainly more active, have greater levels of engagement and contribute more to our community.

In the ACT, we are particularly proud that the uptake rates for the seniors card is around 96 per cent of all eligible Canberrans. We are pleased to sponsor the ACT seniors card program because it promotes an active and healthy lifestyle for older people. The seniors card provides cardholders with discounts at approximately 470 businesses in the ACT and is accepted by a number of businesses interstate. By giving something back to older members of the community, the seniors card scheme aims to improve the quality of life for older people by increasing their spending power and enabling seniors to increase their participation in community life. Local businesses offer seniors card holders benefits ranging from discounts on hotel accommodation, cafes and restaurants across the ACT and interstate, dental services, tyres, car repairs, entry to cinemas, museums and a host of other attractions and activities to discounts on computers and computer training.

As is the situation in most jurisdictions, the ACT seniors card is supported by a range of ACT government benefits for ACT cardholders, including special rates for ACTION bus travel during off-peak periods, discounts on ACT dog registration through the shopfronts and a 10 per cent concession on the registration component of privately registered motor vehicles.

Seniors card schemes are the responsibility of individual state and territory governments and each jurisdiction operates its own seniors card. The eligibility criteria and the range of benefits vary between jurisdictions. Most of the benefits offered to seniors are in the form of discounts on goods and services purchased and these discounts are provided at the cost of the business involved. Some businesses will accept seniors cards from all jurisdictions. All jurisdictions also offer a range of concessions on government charges, which may relate to public transport, spectacles, dog registration, land rates and so on.

There is no consistency amongst jurisdictions about the concessions offered, although all offer some form of concession for their own seniors card holders using public transport. The provision of reciprocal transport concessions for interstate cardholders has been a longstanding and contentious issue. A number of states and territories have been unwilling to enter into arrangements about reciprocal concessions on the basis of perceived cost.

Mr Mulcahy: Name them and shame them.

MS GALLAGHER: It is fair to say that some jurisdictions will carry the cost burden more than others, and I think that is probably a legitimate issue that needs to be resolved.

If we look at our closest neighbour, New South Wales, and what it would cost—

Mr Mulcahy: They are just being mean.

MS GALLAGHER: the ACT as opposed to what it would cost New South Wales, there would be a big difference. I understand their argument. I do not accept it but we do need to work through it.

In October 2001 in the lead-up to the last federal election the Prime Minister, without discussion with the states and territories, made a commitment to fund a national scheme. Details were not provided until the following May, when it became clear this was a rehash of a previous offer states and territories had rejected as being unfeasible. States and territories did, however, express a willingness to continue negotiating, but so far we have not heard back from the commonwealth.

In 2004-05 attempts were made between the states and commonwealth to devise a national scheme. However, on 19 May 2005, without prior notice, the commonwealth, via a media release, withdrew its offer for national reciprocal concessions. However, on Friday, 22 September 2006 seniors card state directors agreed to progress the issue of reciprocity of transport concessions via bilateral agreements. A number of jurisdictions will make transport concessions available to ACT seniors card members. So I will update the Assembly as those discussions progress, because that was only in the past six weeks.

One of the other major forms of assistance available to older people to enable them to remain in their homes living independently as long as possible is the home and community care program. Again, this is an area where I think largely the state, territory and commonwealth governments work very cooperatively and well together. I wish I could see it across other agreements, but for some reason under HACC it works very well. Under this program the ACT government and the commonwealth government fund support services for frail older people—and young people with a disability, not necessarily relevant to this discussion—to assist them to remain in their homes and avoid premature admission to residential aged care.

One of the support services provided under the HACC program is transport. These services assist with activities such as shopping and keeping appointments and may include travel for social activities and visiting friends. This financial year it is expected that almost 100,000 occasions of service will be provided through HACC-funded transport at a cost of just over $2 million. Often this is done through community transport, which is a door-to-door service, collecting people from their home and transporting them to and from medical or other appointments, including shopping. We have many providers of that community transport here in Canberra, mainly the regional community services such as Woden, southside, northside, Belconnen and Gungahlin, and for Tuggeranong by Communities@Work.

One of the major impacts on older people's lives is the loss of their drivers licence. Without the independence of travel, many older people experience social isolation. Both northside and southside community services provide a shopping bus that collects frail older people from their home and takes them to their local shopping centre. This provides both social support and mobility and allows older Canberrans the opportunity to

shop and then socialise with others, reducing isolation. In addition to employed drivers, volunteers play a major role in the provision of community transport.

I should also say that the Ministerial Advisory Council on Ageing has recently held a number of meetings across the community—I think from memory four meetings across the ACT, including one here—focusing on transport. I understand that through that process a significant amount of surveys were completed. So I agree with Mr Mulcahy that this is at the core of many of the issues involving our ageing community. It is certainly a critical issue and I will look at how I can provide to the Assembly the information that has come out of that transport survey. I have not seen it yet, but I think it will certainly be very interesting in terms of older people telling us exactly where there are gaps and what further assistance they would like from the government to assist them in the area of transport and their mobility around the ACT.

I might leave it there. I am pleased Mr Mulcahy brought it to the Assembly. It is an issue that all elected representatives are going to need to struggle with, and governments particularly in terms of further assistance to provide good mobility strategies for our ageing community. The demographics on ageing are such that by 2025 a quarter of our population will be over the age of 60 and we need to start planning now to deal with that.

MR SMYTH (Brindabella) (3.58): I thank Mr Mulcahy for raising this MPI because it relates to one of the most critical emerging issues for all countries, particularly how to handle the enormous number of baby boomers who are starting to age just at the right time and who will require increasing support in such areas as health, accommodation and personal support.

My colleague has set out the broad dimensions of the issue for Australia. But in terms of how it affects Canberra there are some important considerations on just the physical shape and set-up of Canberra that exacerbate the problem of ageing. Two of those are that Canberra was built in an era when it was designed for cars, throughout the sixties, and there was a lack of density in population. Whereas in a city like Sydney or Melbourne within short distances there are many options in terms of public transport, and normally within communities there are many options in terms of shopping and access to medical facilities and recreation, that is not often the case in Canberra. If you live at the far end of Banks or Gungahlin often quite long distance trips are required to get to your destination. The whole problem is then exacerbated by the government's decision, for instance, to reduce the current ACTION network.

Older people tend not to travel in the peak hours, because they might sleep in, get up later or are not interested in being part of the morning rush or the afternoon rush. They travel between the peaks. And what are the government doing in terms of ACTION bus services? To quote from their own document, they are reducing frequency during the day between peaks—and this is when older people travel. They will have fewer options in terms of public transport. So if you drive you are probably okay, but if you do not drive you have fewer options, and if you were considering giving up driving it may keep you in your car longer than you wanted to—because this government are not providing real options for older people in Canberra.

There are many other issues that impact on the mobility of older people and they are not confined to using a car. Some of these are vision impairment, other physical impairment,

independent living and accommodation, location of accommodation, community facilities and, of course, public transport. Vision impairment is a major problem for older people. It requires people affected by declining vision or the loss of vision to adapt to that situation—often the redesign of their living situation and the use of different communication aids such as large type, special keyboards, braille and other devices to assist in reading. But it impacts particularly on their ability to travel. If they have lived in Canberra for some time they may have lived on their own or have limited family here. Given that in so many families here everyone goes to school or work, often they live in suburbs where there is no-one else in their street.

Depending on the nature of it, a physical impairment may preclude people from living in homes with stairs, for instance, or require the installation of very expensive stair-climbing technology. It may require changing the design of bathrooms and other rooms. It may require different approaches to accessing transport and special support from community organisations. I know from my time as the housing minister that we are building those requirements into modern aged persons units, but many of the people living in the inner suburbs, where we have a predominance of older Canberrans, are living in houses that were built in the forties, fifties and sixties and that often do not meet their needs. That affects how they interact with their community; often just getting out of the house can be a burden.

In terms of community facilities, older people without the social environment of work clearly gain an important benefit from community social interaction. For some it is just going shopping; for others to the bank or to the seniors club. Some gain enjoyment in many ways through their church, their clubs and other community groups; but again they have to get to these places.

Another problem is the way we deliver our services. A particular case at the moment is, of course, Griffith library. Griffith library is enjoyed by many in the inner south and by people who often come from other areas because it is easy to park; you can park close to the front door, it is a short walk and it is a safe walk. For Griffith to be judged and shut down simply on the basis that it is too expensive is a travesty. It is clearly acknowledged that not just for families in the area but particularly for older people, and with the predominance of older people in the inner south, Griffith library really does provide a service of access, engagement and socialisation. If these people have to travel to places like Woden or Civic, as the minister so flippantly suggests, it involves more travel for fewer services, it involves longer distances and more time out and what you will see is a marginalisation of some older people simply because of the going of the Griffith library. They will have to do more travel; but there will be fewer services to accommodate that travel, so again their options are being limited by the Stanhope government.

The argument that the government points to is quite interesting. For instance, the minister tabled the service agreement as to how he came to this decision. Part 2, conduct of the review, simply says "provide options for the saving of $2.4 million through both process improvement and revised service delivery models". So even the review of the library was not about improving library services; it was just about saving $2.4 million. So there was absolutely no consideration of older people who use the Griffith library. People from Griffith, Red Hill, Narrabundah, Kingston—all that inner south area and other areas—use Griffith library because it is easy to get into and out of. That is something that needs to be considered and that has been ignored by this government.

The other way that a lot of older people move, of course, is simply to walk, and in that regard walking can become more and more dangerous in the ACT. This government's lack of dedication to the maintenance of assets, particularly footpaths, public places, shared paths and cycle paths, makes it far more dangerous for older people to be out on their own. They often have fragile bones and should they fall they injure themselves more readily, which puts a burden on themselves and their families but also on the health system. Older people rely on community infrastructure, particularly when they surrender their licences or feel less safe using their cars and have to rely on public transport. And let us face it: to get to the bus stop they have got to walk along a footpath. If the footpaths, particularly in the areas where they live, are unsound—and often in new areas there are no footpaths—it places them at risk. Unless we maintain the community infrastructure, we as a society, and the Stanhope government, are letting older people in Canberra down. It is very important that we look at the maintenance of assets because what we are doing is putting older people at risk.

Then there is the community's responsibility to ensure access to the footpaths. A lot of us are good, keen gardeners in the ACT, but many gardens now encroach on footpaths. Particularly in the older areas, the very hedges that are the pride and joy of some people actually make it impossible for older people to move past those homes; they encroach onto the footpath or branches hang down and make it dangerous for older people, who are often visually impaired, to travel safely. If they have got to move off the footpath on to the road or people's gardens they run the increased risk of falling over, and every time they fall they have an increased risk of injuring themselves.

When I was the minister for urban services a delightful old gentleman in Lyons almost adopted me. Joe was his name. He had given up his licence, I think, at about the age of 82 and between 82 and when he died at the age of 86 he had a motorised scooter—I am sure you have seen them—that his family had bought him. I think Joe traversed, as a personal crusade, every path, road, sidewalk and public space in Curtin and Lyons. He would ring my office once or twice a week and say, "You know that house in Davenport Street, Lyons; its branch is now overhanging the footpath again and I am old and I can't go past or I'll scratch my head." We would send the boys out and the kids from Koomarri and whoever had the contract at the time to clean up that mess. He would ring back the next day and say, "Well, I got a little bit further today because you cleaned up that problem; but the footpath is cracked. I can't walk, I can't take my trolley, I can't drive my scooter and there is no ramp."

It was really quite educational to watch this old guy just slowly filter throughout all of Lyons. He rediscovered his own suburb; because he could not drive anywhere, everything had to be in range. It was a scooter trip to the seniors club at Woden. It was a scooter trip to the bank at Woden. It was a scooter trip to Curtin to do his shopping. I think there is a Coles supermarket there, and he would go there. But when he found places that he could not traverse he would ring.

A lack of maintenance of community infrastructure really does cause a lot of older people grief. If we want to keep them active and keep them walking—and they do; they want to be part of the community—we have got to make sure that the infrastructure is there for them to do it safely. Otherwise, unfortunately, minister, they are going to end up in Canberra Hospital. And we all know that falls and hip, knee and shoulder

replacements are incredibly expensive, incredibly painful and often lead to a lowering of life expectation.

DR FOSKEY (Molonglo) (4.08): I want to thank Mr Mulcahy for raising this topic as a matter of public importance. Of course, there are a number of ways that we can interpret the word "mobility" in relation to aged citizens and I have chosen one interpretation; others have touched on others. Mobility for the aged may mean the ability to get out of bed in the morning and move around their home adequately, bend down, put food in the oven, take it out, clean the fridge, hang the washing out on the line—all those tasks that we take for granted until we have an affliction of some kind: a sore back or anything else that gives us a sense of what it will be like when we are old ourselves. Even though it is absolutely horrible to be ill at our age, and especially in our position when there is not time to be ill, it gives us a sense of what it is like all the time for a lot of people in our community.

I have one older friend who suffers from multiple sclerosis—and whose dog I was walking for a time until I ran out of the time to do that on a regular basis—who said that what was probably going to get her into residential aged care was a lack of ability to even put her bins out. Do we think of that? No, we do not. Such a small thing as a community scheme that would assist that woman once a week to put her bins in and out would allow her to remain in her home; without it, she does not feel she can.

I am going to focus on the ability to access public transport and I am going to start off with a story that is quite telling. I was thinking of ending with it, but today, as you probably all know, we all started getting pamphlets advising us of changes to the ACTION bus service and suggesting that we go to the net to find out how those changes affect us. Of course, quite a number of elderly people do not have the net. However, the constituent who rang me does. He is a resident of Rivett and he is extremely perturbed by the impact of the changes to bus services in his area because he is 70 years old and he has a wife, 65 years old, who has cancer. One of the things that they enjoy doing—and probably have to do, because I do not believe they have a car—is going shopping every day. Previously, they could catch a bus very close by; they did not have to walk at all far to the bus stop. Now they will have to walk 15 minutes to the nearest access to the bus service to go shopping—to get milk, bread and all those other things without which they would surely, like any of us, starve to death. His comment was that when it is hot like this they cannot, because of his wife's health, walk the 15 minutes.

That is a significant impact on the lives of two of our elderly citizens who live in Rivett. I have no idea how long they have lived in their house, but when they bought it they thought they lived near a convenient bus service—and now they do not. The other point that he wanted to make clear was that when he inquired into changes to his bus service he found out that hard copies of the new timetables will not be available until next Monday and the new timetable kicks in a week after that. He pointed out that many elderly people who have lived the same way for many years—or for however long we have had the existing bus timetable—will not know of those changes; they will not see them. They will go to catch buses and buses will not come. It takes a while to get used to things if you are older and you are used to a certain way of doing things.

He also pointed out that it will probably result in more elderly people who would rather not drive, or who try to avoid driving unless they have to, having to drive to Civic simply

because from many places the bus services will not be so convenient in terms of routes and times. All that will add to parking problems, walking and other problems, simply because the concerns of elderly people were not really factored into a lot of the changes or it was felt that the financial cuts were so important that the government could not afford to think about the amenity to the most vulnerable people in our community.

It has already been pointed out that in Canberra the car is the main form of transport and if you cannot drive it is difficult to get around. I am concerned that some elderly people who should not be driving—they may know it themselves or they may not; I am sure we have all driven with highly confident but very terrifying older drivers—will be forced to drive, endangering their lives and others' lives, simply because they cannot see any other way of getting around.

The draft final report of a study on elder abuse for the Office for Ageing in January 2004 found that inadequate transport for elderly people was the second highest issue they faced after aged care accommodation, with poverty coming fourth. So transport is a concern to not just our poor older Canberrans but all older Canberrans. There comes a point at which some people, whether they are wealthy or poor, cannot drive, and even most wealthy people in Canberra do not employ a chauffeur.

Social inclusion relies on getting around, and the government has made commitments in a number of its documents to ensuring that older people have a variety of options for transport and parking appropriate to their physical capabilities and needs. That is in the 2006-08 strategic plan for the ACT Ministerial Advisory Council on Ageing. One of the specific key short-term ACT government priorities for the sustainable transport plan is to "investigate the transport needs of the ageing population including private, public and community-based transport". But aren't these just words if at the same time budget cuts reduce those services? What is the point of investigating the needs after the services have already gone?

Ms Gallagher reported on the efforts that are going into looking at transport options in the light of the needs identified in the forums conducted earlier this year and to provide recommendations to government and transport operators. While I commend this, we are having the cuts and I believe that that advice may come too late. I am also concerned that the government's abandonment of its ACTION advisory board reduces the ability for the Council on the Ageing, for instance, which I believe had representation on that board, to have input into the decisions the government makes about public transport.

There are lots of other things about mobility and having services closer to people in their homes so that it is a realistic option for them to age in place. If they cannot put their bins out themselves or if the bus service is 15 minutes walk away, ageing in place becomes less of a possibility for our aged people. I think we would all agree that that is really a great shame—and it is not what the government says it wants and it is not what the aged community says it wants. We must make sure that what the government does matches the fine rhetoric that is used.

MS MacDONALD (Brindabella) (4.17): I also thank Mr Mulcahy for raising this important and difficult-to-resolve issue. The Stanhope Labor government recognises that we have a responsibility to ensure our services and workplaces are inclusive and to address the needs of people with different abilities, including aged citizens.

While territory and municipal services, which is the department responsible for ensuring Canberrans are able to access our city, endeavours to respond to and address access-related complaints as they are received, it also has an access action plan in place to provide a strategic framework to address systemic access issues. Implementation of the access action plan aims to improve the accessibility of our services through addressing physical access to transport vehicles and infrastructure as well as issues of policy and planning, information and communication.

To improve accessibility around Canberra, particularly for people with disabilities and limited mobility, the ACT government continues to install audible signals at traffic intersections, upgrade bus stops and taxi ranks for accessibility and install tactile indicator paving. The Department of Territory and Municipal Services also seeks community feedback on its accessibility through its community advisory group and has an internal disability reference group to monitor how access issues are being addressed across different areas.

In relation to accessible transport, ACTION's fleet replacement program is a major component in providing accessible transport to the Canberra community, including the elderly and the infirm. ACTION is committed to complying with the commonwealth government's Disability Discrimination Act 1992 targets. The government allocated $17.2 million over five years for the acquisition of 42 compressed natural gas, low-floor, accessible buses. In 2005-06 the remaining nine buses of the 2001-02 funding were delivered. In the 2005-06 budget the government allocated a further $4.84 million to purchase 11 more CNG buses.

Targets set under the Disability Discrimination Act require that a specified percentage of buses meet the standards by specified target dates. The first of these target dates is 31 December 2007, by which time 25 per cent of ACTION'S fleet must be fully accessible, 55 per cent compliance is required by 2012, 90 per cent by 2017 and by the end of 2022 full compliance is required. ACTION will meet the 2007 DDA compliance target by the end of December 2006 with the addition of 11 more CNG DDA-compliant wheelchair-accessible buses. This will take DDA compliance of ACTION's fleet to 25.8 per cent.

Presently, accessible buses are used on the intertown 300 series routes and selected local routes, including those that travel to the hospitals. In Network 06 all weekend services on the south side will be scheduled with wheelchair-accessible buses. On the north side there will be 85 per cent coverage. As the percentage of the fleet that is accessible increases it will be possible to increase the number of fully accessible services available to persons with a disability. Some of the Network 06 initiatives that will benefit older members of the community include improved connections between intertown and evening and weekend services and morning services to Canberra railway station.

ACTION will also provide services to the following locations: the Canberra Eye Hospital, the National Zoo and Aquarium, the botanic gardens, Telstra Tower, and the CSIRO Discovery Centre for weekends and school holidays. The Australian War Memorial will also be included. There will be new services to Harrison. Currently there are 10 weekday services passing through Harrison in each direction, from the city and Gungahlin marketplace. This will increase to 22 services in each direction with the

addition of route 58 during the day. Currently there are no weekend bus services passing through Harrison. New route 58 will provide 16 services each way on Saturday and 11 each way on Sunday. The Flexibus evening services will be replaced with a timetabled fixed-route service. Evening and weekend services will be hourly on fixed routes. The evening intertown services will be at a 15-minute frequency, currently 20 minutes. Interpeak services during the week will be on a memory hourly timetable.

The mobility parking scheme is another initiative to assist aged citizens in Canberra. A permit allows the use of special mobility spaces, or wide bays, which are close to shops and offices to allow people with mobility disabilities to park close to their destination. These spaces are larger than normal to provide extra room around the vehicle for wheelchair and walking aide access. The ACT government is committed to providing adequate wide bays for MPS permit holders in areas under its control. There are currently about 15,000 MPS permits on issue to ACT residents. This compares to an ACT population of approximately 325,000 and some 250,000 vehicles on the ACT register.

The government makes running a car more accessible for older citizens by offering concessions on registration and licence fees. If Canberrans hold the ACT seniors card and no other concessions they are entitled to a 10 per cent concession on the registration fee of one eligible vehicle. Pensioners with a PCC card receive a 100 per cent concession on the registration fee of one eligible vehicle and all holders of the repatriation health card, commonly referred to as the gold card, issued by the Department of Veterans' Affairs, are entitled to a 100 per cent concession on the registration fee of one vehicle. The ACT currently provides a 100 per cent concession on drivers licence fees to Centrelink pension concession holders and Department of Veterans' Affairs gold card holders. The 100 per cent concession applies to the renewal, replacement or issue of a provisional or full drivers licence.

The ACT has existing awareness programs for older drivers. An *Older Drivers Handbook* is sent out with licence renewals at age 70. A *Retiring from Driving* booklet is sent out with licence renewals at age 75. These documents have been developed in conjunction with the ACT Council on the Ageing, COTA. Funding has been provided by the NRMA-ACT Road Safety Trust for the older persons road safety needs analysis project being undertaken by COTA. This study will provide more relevant and recent data to assist with ACT policy development in relation to older persons and their transport needs.

To cater for those who prefer to walk or ride, we have an annual program covering the provision of new footpaths and cycle paths to ensure people have better access. We also spend about $4 million per annum to maintain the existing footpath and cycle path network. One major role of this program is to reduce trip hazards.

A key component of any refurbishment work undertaken by the ACT government is the auditing of existing access conditions and subsequent inclusions of current disability and access standards in the design documentation. To this end, the design team includes an access consultant to check on all design and construction as part of the refurbishment process. This applies to all of our local and group shopping centre refurbishments and to development of urban open space.

In addition to this, TAMS has undertaken an access audit of Civic to which all future refurbishment work must respond. A recent example has been the City Walk-Garema Place-Alinga Street works, which have seen these busy thoroughfares made significantly more accessible. Earlier this year the department also worked with People with Disability Australia Inc to develop a website to help people with access difficulties to plan their entertainment, shopping and business transactions in the city. The project raised awareness among those businesses audited of the difficulties some people encounter when attempting to access goods and services. It gave them an opportunity to benefit by becoming aware of how to improve access to their goods and services.

Improving accessibility was a key consideration of the recent refurbishments to Woden, Erindale and Belconnen libraries. They now feature significantly improved internal layouts. Our ACT government shopfronts are also made as accessible as possible for the elderly, with concierges greeting customers, ticketing machines in place to allow people to sit down while waiting, and accessible counters for people in wheelchairs. The Canberra Connect call centre also has teletype operators and telephone interpreter services, while the websites have accessibility provisions for the vision impaired.

The Stanhope government recognises the direct relationship we have with the community and the need to ensure our city is as accessible as possible, although I imagine this will continue to be a vexed issue. Mr Mulcahy, wake up!

MS PORTER (Ginninderra) (4.27): As the minister said, the government has appointed the Ministerial Advisory Council on Ageing to provide it with advice on matters relating to older Canberrans. In its most recent strategic plan, the council has identified transport as one of the key themes. The council recently facilitated a series of community forums to elicit community views on issues relating to older people and transport in the ACT. Approximately 40 people attended the forums in person, with 120 respondents providing information via forms distributed by email. A number of responses received were in relation to wider mobility issues. A thorough analysis of information received is currently under way.

As my colleagues have just said, mobility is about much more than the mobility of the body. It includes mobility of the mind and continued participation and engagement in the community. In my former role as CEO of Volunteering ACT, I was fully aware of the importance of participation. The government is well aware that population characteristics have a major impact on many areas of policy, on the economy, on types of housing and related infrastructure, on government services and on lifestyle choices of our population.

Housing ACT has a strong record of providing accommodation that supports aged tenants and those with mobility problems, including carrying out modifications to existing homes and the construction of purpose-built dwellings. In 2006-07, Housing ACT will construct seven adaptable housing units in Kambah and Ainslie, with a budget of $2.15 million.

In this instance, close liaison was maintained with a community housing provider, TAS Housing, to provide valuable input into the design and construction. A dual-occupancy unit is being purchased in Chifley to provide accommodation for two public housing tenants who have mobility issues but who are capable of independent living.

The disabled modification program provides improvements for disabled and aged tenants. This ranges from minor alterations such as grab-rails and lever handles to major upgrades of kitchens and bathrooms and the provision of access ramps. As well, COTA ACT, with support from the ACT government, provides advice to homeowners on mobility improvement for their homes.

Housing ACT is continuously refining the process of planning and delivering disabled modifications. This means that more modifications are being undertaken with available funds. For example, in 2005-06, 605 modifications were undertaken, compared with 531 in 2002-03.

Maintaining physical activity is a critical factor in maintaining mobility. The actively ageing framework, as developed by Sport and Recreation ACT, aims to increase the participation of older people in physical activity and has been designed with the involvement of key stakeholders and other interested sections of the community to support the actively ageing framework.

The government has also published information about local activities that are suited to the needs of older people. The Actively Ageing Steering Committee held a planning day in September titled "Older, bolder, stronger and living longer" to assess the success of the framework. It is expected to start preparing a new framework in January 2007.

Being physically active also helps reduce the effects of ageing, such as limited mobility, balance, flexibility and muscle strength. It can also decrease the risk of heart problems and other chronic diseases. The government has long recognised the barriers experienced by some older Canberrans caused by financial, cultural, distance or mobility factors that make access particularly difficult.

We know that some of these factors can lead to feelings of isolation and marginalisation. The government has taken care to ensure the facilities for older Canberrans, like seniors clubs, are within easy access to bus stops for those members who are able to travel by bus, and the government has provided a range of options for those who are unable to do so. The government makes available mobility parking permits which enable people with mobility disabilities to park for free in territory-controlled pay-parking spaces, including on-street spaces. In addition, there is the ACT taxi subsidy scheme for those with a range of disabilities who cannot use public transport.

In August 2003, the ACT Planning and Land Authority adopted the ACT planning guidelines for access and mobility which aim to ensure that all members of the community have unimpeded access to buildings, services and facilities located on land in the ACT. The guidelines apply to all buildings that require public accessibility and are matters that the authority must take into consideration when assessing development applications. This includes new developments, major alterations or extensions to existing buildings and outdoor areas.

The guidelines include a requirement that 10 per cent of all dwellings in any multiunit housing development consisting of 10 or more dwellings must be designed to meet relevant standards for adaptable housing. Adaptable housing is specifically designed to enable easy modification. It recognises the diverse needs of the community, particularly

people with disabilities and older people. It also recognises the preference of many older Canberrans to age within their established communities.

The government has recently reinforced the guidelines by approving draft variation 229 to the territory plan which incorporates the 10 per cent requirement as a statutory requirement of the territory plan. Variation 229 to the territory plan comes into effect on Friday, 24 November 2006.

ACTPLA is also supporting a TravelSmart project encouraging people to think about alternative travel options, while at the same time reducing greenhouse gases. Since August 2006, more than 3,000 households have been invited by the Travel Smart team to participate in the project. The project is expected to reach 11,000 households in the Belconnen areas of Charnwood, Dunlop, Evatt, Florey, Flynn, Fraser and Melba by the end of the year. The TravelSmart team is helping each household to experiment with smarter travel alternatives. Households that choose to participate receive personalised information that may assist older people with mobility issues and support to help them make those transport changes.

There is no point in travelling if there is nowhere interesting to go. I mentioned the seniors clubs before. The seniors clubs provide opportunities for social engagement. Three seniors clubs in the ACT provide a range of activities and opportunities for older Canberrans to remain active and involved in their community.

Practical examples of the government's commitment in recent years to support the role of seniors clubs include grants since 2003 totalling around $300,000 for renewal of community facilities; programs aimed at addressing the digital divide; to extend friendly home visits and welfare services; religious activities; local excursions; physical activities; excursions and social functions for elderly people; to enhance volunteering and provide companionship and transport to appointments, shopping, visiting and other outings; for a grandparents support network; and for a weekly creative arts program which encourages Cranleigh students and Kalparin residents to have regular, structured interactions.

Seniors Week is an annual event organised by the Council on the Ageing ACT and is supported by the ACT government. It is held in March-April each year. Seniors Week provides a range of activities designed to involve and engage Canberra seniors and to encourage participation, including concerts, the grandparents party in Lennox Gardens and a seniors sports carnival.

There are many advantages of being a senior in ACT Seniors Week. It provides a great opportunity to highlight these advantages and promote a positive image of older Canberrans to the broader community. This year the theme was "Let the good times roll", which is reflected in the range of activities on offer such as concerts, film screenings, art exhibitions, seminars, exercise programs and sporting events.

Another government initiative that supports mobility of older people is life reflections, a photographic competition which was part of Seniors Week. Life reflections is one way of highlighting positive aspects of ageing, the contribution of seniors to our community and to engage with seniors in this annual celebration of Seniors Week. The competition aims to celebrate the diversity of older people, promoting positive images of ageing and

providing opportunities for social inclusion and community participation by older Canberrans.

The ACT government is the major sponsor of the Canberra Retirement and Lifestyle Expo that is being held this week at EPIC.

MR SPEAKER: The time for this discussion has expired. The discussion is concluded.

Adjournment

Motion (by **Ms Gallagher**) proposed:

> That the Assembly do now adjourn.

Thanksgiving Day
Ainslie football and recreation clubs

MR MULCAHY (Molonglo) (4.37): It was only in recent weeks that we saw extensive media coverage of the remarks by the media proprietor Mr Rupert Murdoch on the occasion of the inaugural dinner of the Australian American Association in Sydney. The interesting thing in those remarks was that he made a very clear appeal to the public that, irrespective of what you thought of the complexion of the Bush administration or the application of American policy in Iraq, there were many positive benefits out of the relationship between Australia and the United States. He implored the population here to appreciate the value of that relationship, which extends across and has extended across some centuries, which has served us well at times when this nation was under threat and which has served us very well in economic terms as a major trading partner.

Whilst I have made mention of Thanksgiving before, I again visit that matter tonight in the context of hearing Mr Murdoch's advice to the Australian people. Thanksgiving is celebrated on the fourth Thursday of November. In the ACT, it will be celebrated by the Australian American Association tonight, with a dinner at the Commonwealth Club. I commend Bronwyn Halbisch from the national organisation and Joanne Allen from the ACT chapter of the Australian American Association for their work in an important, well-established association which does so much to foster goodwill between the two countries and for the splendid events that they put on. I am sure tonight will be no disappointment.

Thanksgiving Day is an annual, one-day holiday to give thanks, traditionally to God, at the close of the harvest season. In the United States, Thanksgiving is celebrated on the fourth Thursday of November. In Canada, it is celebrated on the second Monday in October. In the United Kingdom, Thanksgiving is another name for the harvest festival held in churches across the country on a relevant Sunday to mark the end of the local harvest, though it is not thought of as a major event, compared to Christmas or Easter, as it is in other parts of the world.

The tradition was taken to North America by early settlers and became much more important. They had their first official Thanksgiving in Virginia colony on 4 December 1619 near the current site of the Berkeley Plantation, where celebrations are held each year in November. The pilgrims set apart a day to celebrate at Plymouth

immediately after their first harvest in 1621. It is interesting to look at the writings of William Bradford of Plymouth Plantation. He talked at length about the food that was consumed and in one part said:

> And besides waterfowl there was great store of wild turkeys, of which they took many, besides venison … Besides, they had about a peck of meal a week to a person, or now since harvest, Indian corn to that proportion. Which made many afterwards write so largely of their plenty here to their friends in England, which were not feigned but true reports.

Thus the custom evolved of turkey being part of those celebrations—and apologies to those of you who are vegetarians—but I am certainly looking forward to that aspect of this dinner tonight.

George Washington, who was leader of the revolutionary force in the American Revolutionary War, proclaimed a thanksgiving in December 1777 as a victory celebration, honouring the defeat of the British at Saratoga. The continental congress proclaimed annual thanksgivings from 1777 to 1783, except in 1782. Roosevelt created Thanksgiving as the next-to-last Thursday of November, but eventually the US congress in 1941 split the difference and established that Thanksgiving would occur annually on the fourth Thursday of November.

It is an important occasion to remember that there are many positive attributes out of our relationship with the United States. It is not all about war and conflict and the policies of the current President. It is really important that Australians continue to work cooperatively with the United States. Tonight is a special occasion which gives some of us that opportunity.

Finally, let me congratulate the Ainslie football and recreation clubs on their new extensions. They were disappointed that I was the only Assembly representative to turn up yesterday for their opening, but it is an important contribution to the ACT community. I congratulate them.

Environment

MS PORTER (Ginninderra) (4.42): Earlier today we learned about the way the government is ensuring water and energy savings in its public housing stock. The initiatives outlined are closely aligned to several other water and energy efficiency programs that the government has been active in establishing across government and business and in the wider community. The Liberal Party has just discovered climate change and the environment and is struggling to catch up with the government's lead.

Mr Mulcahy yesterday announced a series of what he called no-regrets policies. These policies, I believe he says, will generate more benefits than costs, including external costs. However, external costs mostly arise when markets fail. How often have we seen this happen? The part of the Liberal Party that seeks the support of business would say that markets seldom fail but, in the environment field, the factors for market failure are ever present. There is a lack of clarity of information. There are distorted price signals in energy and water. There is a lack of competition, inadequate delineation of property rights and limited financial markets.

Meanwhile, we have gone on with business by introducing a range of measures to protect the environment. The ACT government is a foundation member of Green Power, the only accredited green energy product in Australia. In September 2005, the government increased its commitment to the purchase of green power to an estimated 23 per cent from 1 July 2006. In November 2005, the government committed to purchasing appliances with low-standby power usage, the first Australian jurisdiction to do so.

The government fleet has purchased 27 low-emission hybrid vehicles. We have already met our commitment to increase fuel-efficient, low-emission vehicles in the fleet by 10 per cent in 2008, two years ahead of schedule. In the 2006-2007 budget, the government committed to all fleet vehicles becoming four-cylinder. Through ACTION, the government has purchased 42 compressed natural gas buses, at $17.2 million, bringing the percentage of gas-powered buses in the fleet to 11 per cent. Another 11 CNG buses are being procured in 2006.

The government also has a number of key objectives such as the incorporation of water-sensitive urban design principles in urban, commercial and industrial developments. The ACT government has drafted water-sensitive urban design guidelines to ensure that the built environment of the ACT becomes inherently water efficient. The ACT government implemented a range of domestic incentive programs to reduce our population's reliance on mains-water supplies.

The design of the Alexander Maconachie Centre reflects the ACT government's commitment to sustainable and responsible management of key resources such as water, electricity and natural gas. As part of the design process, a modified form of the green star rating tool was used to manage energy and water use at the site.

The ACT government has also committed over $21 million in funding to build the new Harrison school, with a green building approach in which emphasis is given to making the building energy efficient, capturing and storing rainwater for recycling and reducing greenhouse emissions. Beyond this, the ACT government has committed funding and in-kind support to the sustainable school initiative, which is an action-based program that involves the whole school community in sustainable management of the school. This addresses a range of energy and water consumption issues.

Other broader community programs include the ACT energy wise program announced in December 2004, which provides home energy audits and rebates for energy-efficient improvements, and the Home Energy Advisory Service, which provides advice to residents and small businesses on energy-efficiency measures.

Since December 2004, the ACT government has offered water tune-up services to ACT residents to improve efficiency in their homes and gardens. Think water, act water is a long-term strategy for water resource management. Fact sheets have been developed and have informed residents of simple measures that they can take to reduce water consumption in and about the home.

These programs are helping Canberrans take simple, practical steps around the home and garden to be smarter with water. They provide expert plumbing and horticultural services, water-efficient products and rebates. Over 7,300 ACT residents have taken up these programs so far.

Importantly, think water, act water sets targets for reduction in water consumption of 12 per cent by 2013 and 25 per cent by 2023. This is to be achieved through a variety of measures, including water recycling, the use of stormwater and rainwater, as well as water conservation measures. In addition, permanent water conservation measures were introduced for the ACT in March 2006.

Narrabundah primary school

DR FOSKEY (Molonglo) (4.47): I am very excited to hear that the Narrabundah primary school is the winner of the 2006 Australian Education Union Arthur Hamilton award for reconciliation in education. People would be aware that the Narrabundah primary school was marked in the 2020 plan to be merged, administratively at least, we are told—though people are concerned that it might be more than that—with the Red Hill primary school and that nearly 50 per cent of students at Narrabundah primary school are indigenous children.

I commend to the Assembly the submission that was prepared by the Narrabundah school community and the broader neighbourhood community. It has prepared a very thoughtful submission, a very exciting submission, about making Narrabundah primary school a centre of excellence for indigenous education; that is, working from its strengths. Those strengths were recognised by the Australian Education Union. Its president, Ms Pat Byrne, said in relation to the award:

> We congratulate the dedicated staff of Narrabundah Primary School whose educational practices and programs are underpinned by principles of inclusive education.
>
> The school engages its small but culturally diverse student population, including an Indigenous enrolment of almost 50%, through best practice programs such as the On Track program, created to support Aboriginal students using a flexible approach to learning.
>
> The school also runs a Guided Reading program recognising that achievement in literacy is core business and providing relevant and challenging learning opportunities for Aboriginal students.
>
> Aboriginal culture is celebrated and valued at the school with the Bundah Booris Dance Group providing the welcome dance and performances to visitors to the school.
>
> The AEU—

as we all know—

> strongly supports Reconciliation between the wider community and Aboriginal and Torres Strait Islander peoples. All Australians should know and understand the history and issues which Reconciliation involves.

Established in 1999, the Arthur Hamilton award for reconciliation in education is in recognition of those members of the union who actively promote reconciliation in an educational setting. The first winner of that award was another ACT school, Campbell school. That was some time ago, however.

This award will be presented at the Education Union's Aboriginal and Torres Strait Islander education seminar which will take place in Canberra on 15 January next year. This is one area where the ACT government could take some credit. I know the kind of work and thought that have gone into supporting Narrabundah primary school. I am wondering and the community in Narrabundah are wondering whether the government did not know about this award or whether they are a little concerned and there is some reason why they might not be putting it out to the rooftops.

Here is a success story in ACT public education, here is something that has been recognised nationally and here is an excellent model in indigenous education which the community's submission can only enhance. I recommend to every member that they go away and have a look at thesavenarrabundah.com website and have read that submission.

Gawad Kalinga
Miles Franklin primary school fete

MRS DUNNE (Ginninderra) (4.51): On Sunday, 12 November, I had the privilege, with 150-odd Canberrans, of contributing to a fundraising night for a Philippines collective called Gawad Kalinga. Gawad Kalinga is a housing collective whose aim is to build 700,000 houses in 7,000 villages over seven years. Gawad Kalinga is a program that came out of the Philippines and is a concept that has spread over many countries in South-East Asia, including East Timor. In barely five years since it started, it has developed into a multisectoral partnership, with the aim of a new vision of no more slums for the Philippines and other countries in South-East Asia.

Together with its partners, Gawad Kalinga is now in the process of transforming poverty stricken areas, many of them now empowered to further improve the quality of life. It goes to the heart of many of the statements that people make about poverty that one of the most important aspects of addressing poverty is to provide people in poverty with secure housing.

The people who attended the quiz night fundraising were given a presentation on the work of Gawad Kalinga by Ronnie Bautista, who is the country's representative for the project in Australia. It is unbelievably inspiring to see land which was once slums with ramshackle, put-together bits of corrugated iron, plastic and cardboard now with beautifully painted homes, paved streets and sewerage. One can only imagine—and I have no real experience—what a change that must make to the lives of the people who live in those areas.

The quiz night at the Canberra Southern Cross Club, which raised a substantial amount of money, was organised by a group of people who have become advocates of the cause of Gawad Kalinga. They include George Lemon, who seems to have brought the message of Gawad Kalinga to Canberra. He was assisted by Maureen and Steve Doszpot. Steve Doszpot was the MC and quizmaster for the evening. Maureen, Gary Kent and Samuel Gordon-Stewart were the quiz setters and judges. Steve was ably supported by Canberra's most divine barrel girl, Ms Coralie Wood.

The night was roundly supported by a who's who of people and institutions in Canberra—the Canberra Raiders, the ACT Brumbies, Football Canberra,

Mr Rob de Castella, Canon, the Canberra Southern Cross Club and a whole range of individuals. The Edwards family, Ryleho Home Solutions, Servcorp, Angus Investments, Keith Bradley, Tim and Judy Fischer and many other people made contributions to the prizes, ensuring that it was a great success on the night. The Apex Club of Weston Creek were there to make sure that the evening ran well.

I congratulate all those who participated in the evening. I will crow now because I was on the winning team, the Manila folders, as usual.

Mrs Burke: I thought there was a reason.

MRS DUNNE: Yes, there is always a reason. When it comes to quiz nights, we tend to be a bit cutthroat. It is good to make a contribution, but it is also good to know that you have come away with not so much the winnings but the realisation that you have won. I commend all those people and their contribution to a very worthy and inspiring cause.

I also pay tribute to the students and parents and the parent body of the Miles Franklin primary school for yet another extraordinarily successful fete. I was sitting there the other day watching the head of the fete committee and the head of the P&C, Jane Flanagan, run around the place like a mad thing, as I have seen her do for I think seven years in a row. It might be time that someone took the mantle from Jane. She has earned a well-earned rest. I congratulate the school and its community on such a stunning turnout.

Environment—natural resource management

MR GENTLEMAN (Brindabella) (4.56): Last Friday I had the opportunity to attend the ACT Natural Resource Management Council forum on review of the ACT national resource management plan. The forum was the first of a series of events designed to involve community, government and industry in delivering a new plan by June 2007. The day raised some important points and issues in relation to the current situation with natural resource management and how it can be improved in the future. Proper management of the natural resources in the ACT is fundamental to maintaining the way of life we have come to enjoy. Managing our soils and vegetation to provide us with biodiversity and clean water is fundamental.

The purpose of the forum was to review the ACT natural resource management plan that sets the targets for the national heritage trust and national action plan investment. The current plan was drafted in 2002-03 and accredited by the ACT and Australian governments in 2004. The original plan was developed to provide a strategic focus for protection and management of the ACT environment, to promote community and government partnerships and to encourage integrated coordinated actions and access investment from multiple sources, including the national heritage trust. The plan also included an action plan for salinity and water quality which was to engage and energise the ACT community and provide a link to national and regional agendas in natural resource management.

This plan set in place significant targets and an action plan for dealing with natural resources in the ACT. However, whilst the scores given on targets in the current plan for water, soil, sustainability and community were all good, it is now outdated and therefore

the need to develop a new plan has arisen to better deal with the challenges to the national environment, particularly in the current situation of climate change. Further, significant events such as the 2003 bushfires and the continuing drought were not factors taken into account in the original plan.

The forum was well attended by a mix of community, science and government representatives, and the emphasis was on reviewing the progress to date against the current plan for which, as I mentioned, scores were good, taking stock of that progress and learning about the current state of knowledge about the resource area and then developing aspirational and resource conditional targets for the next 10 years.

The plan focuses on four target areas—biodiversity, water, land and community—although several overarching and linking issues came out of the discussions at the forum, including the relationship between the ACT natural resource management plan, government policy and programs and especially the planning system; the impact of climate change; sustainability; and the changing population demographic. A newly revised plan will place the ACT in a good position to respond to the new funding arrangements for natural resource management programs likely to be announced by the Australian government in early 2007. The council is keen to engage all community stakeholders with an interest in our environment and natural resources, and the council will continue to consult with the community in finalising the revised plan by June 2007.

The natural resources of our territory are fundamental to maintaining the way of life we have come to enjoy. We all identify strongly with the image of Canberra as the bush capital, but this brings with it many natural hazards, such as droughts and bushfires, that we must learn to live with. Therefore, a deep commitment to the nature conservation and recreation areas of the ACT needs to be maintained through proper resource management. Overall, Mr Speaker, the forum was a productive two days in which all stakeholders were able to engage in reform of the natural resource management plan. I congratulate all who attended and I look forward to seeing the new plan issued next year.

Griffith library

MR PRATT (Brindabella) (5.01): I rise today to talk about the Griffith library rally on Saturday. I have talked here a number of times about how we are so critical of the fact that the library is closing down, but today I do not want to dwell on those issues so much; I just want to congratulate the community on getting its act together on this issue of concern. I want to congratulate particularly Margaret Fanning, the president of the Griffith/Narrabundah Community Association, and her action group. Christine Aldred was the organiser of a well-prepared petition with 2,500 signatures. Perhaps she might best be described as the general dogsbody of the campaign to appeal to the minister over the proposed closure of the library.

Wayne and other hardworking members of the Griffith library action group spoke quite eloquently, passionately and, I thought, with some discipline at the rally on Saturday. There were, of course, those who perhaps were not entirely disciplined. Understandably, there was a boisterous crowd, an emotional crowd. I think we would all understand that. I think even the minister understood that these people were disappointed and were quite upset. There was a bit of colour and movement there for the duration of the rally. Many people were wearing red to symbolise, I suppose, that the library has been the heartbeat

of the community, which libraries are. They are part of the lifeblood of a community. There was a heap of little kids on the steps dressed beautifully in all sorts of costumes representing some of the better-known Australian literary characters.

Estimations of how many people attended ranged between 500 and 1,000. I do not know exactly what the number was; it was probably halfway between that. My colleague Jacqui Burke was there. In fact, I forgot to announce her presence, for which I apologise. I spoke on behalf of Jacqui Burke as well. She is a Molonglo member and I am the shadow minister for urban services. Dr Foskey was there and, of course, Mr Hargreaves was there.

You have to give Mr Hargreaves his due: he was there doing a difficult job in trying to explain to a lot of very angry people why the decision had been taken to close their library. Of course, we adamantly reject the decision taken, but at least Mr Hargreaves was doing his best to explain why that was the case. It is a bit of a shame that the *Canberra Sunday Times* did not cover the event as well as it probably could have, because the event was quite a milestone in terms of a community demonstrating its concerns about infrastructure and those sorts of issues.

Mr Speaker, I congratulate those people on being well organised. As an organisation, they have only about nine or 10 days left, as the library will be closing on 1 December. John Hargreaves confirmed that decision on Saturday, sadly so. We will see where things go from there. We of the opposition commend the Griffith-Narrabundah Community Association and the library action group for working as hard as they possibly could to try to see the decision on that library closure reversed. Certainly the opposition will be revisiting this issue in the future.

Quamby Youth Detention Centre

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (5.05), in reply: Mr Speaker, I have only about 1½ minutes to speak. Dr Foskey alleged in the debate earlier today on the Children and Young People Amendment Bill that she was aware of a young person having been kept in the cage at Quamby for nine days. I said at the time that I thought that that would be very unlikely; in fact, I ruled it out. I can confirm that that was not the case at all.

I do not know when she received her information, but I have had a look at the use of the Brindabella unit, which accommodates six people from time to time. It is also the unit where the safe room is located. Its outdoor area is what is commonly known as the cage. I have taken advice on that. I have also taken advice on the amount of time that the safe room has been in use over the last 16½ months and it appears that it has been in use for six hours over the last 17 months, which gives you an indication of the fact that it is not being used. In fact, it has not been used, on my advice, since March this year.

I would urge Dr Foskey, if she is going to make those very alarming statements, and I think it is very alarming to allege that a young person had been kept in a cage for nine days, that she act on that information immediately and contact my office if she has concerns, rather than waiting to drop it in debate on a bill after she has obviously been in receipt of that information for some time. Those are very serious allegations. They are

not true in this instance but in future, if people are concerned about accommodation for young people at Quamby, they should contact my office so that we can act on that information immediately.

Question resolved in the affirmative.

The Assembly adjourned at 5.07 pm.

Schedules of amendments

Schedule 1

Powers of Attorney Bill 2006

Amendment moved by the Attorney-General

1
Clause 32 (2)
Page 20, line 9—

omit clause 32 (2), substitute

(2) Also, a power under an enduring power of attorney can be exercised—

(a) while the principal has impaired decision-making capacity; and

(b) whether or not a condition about when the power is to start to operate is satisfied.

Example

An enduring power of attorney appointing Jack is stated to take effect on 3 January 2007. However, the principal becomes a person with impaired decision-making capacity on 27 October 2006. Jack can exercise a power under the enduring power of attorney starting on 27 October 2006.

Note 1 A medical certificate can be evidence that the principal had, or did not have, impaired decision-making capacity (see s 87).

Note 2 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

Schedule 2

Powers of Attorney Bill 2006

Amendment moved by Mr Stefaniak

1
Proposed new clause 86A
Page 52, line 13—

insert

86A Act does not authorise euthanasia etc

To remove any doubt, this Act does not—

(a) authorise, justify or excuse the killing of a person; or

(b) affect in any way a prosecution for an offence against a provision of the *Crimes Act 1900*, part 2 (Offences against the person).

Note See the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 23 (1A).

Schedule 3

Medical Treatment (Health Directions) Bill 2006

Amendment moved by Mr Stefaniak

1
Proposed new clause 7 (4)
Page 4, line 12—

insert

(4) To remove any doubt, this section does not authorise the making of a health direction for euthanasia.

Note See the *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 23 (1A).
