Debates

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Tuesday, 13 March 2007

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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 39

MS MacDONALD (Brindabella): I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—scrutiny report 39, dated 12 March 2007, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MS MacDONALD: Scrutiny report 39 contains the committee's comments on two bills, 15 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.

Working Families in the Australian Capital Territory—Select Committee
Statement by chair

MR GENTLEMAN (Brindabella): Mr Speaker, pursuant to standing order 246A, I wish to make a statement on behalf of the Select Committee on Working Families in the ACT. I am delivering this statement in my capacity as chair of the committee in relation to the committee's inquiry into issues concerning workers and their families in the ACT.

At a private meeting on 7 December 2006, the committee agreed to provide the ACT Legislative Assembly with an update on the activities and future directions of the committee. The committee issued its interim report in March 2006. The report focused mainly on the Workplace Relations Amendment (Better Bargaining) Bill 2005, the Building and Construction Industry Improvement Act 2005 and the Workplace Relations Amendment (WorkChoices) Act 2005, as it was this aspect of the terms of reference that the majority of submissions addressed.

As the key stakeholders appeared to be mainly interested in these areas, the committee recommended that the terms of reference be amended to better reflect the nature of the inquiry. The recommendation was agreed to by the government as "it focused the work of the committee on areas identified as having the most significant impact on working families in the ACT, while continuing to provide scope to consider other matters". The committee is now investigating the impact of commonwealth industrial relations legislation on potentially vulnerable workers, and their families, in the ACT,

including young people, people with disabilities, people from culturally and linguistically diverse backgrounds, part-time and casual workers, and community sector workers.

The committee placed advertisements in the *Canberra Times* on 24 January and the *Chronicle* on 30 January, inviting submissions from relevant groups and organisations. A public hearing was held on 15 February, where the committee heard from the Norris cleaning company, Women with Disabilities ACT, the National Foundation for Australian Women, and the ACT Women's Legal Service. A further public hearing was held on March 2007, where the committee heard from the Youth Coalition of the ACT.

It was brought to the committee's attention that on-the-job training was an important aspect of skill development that is often underutilised, particularly for low-paid workers. On-the-job training opportunities would enable low-paid workers not only to enhance their skill base but also to improve their future job prospects. In some cases, this could even go as far as to address the problems of skill shortages in some professions. The committee is interested in examining this issue further throughout the inquiry.

Other activities since issuing its interim report in March 2006 have included private briefings from Marie Coleman from the National Foundation for Australian Women and Lyndal Ryan from the Liquor, Hospitality and Miscellaneous Union. The committee visited cleaning staff at the Canberra Hospital and heard directly from a number of the workers there. Serco Sodexho, the company now responsible for all defence cleaning contracts, has been invited to brief the committee.

As well as the public hearings, more workplace visits are planned, as committee members are keen to speak with many employers and employees to hear a variety of views and experiences about the impact of commonwealth industrial relations legislation and other issues on families. The committee will now be issuing its final report in October. I encourage all members of the Assembly and interested stakeholders to contact my office or the committee secretary if they wish to participate, or participate further, in the inquiry.

Freedom of Information Amendment Bill 2006
Detail stage

Remainder of bill, as a whole.

Debate resumed from 8 March 2007.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (10.36): I seek leave to move together amendments Nos 1 to 4 circulated in my name.

Leave granted.

MR CORBELL: I move amendments Nos 1 to 4 circulated in my name *[see schedule 1 at page 491]*. I table a supplementary explanatory statement to the amendments.

Mr Speaker, these amendments were dealt with by me in the substantive debate last week but, due to an error in the amendments that were circulated, I adjourned the debate last week to permit members to look at these amendments. As members would now be familiar with, I am sure, the amendment that was omitted from the amendments circulated last week is about proposed new section 69A, omitting the word "affairs" and substituting the word "information" in the heading. This is a minor amendment, due to an oversight in the previous version. I am pleased to have given members additional time to look at the amendments.

These amendments deal primarily with matters around issues raised by the scrutiny of bills committee and, in particular, deal with the issue of ensuring that reference is still available to the AAT in particular circumstances, which was identified by the scrutiny of bills committee as an omission, one which I am pleased, as a result of that, we have been able to rectify. I commend the amendments to the Assembly.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (10.38): Mr Speaker, the opposition will be agreeing to these amendments. The thrust of the amendments, effectively, is to be found in amendment No 2, which will enable an appeal on the grounds to see whether, in fact, the determination was reasonable. It does not affect the ultimate decision, and people may well have issues with that. This amendment may go a bit of the way in terms of allaying some fears. At least the reasonableness of a minister's decision can be assessed. But, to all intents and purposes, it is a bit like a reference appeal which the Crown can take, for example, in the Supreme Court if it does not like a ruling or what actually occurred in, say, a criminal trial which the Crown would allege the judge got wrong.

Unlike other jurisdictions, it does not cause a fresh trial but, on a point of law, a superior court—the Court of Appeal in that case—would be able to rule on the issue and that would then establish a precedent in terms of future matters. But it would not affect the decision. In a criminal situation, that would be a decision whereby either a jury or a judge directing a jury acquits. Reference appeals are used sparingly for that reason: they are a lot of trouble and do not actually affect the end result, but do lead to some precedent. So the best this will do perhaps is lead to some precedents and guidance for ministers in terms of what is reasonable and what is not, but it will not affect the actual decision if the minister gets it awfully wrong.

I think there could well be a very strong argument that this provision could go further, but this amendment is better than nothing at all in terms of having at least some degree of accountability for a minister in terms of an independent body assessing whether the minister's decision was reasonable. I suppose that would be of some benefit, albeit limited. Accordingly, we have no problem with supporting that. I take the opportunity to thank the minister for the fairly thorough briefing I did have in relation to these matters from his officers and also the two or three days warning, at least, of these amendments. I note that the other one was a very technical one.

The minister, I think quite properly, adjourned the proceedings last week. I think that other ministers should take a leaf out of his book on that one, because it is not every day of the week that we actually see ministers of this government adjourning a matter so that members can have a decent look at it, even if it is fairly minor. Ministers have

in the past tried to ram through much more major points. I think the minister took the appropriate course there.

DR FOSKEY (Molonglo) (10.41): The Attorney-General started his presentation speech for these amendments by saying again that they support the government's commitment to open government and transparency principles. I would have thought that this debate presented an opportunity for the Attorney-General to come clean on the exact nature of the scope of an Administrative Appeals Tribunal review of a conclusive certificate, in light of the decision of a majority of High Court judges in the case of McKinnon v Secretary, Department of Treasury.

It is one of the more breathtaking acts of political hypocrisy that I have witnessed in this place for this government to seek to justify these retrograde amendments by reference to that decision. This is what the ABC's *Media Watch* had to say about the impact of the McKinnon decision:

> Good journalists prefer facts, not fiction, to beat up on governments and bureaucrats. But getting facts could now become very difficult.

This is what Mr McKinnon himself had to say about it:

> ... any minister now confronted with an FOI request for information that shows they've failed in their duties can simply issue a conclusive certificate and that's it ... This is the problem with a conclusive certificate. The tribunal doesn't get to look at the reasons in the public interest: for release and against release. It only gets to look at very narrow reasons why it shouldn't be released in the public interest ...Freedom of information legislation wasn't meant to set up a lawyer's picnic: it was meant to allow you and me to get documents held by the government.

In an editorial, the *Australian* newspaper said:

> The most immediate consequence of the decision is its emasculation of the FOI Act … This will have a chilling effect on journalism.

Johan Lidberg studied a number of FOI regimes for his PhD thesis, titled *Freedom of information banana republics and the freedom of information index*. He said:

> In many respects Australia is the worst case in the study. Not only did it score lowest, it also projects what turns out to be a misleading and even false image of having a functioning mature FOI system as part of a mature democracy. The study clearly shows that the Australian FOI regime is completely dysfunctional and not worthy of country that prides itself on being a mature democracy.

MR SPEAKER: Dr Foskey, please come to the amendments that are before the house.

DR FOSKEY: I take issue with that. The amendments actually are part of the bill, and what I am saying refers as much to the amendments as it does to the original bill. I seek leave to continue my speech, Mr Speaker.

MR SPEAKER: The question before the house is that amendments Nos 1 to 4 be agreed to and it is a requirement of the standing orders that you remain relevant. That is the point that I raised.

DR FOSKEY: Mr Speaker, if you continue to take that line, I will dispense with that part of my speech. Is that what you intend?

MR SPEAKER: I put it to you this way: a wide-ranging speech about other matters—

DR FOSKEY: It is not about other matters. It is about the amendments to the Freedom of Information Act.

MR SPEAKER: While ever you stick to the amendments, Dr Foskey, it will be in order.

DR FOSKEY: What do these amendment do? Beyond the usual blather of weasel words about commitment to open government and transparency, they actually slam the door on those two principles. These amendments do not support, to quote the attorney's presentation speech, "the government's commitment to open government and transparency principles". In fact, they do the opposite. These amendments are another lurch backwards to undesirable habits of secretive and unaccountable governance.

The Freedom of Information Act was supposed to give the public and the media access to documents held by the government, but it does not seem to be working out that way. Whilst I appreciate the minister's response to the concerns raised by the scrutiny of bills committee, any changes that were made by the amendments that came as a result of that were very cosmetic, quite tiny and did not get to the basic issues which I wanted to talk about in that speech which I was not allowed to give. What we have here is a travesty of our freedom of information legislation which I am quite sure that this government will regret when it is in opposition and it wishes to look at documents, just as this opposition, this cross bench and the public have a right to do but which the government is closing down with these conclusive certificates.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (10.46): Mr Speaker, the government does not accept Dr Foskey's critique of these amendments. In fact, anyone would think, based on Dr Foskey's comments, that the government was seeking to prohibit freedom of information access. The facts simply are otherwise.

In the overwhelming majority of cases, freedom of information requests in this territory are processed in a timely manner and in a manner which provides, in most cases, the complete grant of all documents requested by people seeking access. That is the reality of day-to-day practice. There are always instances where there is dispute about which documents should and should not be released, and there has been a range of assertions around that. For example, some members of this place have sought access to cabinet documents and have used the media to advance their case when cabinet documents have been, quite properly and quite legitimately, withheld. It has

never been the practice of any executive government in this territory to release documents which are cabinet-in-confidence.

Equally, the changes that the government is putting in place revolve around the protection of information provided to the territory which may be sensitive in terms of its security or intelligence content. That is a loophole that we do need, as a territory, to address. We do need to make sure that, when information is shared with us by the commonwealth government around matters to do with the safety and security of our community and that information comes from ASIO, the Australian Federal Police or other sources, it is given an appropriate level of protection.

If we fail to do that, we will not be in a position to receive that information, and the territory and the community will be the worse off for that. We will not be in a better situation if we are not able to be confided in when it comes to matters that may affect the safety and security of our citizens and plan appropriately for possible threats. That is what these changes are fundamentally about, Mr Speaker, and that should not be forgotten in the broader critique that Dr Foskey has launched again this morning in this regard. These amendments address a range of matters dealt with by the scrutiny of bills committee. They are a response to the matters raised by the scrutiny of bills committee and they quite properly seek to clarify the questions that the scrutiny of bills committee asked.

Finally, I draw attention to the issue of the use of conclusive certificates under section 37A of the act. The decision as to whether a document exists and whether such a document would be an exempt document under the relevant sections of the act is the matter of which the AAT may have oversight. That, quite properly, protects the integrity of that document, because we are talking about documents that are provided in confidence to the territory for the purposes of community safety. The AAT is able to determine whether it was reasonable to conclude that the document was an exempt document.

The check in this regard is that, if the minister continues to issue conclusive documents in these circumstances, the minister must do so in the Assembly and needs to provide justification for his or her decision. So there is significant pressure in a political sense on the minister to continue to justify his or her decision, and to do so in the face of an AAT examination of certain matters. That is, I think, a reasonable balancing of the need to protect the integrity of certain information that is received whilst at the same time providing for an appropriate level of scrutiny and the need for ministers to justify their decisions publicly. I think that is a reasonable balance to be had in this regard. I commend the amendments to the Assembly.

MRS DUNNE (Ginninderra) (10.51): Mr Speaker, the minister sounds superficially quite convincing, but we have to remember that what he is proposing is a vast improvement—I have to congratulate the minister—in the way certificates would operate in relation to section 37 of the Freedom of the Information Act, but not how they operate in relation to sections 35 or 36. Sections 35 and 36 are the contentious ones at the moment where there are no checks and balances. What has happened in this territory is, essentially, that the chief executives of organisations have said that the AAT does not have the competence to hear these matters.

It is not true for the minister to say that no government would ever release documents that were classified cabinet-in-confidence, because in this territory, in relation to freedom of information requests, I have received documents that have been classified cabinet-in-confidence. Those documents related to factual information—

MR SPEAKER: Mrs Dunne, are you debating a matter that might end up in the courts?

MRS DUNNE: No, Mr Speaker, I am speaking in generality. I am speaking in generality, not about the matter that I have before the AAT. I am speaking about things that I have received in the past, not about the current matter.

MR SPEAKER: I trust that you will maintain that distinction.

MRS DUNNE: I am very mindful of that, remembering also that the sub judice rules apply to circumstances when someone presiding over a matter might be swayed by what has happened in here. I do not think that the president of the AAT would be swayed by what we say in here in relation to conclusive certificates.

But it has been the case in relation to, for instance, the release of documents concerning Ginninderra district high, when I received, on internal review, documents that had gone to cabinet, that were classified cabinet-in-confidence, but covered factual material. There are plenty of precedents, both here and in the commonwealth, where that has happened.

It is wrong for this minister to say that cabinet-in-confidence documents are never released. It shows how little he knows about the Freedom of Information Act. He stood up here the other day and said that conclusive certificates did not apply to internal working documents. He had to correct the record because he was totally wrong. He knows very little about the operation of the Freedom of Information Act. He is a new attorney and I do not expect him to be across every matter of his brief, but when he comes in here to introduce major changes to an important piece of public access documentation he should know what he is talking about. On a number of occasions in this place the minister has shown his knowledge to be entirely deficient.

Whilst Mr Stefaniak has said that we will support the amendments in relation to section 37, what we are seeing in relation to section 37 should be the very lowest test that we should see concerning sections 35 and 36 in relation to certificates. Until that happens, I will continue to criticise the government on their performance in relation to freedom of information, because this government said that they were going to be in favour of access to information, that they were going to be open and accountable, but they have not been. They have not used the Freedom of Information Act as a means of ensuring openness and accountability in this territory. Their failings are now on the public record. The failings of this minister in not making these amendments relate to sections 35 and 36 show just how little they are swayed by these things.

It would be great if a minister who issued a conclusive certificate, if conclusive certificates continued to exist, had to come in here and justify to the Assembly why he persists with the conclusive certificate. That would be a step in the right direction. It is the absolute minimum that we should be asking for and demanding in this territory.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (10.56): I am pleased that Mrs Dunne is receiving certain types of documents that have been considered cabinet-in-confidence. I think that her argument, in some respects, is self-defeating in that it highlights that the legislation does work and does provide access to information which is relevant and available. I think that in some respects Mrs Dunne's argument is self-defeating.

No, I do not profess to be an absolute expert on every part of the Freedom of Information Act, but I am confident that the changes that have been made in this regard are an appropriate and balanced response. Whilst it is always the case that, in the interests of advancing a political argument, criticism is made of a government's perceived weaknesses in the administration of such legislation, the facts speak otherwise. The overwhelming majority of freedom of information requests are dealt with in an expeditious and timely way and result in the full release of information that has been requested, but not in all circumstances. Partial release is quite common as well. That comes down to other matters, such as personal information, personal affairs and information which may be regarded as confidential for a range of other reasons, but the overwhelming majority of freedom of information requests are dealt with in an expeditious, open and timely manner.

There will always be, as I said in my earlier comments, instances where there is disagreement about what information should be subject to release and what should not. There are mechanisms for review of that in certain circumstances, and there are other mechanisms which require the minister to justify why certain information should not be released. I think those are appropriate checks and balances in the system. At the end of the day, the best safeguard we have in this regard is the ability of parliament to scrutinise the operations of the executive in these matters and of the media to do likewise. These are all sensible and important elements of a regime that keeps elected governments accountable in terms of what information is and is not made publicly available.

I do not accept the critique that our regime is regressive, unhelpful or designed to restrict information. The facts simply do not stack up in regard to that argument. The amendments that we are debating today provide for clarification of matters that the parliament's own committee has said need to be clarified, and the government, quite reasonably, has worked to do that. I commend the amendments to the Assembly.

Question put:

> That amendments Nos 1 to 4 be agreed to.

The Assembly voted—

Ayes 14		Noes 1
Mr Barr	Mr Hargreaves	Dr Foskey
Mr Berry	Ms MacDonald	
Mrs Burke	Mr Mulcahy	
Mr Corbell	Ms Porter	
Mrs Dunne	Mr Pratt	
Ms Gallagher	Mr Smyth	
Mr Gentleman	Mr Stefaniak	

Question so resolved in the affirmative.

Amendments agreed to.

Remainder of bill, as amended, agreed to.

Bill, as amended, agreed to.

Road Transport (Safety and Traffic Management) Amendment Bill 2006 (No 2)

Debate resumed from 23 November 2006, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

MR PRATT (Brindabella) (11.03): The opposition supports the Road Transport (Safety and Traffic Management) Amendment Bill 2006 (No 2) which makes provision for road rules and other matters relating to safety and traffic management on roads and road-related areas. Section 16 of the act makes it an offence if a driver of a vehicle involved in an accident in which someone dies or is injured fails to stop and give any assistance that is necessary and in his or her power to give. This bill will amend section 16 by increasing the penalty for the offence from a maximum of 50 penalty units and/or imprisonment for six months to a maximum of 200 penalty units and/or two years imprisonment—a quadrupling of existing penalties.

Opposition members believe that that is warranted although we would like to see the bill go a lot further. That amendment is intended more appropriately to reflect the seriousness of the offence and render the ACT penalty more consistent with penalties for similar offences in other Australian jurisdictions. Although this amending bill quadruples the penalty for offences, which were at a very low benchmark, it is still not consistent enough with New South Wales law. Opposition members will support this bill as it is a good start, and we are pleased that the minister brought it forward, but we would like to review these provisions in the future.

Opposition members would like the penalties for these offences increased to fall more closely in line with the New South Wales benchmark. For example, in New South Wales a maximum penalty of 10 years imprisonment is imposed if a driver fails to stop when someone dies, and seven years imprisonment is imposed if a driver fails to stop when someone suffers grievous bodily harm. I refer to Brendan's law, a law that was developed in New South Wales after a long campaign by the father of a small boy who died in 2004 after the boy on his bicycle collided with a car and the driver failed to stop. That is the incident on which that law was based.

I would like the government to have another look at that benchmark to see whether or not we can move closer to it for the practical reason that the ACT in some respects is an island in a large ocean and in legal terms we need consistency across borders. Of course, that is not always relevant to every law with which we deal in this place. We have to judge law on a case by case basis to establish whether or not it is necessary for

our law to be to consistent with New South Wales law. However, in this case I would suggest that the consistency factor certainly applies.

Over the past year we became aware of a couple of terrible incidents of drivers failing to stop. I do not want to go into those incidents now but I congratulate the government on responding to those issues by cleaning up our law. These new penalties will reflect society's attitude toward such accidents and the fact that we want to send a message to drivers. Drivers need to be aware that with the privilege of being granted a licence comes the responsibility of being a driver. Young drivers must be made aware of the fact that cars, unwittingly or unintentionally, can become potential weapons. It is important for us to send a strong message to young drivers, some of whom are oblivious of their responsibilities.

I hope that the increased penalties in this amending bill will serve to educate new drivers. Nobody is blaming new drivers; they have simply been granted a privilege. They have been given a licence but they are still not necessarily mature enough to be aware of their responsibilities. This law might go some way towards educating young drivers. If they are involved in an accident they must render the necessary assistance. They do not have to have first aid certificates or save somebody's life on the spot but they need to remain at the site and, as the minister just indicated across the chamber, they need to phone for assistance.

Young drivers or old drivers must do everything in their power to seek assistance. They must stay at the scene and render whatever assistance they can. Nobody expects people who cannot cope well with an accident to perform miracles. We all know that some people do not react very well to accident scenes, but they have to stay at the site. This law might go some way towards addressing that issue. It is lamentable that over the past decade or half a decade we have seen an increased recklessness on the part of drivers. We therefore welcome an increase to any of the penalties relating to reckless, culpable or negligent driving. Opposition members support this law. We thank the government for introducing this legislation and we encourage it to be open-minded about further increasing those penalties.

DR FOSKEY (Molonglo) (11.10): It appears that this bill was introduced as a consequence of the terrible and sad death of Clea Rose in 2005, when it became apparent to the wider community that the maximum penalty the young driver faced for failing to stop after fatally injuring her was six months imprisonment. I should note that I have no doubt that in this case an increased penalty would have been unlikely to have made that young man any more likely to stop after the accident. After all, a police car was involved. In many states we have seen enough incidents involving police. These kinds of police chases often exacerbate the dangerous behaviour of the driver concerned.

Nonetheless, it is fair to say that sentencing serves a number of purposes beyond that of deterrence. For instance, it sends an important signal to the community that such an offence is taken seriously. I heard quite a few sighs of amazement when people found out that only a six-month penalty applied in that case. In an extended sentence it is also important to know that an offender is being worked with to reduce the risk-taking behaviour that might have caused the accident in the first place. Not all these kinds of accidents are the result of risk-taking behaviour. They are not all the result of excess

alcohol consumption, or immature behaviour by unlicensed people who are too young or whatever.

Often there are extenuating circumstances behind these kinds of tragic events and I hope that the law always takes them into account. I note that while the maximum sentence for something approximating this offence is 10 years in New South Wales and Victoria, it is one year in Queensland and Western Australia, two years in Tasmania and five years in South Australia. In that context, raising the ACT maximum sentence from six months to two years without an overlay of minimum sentences is probably a fairly reasonable response. I support this amendment bill.

MR GENTLEMAN (Brindabella) (11.13): I also support the Road Transport (Safety and Traffic Management) Amendment Bill 2006 (No 2) which will amend the Road Transport (Safety and Traffic Management) Act 1999 by increasing the penalty for the offence committed where a driver of a vehicle which is involved in an accident causing death or injury fails to stop and render assistance. The purpose of having this offence on the statute book is to reinforce the need for motorists to remain at the scene of an accident which has resulted in someone being killed or hurt, be it another driver or a pedestrian.

We all feel saddened whenever we hear on the news of a serious car accident which has resulted in someone's death or serious injury. However, when we hear that the driver of a vehicle involved in such an accident has failed to stop the reaction of most of us is anger and disbelief that anyone, realising that he or she may have injured someone in an accident, would simply drive off without even stopping to see whether he or she can help. As members may be aware, I have been involved in the transport industry for many years as a delegate and organiser in the Transport Workers Union. I have taken many late night calls from long distance drivers struggling to stay alert on their long journeys.

I have also seen the carnage associated with vehicle accidents resulting in death. I have also been involved in lobbying legislators on driving times for long distance drivers and local heavy vehicle provisions in the ACT. I am sure all members are aware of how our ambulance officers, police and those people who are first on the scene of such accidents would like us to legislate on this occasion. There is no question that a person who is driving a vehicle which is involved in an accident resulting in death or injury has a moral as well as a legal obligation to stop and, where that person is able, to give assistance to any injured person, even if all that involves is ringing 000 for an ambulance and providing some comfort and reassurance to the injured persons that professional help is on its way.

Failure of a person involved in an accident to stop and assist in this way should be treated as a very serious offence and a suitable penalty must be available to the court to deal with those guilty of this behaviour. In other parts of Australia the penalties for this type of offence have been examined and this has shown that the ACT penalty is currently considerably lower than the penalties elsewhere. In the ACT the maximum penalty is a fine of 50 penalty units or six months in prison, or both, and this same level of penalty applies to many regulatory breaches in various ACT laws. It is not an adequate penalty for an offence as serious as a hit and run.

This bill increases the maximum penalty for the ACT offence from 50 penalty units and/or six months imprisonment to 200 penalty units and/or two years imprisonment. This will give the courts a more appropriate sentencing range so that they can deal with offenders who may have been responsible for an accident causing the death or serious injury of another person but who failed to stop at the scene of the accident. Members would be aware that even higher penalties are also available in relation to the causing of death or injury should offenders be charged with other offences such as culpable driving.

The bill will address an anomaly in the sentencing range available in relation to very serious offences and will, by increasing the penalty, hopefully reinforce to those unfortunate enough to be involved in a serious accident that there is a legal obligation on them to stop and, if they can, assist anyone who may have been injured. I urge members to support the bill.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.17): I join my colleague Mr Pratt in indicating support for this bill. Mr Pratt said earlier that the penalties in the ACT are still somewhat low compared with the penalties in other states but at least a penalty of two years imprisonment and/or 200 penalty units is a significant improvement on six months imprisonment and/or 50 penalty units. This is a very serious offence and people have a moral responsibility to stop and render assistance if they have caused an accident. I think most people do stop. However, during my time in the courts it was a reasonably common occurrence to see people charged with the offence of leaving the scene of an accident.

Often those accidents did not cause serious injury but sometimes they did. When someone is seriously injured I think it is pretty reprehensible for the other person involved not to stop and to render assistance. As has been said, it might be something as simple as ringing 000, but it is important for the law to reflect the gravity of this offence. This is not just a normal, run-of-the-mill traffic offence where someone is driving 15 to 30 kilometres over the speed limit. It is not just a negligent driving offence, or even an offence involving a person driving in a dangerous manner; it is a serious offence because people's lives are at risk.

People should have both a moral and a legal responsibility to assist in those instances, and the law should reflect that. This legislation is a step in the right direction. Mr Hargreaves referred in his speech to a number of points. I ask the government in this instance to practise what it preaches in relation to other laws. Mr Hargreaves rightly said on the second page of his introductory speech:

> A review of penalties for similar offences in other jurisdictions has disclosed that the ACT penalty for this offence is significantly out of step with penalties throughout the rest of Australia.

He then went on to state:

> It appears that all other jurisdictions have a maximum penalty of at least one year's imprisonment for the equivalent offence. The penalties range up to 10 years imprisonment in New South Wales and Victoria.

He then referred to what this bill does and concluded by stating:

> This will more appropriately reflect the seriousness of the offence and render the ACT penalty more consistent with the practice elsewhere.

I do not think the government can have it both ways. When it suits the government it uses that reason to increase penalties, which is fine, but there should be consistency. The government goes completely the opposite way when it does not want to increase penalties and it states that there is no reason for it just to slavishly follow the other states. This is common of its attitude to criminal law relating, for example, to New South Wales.

Recently, on at least two and possibly three occasions, I introduced sentencing bills in this Assembly which, amongst other things, ensure that our penalties are in line with the state that surrounds us. On each occasion the government knocked back that legislation. It is true that a high range of penalties is not necessarily the be-all and end-all of everything, but at least it sends a message to a court that the legislature takes an issue seriously on behalf of the community. It also gives the court a greater range to impose a penalty to reflect the gravity or otherwise of an offence.

It concerns me that the government is using consistency as a reason to raise the penalty. It has done that, for example, in other traffic cases but it refuses to do so in serious cases such as rape. In other jurisdictions, in particular in New South Wales, a pack rape would incur a maximum penalty of life imprisonment. I think the maximum penalty for a pack rape in the ACT is still only 20 years. In the ACT I think an offender can receive a higher sentence for an aggravated burglary than he or she can receive for a pack rape.

There are some real anomalies in our laws compared with the laws in other states. For example, the penalty for manslaughter in New South Wales is 25 years, whereas I believe that the maximum penalty for manslaughter in the ACT is 20 years. There is a wide diversity and disparity between the penalties here and interstate for some very serious offences such as those I just mentioned. I think the government must get serious and apply consistency across the board much more than it has done in the past. It is selective when it suits it for offences such as this, laudable though this amendment is. I commend that avenue to the government. Whilst we are supportive of what it is doing it must also do that.

I will conclude by giving a pertinent example of people who stopped and who did the right thing at an accident scene, although none of them were the drivers concerned. However, the incident that I witnessed on Sunday highlights our community spirit and what people should do. I was driving along William Slim Drive in the vicinity of Cassidy Street on my way to play veterans rugby. I got to the tail end of the drive, which was probably just as well, because out of the corner of my eye I saw quite a bad accident between a Holden Barina and a larger car.

I got out of my car to render what assistance I could but a fellow who was already there was trying to ring 000 which I managed to ring for him. I was impressed with a

young landscape gardener who was living at Page who literally jumped the fence and rendered assistance to the injured driver of a vehicle who was bleeding from a head wound. A woman who was trained as first-aid officer turned up and said, "Do not move," and the young fellow just kept applying pressure. I played traffic cop and moved the traffic around.

I commend the fire brigade who got there within about five minutes, who greatly assisted and who took over the supervision of the scene. The ambulance officers arrived not long after that and the police officers also arrived. I was highly impressed, especially with the young fellow from Page, and I thank him and the trained first-aid officer. Several other cars stopped and their drivers offered assistance but, as it turned out, their help was not needed. However, I think that just shows our community spirit. Sadly, some people who are involved in accidents often panic and leave the scene, which is a serious offence. We need appropriate penalties such as this.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (11.24), in reply: As I advised the Assembly when I introduced the bill last year the Road Transport (Safety and Traffic Management) Amendment Bill 2006 (No 2) amends the Road Transport (Safety and Traffic Management) Act 1999. The amendment is necessary to increase the penalty for the offence committed where a driver of a vehicle is involved in an accident causing death and injury and fails to stop and render assistance. The terms of section 16 of the act make it an offence for a driver of a vehicle involved in a traffic accident, in which someone dies or is injured, knowingly to fail to stop and give any assistance that is necessary and in his or her power to give. The maximum penalty for this offence is currently 50 penalty units, imprisonment for six months or both.

These days, with mobile phones, it should be a simple matter for a driver or a passenger involved in an accident to stop and phone for assistance. However, unfortunately, there seems to be a differing trend and more drivers are leaving the scene of accidents without leaving their details, let alone rendering assistance to injured persons. There can be no disagreement that the current maximum penalty level is too low to deal adequately with an offence of this seriousness. We are dealing with an offence involving a person who may be in some way responsible for the death or serious injury of another road user failing to stop at the scene of an accident and assisting in some way.

Of course, there is no suggestion that a person involved in an accident has to stop and attempt to provide assistance that that person is not qualified or not capable of giving. But, at the very least, a person involved in a serious accident which has injured others must stop and make efforts to get help by calling an ambulance or flagging down other motorists to assist. Failure to do at least this would be regarded by any reasonable person as morally reprehensible and it is appropriate that the law addresses this type of behaviour with a suitably framed offence which carries a sufficient maximum penalty to allow courts to deal with offenders.

As I previously informed the Assembly, a review of penalties for similar offences in other jurisdictions was undertaken prior to developing this bill. That review disclosed

that the ACT penalty for this offence is significantly out of step with penalties throughout the rest of Australia. The current ACT penalty of 50 penalty units, or six months imprisonment, or both, is the same level of penalty that is applied to a range of regulatory offences in various pieces of ACT legislation. For example, it is the same penalty as applies to the offence under the Egg Act of wrongly labelling eggs for sale. Obviously, a hit and run offence is a higher order offence for which the community would expect a higher maximum penalty.

The review undertaken showed that all other jurisdictions had a maximum penalty of at least one year's imprisonment for the equivalent offence. The penalties ranged up to 10 years imprisonment in New South Wales and Victoria. The bill increases the maximum penalty for the ACT offence from 50 penalty units and/or six months imprisonment to 200 penalty units and/or two years imprisonment. The government agreed on this penalty to accord with its criminal law policy on penalty setting. The increased maximum penalty would better reflect the seriousness of the offence and give our courts an appropriate sentencing range in which to deal with offenders. As I have previously informed the Assembly, the only change affected in relation to this offence at this stage is to change the maximum penalty that can be imposed. The substance of the offence and its interrelationship with any other ACT laws is not proposed to be changed.

I have previously noted that by increasing the maximum penalty to imprisonment for two years, the offence becomes an offence which may, if the defendant so chooses, be dealt with on indictment in the Supreme Court. The present offence is a summary offence only as the imprisonment term which can be imposed does not exceed one year and, therefore, the offence can currently be dealt with only by the Magistrates Court. It is my understanding that the ACT has several prosecutions for this offence each year and it could be expected that in future a number of these would be dealt with in the Supreme Court as a result of the penalty increase.

In essence, it elevates the whole notion of the offence from that which can be dealt with by the Magistrates Court to that which can be dealt with by the Supreme Court. I think that is a significant and a salient point. In my opinion contributing to the loss of somebody's life, or disabling somebody permanently for the rest of his or her life, ought to be a matter that is dealt with by the Supreme Court. I would like to thank officers from the Department of Territory and Municipal Services for their work in bringing this bill forward and I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Animal Welfare Legislation Amendment Bill 2006

Debate resumed from 14 December 2006, on motion by **Mr Hargreaves**:

> That this bill be agreed to in principle.

MR PRATT (Brindabella) (11.30): I support the government's Animal Welfare Legislation Amendment Bill 2006. The opposition is entirely satisfied with the government's intentions and motives for this amendment bill. The purpose of this bill is to make amendments to the Animal Welfare Act 1992, herein known as the act, and to take into account some of the changes recommended by the Animal Welfare Advisory Committee, or AWAC, in its October 2002 public discussion paper entitled "Proposed Amendments to the Animal Welfare Act 1992".

The bill updates animal welfare offence provisions to address current animal welfare issues. For example, referring to one of its many provisions, the bill will prohibit a veterinary surgeon from performing a medical procedure on an animal where the sole purpose of that surgery is to alter the animal's appearance, or cosmetic surgery. I think this bill, which focuses on animal welfare, addresses quite sensible issues. Those are priority issues. The opposition is satisfied that in addressing the priority area of the welfare of animals this bill does not impede any sensible activities that are currently acceptable in the ACT in relation to the management or the ownership of domestic animals.

The government's bill deals with the management of domestic animals in respect of travelling circuses, zoos and visiting zoos. As I said earlier, it deals also with cosmetic surgery and will ensure that cosmetic surgery and other forms of unnecessary surgery do not occur. The bill deals also with the management of animals for experimentation purposes but I am pleased that that does not necessarily impede existing practices relating to animal experimentation. The bill certainly tightens up all the procedures governing the issues I have just listed and, to that extent, the opposition is satisfied.

The bill also tightens up procedures governing licensing, authorisation and permits and does not seem to introduce any dramatically different types of law. The bill simply tightens up all the existing provisions governing the management of domestic animals. Referring to the government's desire to introduce strict liability offences, the opposition notes that those provisions were scrutinised by the scrutiny committee which was quite happy with the government's intentions. To that end the opposition supports those elements in the new bill. The opposition thinks that those recommendations are appropriate and it welcomes them.

On a related issue, I would like to see the government putting as much effort as it has into the animal welfare legislation into addressing other areas of domestic animal management, such as laws governing the management and ownership of dangerous dogs. We think that these priority areas must be examined and upgraded and we would be pleased if the government put some effort into those areas. As a parting gesture, we would also be extremely pleased if the government put as much effort into dealing with the party animals around Lake Burley Griffin over the weekend. These sensible laws governing the welfare of domestic animals, which are welcome, tighten procedures where they need to be tightened—an issue about which we are pleased. The opposition supports the bill and will continue to monitor other procedures as they develop.

MS PORTER (Ginninderra) (11.35): I support the bill which is the government's response to the October 2002 Animal Welfare Advisory Committee's public

discussion paper entitled "Proposed Amendments to the Animal Welfare Act 1992." As members would know, the bill amends the Animal Welfare Act 1992 and establishes new offence provisions to address current animal welfare issues. The bill will ensure that people other than veterinary surgeons are prohibited from performing therapeutic procedures. This includes docking a dog's tail or removing a dog's dewclaws. The bill prohibits a veterinary surgeon performing surgery on animals where the sole purpose of that surgery is to alter the animal's appearance.

As a person who has long been a lover of dogs in particular—until recently I have always had a domestic dog as part of my family—I am obviously in favour of this bill. In fact, my last long-term dog was a Doberman boxer. When we initially purchased this animal from the RSPCA and took her to the vet, my vet made it very clear that he was not going to dock this dog's tail, which was quite long. I made it very clear in return that I did not require him to dock the dog's tail for any purpose at all. I could not see any purpose why we should alter the dog's appearance.

The removal of a dog's dewclaws by a person other than a veterinary surgeon has been reduced from 10 days after the day the dog is born to four days after the dog is born. The aim of this is to ensure that after this period the procedure must be performed by a veterinary surgeon under anaesthetic and with analgesic pain relief. Again I have experience in that area as my dog needed to have its dewclaws removed, but that was done by the vet under these circumstances.

The bill makes it absolutely clear that animals should not be left alone in vehicles and in conditions that are likely to be detrimental to their health, that is, in a car on a hot day or, for instance, in a car on a hot day in full sun with no windows undone and no water provided. We hear much about the danger of leaving a child in these circumstances as he or she could suffer dire consequences. We are aware of children who have died as a result, but we do not seem to hear much about leaving animals in this distressing and dangerous situation.

The bill updates requirements for research, teaching and breeding licences, and authorisations. For example, the bill clarifies the administrative processes and procedures involved in applying for a licence or authorisation, and it provides clear examples of the types of conditions that can be placed on the licence or authorisation. I think members would agree that those are all important considerations. We have already heard from those opposite that they are supportive of this legislation.

Finally, the bill ensures that there is compliance with the code of practice for the care and use of animals for scientific purposes and it reflects the concern raised by the Animal Welfare Advisory Committee by recognising animal welfare issues and addressing those concerns—again a feature of the bill that I am sure is welcomed by all members. I commend the bill to the Assembly.

DR FOSKEY (Molonglo) (11.39): Mr Speaker the Greens welcome these amendments to the Animal Welfare Act. They contain a number of improvements, which could seem minor to some but actually could make large differences to many animals' lives. I thank Mr Hargreaves's office for arranging a briefing with officers from territory and municipal services, as the full and frank discussion we had assured

me that these officers have, as a core principle, the best interests of pet animals in the ACT at heart. It is often said that a place can be judged by how well it treats its people but I think it can also be judged by how well it treats its animals. I do not believe that any society or person which ill-treats or neglects animals is likely to be kind to its most vulnerable citizens. These amendments will bring the ACT's Animal Welfare Act more closely into line with best practice animal welfare legislation around the world.

Mr Speaker, the Animal Welfare Advisory Committee must be thanked for its work. Members may remember that I was concerned that the government was not availing itself fully of the committee's expertise, and had not brought the AWAC together. Now are now seeing that when the AWAC meets we get better outcomes for animals.

I would like to make some comments on particular aspects of the amendments to the act. I am pleased to see that it is being made very clear, by addition of an example, that it is not acceptable for people to leave dogs or any other animal in a closed car, particularly in hot weather. We know that young children are still being left in closed cars in hot weather. The conditions do not necessarily even have to be very hot for animals or children to suffer deleterious or life-threatening effects. Clearly some people do not understand the dangers. A person who would leave their child in that situation is likely to leave their dog in their car.

Mr Speaker, we cannot expect anyone to read this legislation in order to find out what new penalties apply. So I would like to make it very clear that the accompanying education campaign will make the difference here. This is probably something that is best done in partnership by the government and the RSPCA. I understand that the RSPCA is trying its best to get funding from the government for its education campaign. This is one example of how important that funding is. I believe it would be quite hypocritical of the government to pass this legislation if it does not support efforts by the RSPCA to carry out that all-important work of education.

I wonder whether the section on transport and containment includes taking a dog for a walk or exercise. It is generally believed that it is always good to walk one's dog. However, I heard about someone who took their dog for a walk in the middle of the day during the recent spate of hot weather and the dog, which had been obviously pushed just too far, died from overheating. So, Mr Speaker, we cannot say that walking your dog is always going to be a good thing. It is not always kind to walk one's dog. Again, education is going to be needed in respect of the appropriate times and places to walk canine pets. Exercise needs have to be balanced against wellbeing.

I thoroughly welcome the amendments to medical and surgical procedures. Cosmetic surgery on pets, without any therapeutic reason, will become unacceptable. Animals do not have the same measures of beauty as people do, and it is unfair of humans to impose their idea of canine or feline perfection on their pets. For instance, we know that dogs like to smell a particular way. However, I am pleased to see that, while the practice may not be acceptable to humans, the legislation does not outlaw the habit of dogs rolling on rotten bones or the faeces of other animals. Dogs, for example judge each other by behaviour and smell, not by the shape of their ears or the number of toes they have. They assess each other by whether their tail is up or down, and

consequently animals have an advantage in having a tail. Thus tail docking—and we are talking mostly about dogs—which was banned only recently, can cause confusion in dog communication and can lead to dogs misunderstanding other dogs without tails as being unfriendly, when in fact the poor creatures just do not have a tail to raise. I am glad to say that in November 2000 the ACT was the first jurisdiction in Australia to ban tail docking.

Mr Speaker, it never ceases to amaze me what people will do to very young animals and, for that matter, even young persons. Of course, animals are often seen by owners as a reflection of themselves. It was only in the 1980s that a doctor came up with the theory that premature babies feel pain. Until then all surgery around the world on premature babies was performed without anaesthetic. Babies were given only a paralysis drug to prevent movement during surgery. The doctor, looking at the poor survival rate post surgery, realised that immense pain might be a factor. Funnily enough, using anaesthetic has greatly increased the survival rate of premature babies after surgery.

The progress in these practices leads me to question the standard practice of removing without anaesthetic dog tails and dewclaws in the first few days of a puppy's life. However, it has now been proven—surprise, surprise!—that puppies do suffer pain, not only from the chopping but also during the healing time of the wound. Tail docking was banned in all states and territories by early 2003 unless carried out by a veterinary surgeon for therapeutic and prophylactic reasons. Yet I am not aware of any prosecutions to date. Unfortunately, legislation like this, as shown by the lack of prosecution, is rarely enforced. However, as a crime, tail docking is visible and should be policed to a greater extent.

One of the arguments for tail docking, apart from cosmetic reasons for show competitions, is to prevent dogs from harming their tails later in life. This same argument applies to dewclaw removal. Although claws that stick out and hang badly can lead to nasty accidents, many dogs do just fine with their claws attached their whole life. Australia is yet to make a clear decision on dewclaws. The European Union has banned their removal except for therapeutic reasons.

In places where tail docking is still legal, people argue that as long as it is done when dogs are very young, little pain is felt. However, this is now generally agreed to be a furphy. I suspect that dewclaw removal could be in a similar boat. The argument is that the puppy's nerve endings have not developed enough to cause pain and that their bone is still soft cartilage. Thus, the amendment in this bill which reduces the days from 10 to four after which a puppy cannot have it dewclaws removed by people who are not vets is a reasonable compromise for the time being. I would like to request that the Animal Welfare Authority look into how much pain is caused to a four-day-old puppy when having its claws removed, and that the minister report back to the Assembly on its findings.

I am pleased to see that the bill contains the following amendments: the owner of the premises as well as the owner of the animals can be prosecuted in respect of animal fighting and baiting—obviously the owner of the premises may stand to receive financial or other gain through allowing those activities to occur; all conditions of licences for research, teaching and breeding must now abide by the directions of an

ethics committee; authorisations for research and teaching purposes are to include breeding of animals for research or teaching purposes; animal experimentation ethics committees will become broader and be called animal ethics committees; the circuses section has been expanded and now includes travelling zoos; and the prohibition of glue traps and metal-toothed rodent traps has been included in the regulations.

One other concern I have about the act, its amendments and regulations, is that it does not appear to be the case that research, breeding and teaching licences are required to have an evacuation plan for animals under their responsibility in case of fire, or requirements that such a plan be part of their licence application. During the 18 January fires we know that animals in cages at the RSPCA were fortunately rescued by well-meaning community-minded citizens. We also know that a number of horses—but not all—were at the last moment rescued by citizens, some of whom suffered injury. It would seem to me that it makes sense to have evacuation plans for animals. I know we do not always have adequate evacuation plans for humans but I hope that this is one area that we will be addressing. Implicitly, such a fire plan could be incorporated into clause 27 (2) (a) and (b), which looks at the ability of applicants and premises to care for and handle animals. But it is not explicit in the act, and this is something the Greens would like to see implemented in the future.

Although I support this bill I am sure we agree that there is always room for improvement. Animal welfare legislation across Europe is certainly a lot stronger than Australia's. Sometimes, of course, it is difficult to distinguish between good sense and overzealousness based on anthropomorphic emotions. For instance, the jury is still out on whether Rome's banning of round fishbowls has a biological basis. Rome's *Il Messaggero* newspaper reported that round bowls cause fish to go blind. Well, Mr Speaker, nobody wants fish to go blind and maybe we should be looking into the impact of round bowls ourselves. No-one at the Rome council could confirm that this is why they were banned. However, many experts said that round bowls provide insufficient oxygen for fish. Mr Speaker, tiny ornamental round bowls are often justified on the basis that fish have short memories and think that every time they swim around it is the first time. I would like to know how anybody knows how much a fish remembers.

The Italian city of Turin passed a law to fine pet owners up to 500 euros if they did not walk their dogs at least three times a week. There is always the issue of how anyone would know whether a dog has not been walked at least three times a week. Also, you would have to take into account whether it was dangerous to walk a dog, as would be the case in the example I gave of a dog dying because it had been walked in the middle of a very hot day. It would be rather absurd if, to meet the conditions of the law, dogs were put in life-endangering situations. The devocalisation and declawing of dogs is another area, along with dewclaw removal, that I think we could look at in the next round of improvements.

Let me say again that I support the proposed amendments in this bill, including the amendment tabled today, but the proof is going to be in the enforcement. Many of the discussed practices, such as all animal welfare issues, still occur in people's backyards, properties and laboratories. However, concerted education campaigns, along with stronger enforcement, will help to ensure that the right things are being done to improve the lot of creatures who rely entirely upon humans for their health and

quality of life. Legislation is only as good as its enforcement and the education that accompanies it.

I note Mr Pratt's concern about dangerous dogs. Obviously this is an issue that this Assembly will need to address at some time in the future. Obviously, the matter he raised does not come under the legislation we are now considering—I believe this would involve the Domestic Animals Act. I hope that there will be consultation when we have legislation to amend that act before us because I would not like to see a simple knee-jerk response to what is obviously a really important problem that we need to address.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (11.53), in reply: Mr Deputy Speaker, firstly I would like to address Dr Foskey's point about the Domestic Animals Act. That legislation is out for public consultation at the moment. If members of this place have a view on changes to the Domestic Animals Act, I would encourage them to put those views forward with some speed. If suggested amendments are reasonable, the government will pick them up; if they are unreasonable, the government will reject them but we will give a reason why they have been rejected. I think we need to have that conversation.

I need to make a point about why we need this legislation and the domestic animals legislation. People in the department have the same commitment to animal welfare that I and the government do. I am pleased to say that this commitment seems to be shared by the opposition and Dr Foskey, who, having lambasted me in the past for leaving the chamber and not paying suitable attention to her shrill diatribes, does not have the courtesy to stay and is now departing this place. It is a bit of a shame that she feels the necessity to go out the front door at a time when we are debating an issue of such concern.

Mr Mulcahy: What a disappointment!

MR HARGREAVES: Yes. But the good Lord moves in mysterious ways, Mr Deputy Speaker. Let me give a couple of examples of why we need this sort of legislation. I have a little orange cat and a black cat at my house, and because a person has taken an overseas posting, we are about to take in a little orphan cat. How we came to get this little orange bloke is a salient point. My daughter found him tied to a traffic pole. I am not sure whether it was a no-parking or a no-standing pole but it was one of those types of poles. He had fire-crackers strapped underneath him, kerosene had been poured across his back and he was on fire. Naturally enough, he was jumping around all over the place, as you do when you are on fire. My daughter rescued him. He had his whiskers burnt off, his ears were burnt and a lot of his fur had been burnt off. So we took in this little six-week-old kitten. That kind of an attitude towards animals has to be stamped out.

Mr Deputy Speaker, Dr Foskey talked about fish not having memories. That is only because when she talks to the fish they do not remember who she is, and we all have that problem from time to time. At this point I welcome Dr Foskey back to the chamber.

Dr Foskey: What have you been saying about me in my absence?

MR HARGREAVES: You can read the *Hansard*, if you like. I will get a copy of it for you but if you like I will go over it again.

MR DEPUTY SPEAKER: Relevance, minister.

MR HARGREAVES: For the benefit of Dr Foskey—through you, Mr Deputy Speaker—I was relating the story of how this little orange cat came to be living in my house. Dr Foskey talked about fish and oxygen in fish bowls. I recall going up to the hill between Wanniassa and Farrer. Mr Mulcahy knows the place I am talking about—it is a beautiful bit of territory in the Wanniassa hills. When I went up there on one of my walks I discovered that some fish were flapping around in one of the dams from which the water had been receding at a rapid rate of knots. There was nothing I could do for the massive great carp that were sitting in there but my wife and I rescued three of the smaller fish, took them home and stuck them a big pot. We oxygenated the water and made sure it was changed, because even if they did not have the memory or the artistic appreciation of goldfish, they were still entitled to a high quality of life. This is what they will continue to have as long as we do not go fishing for them in my pond.

Mr Deputy Speaker, Dr Foskey referred to fire recovery. In about 1996-1997, I was involved in developing a disaster recovery plan and the creation of recovery centres. You might remember that the recovery centre at Lyons came out of the training that we received back in 1996-1997. We received training from the emergency management group out of Mount Macedon. They said, "Just remember, you must make provision for animals in those recovery centres. You do not stick goldfish, cats and dogs in the same area. You also do not put dogs that are on heat with dogs that are not. You have to make sure that the accommodation is good for them and that the trauma that they have experienced is addressed."

This government and the opposition have a record of being very conscious about animal welfare issues and this piece of legislation is yet another example of this. As I said before, we need to work in concert with the Domestic Animals Act, which is out for consultation at the moment.

The ACT is determined to protect all animals and prevent unnecessary harm, pain and suffering by introducing offences that ensure that, so far as possible, animals are protected. I know this is a matter of concern to all MLAs. The Animal Welfare Advisory Committee has been consulted extensively on this legislation and has recommended changes to ensure that the legislation administered by the ACT has been reassessed in response to the increased understanding of the needs of animals, changing community attitudes and latest scientific knowledge.

I would like to acknowledge the work of the Animal Welfare Advisory Committee. I have met with them on two occasions since receiving responsibility for this portfolio and I am very pleased to say that at those meetings I told them that they not only had to continue to advise but they need to have the charter of being proactive. I do not want to have them sitting around the place waiting for the government or somebody

else to refer an issue to them. I thought they could tell us what we need to know well in advance. What is the point in having a high-powered bunch of experts if we do not make use of them?

Under this bill, veterinary procedures have been reassessed. Some practices that were tolerated in the past will not be tolerated in the future. The number of procedures able to be carried out by non-veterinarians will be severely limited. Veterinary surgeons will also be prohibited from giving advice to a third party—a non-veterinary surgeon—on how to perform a so-called "therapeutic" procedure. For example, vets will no longer be able to give advice on how dock a dog's tail.

Another surgical procedure by non-professionals that will be banned is the removal of a dog's dewclaws. Previously this had been permitted in respect of a breeder or owner where the puppy is up to 10 days old. In future, if a dog is five or more days old, only a professional vet can perform the operation under anaesthetic and with analgesic pain relief after the five-day period.

Other jurisdictions such as New South Wales have similar requirements. Dr Foskey made the point very well that we forget that operation pain is only the first part of the pain. There is the recovery phase. Even if an operation is justified, we need to understand that that operation will result in the immediate pain disappearing but then the recovery pain will continue for some time. I think it is well worth underscoring that point that was made by Dr Foskey and I appreciate her raising that issue. Even qualified veterinary surgeons will be prohibited from performing medical procedures on animals where the sole purpose of that procedure is to alter an animal's appearance.

Mr Deputy Speaker, from time to time there are press reports from interstate that various forms of animal fighting still take place for the amusement of human beings and as a method of gambling. This practice has been outlawed for many years but there have been gaps in the legislation. One of those gaps is now closed. A person who owns premises where an offence takes place in relation to baiting or animal fighting commits an offence under the bill. The offence will apply regardless of whether a person who owns the premises was aware of what was occurring on the premises. This is the strict liability that Mr Pratt was talking about, and I appreciate the government's support for strict liability in this instance. There is no excuse for not knowing you have got cockfighting going on in your backyard.

This bill will ensure that an animal "can" be used to train another animal. Currently many sporting bodies and farmers use trained animals to show their new animals what is required. An example of this is cattle dogs training new cattle dogs in the business of rounding up cattle. The bill updates requirements for licences, identification certificates, permits and research authorisations. This will ensure that administrative and operational processes are up to date.

Amendments to the regulation will prohibit certain types of traps. One of these traps is glue traps for mice and rats, where animals become stuck to a board and there is potential for continued suffering if the trap is not attended to and the animal is not killed. This is the very reason why we outlawed rabbit traps all those years ago. It is also proposed to remove "electric fight-back lure" from schedule 1 of the regulation that lists allowable electrical devices for use with animals. Fight-back lures are

vibrating lures used for greyhound training. They do not give an electric shock and therefore it is inappropriate for them to be identified within this schedule. The government will work cooperatively with Animal Welfare Advisory Committee and other jurisdictions to enforce this legislation through consultation processes and ensure that the ACT is in line with the other jurisdictions.

Finally, Mr Speaker, I would like to thank Lee-Anne Wahren and Yorka Stekovic from the Department of Territory and Municipal Services for the work that they have done in putting this bill forward. I will talk about the amendments in the detail stage. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (12.06): I seek leave to move amendments Nos 1 to 4 circulated in my name together.

Leave granted.

MR HARGREAVES: I move amendments Nos 1 to 4 circulated in my name together *[see schedule 2 at page 493]*. I table a supplementary explanatory statement to the amendments. Mr Speaker, division 6.2 of the bill outlines, among other things, the administrative processes involved in making an application for a trapping permit. The commencement of division 6.2 will be delayed and will commence on a day fixed by the minister by written notice. The authority is currently in the process of developing appropriate administrative systems to handle applications and the issuing of permits.

Section 19A of the bill outlines the medical and surgical procedures that veterinary surgeons can and cannot do. Currently one of the procedures that a veterinary surgeon can do for a "therapeutic purpose only" is to remove a dog's dewclaws after four days after the dog was born. An amendment to section 19A of the bill was made to provide that a veterinary surgeon must not remove a dog's dewclaws after four days after the dog was born for a purpose other than a "therapeutic" or "prophylactic" purpose. This will ensure that veterinary surgeons who remove a dog's dewclaws after four days after the dog was born are only doing it for the remedial treatment of a disease or injury, which is the therapeutic bit, or for a preventative reason, which, as we all know, is the prophylactic bit.

Mrs Dunne: I knew that.

MR HARGREAVES: And we know that Mrs Dunne is an expert on the use of prophylactics for prevention.

Mr Speaker, section 42 (1) of the bill provides that the animal ethics committee must give, upon application, an authorised person an identity certificate under section 42 of the bill. Research organisations such as the ANU make applications under this section for research purposes. Listing multiple authorisations that a person holds on the one identity certificate would pose a significant administrative burden and may be impractical to administer.

An amendment to section 42 (2) (b) of the bill will be made to remove the words "each authorisation that a person holds". The removal of the words will ensure that the administrative processes involved in issuing an identity certificate to an authorised person operate in an efficient and practical manner for all parties involved. I commend the amendments to the Assembly.

MR PRATT (Brindabella) (12.09): Mr Speaker, the opposition will be supporting the government's amendments.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Sitting suspended from 12.09 to 2.30 pm.

Questions without notice

Bushfires—briefing

MR STEFANIAK: My question is to the Chief Minister. Chief Minister, you stated last week in relation to Chief Police Officer Murray being briefed about the progress of the January 2003 bushfires: "I think perhaps he had the same briefing as the cabinet had." In evidence given to the inquiry, Mr Murray was asked:

> Is there any reason you are aware of or have learned of since as to why what was put before the ACT cabinet on the morning of the 16th of January couldn't have likewise been put before you on the afternoon of 16 January by either Mr Lucas-Smith or Mr Castle, both of whom were present?

Mr Murray replied:

> I have no reason. Nothing to offer to that question. I have no idea why.

Chief Minister, why weren't the Australian Federal Police given the same briefing on the status of the bushfires as was given to cabinet?

MR STANHOPE: I have no idea, Mr Speaker—none at all.

MR STEFANIAK: I have a supplementary question, Mr Speaker. Chief Minister, why weren't the Australian Federal Police represented at the briefing that was given to cabinet on the morning of 16 January 2003?

MR STANHOPE: I do not know. Those were not matters for me. I was not the responsible minister, as everybody is aware. I did not organise the briefing. Indeed, I assume these are questions that the coroner would have pursued through her four-year and $10 million inquest. It does interest me that the opposition continue to cast aspersions on the way in which the coroner has obviously conducted the inquiry; that they remain dissatisfied. These are questions that were pursued by counsel assisting, Mr Lex Lasry, on behalf of the coroner, and to the extent that the Liberal Party remain dissatisfied with the coroner's conduct of the inquest those are matters that the Leader of the Opposition might wish to take up with the chief coroner.

Bushfires—coronial inquest

MRS DUNNE: My question is to the Chief Minister. Last week you stated in relation to the special cabinet meeting on 16 January 2003 that Mr Castle and Mr Lucas-Smith did not give evidence to the coronial inquest that was consistent with the coroner's finding. Yet in evidence Mr Lucas-Smith said about that meeting:

> I am painting a worst case scenario to the best of my ability.

Mr Lucas-Smith further said that there would be a potential serious impact for the suburban areas if things went wrong and that the cabinet was very interested in that potential serious impact. But he noted that the cabinet did not ask a great number of questions. In his statement to the coroner, Mr Castle said:

> There was discussion as to the process of declaring a state of emergency. I went on to advise cabinet of the process involved in that eventuality. We offered advice on the potential risk to urban areas due to the extent of the fire front.

Chief Minister, why do you claim that cabinet was not warned about the potential serious impact on the urban area on 16 January, when it most certainly was?

MR STANHOPE: It was not. That is the sworn evidence of me, Mr Tim Keady, Mr Rob Tonkin, Mr Mike Castle and Mr Peter Lucas-Smith. That is the sworn evidence of two cabinet ministers through statutory declarations—Mr Bill Wood and Mr Ted Quinlan. It is a position which the other minister attending that meeting has put in this place.

Interestingly, for those who watched the excellent, objective and rigorous discussion of these issues on *Four Corners* last night on ABC television, it is the view of Mr Wayne West—and it is a view that is consistent with the statements by Mr Wayne West to *Four Corners*—that at no stage between the eighth and the 17th did he believe that the McIntyres Hut fire represented a problem. On *Four Corners* last night, during that quite rigorous analysis of issues that were faced by firefighters on that day, it was actually the view put by New South Wales Rural Fire Service personnel who were involved in the McIntyres Hut fire that they believe it was their actions on the 17th and 18th that ultimately led to the McIntyres Hut fire causing the destruction that it did.

That leaves in the air—unfortunately for everybody who is looking for a full suite of answers on this—the unfortunate fact that the coroner chose not to include in her report any analysis or investigation of the McIntyres Hut fire, which was shown quite clearly on the *Four Corners* show to have been the fire which created the devastation. Its omission from the report leaves an enormous gap in our understanding.

MRS DUNNE: Mr Speaker, I have a supplementary question. Given Mr Lucas-Smith's sworn evidence that he painted a worst-case scenario to the best of his ability, why did you and other members of cabinet not ask more questions when you received that briefing?

MR STANHOPE: I have explained on numerous occasions—as have all of those others that have given sworn evidence in relation to this matter—that there was at no stage during that briefing any suggestion by the head of the Rural Fire Service and the head of the Emergency Services Authority, Mr Peter Lucas-Smith and Mr Mike Castle, that they expected or anticipated that the fire would burn Canberra. That simply was not the nature of their evidence.

This was raised quite significantly and directly most recently in relation to the fire of a couple of months ago at Tumut, which burnt of course through the very extensive New South Wales state forest to the north of Tumut—a fire which was essentially just to the west and south of the McIntyres Hut fire. During that particular fire exactly the same scenario was painted.

I read about it here in the *Canberra Times* in exactly the same terms. It was the same view of our firefighting experts and authorities: that fire had the potential to impact on the urban area of the ACT. If a certain situation occurred, then the Tumut fire of two months ago—in certain eventualities; if it burnt to the east, which is where it would have burnt—would have impacted on the urban area of the ACT. And the same question would have been asked: which areas of the ACT would have been most exposed had the Tumut fire burnt to the ACT? The answer was: Dunlop and Weston Creek.

It is the same answer. It is the answer that was given to cabinet regarding a range of worst-case scenarios or eventualities. The briefing on the 16th was given without any understanding—I would assume—of the fact that the New South Wales authorities were intending to firebomb, as we saw most graphically described last night on *Four Corners*. And we have New South Wales Rural Fire Service personnel essentially accepting responsibility for the fact that it was through the firebombing—in an attempt to back burn on the day before—that the fire escaped its containment lines and burnt to the ACT.

That was the evidence given last night on *Four Corners* by New South Wales Rural Fire Service officers, who unfortunately did not have the opportunity to provide that evidence to the inquest here in the Australian Capital Territory. The scenario was the same. If, two months ago, the Tumut fire had escaped its containment lines, had burnt towards the ACT—if it had done that; if it had reached the urban edge—the suburbs most at risk of being impacted were of course the western suburbs, the most exposed suburbs of Dunlop and Weston Creek.

That was the scenario four years ago; it was the scenario four to five weeks ago; it is the scenario today, in the range of certain potentialities. If a fire ever burns to the west of the ACT, the suburbs most at risk are the western suburbs. And what are the western suburbs? The western suburbs were then and the western suburbs are now Dunlop and Weston Creek.

That was the nature of the briefing that the cabinet received on the 16th accompanied by a firm view, which was reinforced last night on *Four Corners* by Wayne West when he said that up until the 17th he still believed—in other words, until the day after the cabinet briefing Wayne West was still saying and was still of the belief—that this fire did not represent a major threat. That was what he said to *Four Corners* last night. That is what cabinet was advised on the 16th—24 hours before that.

Mrs Burke: But you knew different.

MR STANHOPE: I knew different than Wayne West? Wayne West did not think the fire represented a major threat on the 17th. His advice was—

Mrs Burke: You knew the fires were more serious.

MR STANHOPE: I know nothing about fires Mrs Burke—absolutely nothing about fires and their behaviour. That is why I rely on experts. I know nothing about how to fight a fire. But of course it is not convenient to now give credence to the *Four Corners* show of last night by the Liberal Party here. They would not have liked *Four Corners* last night. Four Corners last night shattered the fragile case which the Liberal Party have sought to create and manufacture in this place, and which they are pursuing here today.

It is a fact and it is consistent with the sworn evidence of everybody that gave evidence in relation to the cabinet meeting of the 16th that the cabinet was not provided with advice or evidence which created any significant degree of alarm. That is evidenced by the fact that two of those members of that cabinet proceeded to leave after the cabinet meeting.

Aged care accommodation

MR GENTLEMAN: My question is to the Chief Minister. Chief Minister, can you inform the Assembly how the recent gift of a $1.8 million block of land to an aged care provider fits in with the ACT government's strategy to increase the number of aged care beds for older Canberrans?

MR STANHOPE: This was a significant initiative by the government in relation to its commitment to aged care. A direct grant of land at Griffith valued at $1.8 million to Baptist Community Services is a crucial element in our strategy to ensure that, as our community ages, the structural changes that must accompany that ageing keep pace.

Communities right around Australia, but most specifically here in Canberra, are ageing, and in Canberra ageing faster than most. At the beginning of this decade, for

instance, over 50,000 men and women, or just 13 per cent of Canberra's population were aged over 55. By 2031, that number will actually double. The biggest growth will occur in the over-70 age group, which is expected to grow to more than 50,000 and will constitute 15 per cent of the population. These are quite dramatic statistics. Within the next 25 years, there will be 50,000 people in the Australian Capital Territory over the age of 50.

It is important that, as a society, we ensure that older people are able to remain in their own homes for as long as possible or for as long as they desire. The need for aged care beds will, of course, continue to grow as our population ages.

I am very proud of the government's record in relation to the provision of support for the ageing in our community. Over the past three years, the government has released land for an extra 900 aged care beds in Canberra. One hundred and twenty-eight of those are currently under construction, with 548 in the planning stage and to be completed over the next two years.

Over the past few months Southern Cross Care in Garran has delivered 70 beds and 14 independent living units; Centrecare in Aranda has delivered 15 supported housing units; the Tamil Senior Citizens Association has delivered four units in Isaacs; and Calvary has built 48 independent living units. Currently under construction at Calvary in Bruce, and to be completed by July, are 100 beds and a further 30 independent living units. Goodwin in Ainslie is building 103 beds and 148 independent living units, due for completion in September, and as we speak Goodwin has almost completed 19 assisted living units in Farrer.

Approval has been granted for 100 beds and 150 independent living units to be built by the Illawarra Retirement Trust in Belconnen; 74 beds to be built by St Andrew's in Hughes; 64 beds to be built by Mirrinjani in Weston and 24 independent living units to be built by Ridgecrest in Page. A development application for 110 beds and 150 independent living units in Monash is under consideration and another, for 40 beds in Campbell, is being prepared.

UnitingCare has received approval for 100 beds and 150 units and is negotiating for a site in Gordon. Baptist Community Services has been allocated 120 beds and 180 units for the Nicholls land bank site. The government has agreed to sell the block adjoining Kankinya, in Lyneham, to allow for an expansion of the dementia facility. Community consultation is under way on the possible expansion of the Morshead war veterans' facility on a piece of land in Kaleen.

This week's direct grant of land on the site of the former O'Connell Education Centre in Griffith to Baptist Community Services is the latest contribution to this busy pipeline of new beds and another significant initiative to flow from the government's strategy statement *Building our ageing community*. The direct grant will allow Baptist Community Services to build a new, 160-bed aged care facility in the inner south, one of the areas of greatest looming demand.

But the direct grant will result in more than just this new facility. The direct grant of the land in Griffith will be significantly leveraged by Baptist Community Services. As part of the deal, they will redevelop the site of Morling Lodge in Red Hill to create a

second brand new complex of supported accommodation and independent living units for our ageing population.

The existing Morling Lodge facility is reaching the end of its useful life. The plan is for BCS to build its new facility at Griffith, relocate residents from Morling Lodge to Griffith and then redevelop the Morling Lodge site, thereby causing minimum uncertainty and disruption to residents and their families.

Importantly, the redevelopment of the Morling Lodge site will assist in the context of the current debate over affordability. The work across the two sites will deliver 60 additional beds and a suite of options. In relation to this significant record, we should reflect on the fact that, in six years of government, those opposite delivered 14 beds in total—14 beds in six and a half years, three a year and one to spare. Absolutely disgraceful!

MR GENTLEMAN: I ask a supplementary question. Can the Chief Minister tell the Assembly how the government has acted to speed up the provision of land for aged care in the ACT?

MR STANHOPE: I think the first and most important thing we did to speed up the delivery of aged care beds in the ACT was, of course, to get rid of the mob opposite. I think the fundamentally important thing that was achieved was to throw the Liberals out of government. The commitment of the Liberal Party to an ageing population in the ACT over 6½ years in government was to deliver 14 additional aged care beds for our community.

Ms Hargreaves: That is two each, Jon; two each.

MR STANHOPE: That is exactly right: 14 beds in 6½ years. That was this party's commitment to an ageing community, an ageing population, in 6½ years in government. They delivered the grand total of 14 beds—three a year.

Mr Pratt: Two a year.

MR STANHOPE: Two a year, you are right. Mr Pratt has reminded me that it was actually two a year. I am sorry; my maths was out. Mr Pratt, you are right; it is two a year. Two beds a year, Mr Pratt, over 6½ years—two beds a year and one for the half year. You are quite right, Mr Pratt. You maintained the ratio in the half year of your final year in government. So two a year and, in the final year—not a full year admittedly—you delivered one bed.

That is the Liberal Party's commitment. That is how they work in government. That is how they plan for the future. That is the extent of their commitment and it is also a reflection of their priorities. This issue of priorities is important because, as we know, and as the shadow treasurer continues to remind us, in government, if they ever win again, the Liberal Party will not collect up to $100 million of tax. They will not collect the water abstraction charge, they will not collect—

Opposition members interjecting—

MR SPEAKER: Chief Minister, resume your seat. Order! Could everybody maintain their composure for a little while? I call the Chief Minister.

MR STANHOPE: It is interesting and I think it is important in the context of what we have done to split up the provision. Most importantly, the people of Canberra got rid of this mob and elected a government that was committed to the ageing in this community, was committed to strategic planning, was prepared to put in the hard yards in relation to developing a strategy for ageing in the community; was prepared to put the hard work into developing a strategy around the development, planning and future of the city, and was prepared to ensure that older people within this community were a priority and deserved the support of government that this government shows them.

One must ask questions, particularly in a vacuum where the Liberal Party refuses after 5½ years in opposition to delineate or explain a single policy on anything. They have not been able to articulate a single policy on anything. They had a secret policy forum here in the Assembly last week. They locked the doors so that the media would not be able to see that they were running 10 people there and they had absolutely nothing to say. They had absolutely no contribution to make. They had no ideas except to say, "Let us campaign on reducing the level of revenue by $100 million a year. People will like that. They will like the fact that we are going to abolish parking throughout Canberra. They will like the fact that we are not going to collect the fire levy."

MR SPEAKER: Order! Come back to the subject matter of the question.

MR STANHOPE: This is relevant to what needs to be done to speed up the delivery of aged care because it does go to priorities and capacity. We have a government here that has promised not to collect up to $100 million of revenue if they come to government. They must ask, "What will happen in relation to that refusal to collect?"

MR SPEAKER: Order! Chief Minister, come back to the subject matter of the question.

MR STANHOPE: Thank you, Mr Speaker, I will. But it is relevant to the subject matter of why, only on the election of this government, a government with a commitment to aged care, this process was developed to the stage where, in the last three years, we have either delivered, have under construction, or have approved 900 aged care beds and a similar number of independent living units against a record of 14 beds in a longer period of time.

Mrs Dunne: How long did it take to get approval for Calvary?

MR STANHOPE: The member asks, "How long did it take?" How long did it take you to deliver 14 beds? Do not point the finger at us and say, "How long did it take to deliver 900?" How long did it take to deliver 14 beds? It took 6½ years. *(Time expired.)*

Bushfires—coronial inquest

MR SMYTH: My question is to the Chief Minister. Last week you stated that you were available for further examination on the matter of a phone call from Mr Castle on the evening of 17 January 2003. In fact, you were invited to give evidence to the coroner about the matter of your calls with Mr Castle and Mr Keady. She said on 10 May 2004:

> I would like to enquire of the Chief Minister whether or not he wishes to return to this inquiry to give evidence about the contents of his letter to me of last Tuesday. I say that because the Chief Minister has been explaining his position to the media in various interviews to the press. I wish to afford him the opportunity, if he wishes, to likewise explain or give some further evidence to this inquiry.

Chief Minister, you declined the coroner's invitation. Why did you claim that you had made yourself available to give further evidence when you had not? Why wouldn't you give further evidence on this matter to the coroner?

MR STANHOPE: I stood ready at all times. In fact, in relation to a judicial process such as a coronial inquest, it is not a question of whether or not one stands ready. One is subject to the will of the court in relation to these matters. If the coroner wished for me to be further examined, the coroner had it in her capacity to call me, as she did prior to that. These are matters for the coroner. These are not matters for others.

In fact, I would very much have liked the minister responsible at the relevant times, namely, the minister for emergency services, Bill Wood, to have been called and given evidence. I would have thought that would have been appropriate. I would have been very happy for all of my other ministers, particularly in relation to the negative comments concerning the cabinet as a whole, to have been afforded an opportunity to give evidence. I think that it would have enhanced the quality of that issue had the evidence of the four ministers concerned been weighed in the balance, rather than just one and that one not even being the minister.

MR SMYTH: Chief Minister, will you tell the Assembly today about the phone calls from Messrs Keady and Castle?

MR STANHOPE: I have given full and complete evidence to the coroner and I have given detailed statements to the coroner on these matters. I have agitated these matters over the last four years in this place, including through two no confidence motions. I think that all of the evidence and all of the information that anybody could wish for in relation to any of these issues has been provided ad nauseam, certainly in this place over the last four years through two no confidence motions and certainly during sworn evidence before the coroner, during sworn statements to the coroner. There have been, I think, a thousand lines of evidence and statements given by me on these matters. I would refer the member to *Hansard* and I would refer the member to the transcript of the coronial inquest.

Surplus government property

DR FOSKEY: My question is to the Minister for the Territory and Municipal Services and it relates to so-called surplus ACT government property policy and guidelines and the closed ACT government schools and library sites. Minister, are any of the identified closed, or to be closed, ACT government schools, as well as the closed ACT Griffith library, currently being examined under the ACT government's "Evaluation guidelines for properties identified as potentially surplus", and, if so, what decisions have been made to date?

MR HARGREAVES: Yes. None.

DR FOSKEY: According to section 3.2.2 of the policy, the property group is meant to be notified 12 months prior to a site's closure. Has the property group been notified of the potential surplus of school and library sites 12 months prior to their closure, and, if not, when will they be notified?

MR HARGREAVES: They have not been notified of any potential library closures—because there aren't any. The library at Griffith has been closed and there is no further intention to close any libraries. Any suggestion that we are going to be closing libraries is just typical of the misinformation that is spread out by experts like Mr Smyth. So the answer to your question—if there was a hidden, sneaky bit in the middle of that—is no.

With respect to the schools, the property group is aware, as indeed is everybody else in this town, of the particular potentially surplus sites.

Emergency Services Authority—management

MR PRATT: My question is to the minister for emergency services. I understand that a report has been commissioned by the Department of Justice and Community Safety into the financial and project management of the Emergency Services Authority or Emergency Services Agency. Minister, what did this report conclude about the management practices of the authority/agency? What conclusions did this report reach about the management of capital works projects by the authority/agency? What conclusions did the report draw about the waste of funds by the authority/agency? When will you table this report in the Assembly?

MR CORBELL: I am not aware of a report in the manner Mr Pratt describes. If he can provide me with further information, maybe I could better answer his question.

MR SPEAKER: Mr Pratt, do you have a supplementary question?

MR PRATT: Indeed, Mr Speaker. I ask the minister if he could take on notice and come back to this place on what is clearly a series of audits undertaken by an authority which has already come up with 39 recommendations, at least in draft. Could he work around the basis of that information and come back and confirm to this house whether such a report is being prepared and whether such an inquiry has been undertaken? And when will that report be tabled?

MR CORBELL: Again, Mr Pratt is not being very clear about exactly what information he is seeking. I find it a little difficult to answer the question. A series of internal reviews have taken place in relation to the performance of the ESA, in a range of areas. Those have been used to inform decision making about where efficiencies can be achieved in terms of service delivery within the organisation and how the government can ensure that the organisation works within its budget.

Mr Pratt: Will you take it on notice, Minister?

MR CORBELL: Okay.

Mr Pratt: And provide further detail.

Emergency services—FireLink system

MRS BURKE: My question is to the Minister for Police and Emergency Services. Minister, a report commissioned by JACS into the financial management of the ESA makes a number of recommendations for future action. What does the report conclude about the digital data communication project known as FireLink?

MR CORBELL: There has been a process undertaken to analyse the performance of a range of IT and communications projects within the ESA following the ESA's consolidation within the justice portfolio. FireLink is one of the projects that have been subject to that analysis and the advice flowing from that analysis is currently subject to government approval and decision, and I am not in a position to disclose our decision in that regard.

MRS BURKE: I have a supplementary question, Mr Speaker. Thank you, minister. Minister, do any of the internal reviews recommend walking away from the FireLink project?

MR CORBELL: As I have indicated, these are matters that are currently subject to government decision making and I am not in a position to pre-empt decisions that will be made at a government level.

Aged persons—physical activity programs

MS PORTER: My question is to the minister for sport and recreation. Minister, what is the government doing to promote the participation of older Canberra citizens in physical activity programs?

MR BARR: I thank Ms Porter for the question and for her ongoing interest in increasing the participation of older Canberrans. It is worth stating at the outset that the ACT can lay claim to having the most active population in Australia. Importantly, we have the most active population of older people. The most recently released data on that shows that 91.3 per cent of people aged between 55 and 64 participate in some form of physical activity. Importantly, just over three-quarters of those aged 65 or over also participate in some form of physical activity.

Participation in these groups has grown by eight per cent since 2001. This growth in participation has not happened just by chance. It has been thanks to a concerted effort on behalf of this government. At this point I pay particular tribute to my predecessor, Mr Ted Quinlan, who was an active driver of this program and these efforts. Through the actively ageing framework, the government has provided support for organisations to provide physical activity opportunities for older people and to ensure that facilities better meet the needs of these people.

We have engaged with a number of organisations, partnering with them to deliver very successful programs. From 2004-05 to 2007-08 we have invested $420,000 in programs that promote physical activity among older people. As I have mentioned, the actively ageing framework, one of the key drivers of this increased participation, encapsulates many projects to encourage the participation of older people in physical activity.

One of the key projects is the Canberra active living model, or CALM, which is delivered in partnership with the YMCA. The CALM program has expanded in recent years from one pilot program in Hackett, with around 100 participants, to a situation in which we currently have six locations in operation across the territory—Hackett, Kippax, Curtin, Weston Creek, Kaleen and Kambah. In 2005-06 there were 540 participants in the CALM program, and the program has achieved a retention rate of 65 per cent. Forty per cent of the participants have reported that they continued with increased levels of physical activity even after their formal involvement with the program had concluded. This program has demonstrated great success.

In partnership with the YMCA, we have also established the Canberra senior sports carnival. This carnival had more than 200 participants last year. I think that it is fair to say that the sport and recreation industry is now much more aware of the need to consider the needs and requirements of older people in their program development and delivery. We have a joint aim now to ensure lifelong participation in physical activity. Many sports have thriving competitions for seniors, and these competitions demonstrate that our involvement in sport and recreation activities need not end when we slow down ever so slightly.

As members may be aware, I announced yesterday a second round of sports grants funding. These grants represent a further investment in increasing the participation of specific target groups, including senior citizens. More than $75,000 will be available to organisations. Applications are open until 20 April, looking at projects between $1,000 and $5,000 to be funded. I am looking forward to seeing a broad range of applications and I will be announcing in May the names of the successful recipients of this second round of sports grants. Overall, the government has achieved a fantastic result in increasing participation by people aged 55 and over. It is something that we intend to continue to build on.

Mr Smyth: Not true. All the key categories have declined.

MR BARR: The second round of grants targeted specifically in these areas shows again the government's commitment to ensuring active participation in community and sporting activities for senior citizens well into the future.

Mr Smyth: No, participation has fallen.

MR BARR: Those opposite can continue to carp and harp and to seek to find a negative in everything, as they are expert in doing.

Mr Smyth: Read the stats.

MR BARR: Old killjoy Smyth up the back there has nothing good to say about anything in this city. He is the most depressing man in this Assembly. He never has anything good to say. We know why, though. We have discovered in recent weeks why that is.

Mr Stanhope: We certainly have.

MR BARR: We certainly have discovered why that is. Others can judge Mr Smyth's reputation, but we all know what he has been up to. He has never had anything positive to say about the good things that are occurring in this city and in our community.

The second round of sports grants is targeting those in our community who deserve additional support to stay physically active, and it is a key component of this government's commitment to our actively ageing framework and to seeing a continuation of physical activity throughout people's life cycles. *(Time expired.)*

Emergency services—warnings

MR MULCAHY: My question is to the minister for emergency services. Minister, last month residents and businesses of the ACT, particularly in the inner north, were subjected to a storm that caused widespread damage to property and caused the closure of businesses and services.

The Acting Commissioner of the Emergency Services Agency acknowledged the ESA's failure to issue a general public alert in a timely fashion, despite notification by the Bureau of Meteorology at 9 pm, of a severe storm heading for direct impact on the ACT. Why did the Stanhope government again fail to warn the community about a serious threat to its safety?

MR CORBELL: The government was not involved in the process of determining a warning to the community. As members should know, the ESA has operational independence. It makes decisions about whether or not a warning should be issued. The decision was taken within the ESA itself without reference to me as minister and without reference to any other member of the government as to how that situation should be addressed.

As members would appreciate, the storm event itself proceeded into the central area of Canberra very quickly, and I think it has been acknowledged that, even if a warning had been given, it is unlikely that much action could have been taken to alleviate the damage.

Given the time of the storm event, 9 pm in the evening, it would not have been practicable in any event for most residents to get up on their roofs in the dark to clean their gutters, if they had not already done so. As members would have seen for themselves, with the level of hail involved, it would not have mattered whether your gutters were empty or not; the hail would have filled the gutters and would have caused localised flooding in buildings, which is what occurred.

Those matters aside, the point to be made is that the decision whether or not to issue a warning using the all hazards warning system was a matter for the ESA and the ESA alone. It was done without reference to me or any other member of the government.

MR MULCAHY: My supplementary question to the minister is: what action have you taken, as minister, to ensure that the ESA warns people about potential serious threats to their safety?

MR CORBELL: This is a matter for the emergency management experts; it is not a matter for politicians to get involved in and to direct in what circumstances an emergency warning—

Mr Smyth: Is that why you sacked Dave Prince? Prattie, is that why Dave Prince was sacked?

MR CORBELL: I ask Mr Smyth to withdraw that, Mr Speaker.

Mr Smyth: I wasn't talking to you. I was talking to Mr Pratt.

MR SPEAKER: I did not hear it.

MR CORBELL: Mr Smyth made the comment: is that why I sacked Mr Prince?

Mr Pratt: He asked me. He didn't ask you.

MR CORBELL: That is quite an outrageous allegation and I ask Mr Smyth to withdraw it.

Mr Pratt: It was a question actually.

MR SPEAKER: Order! What is alleged to have been said here, Mr Corbell?

MR CORBELL: Mr Speaker, Mr Smyth just indicated, in his typical fashion in an interjection: is that why I sacked Mr Prince?

Mr Smyth: It wasn't an interjection. I asked Mr Pratt a question.

MR SPEAKER: Order, Mr Smyth!

MR CORBELL: He asked: is that why I sacked Mr Prince. That suggestion is quite disorderly and it is also offensive to Mr Prince. I think Mr Smyth should withdraw the comment.

MR SPEAKER: So far as I can make out it was, I suggest, intended to disrupt the member, which is contrary to standing order 39. I did not hear it; so all I can do is state that if you said that, Mr Smyth, Mr Corbell is obviously offended by what is suggested. If you said that I would ask you to withdraw it.

Mr Smyth: Mr Speaker, at your direction I will withdraw, but I did not mention Mr Corbell in the question to Mr Pratt. I withdraw.

MR SPEAKER: Thank you very much, Mr Smyth.

Mr Pratt: In any case the answer is no. No, Mr Smyth, he resigned in disgust.

MR CORBELL: It is the typical grubby politics we can expect from Mr Smyth.

MR SPEAKER: Order! Let us leave it there and we will go on with the answer to the question.

MR CORBELL: Thank you, Mr Speaker, but it is typical of the grubby politics we can expect from Mr Smyth.

Mr Mulcahy: Point of order, Mr Speaker. I want to hear why he doesn't want to take any responsibility.

MR SPEAKER: Order, please, everybody! Mr Smyth has withdrawn it. Let us get on with the answer to the question.

MR CORBELL: Mr Speaker, it is unfortunate that those allegations continue to be made by those opposite without any foundation. But it is—

Mr Mulcahy: Point of order, Mr Speaker. You have asked the minister to move back onto the question. He continues to labour an issue which you have dealt with. I would like him to explain what steps he has taken to ensure that the ESA warns people about serious threats. It is not an unreasonable request.

MR SPEAKER: Order! Members of the opposition will cease interjecting. Mr Corbell, come to the subject matter of the question.

MR CORBELL: Thank you, Mr Speaker. Unlike those opposite, and particularly the fairly grubby approach adopted by Mr Smyth, I have full confidence in the Emergency Services Agency. Matters about warning are an operational matter for the ESA. The ESA determines whether or not warnings should be given. They make that judgment based on information available to them. As members opposite would know, the ESA has operational independence that is enshrined in the Emergencies Act and this is a classic example of it. It is their responsibility, under law, to make decisions about emergency preparedness and response.

They have the statutory responsibility to determine whether or not certain things should be done in response to an emergency, or pending an emergency, and they are responsible for ensuring that those things are done at the time that they believe they

need to be done. It is not a matter for the government; it is not a matter for me as the minister. No reference is made to the minister or the government in making those decisions, as it should be. Contrary to the claims of those opposite, these are matters of operational independence, which the ESA has and which the government will defend when they make their decisions, consistent with their operational independence.

Housing congress

MS MacDONALD: My question is to Mr Hargreaves in his capacity as minister for housing. Minister, last week you gave a presentation at the *Australian Financial Review* housing congress in Melbourne. Can you please inform the Assembly about what happened at the congress?

MR HARGREAVES: I thank Ms MacDonald for the question. Last Thursday, 8 March, I had the pleasure of sharing the experiences and policy perspectives of the ACT at the housing congress with delegates from around Australia. The conference touched on many different aspects relating to housing, including affordability, our changing demographics, planning, land release reforms, access to home ownership and public housing. It was interesting to share with others the experiences and difficulties of administering a public housing program with limited funds in such a way that the most needy in our community have access to a roof over their head.

Solutions around Australia differ, but they all have to start from the same point: funds are limited, but even in economic boom times there are people in housing difficulty. People in housing difficulty are usually welfare recipients but still have the right to a dignified standard of life. They cannot obtain that in the private market. Governments, notwithstanding the lack of electoral incentive, should assist within the limits of available resources. We should be aiming at helping people stabilise their lives and accommodation so that they can eventually move on.

I spoke to the congress about a range of topics, including how the ACT government is working hard to create a person-centred housing assistance environment. The ACT government owns and manages a total of 11,549 properties. It is imperative that we make the best possible use of this valuable resource by ensuring that our housing stock is targeted to support those most in need and that we manage this asset effectively, including through the revitalisation of our older stock.

I informed the congress that, as part of our public housing asset management strategy, the ACT government has decided to go down the path of joint ventures, as they afford the best opportunity to maximise the benefits to the territory. If the government simply sells land on the open market, the purchaser takes all the risk. This affects how much they are prepared to pay for it. By entering into a joint venture arrangement, we are taking on some of the risk; so we expect to obtain a higher return.

We are currently in the process of finalising negotiations for the development of two prime sites in central Canberra by way of joint venture—one in Lyons and one in Kingston. With a combined total of over 360 dwellings, the complexes had the usual problems that arise when disadvantaged individuals or families are concentrated in one area. Attempts to sell one of the sites on the open market were unsuccessful.

To demonstrate the benefits of joint ventures, it is useful to look at the Kingston site. If we were to sell this site on the open market, it is anticipated that it would return $14 million, enough to purchase or build some 42 units. This is about 40 per cent of the units that are currently on the site. With the ACT participating in the project, the anticipated return is $21.5 million, the equivalent of 65 units, with the potential for a higher return flowing from improved outcomes for the joint venture.

Some other benefits of entering into joint ventures are as follows. There is the leveraging of additional resources into the social housing system. There is the sharing of risk between the ACT and the developer, with the risk for the government limited to the land; the developer takes the development and construction risk. There is the staging of the development of the land, and hence the release of dwellings into the market in response to demand, providing a greater degree of flexibility and responsiveness and sending a strong signal to the development industry that the government is committed to leveraging assets in the context of a commercial focus and outlook.

We also need to be more innovative and flexible in addressing the housing needs of those in high price housing markets. The effectiveness of commonwealth rent assistance has been steadily diminishing over recent years by failing to keep pace with private rental increases; that is, the maximum assistance payable has not increased. In the ACT, a greater proportion of recipients of CRA are receiving the maximum rate. Thus it is no surprise that in 2006 some 46.7 per cent of CRA recipients paid more than 30 per cent of their income on rent. In other words, the commonwealth government has left them in housing stress. This is clearly an area in which the commonwealth government must lift its game.

We will hear how the Stanhope government intends to tackle the issue of housing affordability when the Affordable Housing Taskforce releases its findings in the coming weeks.

MR SPEAKER: Do you have a supplementary question, Ms MacDonald?

MS MacDONALD: Yes, thank you. Minister, did your presentation outline any of the current initiatives the ACT government has introduced to assist those most in housing need, particularly where there are compounding factors?

MR HARGREAVES: Thanks very much, Ms MacDonald. Mr Speaker, there is an increasing demand for social housing. I would like to reiterate how the ACT government is managing competing priorities and responding to the diversity of community need. I should mention in this context that the viability of the social housing system across Australia is under threat. Funding provided by the commonwealth under the commonwealth-state housing agreement has declined in real terms over the past few years. Even with the introduction of indexation in the 2003 agreement, real funding decreased further with the need to meet a one per cent efficiency dividend.

Of course, this places further pressure on the ability of housing authorities to maintain and grow their portfolios and to ensure that housing assistance is appropriately

targeted. Traditional ways of assessing housing need and providing services must be continually evaluated and improved to assist those in greatest need.

In early June 2006, I approved a range of amendments to the ACT's public rental housing assistance program, to sharpen its focus on the people most in need of public housing assistance. Under the new system, applicants with the most pressing needs are, in the majority of cases, being housed within three months. While this was an ambitious goal, it recognised that the people with critical and urgent needs cannot reasonably be asked to wait lengthy periods to be housed—as they were under the previous system.

High-need applicants have the option of support involving active engagement with Housing ACT throughout their waiting period. This person-centred approach aims to ensure that applicants maintain a connection to Housing ACT while they are waiting to be allocated public housing. It is also an opportunity for early intervention and improved client focus service delivery.

Another support measure we have introduced is pre-allocation case conferencing. This brings together an appropriate support network for the client, to identify specific housing requirements. This includes development of a plan to meet immediate and long-term sustainable housing needs. Feedback to date suggests that these approaches have been beneficial to applicants.

Consideration also needs to be given to repositioning public housing as a post-crisis response for people with very low incomes who have a range of other complex needs. In most cases, public housing is their only choice. An initiative to address this in the ACT has been to establish a transitional housing program. This program has expanded the range of options available for people who are homeless and residing in supported accommodation assistance program services. It is a practical and workable solution going towards breaking the cycle of homelessness and is in keeping with the principles of the ACT homelessness strategy.

It is too early to tell about the impact of the Welfare to Work measures and the WorkChoices reforms. However, we believe that these changes will further disadvantage people who are on low incomes, particularly sole parents and people with a disability.

On that matter, under the commonwealth government's Welfare to Work compliance framework, some Centrelink payments may be withdrawn for a period of eight weeks after a third breach of the Centrelink rules by a recipient. Although the person may apply to receive special payments during the withdrawal period to meet their essential living costs, there is no guarantee that such payments will be approved. We have adopted a position which removes these potential negative consequences. Tenants who have had their payments withdrawn under the commonwealth's Welfare to Work compliance framework will be assessed for rent rebate entitlement in accordance with their actual household income during the period in question. I am confident that this policy reform will work to the advantage of public housing tenants in special need and will assist them to sustain their tenancies. I believe this approach is critical for protecting public housing tenants at risk from the effects of potential homelessness and poverty.

In summary, I was delighted to have had the opportunity to take part in the *Australian Financial Review* housing congress and put forth the ACT government's commitment to housing those most in need.

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

Leave of absence

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

> That leave of absence be given to Mr Seselja for this sitting week, 13 to 15 March 2007.

Paper

Mr Speaker presented the following paper:

> Study trip—report by Mr Pratt MLA—Menzies Research Centre conference—Sydney, 8 and 9 September 2006.

Executive contracts
Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts): For the information of members, I present the following papers:

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Contract variations:
>
> Anne Thomas, dated 16 January 2007.
> Peter Ottesen, dated 26 February 2007.
> Tony Brown, dated 29 January 2007.
>
> Long-term contracts:
>
> David Foot, dated 22 January 2007.
> Gerard John Ryan, dated 23 February 2006.
> Kate Neser, dated 12 February 2007.
> Liesl Centenara, dated 16 October 2006.
> Pamela Davoren, dated 5 February 2007.
>
> Short-term contracts:
>
> Greg Kent, dated 1 February 2007.
> Pam Davoren, dated 3 February 2007.
> Peter Johns, dated 8 February 2007—

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

Leave granted.

MR STANHOPE: I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all executive contracts and contract variations. Contracts were previously tabled on 6 March.

Today I present five long-term contracts, three short-term contracts and three contract variations. The details of the contracts will be circulated to members.

Papers

Mr Stanhope presented the following papers:

> Remuneration Tribunal Act, pursuant to subsection 12(2)—determinations, together with statements for:
>
> Members of the ACT Legislative Assembly—determination 1 of 2007, dated 28 February 2007.
>
> Part-time Holders of Public Office—
>
> ACT Skills Commission—Determination 3 of 2007, dated 28 February 2007 Public Interest Monitor Panel—Determination 2 of 2007, dated 28 February 2007.

Public Accounts—Standing Committee
Report 9—government response

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (3.25): For the information of members, I present the following paper:

> Public Accounts—Standing Committee—Report 9—*Review of Auditor-General's report No 7 of 2005: 2004-05 financial audits*—government response—

I move:

> That the Assembly takes note of the paper.

I present to the Assembly the government response to the Standing Committee on Public Accounts report No 9, titled *Review of Auditor-General's report No 7 of 2005: 2004-05 financial audits*. The recommendations contained in the public accounts committee's report primarily relate to the electronic publication of agency financial reports, the annual reporting arrangements for joint ventures and the review into superannuation contributions owing to the former Totalcare Industries Ltd and Australian International Hotel School employees.

The government's response reiterates its commitment to ensuring that agencies comply with the Chief Minister's annual report directions. To this end, the 2005-06 annual report directions were further developed to emphasise the importance of making annual financial reports electronically available on the same day as they are distributed to Assembly members.

In relation to financial reporting arrangements for joint ventures, the government's response confirms that, where appropriate, it is currently standard practice for joint venture financial reports to be published within the financial reports of their related territory entity.

Finally, the government's response provides an update on the progress and status of the territory's review into the superannuation contributions owing to eligible former employees of Totalcare Industries Ltd and the Australian International Hotel School. The government will continue to provide routine updates to the Assembly on the status of that particular review. I commend these papers to the Assembly.

Question resolved in the affirmative.

Young people—residential aged care
Paper and statement by minister

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women): I present the following paper:

> Helping Younger People with Disability in Residential Aged Care—Bilateral Agreement between the Commonwealth of Australia and the Australian Capital Territory, dated 25 January 2006—

I seek leave to make a statement in relation to the paper.

Leave granted.

MS GALLAGHER: I am very pleased today to present a bilateral funding agreement between the ACT government and the Australian government aimed at helping younger people with disabilities currently residing in residential aged care services. The signing of this bilateral agreement reaffirms the ACT government's ongoing commitment to providing appropriate accommodation and support arrangements for younger people with disabilities.

The Australian government has offered a total of $122 million nationally for this purpose, matched by states and territories. On a per capita allocation basis, the Australian government has offered to match an appropriate commitment from the ACT government of approximately $2 million over five years. It is pleasing to see that the commonwealth government acknowledges our demonstrated commitment to this often hidden group of younger people with disabilities by jointly funding these services.

In our 2006-07 budget the ACT government committed funding to match the Australian government's offer with a total of $3.1 million to be provided over four years. The funding component from the Australian government will be a specific purpose payment outside the current Commonwealth State Territory Disability Agreement. At the end of five years, and subject to performance requirements being met, funds will be rolled into an ongoing disability funding agreement such as the Commonwealth State Territory Disability Agreement, matched at the fifth year level.

There are currently four people aged 50 or under and 10 people aged between 51 and 55 in residential aged care in the ACT. There are a further 41 people between the ages of 56 and 65 in residential aged care facilities. These facilities are not designed to facilitate the active involvement of younger residents with high clinical needs in everyday activities or to support their continued participation in the life of their community.

Many of these younger residents are socially isolated with limited contact with families, peers and the general community. They have limited, if any, opportunity to engage in the long-term, slow-paced physical rehabilitation they may require. They have no opportunity to aspire to and plan for a life beyond the routine of the facility within which they live.

In these circumstances there is no doubt that the quality of life for younger people living in residential aged care facilities, and particularly those aged less than 50 years, is severely impaired. So, in line with the COAG agreement and in accordance with relevant legislation and national disability services standards, the ACT program will prioritise the needs of people aged less than 50 through three service interventions.

First, six young people will be assisted to move out of residential aged care to more appropriate community-based accommodation. This may include assisting them to return, with support services and equipment, to their family home or shared community accommodation.

The second element of the program is the development of improved services for approximately eight younger residents who, for whatever reason, remain living in residential aged care. This may be in the form of support to engage within the community, to rebuild or maintain family relationships, to learn or relearn skills or to explore alternatives in a planned way.

The third component of the program seeks to reduce the future admission of younger people with disabilities to residential aged care. A further four people will be provided with additional support services needed to prevent their early entry to residential aged care.

The implementation plan anticipates that a minimum of 18 people will be directly assisted through this program. The proposed target for this program is a net reduction of three to five people under 65 living in residential aged care in the ACT over the five-year period of the program.

Younger people enter residential aged care services for a variety of reasons—for example, the occurrence of a traumatic brain injury, spinal cord injury or progressive neurological diseases, particularly multiple sclerosis. Younger people are vulnerable to entering residential aged care when they require high quality medical and nursing care. Their needs are complex, crossing the medical, disability and rehabilitation aged service systems. In these circumstances people need responses quickly. Sometimes they are looking for an option that enables them to remain living close to family, and this includes young people with intellectual disabilities who move into residential aged care services with their ageing parent.

Members will note from the figures I gave earlier that the number of people aged 50 years or under living in residential aged care in the ACT is very low—four people currently—and this reflects the established commitment of our government to establish alternative options for people in the ACT with high and complex needs.

Last year Disability ACT established a supported accommodation service for young men with acquired brain injury. Of these men, one was residing in an aged care service and two were supported at home by ageing parents. The life experience by these men now will be vastly different from what they would have experienced in residential aged care.

Disability ACT also provides a number of services and supports to younger people with disabilities who would otherwise be at risk of entering residential aged care. This includes four households established within its individual support services specifically for people with high and complex needs.

We also contribute $8.3 million annually through individual support packages to enable younger people to live within the community with the supports they need. I would also acknowledge the work of Centacare and Koomarri, which receive $1.3 million and $900,000 respectively to provide supported accommodation and therapeutic rehabilitation options to a further 20 younger people who would otherwise reside in aged care facilities.

Clearly, there is more to be done to ensure our capacity to continue to meet the needs of younger people with high and complex clinical needs at risk of entering the aged care system in the future. The new young people in residential aged care program provides the impetus for this work, and I know that across government agencies responsible for disability services and health care, including community care, aged care and rehab, are now working together to develop alternative pathways to residential aged care admission for people in these categories. I commend this bilateral funding agreement with the Australian government to the Assembly.

Paper

Mr Hargreaves presented the following paper:

> National Environment Protection Council Act, pursuant to subsection 23(3)—National Environment Protection Council—annual report 2005-2006.

Senior citizens
Discussion of matter of public importance

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

> The importance of recognising the particular needs of senior citizens and the special role they play in the ACT community.

MS PORTER (Ginninderra) (3.35): I am pleased to have the opportunity to speak on this matter of public importance during National Seniors Week. Along with a number of my Assembly colleagues, I attended yesterday morning's Chief Minister's breakfast at Ainslie Football Club. This is now an annual event, which is attended by hundreds of Canberra senior citizens, and yesterday morning's guest speaker was the ACT Senior Australian of the Year, the inspirational Dr Kaye Price. Later in the morning, I again joined other colleagues from this place and the Chief Minister to celebrate the announcement of the 2007 Canberra Citizen of the Year, editor-at-large of the *Canberra Times*, Jack Waterford.

This ceremony also celebrated the contribution that has been made by almost 300 Canberrans who have lived in this great city for over 50 years. In recognition of that contribution, each was presented with the Chief Minister's Canberra Gold certificate. At the ceremony the Chief Minister said:

> Few people have the opportunity in their lifetime to watch a city emerge from infancy to maturity, to see a place grow from being a big country town to being one of the world's most beautiful capital cities. And not just to witness this progress, but to play a part in it, to put their own handprint on a city's character.

When the Canberra Gold Awards were launched by the Chief Minister in 2005, we were all surprised at how many people now can truly be called Canberrans. Already more than 1,600 Canberrans have received a Canberra Gold Award, and to be there yesterday morning and to have the opportunity to congratulate many of the recipients and to hear their stories was truly inspirational.

Every one of the Gold Award recipients has a great story to tell about how they came to Canberra and how they helped to make Canberra a great place to live. One such recipient is Mr Frank De Marco, who is a neighbour of mine in Hawker. Mr De Marco came to Canberra with his family from his native Italy as a nine-year-old in the mid-1950s. That was about the time I came to Australia. In 1966, Mr De Marco and his elder brother Dominic opened the first supermarket in Lyons. Ten years later they opened the Charnwood supermarket.

Shortly after Mr De Marco arrived in Canberra to join their father, who had settled here a couple of years earlier, their father tragically died, leaving Mrs De Marco to raise Frank, Dominic, their three sisters and a newly born younger brother, Tony, on

her own. To make ends meet, Frank and Dominic worked after school in a local fruit shop. Their mother refused the support offered by St Vincent de Paul, as she said there were people who were worse off than they were. Mr De Marco is still actively involved in the retail sector and in property development. He is a fine example of the contribution made by many older Canberrans.

One of the consequences of being a young city in world terms is that, sooner or later—in fact, right about now as Canberra becomes an older city—the make-up of our community undergoes a significant shift. Right across Australia the population is ageing. Once Canberra was an overwhelmingly young city, a place where there were many young families. Now, of course, we are rapidly ageing, and ageing more than anywhere else in Australia.

By 2031, the over-70s will make up 15 per cent of Canberra's population—a staggering statistic! This shift poses obvious policy and resource challenges for the ACT government. Equally, there are challenges in providing for a city of younger than average people. Many years ago I worked in the Tuggeranong Valley setting up community services to do just that. These are just different challenges.

It is important that we as a community change, respond and adapt and that we avoid stereotyping individuals into categories such as "older persons". A stereotype, which is not borne out by research, is that because we are ageing we are becoming less active, less social, less healthy and less happy. In fact, research shows that the quality of life for many of us can actually get better as we get older.

I am sure that members would be disappointed if I did not take the opportunity to speak about volunteering and the role that it plays as people get older. The Australian Unity Wellbeing Index report, developed by the Australian Centre on Quality of Life at Deakin University from results of a survey conducted a couple of years ago shows that contentment and happiness are greater in later life. While happiness does not necessarily increase when your income level increases, it does increase as you age. The report shows that those of us who are happiest are those of us over 55 years of age, no longer in full-time paid work and volunteering up to 20 hours a week.

When volunteering is mentioned, many in the community think of middle-aged middle-class women delivering Meals on Wheels. But nothing could be further from the truth. Whilst it is true that many volunteers who work delivering Meals on Wheels are mature age women, there are thousands of other older people in our community who are engaged in a wide range of volunteering roles, such as membership of not-for-profit boards, administration and research, mentoring and tutoring in our schools, coaching and officiating for our sporting teams, protecting our environment and performing and producing amateur theatre. Those are just a few examples.

Still, there are real challenges to which we must respond as our community becomes older. One of these relates to accommodation. My personal experience with my own relatives is that, while most of us would prefer to remain living independently for as long as we can in our own home, some people will need supported accommodation. That is why, as the Chief Minister said earlier, over the past three years the

government has released land for an extra 900 aged care beds in Canberra, with 128 under construction and another 548 to be built over the next two years.

As members will be aware, the Chief Minister has announced that the ACT government has made a gift of a $1.8 million block of land in Griffith to Baptist Community Services for a brand new 160-bed aged care facility. The facility will be built on the site of the former O'Connell Education Centre in Sturt Avenue, just up from the Griffith shops. It will boost the availability of aged care in one of the areas of greatest need: the inner south.

The government has made huge strides in preparing for the changing housing needs of our maturing population. But there is plenty still to do, and this latest gift of land during a week that focuses the attention of the whole of the community on our seniors is just one of the government's initiatives.

Housing ACT has a strong record in providing accommodation that supports aged tenants with mobility problems. This includes carrying out modifications to existing homes and the construction of purpose-built dwellings. 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.

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. As well, the Council on the Ageing (ACT), with support from the ACT government, provides advice to homeowners on mobility improvements for their homes.

Housing ACT is continuously refining the process for planning and delivering modifications for the disabled. 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.

The building for our ageing community strategy, which was released in December 2003, contains a broad range of measures aimed at increasing the level of aged care accommodation in the ACT. These include a rolling program, or land bank, of aged persons accommodation development sites, of which several sites have already been identified for release; support and guidance for proponents of aged care accommodation to ensure they can successfully navigate the planning and development process; strong case management to reduce unnecessary delays in the planning process for aged care projects; and a focus on developing a more proactive relationship with the Australian government so that their bed allocations meet the needs of the ACT community and so that the territory can ensure that land, planning and bed allocation processes are streamlined.

The strategy targets the full range of accommodation for older people, from high and low care accommodation, usually referred to as nursing home and hostel accommodation, to independent living units. The strategy is designed to streamline the approval process for developers wishing to build aged care housing in the ACT.

The strategy has yielded significant initiatives. A land bank of sites has been developed which will enable the future development of 400 new high and low care beds and 600 independent living units. The services of a case manager in the Chief Minister's Department will assist aged care providers with development proposals. As well, $4 million in concessions will be made available to a number of service providers to assist in developing their accommodation projects. Since the strategy was tabled in 2003, the ACT government has released additional land for an extra 900 aged care beds in Canberra, with 128 under construction and another 548 to be built over the next two years.

The government is well aware that population characteristics have a major impact on the economy, types of housing and related infrastructure, government services and the lifestyle of our population. The government also strives to meet the needs of seniors from culturally and linguistically diverse backgrounds. Four community housing units for the Tamil Senior Citizens Association were opened recently to accommodate older members of that community. The property will provide older members of the ACT community on low to medium incomes with appropriate and affordable accommodation and will enable residents to continue to live both independent and active lives.

The units are the result of a proposal to the ACT government by the Tamil Senior Citizens Association. An ACT government grant of $550,000 was provided under the community housing funding program towards the cost of the construction. The Tamil community also raised significant additional funds to assist with the construction of the units and for the commencement of a new community centre on the premises. The Tamil senior citizens housing project was a combined community project to ensure that the design of the units met the needs of the residents and their community.

As Mr Hargreaves said earlier today, the ACT public rental housing assistance program has been revised to sharpen its focus on people most in need, including seniors. Under the new priority system, applicants with the most critical needs can expect to be housed within three months, compared with a much longer period under the previous system. A refocused system of needs targets groups of applicants with complex needs, such as those with disabilities, including the frail aged and people with serious and chronic health and mental health issues.

The ACT government is committed to supporting older people to remain in their own homes for as long as possible or for as long as they desire. One of the major forms of assistance available to assist older people to live independently in their homes for as long as possible is the home and community care program. The home and community care program is a joint ACT and commonwealth program. It provides support for frail older people and younger people with disabilities 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 to enable people to go shopping and keep appointments and to travel to social activities and visit friends. One of the major impacts on an older person's life is the loss of their drivers licence. Without the ability to travel, many people experience isolation. In addition to employed drivers, volunteers play a major role in the provision of

door-to-door services. As we know, the book service provided by our ACT library takes books to people who are isolated in their homes.

Another significant initiative to address the needs of our ageing population was the establishment of the ACT Office for Ageing early in our first term. The office's primary role is to promote positive ageing through a number of initiatives, including managing community education and a telephone information and referral service relating to elder abuse; managing the ACT seniors card program and seniors grants program; supporting the Ministerial Advisory Council on Ageing; and supporting initiatives managed by other organisations, such as Seniors Week and the Canberra Lifestyle and Retirement Expo.

Work is under way within the ACT Office for Ageing to enhance the seniors information service to include a senior-friendly Internet-based search capacity and a web page devoted to accommodation options for seniors, with links to the various public and private facilities in the ACT. The promotion of positive ageing, the idea that individuals have opportunities and choices to enable them to maximise their independence—*(Time expired.)*

MR MULCAHY (Molonglo) (3.50): I thank Ms Porter very much for listing today's matter of public importance. It is a timely item coming in ACT Seniors Week, and it offers a welcome opportunity to recognise both the needs of our senior citizens and the special role that they play in the ACT community.

It is expected that by 2031 the number of people over 55 years of age in the ACT will have more than doubled from 50,000 Canberra residents of this age just five years ago. Similarly, people over the age of 70 will make up almost 15 per cent of the ACT's population by 2031.

Nationally, people over 55 make up about a quarter of the population, but before the middle of the century this group is expected to make up well over a third of the population. These figures demonstrate the importance of, firstly, recognising the particular needs of senior citizens and the special role that they play in the ACT community and, secondly and more importantly, actually providing services that meet these needs.

The creation of a seniors card reciprocity scheme in conjunction with other jurisdictions is one such service that the government should embark on and provide. In light of the failure of states and territories to come to an agreement to allow senior citizens to receive the same travel discounts wherever they are in the country, the ACT Liberal Party announced this week that on election to government we will immediately seek to enter into agreements with individual jurisdictions. The benefit of these agreements would be twofold. Firstly, they would make travel interstate easier for ACT seniors. Secondly, it would encourage elderly residents of other jurisdictions to travel to the ACT, which is clearly beneficial for our tourism sector.

From information that the minister has provided, I understand that in the past the ACT has been willing to join a national agreement, but the finalisation of any scheme has been prevented by the opposition of one or two jurisdictions. From recollection, I think that they were New South Wales and Queensland.

Ms Gallagher: And the commonwealth.

MR MULCAHY: The commonwealth was a keen, willing supporter of this arrangement. In fact, it made provisions for it in the last commonwealth budget, after it gave up on the bickering between the states over this issue. I do not think the commonwealth can be held to blame; it was a very keen supporter of it, and put its money where its mouth is by making other benefit allocations in the commonwealth budget.

It would be desirable if the ACT government could press ahead and enter into agreements with the other territory and the states that appear to be favourably disposed towards the concept. I do not believe that the cost of this scheme, as I have outlined it, would be that great. The potential benefits are significant not only for our own residents who like to travel, but also for those who would like to come and visit the nation's capital in their retirement years.

Facilitating the easy use of transport, whether in Canberra or interstate, is an important issue facing the aged community. This is a service that needs to be improved considerably. My office has received many representations from elderly residents in response to the recent changes to ACTION timetables. The timetable changes have impacted heavily on the elderly people of Canberra, many of whom rely on ACTION buses to get to appointments, do their shopping and generally participate actively in community life.

Recently there has also been public comment about the driving ability of older drivers and the impact of medication, among other things, on their capacity to drive. Whilst I caution against drawing general conclusions about the driving ability of all elderly people, it is certainly true that individual cases of diminished ability need to be identified, and these people need to be encouraged to stop driving. This transition can be difficult and needs to be made easier by having an effective public transport system that allows elderly residents to retain their independence and mobility.

It is a contentious issue with many people. Many of my friends and relatives have had to deal with this issue as their parents age. One takes a measure of regard for one's parents' welfare when it comes to being in command of a motor vehicle. The challenge for governments—the challenge for all parties—is how we tackle this issue of older motorists faced with a potential reduction in their driving ability due to their impairment and yet at the same time ensure that we preserve their degree of independence. You cannot ask somebody to take a taxi to the corner shop to pick up a small grocery item. If the level of public transport that is not immediately available to people is considered inadequate, they are going to be extremely reluctant to give up driving, even if the feeling amongst those around them is that they should relinquish this privilege.

It is a difficult problem; it will get considerably worse in our society. I am sure that there will be a point when my kids tell me that I should not be driving. I am sure that we will all face that as time goes on. It is one of the most distressing challenges that I hear people raise—particularly people of my age—when they have parents who are in

their eighties: how do you ensure that they have their independence and preserve their lifestyle, but also ensure that they are not putting themselves and others at risk?

There is a degree of mythology around the issue of older motorists. As I have said in interviews today, the fact of the matter is that, up to the age of 75, seniors have a lower risk of being in an accident or causing injury or fatality than do those within the age range of 20 to 24 years.

Things start to change from the age 75, and the figures become somewhat more disturbing when you reach the age of 80. But I do not think that the knee-jerk reaction of putting in arbitrary bans and set ages is providing a solution; it is simply compounding a difficulty, with the loneliness many people experience in our society. I would love to see a government at some level in Australia have enough creativity and imagination to say, "We are going to tackle this problem." It will be far worse for our society otherwise. We have to ensure that people have their dignity, but we also have to ensure that we protect the lives of people in our community. This is a challenge in terms of aged care policy as well as road safety policy.

It has to be recognised at all levels of government—federal and state—that consumers and the non-government sector have a role in funding, administering or providing services for older people. In 2005-06, the Australian government's total expenditure on ageing and aged care was $7.1 billion. In 2006-07 this investment to support older Australians, both in aged care homes and in their own communities, is forecast to increase to $7.8 billion. In 2005-06, this investment included funding for residential care subsidies, community aged care packages and extended aged care at home packages—something that I think was overlooked when the Chief Minister spoke of the respective parties' commitment to the issue of aged care.

The Australian government is also providing almost $900 million over four years to help strengthen the long-term viability of residential care services and build a more skilled work force. The leadership shown by the new minister, Senator Santoro, in dealing with aged care issues is nothing short of outstanding.

The financial investment the Australian government has made is designed to strengthen the care and financial services infrastructure to ensure that it is capable of meeting the demands of an ageing population. Under the Australian government's commitment to aged care, almost 30,000 new aged care places will be made available over the next three years.

The Australian government's ageing policy is underpinned by three key principles. The first is choice—focusing on individual needs, providing the care where and when it is needed, and giving residents, families, friends and carers a greater voice in the system. The second is quality, which includes the national system of accreditation that has been introduced, legislating for standards and ensuring compliance with those standards. The third key principle is financial sustainability, which recognises the importance of making the system affordable to taxpayers, to service users and to providers. Improving efficiency also improves the quality of service.

There is no doubt that the provision of quality aged services to fulfil the particular needs of the elderly is a vital issue and that, in light of the ageing population—both in

the ACT, where it is occurring at a more rapid rate than elsewhere, and across Australia generally—action is needed to ensure that these services are available and of a high quality.

I also agree with the second part of Ms Porter's MPI. She notes that senior citizens play a special role in the ACT community. I have certainly enjoyed my time as shadow minister for the ageing and enjoyed the various events that I have been able to attend in this capacity. I know that members on both sides of the Assembly regularly attend many of the events in which our senior citizens participate—for example, concerts and art exhibitions. I try to get to as many as these events as possible. As I said at the time I was appointed to this role, I have had a 32-year history of involvement in this area of policy—from long before being elected to this place—and I have been passionate about the importance of looking after our older citizens and the role that governments, politicians and the like can play in ensuring that the appropriate level of care is made available to those in their twilight years.

Elderly residents of Canberra play a crucial role in different community groups, either through their time or through their support. Often this contribution to the community has been made over many years. Meeting people's needs as they grow older is an obligation and a duty that we should embrace. I want to acknowledge the Australian government for their leading role in the provision of aged services. I also thank Ms Porter for raising this matter of public importance.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (4.01): We hear a lot these days about how population ageing will create problems in terms of increased demand for services at a time when the work force that pays for those services is diminishing. Although this is an issue we cannot ignore, we cannot lose sight of the fact that seniors give back to the community in many ways.

Retirees now are reinventing retirement. This will be even more the case as the baby boomer generation in the developed nations reaches the traditional retirement age. In one of the marvels of longer lifespan, so-called retirees are working, exercising, volunteering and contributing to their community as never before in history.

That is occurring because we are living longer and healthier lives, but it is also because we are spending more years in retirement than previous generations have. This cultural phenomenon is changing the ways governments approach the idea of retirement, not the other way around. The Second World Assembly on Ageing in Madrid in 2002 said:

> A society for all ages encompasses the goal of providing older persons with the opportunity to continue contributing to society. To work towards this goal, it is necessary to remove whatever excludes or discriminates against them.

The promotion of positive ageing—the idea that individuals have opportunities and choices enabling them to maximise their independence and control over their lives as they grow older—is an important part of the ACT government's response to the opportunities and challenges posed by our ageing population. Positive ageing is an important goal in itself. It also has potentially significant benefits by reducing

demands on the health care system and other social services. I know that the concept of positive ageing is guiding the work of the Ministerial Advisory Council on Ageing, whose strategic plan focuses on positive and meaningful ageing.

Social participation, health, lifestyle choices and physical and intellectual exercise are all well recognised as building individual, family and community reliance. In turn, this supports maintenance of good health, speedier recovery from illness and an improved capacity to manage chronic health conditions. That not only improves life but also reduces demand on the health care system and other social services.

One of the major contributions that seniors make is through their participation in the work force. They run their own businesses and they work full or part time in the paid work force. For example, at a time when the calendar says that she should be retiring from the workplace, the ACT's Senior Australian of the Year, Dr Kaye Price, recently completed her doctorate and is continuing a challenging career at the University of Canberra. I know that all of us here can think of examples of older people who are contributing to our community—teachers, doctors, shopkeepers and, dare I say, some politicians. Seniors are contributing to the economy by investing. Many seniors have significant amounts of money invested in the form of superannuation, rental properties and businesses.

Seniors are also giving back to the community. Seniors are keen volunteers. Ms Porter mentioned this, as did Mr Mulcahy. Many sporting, community, cultural and recreational organisations would simply not be able to operate without the contribution of seniors. A prime example of this is Mr Norris O'Leary. Norris is a well-known volunteer in the Canberra region. For over 36 years he has been heavily involved in many different activities within the Lions Club. Norris has been a part of a number of successful community projects throughout the years. In particular, for the past 18 years he has been directly involved in the annual Lions breakfast with balloons event, which continues to achieve outstanding fundraising results.

Since the early 1940s, Norris has been a part of the ACT veterans hockey association; over the past 66 years, he has participated with the association as both player and official. He has also been a representative on the ACT road safety council, championing projects such as the Lions motor vehicle safety checks and the Belconnen bicycle education tracks for children. As a Lions Club member, for the past 23 years Norris has been involved in many activities involving Pegasus Riding for the Disabled. He has supported Pegasus in obtaining funds, improving and managing the property, caring for the horses and providing labour when sought.

Like anyone else in this place, I could highlight many other individuals who have dedicated their time and passion to others in the Canberra region, but time will not allow me to do so. Seniors make enormous contributions to organisations such as the Australian Red Cross and Meals on Wheels and as volunteer guides at the Museum of Australia. They are conservation volunteers; they provide friendly visiting for those who are housebound; and they act as volunteer drivers for those who have transport difficulties.

I digress at this point to speak about the recent media beat-up concerning senior drivers being drugged up and dangerous. Older drivers adjust their driving habits to

their own capabilities; this makes seniors some of the safest drivers on ACT roads. Older drivers are choosing driving practices in accordance with their abilities, such as driving to avoid peak hour traffic and avoiding driving at night. Older drivers also travel at a speed that is consistent with their own abilities and with the road conditions. I imagine that the road toll across Australia would be significantly lower if only all drivers followed this example.

Seniors are generous in sharing their time and expertise. Examples that spring to mind are the members of the Ministerial Advisory Council on Ageing and, in health, my aged care advisory council. The members of these two groups, who are all volunteers, represent a wealth of experience, energy and commitment. They have set themselves challenging work plans and get on with the job. I meet with both groups regularly, and I am always impressed by their commitment and the work that they deliver.

Just before I finish, I would like to acknowledge the role that grandparents play here in the ACT. Grandparents make a significant contribution to our social capital. There are increasing numbers of grandparent carers. Grandparents are the guardians in around one per cent of all families with children—about 22,500 families, representing a total of over 31,000 children. In two-thirds of these families, the natural parents are living elsewhere. Grandparents take on the role out of love and concern for the two generations involved—often at great personal cost—and provide family continuity and a stable and secure environment for the children. In some cases, they prevent children having to go into the care of the territory or other state-funded care.

In addition to their role as grandparents, seniors undertake caring roles for their partners—and for their children if they become ill or disabled. As well, seniors continue to provide financial and other support for their families and to share the skills, experience and wisdom they have developed throughout their lives. Seniors are an essential part of the fabric of our society. They have worked hard to create the beautiful and prosperous city we all enjoy today.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (4.09): It is appropriate that we in this place celebrate our older people through this matter of public importance brought by Ms Porter today—not only because it is Seniors Week but because this week we celebrate Canberra's 94th birthday.

In 1999, in the International Year of Older Persons, the then Minister for Urban Services, Mr Smyth, remarked in the forward to the demographic profile of older persons in the ACT:

> Most older people in Canberra are independent, active, healthy, want to continue to learn and grow, and are willing to be involved in a diverse range of social, educational, cultural, and community activities.

Today it is worth reminding ourselves in Seniors Week that we in Canberra are fortunate to have such an abundance of people who make such a valuable contribution to our community. Indeed, it is estimated that as at June 2007 the population of persons aged 50 years or more will be 93,800. What a huge wealth of talent, knowledge, experience and wisdom we have there. The 1999 report showed that older

persons have a higher rate of participation in the work force than the national average, particularly among those aged between 60 and 69.

Older people want to learn and keep on learning. We have a very thriving University of the Third Age here. We regularly have people from the University of the Third Age come to our Assembly. It is always a delight to talk to them, answer their questions and see how interested they are in this place and in their community.

Older people have a higher participation level in sport than the national average. For men, it is almost twice as high. I was pleased to see Mr Barr indicate that, despite a large number of government programs being cut in the sport and rec budget, there is at least some emphasis still being given to participation by older people. There is a plethora of people who are in the age bracket to be classed as elderly who contribute a great deal in the sport and recreation area as volunteers and who just keep on playing. Indeed, veteran sport is huge in the ACT.

Apart from normal sport—regular sport, organised sport—exercise, especially walking, is very popular. Two-thirds of our older people enjoy a stroll through Canberra's beautiful suburban streets and parks and gardens. As I get on, it is something I enjoy more and more—probably preferring it even to wandering down the field playing veterans rugby. I find that it is good to get out there as often as I can with Bluey the wonder dog, wander around north-western Belconnen and just see the plethora of people who walk around there. Many of them are elderly citizens out enjoying a stroll in our beautiful suburban areas.

Apart from participation in sport and recreation, participation of older people in our culture and the arts is very high. In fact, our older people participate at a much higher level than the national average in just about every area of culture and the arts—from museums and galleries to the performing arts, parks and gardens and our libraries.

Our elderly people are fantastic volunteers. According to Volunteering ACT's *Agenda for Volunteering for the Australian Capital Territory Community, 2003-2007*, a document compiled in 2002, our Canberrans have made a higher contribution as volunteers than the national average. Members will probably recall the Sydney Olympics; many members went down there to have a look at it. Some 1,400 of the 50,000 volunteers came from Canberra. That is nearly double the national average. When you look at it per head of population, it is very much double the national average.

However, it is not beer and skittles for all of our older people. In the 1999 report, my colleague Mr Smyth remarked that some older people are isolated. They are isolated in terms of income levels, housing, transport, health and leisure. Isolation can also be brought on by family, social and cultural factors. These are factors that, as a community, all of us need to be aware of and understand; as a community, we need to work together to mitigate them.

Ageing is a growing trend in the ACT. By June 2013, the year of our centenary, the government estimates that the population aged 50 or more will be 110,250. Not only will we be blessed by that additional level of skill, education, knowledge and wisdom,

but, as a community, we will need to be even more aware of and understanding of the needs of our older people. As the 1999 report says:

> The challenge will be for all of us to understand and be involved in the phenomena of ageing in our community. If we do, then better policies and programs can be developed to enable older people to lead active, healthy and interesting lives. This will also enhance the image of Canberra as a progressive, inclusive and caring city.

If we do that, Canberra will remain an ideal place for older people to live. The well-planned and safe aspects of the city will continue to encourage the increasing numbers and proportion of older people to take advantage of the active lifestyle in Canberra.

Older people are concerned about a number of things. One area which the government needs to be aware of is the significant increases in rates, charges and taxes and the effect that has on older people. They will particularly feel that as a result of the measures taken by this government in its past budget. We need to be aware of that in terms of our older people.

There are a number of things that we in Australia can do. Recently I had cause to issue a media release by my colleague and shadow minister for the ageing, Mr Mulcahy, in relation to transport schemes—concessional schemes for seniors. That is a particularly annoying area. A number of state governments have simply dropped the ball and are not interested in helping older people.

For some three years, through the commonwealth, there were offers to state and territory governments to provide reciprocal transport concessions for state seniors card holders, but they have been withdrawn. I am referring to a document which was dated last year. The measure was designed to allow state seniors card holders to travel on public transport outside their home state at concessional rates. Funding offers to state and territory governments had been on the table since 2002. After some three years of ongoing state and territory government objections, no progress was made—and it would seem unlikely that progress will be made.

The federal government introduced a range of direct benefits to seniors, including the seniors concessional allowance and utilities allowance. The direct benefits provided by the Australian government are already delivering significant support to senior Australians. Yet, for some reason, we still seem to have problems with these agreements.

If we were in government—and I would commend this to the current government too—one thing we would be keen to do is try a few bilateral arrangements. I think we ourselves have tried it. I know that New South Wales is a real bugbear. For some reason, New South Wales just refuses to reciprocate. We are surrounded by New South Wales, and it might not have a huge benefit to them, but many ACT seniors travel to New South Wales. Why shouldn't we try that?

We could make bilateral arrangements with other states. It may be less problematic to make arrangements with, say, Victoria, South Australia, Western Australia, Tasmania, the Northern Territory or Queensland. It is just commonsense that there should be

reciprocity between the states and territories—even if it has to be through bilateral arrangements because we cannot get a national scheme up and running.

I find it amazing that we cannot get a national scheme up and running on something as simple as that. Older people have contributed hugely to our society, and continue to do so. Older people have raised families. Many of them have gone through the Depression. They have fought in wars on behalf of their country. They have put their bodies on the line for their country. They have raised families. They have, almost to a man and woman, been productive, useful model citizens who have assisted and caused Australia to grow into the great country it is today. The very least we can do, especially in Seniors Week, is ensure that some benefits flow back to them, including simple things like reciprocal arrangements in terms of travel. Things like that are the very least we can do for citizens who have contributed so much to our society and, thankfully, contributed so much in so many ways on a continuing basis.

I commend Ms Porter for bring this motion; it is very timely. It is appropriate that we pay tribute to our senior citizens, take steps to ensure that we can make their life easier than it is, and give thanks for the great efforts they have made and continue to make on behalf of Canberra and, indeed, Australia.

MR GENTLEMAN (Brindabella) (4.18): This week, as we have heard, is Seniors Week, which gives us an opportunity to reflect on the particular needs of older Canberrans and to recognise the special role that they play in our community.

Throughout Canberra this week there are various exhibitions, talks, debates and sporting and performance arts events that explore and reflect on our senior citizens. It started with a function I attended on Monday morning, as did many of my Assembly colleagues—the Chief Minister's breakfast to launch the week at the Ainslie Football Club.

Senior citizens play a special role in our community; they are volunteers, workers, community leaders, teachers, students, guardians, dependants, care givers, care receivers, mothers and fathers. The way the elderly are viewed and the lifestyles they live have changed dramatically compared with past generations. Australians are now living longer and healthier lives. People are retiring earlier and, as we have heard, older Canberrans are getting fitter. We have the highest number of older people participating in sports compared with other jurisdictions.

Senior citizens also make a valuable contribution to their families. With the improvements in health, seniors not only are working longer but are able to take active roles in looking after their grandchildren. At a stage when many of their children are working full time, grandparents who undertake the role of babysitter not only relieve some financial burden on their children but provide a valuable opportunity for bonding and continuity with their grandchildren and teach them family culture. Intergenerational exchanges like this provide opportunities to share knowledge that leads to greater tolerance and understanding.

Seniors give back to the community in a number of ways, not only socially but also economically. Seniors make a valuable contribution to the economy through investment in superannuation, rental properties and business. Just because someone

reaches a certain age does not mean that they can no longer work or make money through other ventures such as investment. Further, this is in line with the ACT government's aim, which is to ensure that older Canberrans maximise their independence and control over their lives.

The ACT government is interested in promoting "positive ageing". Through these policy endeavours we would likely see reduced demands on the health care system and other social services. However, the ACT government is also committed to ensuring that senior citizens are given access to health and wellbeing services when needed. As already mentioned by my fellow members, we have increased the number of beds in aged care facilities. Added to this, the ACT has a 24 hours a day, seven days a week, telephone and internet health advice line called Health First, which is staffed with registered nurses to answer questions from concerned individuals. It offers all people in the ACT region a confidential, reliable and consistent source of health care advice.

Clearly, older Canberrans can and do contribute to our society and will keep contributing in meaningful and useful ways. On Monday the Chief Minister presented Canberra Gold awards to 290 people who have been contributing to the Canberra community for 50 years or more. Last year at these awards I received my Canberra Gold award, and I feel very proud to have spent over 50 years contributing to our community here in Canberra. Last year I was able to chat to people who received that award, and some of them I had actually gone to Ainslie primary school with—in fact I think half the school was there. I met the father of one of my school friends who relayed stories of working with my father at the Ainslie Hotel in the early sixties.

This year, too, I had a chance to chat with many of the recipients, and another of my school colleagues introduced me to another gentleman who had worked with my father in the PMG. He told me a story about calling the office of Ben Chifley in the early hours in the morning to complain about his single men's quarters—in those days the PMG workers were not provided with government houses in Canberra. He said he rang Mr Chifley's office, asked why he had been waiting six months to get his government house here in the ACT, and the secretary made an appointment for him to see the Prime Minister at 8.00 pm that night, which this gentleman attended. I understand it was not too long after that that he received his government house here in Canberra—quite an extraordinary story.

More than 1,600 people received that award, and each of these recipients has made a valuable contribution to the Canberra community. A large number of seniors are volunteers. Many sporting, community, cultural and recreational organisations would simply not operate without the tireless efforts of these dedicated seniors. For example, seniors volunteer with the Australian Red Cross Meals on Wheels, as guides at the National Museum of Australia, with the Conservation Council and as volunteer drivers.

Clearly, senior citizens make a valuable contribution to the social fabric of our community and it is important that we have solidarity, respect and exchanges between generations.

DR FOSKEY (Molonglo) (4.24): I have little to add. It is always wonderful to hear what the ACT government is doing for anybody in our community, and I am very pleased to have had that opportunity this afternoon.

However, there are other areas perhaps not seen as so directly related to ageing in our community but that are of concern to a number of our seniors. First of all, it is important not to stereotype seniors. Seniors are as diverse a group as any other age group in our community and they are unlikely to voluntarily want to be segregated in same-age residential complexes. I hope that at some stage or other our attitude to housing senior citizens will allow for that to some extent.

There is no doubt that a city that works for senior citizens works for everybody in our community. Similarly, if we planned the city for children we would probably have a city that was safe for elderly people. What we need to realise is that it is difficult to find accommodation in Canberra. Whilst it is excellent to see that there are more potential options for residential aged care, if you are a disadvantaged elderly person you are still as disadvantaged as anyone. There is always the potential for church groups to help. Assumedly the Baptist church, which has generously given a grant of land, will ensure that people who are in the more disadvantaged groups will have access to residence there. But, if we can grant free land for residential aged care, I am interested in what the arguments are against granting free land for public housing for disadvantaged people in other areas.

Assumedly there is some profit to be made out of residential aged care—there must be, because a number of private industries are getting into private aged care. So I feel that there is definitely a role still for government in ensuring that there is access to public housing, many of whose tenants will be aged people.

In the light of the latest findings about senior citizens and driving—and we have all experienced the elderly relative that we are very concerned about every time they get behind a wheel—we need to realise that if they are not allowed to drive they will need to get around somehow. A very large percentage of the calls that we have received about the changes to ACTION bus services have been from senior citizens. So it is pretty clear that in that regard we are not looking after our senior citizens to the extent that we have heard today, because the bulk of senior citizens' concerns have been about getting to their appointments on time. Health is a very large concern. Specialist appointments have to be made months ahead, and senior citizens have made them on the strength of the timetable as it was at the time. As a result of the timetable changes there have been a lot of missed appointments and then they have to wait months and months again.

Elderly people are very likely to be isolated if they do not have immediate family or more extended family in Canberra and the region. I think that is perhaps the most insidious danger that is really, really hard to plan for. But one of the ways that we can do that is by having community facilities that are accessible to elderly people; they need to be fairly close to or within a bus ride of their homes.

From the constituents I have spoken to, it seems that the closure of the Griffith library has affected elderly people disproportionately. That is partly because Griffith is a

suburb with a relatively high percentage of ageing people because of its history and the time of its establishment. Going from the number of people who are still writing to me about that, libraries are really important to seniors, not just as a place of learning and finding information but as a place for meeting people and having daily contact. I have to say that some of the changes we see taking place in libraries, where people have to check out their books themselves on a machine, reduce that potential for contact. For those of us who probably feel sometimes we see too many people in a day, it is probably difficult to understand what it is like not to have anybody speak to you face to face.

Finally, I believe the ACT government was conducting a wide-ranging review of concessions between 2002 and 2004 and that that has stopped. I have a motion on the notice paper about reinstating that review and preparing a guide, with the federal government, on all concessions that are available to ACT residents, which, of course, would include senior citizens. At the moment it is a little bit of a bewildering array, and I think it is very important for people to know what they are entitled to. What is the use of having a whole lot of fantastic facilities and measures that we have heard about today if people do not know about them?

MR SPEAKER: The discussion is concluded.

Mr Stefaniak: Mr Speaker, as I arranged earlier, I wish to raise a point of order. At the start of the debate on the motion of want of confidence in the Chief Minister on 28 February 2007 you advised members of certain things. I have written to you about it and you have written back to me today and asked me to do certain things, which I now do to bring it to members' attention.

On 28 February prior to the debate you advised members that "standing order 54 requires that members may not use offensive words against any member of the judiciary". You also pointed to section 14 of the Judicial Commissions Act 1994, which states:

> A member of the Legislative Assembly must not raise in the Assembly a matter that relates or may relate to the behaviour or physical or mental capacity of a judicial officer—
>
> (a) except by way of a motion to have a specific allegation made in precise terms in relation to the judicial officer examined by a judicial commission; and
>
> (b) unless the member has given to the Attorney-General not less than 5 sitting days notice of the motion and the member has not been notified by the Attorney-General within that period in accordance with section 16 (2) that the Executive has been requested to appoint a commission to examine the allegation.

You asked members to be mindful of those matters during the debate. I draw your attention to certain comments made by the Chief Minister, the Attorney-General and Dr Foskey, and I would submit that all, some or parts of those comments were contrary to your advices and your request to the Assembly on 28 February 2007.

These comments were not directed at any members of this Assembly, so it is possible that a member of the Assembly might not rise immediately to seek a point of order during the debate. Indeed, I would submit, with respect, that these are matters for you, Mr Speaker, having looked at *Hansard*. I will now quote from *Hansard* the particular statements about which I am concerned. I indicated earlier to the Clerk for those to be circulated if people want them, but I will read them onto the record; there is only about a page and a half. Firstly, at page 30 of the debate Mr Stanhope stated:

> It does not give me pleasure to stand here and dispute the findings of a judicial officer of this territory, but the false conclusions, erroneous suppositions, factual errors and comments that stray beyond the jurisdiction of a court cannot be allowed to stand unchallenged and to pass into history as truths.

On page 36 he stated:

> The coroner's allegation that I downplayed the seriousness of the fires is abhorrent, repugnant and unsupported by the evidence. In fact, it is contrary to all the evidence. It also flies in the face of logic.

At page 38 he stated:

> Ministerial responsibility is not a concept known to the law, and the coroner's intrusion into the matter is gratuitous at best.

Dr Foskey said at page 43:

> Maria Doogan clearly resented the delay caused by the legal challenge mounted by a small number of ACT government employees and backed by the government. I am not sure that her annoyance does not colour her response. Certainly, her remarks indicate it does.

Again at page 43 she said:

> Coroner Doogan felt that she could not do this without finding fault on the part of individuals. While she remarked that a coronial inquest or inquiry is not an adversarial hearing, I could not help thinking as I read her report that this one was. But I do not lay blame for this entirely at her feet.

At page 44 Dr Foskey said:

> The expertise of Messrs Cheney, Roche and Ellis was relevant, but if the coroner was going to make recommendations such as 32 to 34, she should have had a broader range of experts.

And again:

> If she was going to venture into such areas, the coroner should have sought the advice of fire ecologists and other relevant scientists.

And again:

> There is another issue of concern for me in the coroner's report. Recommendations 32 to 34 are not backed up by any discussion in the coroner's report itself.

At page 46 Dr Foskey said:

> I also understand that the coroner, like many judges, magistrates and court officials, is frustrated by the administration of the courts remaining within the department of JACS and I agree with many of her concerns about the potential threat to the separation of powers. The Greens have mentioned these matters many times over the years. However, I am not sure that it was appropriate to make recommendations about these matters in a report on the January 2003 fires, although she has certainly elicited a reaction from government by doing so.

Dr Foskey said again at page 46:

> Finally, I note that the coroner made disparaging comments about several officers and the Chief Minister at various times throughout her report.

Mr Corbell: Mr Speaker, I raise a point of order. Whilst I appreciate that Mr Stefaniak is seeking to outline his case, he is, in effect, giving a rather long speech.

Mr Stefaniak: I am nearly finished, actually.

Mr Corbell: If there is a range of detailed matters he believes he needs to draw to your attention, Mr Speaker, it may be appropriate to do so in writing—

Mr Stefaniak: I have.

Mr Corbell: Mr Speaker, regardless of whether or not he has done so, I ask whether Mr Stefaniak was told to give a long and detailed speech on—

Mr Stefaniak: I am quoting.

Mr Corbell: the notion of a point of order.

MR SPEAKER: Thank you, Mr Corbell. Mr Stefaniak is quoting members' contributions to the debate of 28 February. In the context of the point of order you have raised I am prepared to listen to all of these quotations and decide on a course of action once he has completed them.

Mr Stefaniak: Thank you, Mr Speaker. I will start that sentence again. At page 46 Dr Foskey said:

> Finally, I note that the coroner made disparaging comments about several officers and the Chief Minister at various times throughout her report. I wonder about the value of these when they are not substantiated in her findings and recommendations.

The final quote from Dr Foskey is at page 47:

> First, while the coroner implies that the Chief Minister should resign, citing the Westminster convention and supported by her expert witness Sir Peter Lawler, I believe that if she had wanted this—and it never became a recommendation—she should have mounted a more extensive investigation. Why was Bill Wood, who took leave for one, the worst, day, not seen to bear any responsibility? Why weren't he and other members of cabinet called? The opposition says it has no confidence in the Chief Minister. That is predictable, but the opposition's role is political while the coroner's is judicial. There is not enough in her report to justify this, and it is noteworthy that she does no more than imply it, through the words of Sir Peter Lawler.

At page 56 Mr Corbell said:

> I join with the Chief Minister in saying that this particular assertion by the coroner is an abhorrent one and is totally unreasonable.

Some of those comments are perhaps more aggressive than others, Mr Speaker, but clearly you, quite correctly, made two statements at the start of that debate. One was in relation to the sub judice rule and the second one was about remarks in relation to judicial officers, quoting standing order 54 and section 14 of the Judicial Commissions Act 1994. Those comments are the ones that I have extracted from *Hansard*. Accordingly, Mr Speaker, I seek your ruling because quite clearly, in my submission, they all—some probably more blatantly than others—go against the ruling you so, in my view, correctly made and very strongly made at the start of the actual debate.

Mr Corbell: On the point of order, Mr Speaker: Mr Stefaniak fails to draw the distinction between reflecting on the character of a judicial officer and making comments about the findings of a judicial officer. I think that is the matter at the heart of this debate. It is quite legitimate for any member to question the findings of a judicial officer and seek to agree or disagree with them, particularly when a member is the person involved or the person named in such conclusions or findings by a judicial officer. Indeed, Mr Stefaniak does so frequently when he reflects on his view, his perception, that the courts are too lenient in relation to certain sentencing. They are not reflections on a judicial officer; they are reflections on the decisions of judicial officers.

Nowhere in the quotes raised by Mr Stefaniak, from my hearing of them, is there any reflection on the character or conduct of the judicial officer—only on the findings of the judicial officer—and the point of order is without any merit.

MR SPEAKER: Mr Stefaniak, as he has mentioned, has written to me. It is not my practice to enter into exchanges of correspondence about my adjudication of the standing orders in this place, and I indicated to Mr Stefaniak the option for him to raise it in this place if that is what he wished to do.

It is, of course, usual practice for members to raise these matters as events occur; in that way rulings from the chair assist other contributors to the debate as the debate

proceeds. It is now 13 days since this debate occurred, included in which there were three other sitting days when members could have raised these issues. So, as there is no debate continuing at this point, and given that Mr Stefaniak has raised a number of issues, I intend to look at these quotations in the context of the debate that occurred and announce my decision in relation to these at some later time. In the meantime I think what I will also do is table Mr Stefaniak's letter, as he has indicated that he would find that acceptable—

Mr Stefaniak: Yes.

MR SPEAKER: and ask the Clerk to make sure it finds its way into each member's hands.

Mr Stefaniak: Thank you, Mr Speaker.

Adjournment

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

> That the Assembly do now adjourn.

Ms Malalai Joya

MR GENTLEMAN (Brindabella) (4.42): Mr Speaker, last Friday morning we were fortunate to have a visit to this Assembly from a most inspiring woman from the Afghan parliament, Malalai Joya, and I congratulate Dr Foskey on sponsoring the visit. At just 27 years of age, she is not only the youngest member of the Afghan parliament but also one of only a few women in that assembly. Malalai was seemingly shy at first. However, once she got going and delved into the struggles of her nation, it was pretty clear that we were hearing from a true heroine. She spoke passionately and is determined to bring justice to her people by exposing corrupt people, drug lords, war criminals and perpetrators of violence against women, some of whom are her fellow parliamentarians.

Malalai fled Afghanistan at the age of four and, like many of her peers, spent years in refugee camps in Iran and then Pakistan. She returned to Afghanistan in 1998 and established an orphanage, a health clinic and literacy courses to teach other women, a most laudable achievement. The fact that Malalai did all that while the Taliban were still in power is just astonishing. However, her remarkable achievements did not end there. Malalai remained a strong dissident of the Taliban regime and was elected to the 249-seat national assembly in September 2005, representing the remote province of Farah.

A current policy measure which Malalai is vehemently opposing is parliamentary attempts to introduce an amnesty for war criminals who accept the country's constitution. She is calling for support from the International Criminal Court to bring them to justice, as she has exhausted attempts at a domestic level. She was scathing of some of her fellow parliamentarians. Even the ones that are not corrupt are weak. She said that they need to stand up to the powerful war lords if Afghanistan is going to have any hope of rebuilding the country.

One of the main problems in Afghanistan, Malalai advised, is that overseas aid is going into the wrong hands. Instead of being channelled to those that need it the most, it is going to corrupt politicians and NGOs. Malalai was quick to point out that impunity is one of the biggest problems with the Afghan assembly. There is much evidence of atrocious behaviour amongst parliamentarians, but none of these MPs is being brought to justice. That is a major problem which will hinder the development of Afghanistan. The longer these criminals are in parliament, the longer it will take for Afghanis to get back on their feet.

Malalai argued that the only way to fight this corruption is by providing funding at a grassroots level for building infrastructure such as schools which can increase the levels of education of Afghanis and, in turn, build a better society. She said that if people are educated they will not tolerate criminals dominating society. She has been chipping away, sometimes with success. In 2004, she and a delegation of 50 tribal elders persuaded President Karzai to dismiss a provincial governor who was a former Taliban commander.

Further, Malalai spoke of the particular struggle of women in Afghanistan. Women are still not safe in Afghanistan after the fall of the Taliban. Rapes, beatings and murders of women and young girls still go on. Due to her outspokenness, Malalai has been threatened with rape and death both within and outside the parliament. She has survived four assassination attempts and travels in Afghanistan under a burqa and with armed guards. Her family and associates have suffered similar threats.

Malalai Joya is an inspiration not only to young women all over the world but also to parliamentarians worldwide. She has motivated unprecedented numbers of women in her province to participate in public demonstrations. Malalai told us that Afghanistan is far from safe and is far from a prosperous society, something promised by invading US forces. Hopefully, Malalai will be able to garner support from the international community to eradicate the corrupt politicians and bring justice and prosperity to the Afghan community.

Ms Malalai Joya

DR FOSKEY (Molonglo) (4.46): I thank Mr Gentleman for speaking so fulsomely about Malalai. I just want to add that it is of concern to me and to anyone who is worried about the plight of women and democracy in Afghanistan that, apart from Senator Humphries, who attended the morning tea here, no coalition members of the federal parliament or the Assembly would meet with Malalai Joya. What that means is that people are not getting information first hand. It means that the information to our federal government is filtered through the official channels of Afghanistan. It should be in the interests of us all that as broad a range of information be sought as possible and I have written to Senator Humphries to ask him to pass on the issues that were raised by Malalai Joya to the Minister for Foreign Affairs and Trade.

Speaking of women who speak out about their lives, people will probably be very concerned to hear that in the crackdown by the Mugabe regime in Zimbabwe Mrs Sekai Holland, who is a leader of the democratic struggle for change there, has been captured. Mrs Holland has a strong relationship with Australia; she and her

husband lived here for 20 years. She married an Australian, her children still live here in Sydney and now there are real fears for her life and certainly for her health. Again I have written to the minister for foreign affairs asking him to do whatever he can to ensure that there are at least monitors making sure that the Vienna convention is upheld in her imprisonment, and also to work to persuade the African government, who are probably the only ones really with any power to influence that regime, to intervene.

Last night I was involved in an event with yet another amazing woman activist, Rohini Weerasinghe, a Sri Lankan woman who has been active in the women's movement there since 1979. She is part of an organisation called Kantha Shakthi, which means women's friend, which is funded through the International Women's Development Agency to work with the victims of the tsunami to help them to develop skills so they can continue to earn money. These are people whose livelihoods were disrupted by the tsunami. Rohini is one of those women that have been working solidly with women at the grassroots level on empowerment issues and to try and get changes in the rape law. She has been involved in the introduction of domestic violence law and she has also been involved in trying to reduce the conflict between the Tamil and the Sri Lankan ethnic groups. I am very proud to be a supporter of IWDA, which works with her.

Finally, on Saturday there was an event within the Assembly, in the reception room, where a number of Sudanese women came together from all over Australia. There again we met some amazing women who spoke out about their lives before they came here. Most of them are widows and most lost their husbands and other family members in the conflict in Sudan. They are incredibly grateful to Australia for giving them sanctuary and they are trying to work and develop lives. They are looking for money so they can learn to drive. It seems such a simple, basic thing to ask for, but to those women it means that they can assist their children in getting an education. They see their children's education as their key to their future lives. And, of course, they are very concerned about what is happening in Sudan.

That is only a tiny little snapshot of about a week for the world's women, for some of them in some of the countries with conflict—and that is not even to mention Aung San Suu Kyi in Burma, who is still in detention, and the many women in so many countries who are subject to domestic violence and unfair laws and who lack their human rights.

People trafficking

MRS DUNNE (Ginninderra) (4.51): People trafficking is the fastest growing illegal trade across the world. It is a $7 billion market that now rivals the arms and the drug trade. Every minute of every day, men, women and children are being transported, used or sold against their wills. These are the victims of trafficking. As we sit here in this Assembly now, somewhere in the world someone is being trafficked. People are being herded across borders and continents, sometimes in groups but often alone. They live in terror. Others watch their every move; they treat them like cattle. These are not statistics. These are people. They are someone's mother, someone's child. They are dreaming of freedom.

Two hundred years ago, William Wilberforce was the one who realised the true horror of the slave trade. It was right under his nose. It was the backbone of the British economy. It was wrong and it was growing. Driven by his deep Christian faith, he was compelled to act on his convictions.

The same spirit that whispered in William Wilberforce's ear "End slavery; turn the key; free the slaves!" is the spirit that should move us today. Today in the world there are more slaves than there were in 1807, when William Wilberforce succeeded in abolishing the slave trade. The abolitionists of the 18th and 19th centuries generated a mass movement of people who campaigned for the end of slavery. In 2007, campaigners want to do the same—inform people about the evils of human trafficking, call for a change that will prevent the sale of the poor, prosecute the traffickers and protect the victims.

On 25 March this year we celebrate Freedom Day, which is the 200th anniversary of the abolition of the transatlantic slave trade act, a significant moment in the fight to end the evils of the slave trade. As I have said already, today there are more slaves than in 1807. As William Wilberforce was forced to act, we are being asked to act. We have to do it all over again—and this time, abolish trafficking for good, in all its forms.

Freedom Day on 25 March is not just a celebration of history, but a moment to be inspired by the champions of the past—to help us fight for freedom: the freedom of every human being. Human beings have the right to be free and not to be someone else's slave. We have to turn the key and once again unlock the dreams for freedom.

One of the keys to unlocking people from slavery and setting people free is ensuring that smugglers are rounded up and prosecuted. As I have said in this place on a number of occasions, one of the best models for that is the situation in Italy. Next month I will meet authorities dealing with victims and fighting perpetrators in the Marche, Abruzzo and Molise regions in Italy. In Italy there is a policy of not only comprehensive victim protection, but also integration into the general community. They give unconditional protection, and this has a great trade-off. This compassionate approach leads to increased rates of arrest and conviction of traffickers; in the past, several smuggling rings have been broken up.

While I will be unable to participate in Freedom Day in Australia, I hope that my activities in Italy at the time will in some small way contribute to the worldwide movement for freedom from slavery. I recommend that members participate in some way in Freedom Day and associated activities on 25 March and that, at the very least, they sign on to the Stop the Traffik declaration at the website www.stopthetraffik.org.au. I also recommend that they support other activities in Canberra in that week, including the keynote address by Professor David Balderstone on 27 March in the main committee room of Parliament House at 5.15. Other speakers at that event will be Mr Tim Costello from World Vision, who is organising and coordinating events for Stop the Traffik days in Australia, and other authorities who have experience and expertise in dealing with trafficking in Australia. It is a cause that I recommend most heartily to all members.

Skyfire

MR PRATT (Brindabella) (4.56): Mr Speaker, I rise to talk about the unacceptable events at the weekend around Skyfire and other related activities in and around the city precinct, Civic, as well as the broader lake central basin precinct. Clearly there were difficulties which authorities and the organisers of Skyfire were unable to handle, and I just want to refer to a couple of issues.

Emails from kids, from young people, the majority of whom, of course, went there to behave and enjoy themselves, indicate that many of them found themselves and their colleagues on the end of trouble. One young person said:

> Myself and 7 other friends (3 females) were minding our own business, making our way to the general area of stage 88, when a young guy approached us. He asked if we had any smokes, to which we replied no, and then he proposed a fight. "Wanna fight?" he said, to which we replied "No thanks".

That email goes on to describe a series of events involving basically escape and evasion and being outnumbered three to one. Another writer pointed out:

> I had a similar experience as you J Dawg … 5 guys and 4 girls minding our business then out of the blue 10 - 15 guys appeared and accused us of calling some random chick a …

I will not mention that—

> or something. 5 minutes later there were 20 + of them surrounding the 9 of us with no police and no security. I'll just say we spent the rest of the night in the emergency department.

I presume he means Canberra Hospital. There are reports of a young man having thrown himself off a bridge, totally paralytic, and being rescued by the Water Police. Police were hit by flying bottles. One radio caller ringing in to FM 104.7 spoke about seeing a group of drunken teenagers so rowdy that they knocked over an empty pram next to a family and disrupted their evening. I think it was Ms Leanne Close yesterday on radio who indicated that up to 4,000 underage drinkers were estimated by police to be involved in the area, and there were certainly a lot of fights.

The question is: why were there only three arrests on the night? I was very pleased to hear the minister saying on ABC this morning that he is quite concerned about this. I see that he is considering pressing authorities, or at least organisers of such large events, to install dry areas and perhaps limit drinking. He is considering that and I would certainly encourage him and support him in that move, because the point is that there were families attending those events on Saturday night and many families had their night spoilt.

We have had families calling in—I am sure Mr Corbell has received the same calls as I have—saying that they were rather disturbed that their six, eight and nine-year-old kids were watching 14-year-old and 15-year-old teenagers lying around on the grass, throwing up or splayed out across the steps of the national library. It is not a good

sight for young kids, so something has to be done. I would criticise the organisers, quite frankly, for not having foreseen this concern.

We also saw on YouTube an indication of ongoing violence in town later that night. So basically the event became an incubator for young people to get further smashed to the eyeballs and then go from the lake precinct into town to cause further trouble. In many cases they were under age and just out of control.

There is no doubt the police were stretched that night. I would really encourage the police minister and the Chief Police Officer to do whatever they can to ensure that our police are resourced to be able to handle these things. It is not just a police problem; it is a whole of government issue, a societal issue.

There are parents to be criticised here. Schools have got to do a lot more about intervening and educating their teenagers about what their responsibilities are. It is not just a police problem; it is not just an organiser's problem; it is a whole of government, a whole of society issue. We must face it, Mr Speaker: we have a youth binge-drinking problem in this town that needs to be attended to. The police need to be better resourced and to be able to react quickly in sufficient strength to quell these sorts of problems in Civic, at large events and at weekend parties, before they get out of control.

Tuggeranong Valley Band

MR SMYTH (Brindabella) (5.01): I thank the immediate past president of Tuggeranong Valley Band, Ms Kerry Kimber, the entire band and those that support it, for another successful year in 2006. The band elected itself a new president, Mr Keith Ross. Keith recently retired, so running the band for him, given the tenor of some of the debate today about being active in our retiring years, clearly shows that this is another active older Canberran who is willing to put something back into society. I congratulate Kerry for her years of service, not just as immediate past president but also as a member of the senior band and thank her for her ongoing support for Tuggeranong Valley Band. I also wish president Keith Ross all the success that he deserves.

The band has had a few changes in the past few months. Unfortunately, the concert band conductor, Gerry Foster, was unable to continue his duties and retired from the band. He is being replaced by Michael Faragher as the new band conductor. To ensure continuity the band also established a new position of deputy conductor, which is to be filled by Cameron Smith. Ruth, who has been conducting the intermediate band, will continue in that position. It is interesting that a band that is so active and that has for so many years been a huge part of the Tuggeranong scene is now at risk simply because of the closure of Village Creek primary school. Kerry has this to say about Village Creek primary school:

> We have already started exploring other locations for next year but it will be very hard to find one that is as cheap as Village Creek and as generous in providing us storage space.

This is another of the repercussions of the government's closure of so many schools across Canberra. Clearly, one of the things that it has not taken into account is the community groups that used the schools that are to be closed. Tuggeranong Valley Band will now have a tough time trying to find a new venue that it can afford so that it can continue rehearsing and so that it can continue to provide not just Tuggeranong but also all of Canberra with the wonderful music that it produces. There are also some difficulties with some of the intermediate band, but the band has decided to push on this year.

Numbers for the intermediate band are static but it wants to continue for at least another year so it can gauge what the community wants. But it cannot guarantee that it will continue beyond then. I think that is a shame as it has been around for many years now and it has provided Canberra and the valley with many concerts of a very high quality. I think it is a shame that ongoing community organisations like this that particularly challenge our young people but also provide opportunities for older Canberrans are at risk because of the government's closure of schools.

That being said, congratulations to the new conductors, congratulations to the new president and I wish the band well in finding a replacement for Village Creek primary school. Perhaps Mr Hargreaves, the member responsible for Property ACT who is also the member for Tuggeranong, will be able to come to the assistance of the band and ensure that Tuggeranong Valley Band continues.

Question resolved in the affirmative.

Assembly adjourned at 5.05 pm.

Schedules of amendments

Schedule 1

Freedom of Information Amendment Bill 2006

Amendments moved by the Attorney-General

1
Clause 13
Proposed new section 37A (3)
Page 9, line 8

omit

may

substitute

must

2
Clause 16
Proposed new section 69A heading
Page 11, line 4

omit

affairs

substitute

information

3
Proposed new clause 15A
Page 10, line 20—

insert

15A Powers of tribunal
Section 62 (6)

substitute

(6) If application is made to the tribunal for review of a decision refusing to grant access to a document in relation to which a certificate is in force under section 34 (4) or section 37A (4), the tribunal must, if the applicant requests, determine whether reasonable grounds exist for the claim that information about the existence or non-existence of the document would cause the document to be an exempt document under section 34 (1) or section 37A (1).

4
Proposed new clause 17
Page 12, line 3—

insert

17 Further amendments, mentions of *section 34* etc

column 1 **item**	**column 2** **provision**	**column 3** ***omit***	**column 4** ***substitute***
1	section 24 (1) and (2)	section 34 or 37 (1)	section 34, section 37 (1) or section 37A
2	section 58 (a)	section 34 (4) or 35 (5)	section 34 (4), section 35 (5) or section 37A (4)
3	section 58 (b)	section 34 or 35	section 34, section 35 or section 37A
4	section 62 (3)	section 34, 35 or 36	section 34, section 35, section 36 or section 37A
5	section 62 (4)	section 34 or 35	section 34, section 35 or section 37A
6	section 63 (2) (a)	section 34 (2) or 35 (3) or (5)	section 34 (2), section 35 (3), section 35 (5) or section 37A (2)
7	section 63 (2) (b)	section 34 (4)	section 34 (4) or section 37A (4)
8	section 63 (5)	section 34, 35 or 36	section 34, section 35, section 36 or section 37A
9	section 63 (6)	section 34 or 35	section 34, section 35 or section 37A
10	section 63 (8)	section 34, 35 or 36	section 34, section 35, section 36 or section 37A
11	section 63 (9) (a)	section 34 or 36	section 34, section 36 or section 37A
12	section 65 (2) (a) (iv)	section 34 (2) or 35	section 34 (2), section 35 or section 37A (2)
13	section 65 (2) (a) (vi)	section 34 (4)	section 34 (4) or section 37A (4)
14	section 65 (2) (a) (vi)	section 34	section 34 or section 37A
15	sections 67 (1) and 74 (5) (a)	section 34, 35 or 36	section 34, section 35, section 36 or section 37A
16	section 74 (5) (b)	section 34 (4)	section 34 (4) or section 37A (4)
17	section 74 (6)	section 35 (4) or 36 (4)	section 35 (4), section 36 (4) or section 37A (3)
18	section 75	section 34, 35 or 36	section 34, section 35, section 36 or section 37A

Schedule 2

Animal Welfare Legislation Amendment Bill 2006

Amendments moved by the Minister for the Territory and Municipal Services

1
Clause 2
Page 2, line 4—

substitute

2 Commencement

(1) This Act, other than section 15, commences on the day after its notification day.

(2) Section 15 commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

2
Clause 9
Proposed new section 19A (1) (d)
Page 7, line 24—

omit

3
Clause 9
Proposed new section 19A (1A)
Page 8, line 2—

insert

(1A) A veterinary surgeon must not remove a dog's dewclaws more than 4 days after the day the dog was born for a purpose other than a prophylactic purpose or a therapeutic purpose.

Maximum penalty: 50 penalty units.

4
Clause 11
Proposed new section 42 (2) (b)
Page 18, line 22—

omit