



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

13 DECEMBER

2005

**Tuesday, 13 December 2005**

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**Tuesday, 13 December 2005**

**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.

### **Absence of Clerk**

**MR SPEAKER:** I wish to inform the Assembly that the Clerk will be absent from the Assembly for the sitting days 13 to 15 December 2005 inclusive. The Deputy Clerk shall perform the duties of Clerk during the absence.

### **Petition**

*The following petition was lodged for presentation, by Mr Stanhope, from 125 residents:*

#### **Safety of street crossing**

PETITION RE THE SAFETY OF A CROSSING IN MARCONI CIRCUIT,  
KAMBAH SITED NEAR THE CALTEX SERVICE STATION

TO THE MEMBERS OF THE ACT LEGISLATIVE ASSEMBLY

We the undersigned believe that the existing pram ramp which is used by pedestrians, wheel chairs bicyclists and parents with small children and prams is unsafe. We want action taken to provide an adequately marked crossing with protection for users from potential vehicle collisions at this very busy intersection located next to an important community shopping village. Thank you for your consideration of this matter.

*The Acting Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister, the petition was received.*

### **Planning and Environment—Standing Committee Report 19**

**MR GENTLEMAN** (Brindabella) (10.33): I present the following report:

Planning and Environment—Standing Committee—Report 19—*Report on Annual and Financial Reports 2004-2005*, dated 9 December 2005, including a dissenting report and additional comments (*Mr Seselja*), together with a copy of the extracts of the relevant minutes of proceedings.

I seek leave to move a motion authorising the report for publication.

Leave granted.

**MR GENTLEMAN:** I move:

That the report be authorised for publication.

Question resolved in the affirmative.

**MR GENTLEMAN:** I move:

That the report be noted.

I table in the Assembly today the annual report of the Standing Committee on Planning and Environment for the calendar years 2004 and 2005 and the financial year 2004-05. The annual and financial reports for 2004-05 were presented to the Legislative Assembly on 18 October 2005 and referred to the standing committees for inquiry and report. The Standing Committee on Planning and Environment had the following reports referred to it: the ACT Planning and Land Authority report, the ACT Land Development Agency report, the ACTION Authority report, the Department of Urban Services report, the Commissioner for the Environment report, and the Canberra Public Cemeteries Trust report.

Annual reports hearings were held on 7, 9 and 10 November 2005. I would like to thank the ministers and government officials for the generous amount of time allocated to the committee for the hearings. Each annual report scrutinised by the committee seems to comply well with the Chief Minister's annual report directions. Whilst I note Mr Seselja is absent from the chamber this morning, I would like to take this opportunity to thank him for working with the committee and discussing the draft report for the annual and financial hearings. It was of great comfort to the committee to be working as a team for what felt like the first time in about 12 months.

Turning to the first recommendation, the committee as a whole recommends that the ACT government increase the level of funding for the Office of the Commissioner for the Environment in the 2006-07 budget, to enable the commissioner to properly discharge her functions in relation to the ACT environment. The committee also recommends that the public sector management group in the Chief Minister's Department and Treasury review the funding and legal basis of the Commissioner for the Environment's role in relation to regional environmental reporting.

Mr Seselja worked very hard on his comments for this report. Over the last few meetings, held to discuss the report, he suggested several changes to the recommendations. In a spirit of bipartisanship, the committee accepted his suggestions. As you can see, the committee as a whole can work together when all of its members are prepared to get in and do the work.

During the hearings with the Land Development Agency Mr Seselja raised concerns over how land transferred from the ACT Planning and Land Authority is treated in accounting terms in the LDA's annual report. Even though these concerns were explained and answered in the hearings, we still took on board Mr Seselja's comments and had the following recommendation added. It reads:

The Committee recommends that the ACT Government continue to investigate better methods for disclosing and accounting for the value of underdeveloped ACT land.

Mr Seselja asked the committee to recommend that the LDA consider appointing in-house legal counsel. The committee agreed to this. Importantly, recommendation 7 states:

The Committee recommends that the Minister for Urban Services further investigate measures to reduce the tonnage of, and to collect data about the amount of undifferentiated builders' waste being deposited as landfill at the Pialligo waste management facility.

As I have already mentioned, the committee took these changes on board and agreed to the report being adopted and made available for tabling. It was then that Mr Seselja expressed the fact that he would not agree to the report being adopted and that he would be dissenting from it. I am not saying all of Mr Seselja's recommendations are bad, but I would like to say that the majority of the committee have been trying to work together in a bipartisan approach. There were, however, a number of recommendations that I am sure, had Mr Seselja been here this morning, he would be drawing to our attention. The committee could not agree on those comments.

In recommendation 9, the committee states that the ACT Office for Women should increase public awareness about the women's register. We also recommend that, when ACT government agencies invite organisations to nominate persons to committees, they also advise that the ACT government has a policy of increasing the number of women in leadership and decision-making positions for gender balance, if that has not already been done. I see no problem with this recommendation; it helps achieve gender equality. If we do not target minority groups, how can we have equality? Some of the other recommendations of the committee on which we were not in complete agreement were with regard to recommendation 5, where the committee recommends that:

... in consultation with Arts, Heritage and Environment and non-government conservation organisations, the Department of Urban Services place an agreed number of trunks of mature felled trees in open woodland and forested areas of Canberra Nature Park for wildlife habitat.

The last recommendation made by the committee is, of course, the one that commends the ACT government for its policy of not encouraging the use of AWAs in the ACT public service. All members of the opposition would have an issue with this recommendation, as their federal colleagues have made it impossible to be employed in the commonwealth public service without signing an AWA. As committee chair, I would like to thank all those involved in the consultation process—in particular, the committee office and the secretary, Hanna Jaireth.

Debate (on motion by **Mr Smyth**) adjourned to a later hour this day.

## **Legal Affairs—Standing Committee Scrutiny report 20**

**MR STEFANIAK** (Ginninderra): I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 20, dated 12 December 2005, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR STEFANIAK**: Scrutiny report 20 contains the committee's comments on four bills, 17 pieces of subordinate legislation, eight government responses and one private member's response. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Legal Affairs—Standing Committee Statement by chair**

**MR STEFANIAK** (Ginninderra): I seek leave to make a statement regarding a new inquiry.

Leave granted.

**MR STEFANIAK**: The Standing Committee on Legal Affairs has resolved to conduct an inquiry into and report on the application of absolute and strict liability to offences in ACT legislation, with particular reference to (a) the merit of making certain offences ones of absolute or strict liability; and (b) the criteria used to characterise an offence, or an element of an offence, as appropriate for absolute or strict liability. The committee expects to report by June 2006.

## **Public Accounts—Standing Committee Totalcare Industries annual report 2004-2005**

Motion (by **Mr Corbell**), by leave, agreed to:

That the resolution of the Assembly of 18 October 2005, relating to the referral of Annual and Financial Reports 2004-05, be amended by inserting Totalcare to the reports referred to the Standing Committee on Public Accounts with Mr Quinlan (Treasurer) as the responsible Minister.

## **Administration (Interstate Agreements) Repeal Bill 2005**

Debate resumed from 22 November 2005, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**DR FOSKEY** (Molonglo) (10.42): I will not be supporting the Administration (Interstate Agreements) Repeal Bill 2005 as it does not sustain the government's assertion that it will improve the way in which the Assembly is informed or consulted with in respect of interstate agreements. I would be very interested in knowing more about the background to this bill—how it relates, for instance, to federal government concerns for security and how that relates to security in practice.

In Mr Stanhope's tabling speech he suggested that the bill reflected improved consultation measures on interstate agreements. The Greens do not agree with this statement, as the changes will actually diminish consultation before an agreement is reached and only enhance notification of finalised interstate agreements. I will read the object of the Administration (Interstate Agreements) Act 1997, which the government is seeking to revoke. It says:

The object of this act is to impose on Ministers duties to inform and consult with other members of the Legislative Assembly in regard to interstate agreements, so as to protect the freedom of the Assembly to carry out its legislative deliberations without being subjected to necessity or compulsion due to the actions of the executive, and shall be construed accordingly.

This object was achieved by requiring relevant ministers to notify the Assembly as soon as possible of an impending negotiation; to inform in writing each member of the Legislative Assembly of the nature, timetable, expected legislative changes and position of the minister on any impending agreement; to consult with the relevant Legislative Assembly standing committee about the agreement; to only sign on to the interstate agreement once the relevant committee's recommendations have been received; and, finally, to inform in writing within seven days each member of the Legislative Assembly when the interstate agreement has been signed on to.

I acknowledge that these existing requirements may at times have appeared unduly onerous to the government or the public service. I also acknowledge that the major parties have not used this legislation which is available to them. My office cannot find any instances of the current or last Assembly referring an interstate agreement to a committee, apart from Kerrie Tucker pushing for the public accounts committee to report on the General Agreement on Trading Services, or the GATS, with special reference to the ACT.

I am aware that the scrutiny of bills committee is notified of interstate agreements and may choose to examine them. I note that it has not done so in my term. Despite the lack of use of the provisions of this legal legislation, it provided a legislative mechanism to ensure that the government remained transparent to the Assembly in its decisions. It is a well-rehearsed argument that even if, for instance, the present government can be trusted to act in the public interest and to consult widely, future governments cannot necessarily be trusted to do this. Therefore, processes, as well as outcomes, are absolutely crucial to ensure that the public can retain its trust in government.

Sadly, this bill seems to weaken the processes which ensure transparency and consultation. By requiring consultation with standing committees, the present system ensures an opportunity for Assembly members to inform the decision-making process.

Perhaps as a result of this there has been little conflict in the past with the agreements signed on to by the ACT government. However, if the government decides to keep Assembly members out of the process, it will be in contrast to the Chief Minister's approach to the federal terrorism legislation, which did a favour to the whole of Australia. We note that, while the opposition censured the Chief Minister for that, they later acknowledged that that was the consultation we had—limited though it was—on the bill.

While I like the idea of having a six-monthly list available to the Assembly outlining the agreements the ACT is negotiating and a website listing the finalised agreements and their contents, there remain a number of problems with this move arising out of the eradication of existing provisions. First, there will be no legislative basis requiring the government to keep the promises it has made about the manner in which it will inform the Assembly and the public about interstate agreements. All we have from the government are words and promises, which do not contain the power to keep the government to them. This is not enough. How can we be assured that current or future governments will keep to these promises? The vigilance of Assembly members may be the only way to ensure public scrutiny.

Second, under the new rules, if an interstate agreement is initiated, conducted and concluded before the next six-monthly list of agreements is provided to the Assembly, there does not appear to be any available method to inform the Assembly of those events. While it may be rare for such a situation to occur, it could occur and we should provide for that. Under these changes, Assembly members will not be informed of the negotiations until they are over—when the relevant minister tables the finalised agreement.

Third, there is no longer a requirement for the relevant minister to inform Assembly members of the position he or she is taking, or intends to take, in the negotiations. Assembly members and the public will not be informed of the minister's stance on an agreement until the finalised agreement is tabled in the Assembly. If Assembly members wish to oppose the agreement once it has been finalised, there is no method available for them to do so. Assembly members must wait until any regulations or amendments result from the agreement—if there are any—are tabled in the Assembly. Only then could a member of the Assembly seek to disallow or vote against amendments if they did not agree with the nature or contents of the interstate agreement in the first place. Finally, there is no requirement as to when the minister must inform the Assembly about the finalised agreement. All we have is the current government's word that it will do it as soon as is reasonably practicable.

I would like to hear Mr Stanhope respond as to how he thinks these changes might affect the Labor Party when one day it is again in opposition. Does he think opposition members and crossbenchers will be provided with enough information about the government's negotiations with other jurisdictions? Does he think there will be adequate protection of the Assembly's ability to carry out its legislative deliberations without being subjected to necessity or compulsion due to the actions of the executive?

Let us assume, for the sake of argument, that the Liberal Party was in power and the proposed anti-terror measures were being introduced. The federal Liberal government

did not even want us to know about the first draft of their anti-terror laws until they had rammed them through both houses of parliament. What impact would revoking the Administration (Interstate Agreements) Act have then? I would hope the Labor opposition would be arguing against it.

**Mr Hargreaves:** There won't ever be a Labor opposition.

**DR FOSKEY:** The hypothetical situation I was presenting to you was that of a Labor opposition if we had a Liberal government in the ACT. As this bill will remove almost all transparency available to the Assembly about interstate agreements, I will not be supporting it.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.51), in reply: In 2001 I announced a code of good government that would guide the way in which a Stanhope government would conduct itself. One of the key planks in that code was a commitment to conduct government operations in an open, honest and accountable manner. The improvements to the reporting of and consultation regarding intergovernmental agreement negotiations to which I am committing my government deliver on that goal.

The Administration (Interstate Agreements) Repeal Bill that we are debating today is not a difficult bill to explain. Quite simply, it repeals the Administration (Interstate Agreements) Act 1997. The drafting of the bill will ensure that any commitments arising under the act that are already in train will cease upon the repeal of the act. The act will be replaced by non-legislative measures that will both simplify any governmental agreement reporting and improve the transparency of the intergovernmental agreement negotiation process.

The new measures compel the executive arm of government to inform the Assembly of current intergovernmental agreement negotiations. Ministers will be required to table new agreements in the Assembly. The full text of the new intergovernmental agreements will be published on the government website. Through requiring ministers to consult the Assembly regarding interstate agreements the act intended to ensure that the Assembly's ability to consider legislation was not unduly constrained by agreements entered into by the executive. The scheme established by the act was focused on consultation and providing information.

The act was unique and groundbreaking at the time of its introduction. In the years since its entry into force the act has attracted some attention from other jurisdictions. However, despite that attention, no other jurisdiction in Australia has legislated similarly. In a show of goodwill the act was passed with the support of all parties in the Assembly. Passing the act was recognition of the importance the Assembly placed on being informed of executive actions regarding intergovernmental agreements. However, no amount of goodwill has been or will be enough to overcome the inherent shortcomings of the act.

The act takes a convoluted and clumsy approach to meeting its objective. Only agreements that could reasonably be expected to result in legislation in the ACT are captured by the act. At first blush this sounds like a simple criterion for determining which intergovernmental negotiations fall within the scope of the act. However, in

practice the inherent nature of intergovernmental negotiations makes difficult identifying agreements that require negotiation under the act. In many cases intergovernmental negotiations proceed for an extended time and cover a complex range of issues.

It is common for negotiations to focus on principles rather than on detail until very near their conclusion. In other cases negotiations are called on with a sense of urgency, proceed very quickly and are finalised only a short time after they commenced. In both cases the likelihood that ACT legislation would be required becomes apparent only shortly before an agreement is concluded. In those cases consulting the Assembly is of little practical consequence as members have little, if any, opportunity to influence the outcome.

The regime established by the act is limited. Many intergovernmental agreements do not involve legislation and thus are not captured by the provisions of the act. In some cases agreements that have a great impact on the lives of Canberrans do not involve ACT legislation. In such cases the act does nothing to improve the community's oversight of executive action. Indeed, the consultation mandated by the act of providing details of negotiations to Assembly members and committees is unnecessarily limited through not affording the wider ACT community an opportunity to be aware of the territory's intergovernmental commitments.

Perhaps the greatest indication of the failure of the act to achieve its ambition is the absence of debate arising from notifications made under the act. In the eight years since the Administration (Interstate Agreements) Act was entered onto the ACT statute books there has been virtually no debate in the Assembly arising from notifications of intergovernmental agreement negotiations that were covered by the act. Instead, much greater interest has been shown in international agreements dealing with matters such as trade, over which the Australian Capital Territory has very little control.

We need a better approach to consultation regarding intergovernmental agreements—an approach that has a broader scope and is accessible to all Canberrans, and an approach that facilitates some debate. We must acknowledge that the act has failed to live up to its aims. We should not hold onto the act just because it is there. The statute books should not be weighed down with laws that do not achieve their aims. If we did that we would have laws for the sake of having laws, which is what this act has become. This act is a law for the sake of having a law.

The new approach that the government is introducing for intergovernmental agreement consultation, which is threefold, will improve the transparency of the executive's actions. The first of these new approaches involves providing information on intergovernmental agreements that are under negotiation. The department will compile a whole-of-government list of current negotiations towards intergovernmental agreements that it is anticipated the minister will sign. The list will be updated and tabled in the Assembly every six months.

The list will include the title, or working title, of the proposed agreement, the minister or ministers who are responsible for the agreement and some brief details of what the proposed agreement seeks to do. I anticipate that the first list will be tabled shortly after the passage of this act. The government's other two approaches to intergovernmental agreements deal with newly signed agreements and significantly expand the range of information available compared to the present.

As soon as practicable after an intergovernmental agreement has been signed the relevant minister will table the full text of the agreement in the Assembly. Following tabling the full text of the agreement will be published on the department's website in a publicly available register of new intergovernmental agreements that ACT government ministers have signed. However, I note it is possible that these measures will not be appropriate for all intergovernmental agreements.

On rare occasions the government may become party to intergovernmental negotiations or agreements which, by their nature, are confidential or where releasing details would be against the public interest. Agreements pertaining to counter-terrorism arrangements or security planning might fall into this category. In such rare cases where disclosure is against the public interest, the government may, as appropriate, consider providing private briefings to the opposition and to members of the Assembly. I note that a similar provision exists in the act.

These new measures will provide the Assembly and the public with a greater range of information regarding what intergovernmental agreements the ACT government is considering signing up to. In addition, the measures provide the Assembly and the public with greater access to the detail contained in intergovernmental agreements. The net result of repealing the Administration (Interstate Agreements) Act and replacing it with these new measures will give the Assembly and members of the public a greater ability to scrutinise the executive's dealings with other jurisdictions.

That occurs principally through removing the act's requirement that negotiations or agreements likely to involve ACT legislation are the only ones reported on. By applying to all negotiations or agreements that it is anticipated the minister will sign, the new measures have a far broader scope. That will occur because many intergovernmental agreements that are to be signed by ministers do not require legislation. Removing the link between likely local legislation and notification also has the advantage of making the whole process simpler to implement.

As I have mentioned, deciding which intergovernmental agreement negotiations require notification under the act could be troublesome as it was often unclear throughout negotiations whether legislation would be required. However, it is much easier to anticipate if a minister is signing the agreement. The new measures will provide members with a regular update of matters that the government is considering signing up to. That also represents an improvement on the current situation where consultation occurs only at the commencement of, or during, often lengthy negotiations, and again shortly before the agreement is signed.

The new approach will give members ample opportunity to seek further information about negotiations of interest to them. These measures will offer those members who are active and interested in representing their constituencies a far greater opportunity to obtain information than do the existing provisions. The Administration (Interstate Agreements) Act introduced a unique and groundbreaking regime for consulting the legislative arm of government regarding executive intentions for intergovernmental agreements.

The act had noble aims but, ultimately, it failed to achieve its potential due to its convoluted structure and approach. Consequently, the act should be repealed. The new measures that my government will introduce will maintain the Australian Capital Territory at the forefront of intergovernmental consultation in Australia. No Australian jurisdiction will provide as much information on executive intergovernmental agreement intention as will the ACT after these new measures have been enacted.

The people of the ACT and the principle of open government will be far better off as a result of what the government proposes today. I commend the bill to the Assembly and to all those members who are interested in open, transparent and accountable government.

Question put:

That the bill be agreed to in principle.

The Assembly voted—

Ayes, 8

Noes, 5

Mr Berry	Ms MacDonald	Dr Foskey	Mr Stefaniak
Mr Corbell	Ms Porter	Mr Mulcahy	
Mr Gentleman	Mr Quinlan	Mr Pratt	
Mr Hargreaves	Mr Stanhope	Mr Smyth	

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Statute Law Amendment Bill 2005 (No 2)**

Debate resumed from 20 October 2005, on motion by **Mr Stanhope**:

That this bill be agreed to in principle.

**MR STEFANIAK** (Ginninderra) (11.04): The Chief Minister said that this bill, which will revise a number of statutes, deals with several issues. First, it provides for the making of minor and non-controversial amendments proposed by government departments and agencies. Parliamentary counsel proposed amendments to the Legislation Act to ensure that the overall structure of the statute book is cohesive and consistent and kept up to date with best practice.

Parliamentary counsel also proposed some technical amendments to correct minor typographical or clerical errors and to improve grammar and syntax. Finally, the bill also contains amendments to repeal redundant legislation. As is customary with bills of this nature—and this is the second bill we have had to deal with this year—sometimes there

are amendments that are worthy of note. The explanatory notes, which are fairly clear and are helpful to anyone reading the bill, indicate why some minor amendments have been made.

I wish to refer to a couple of amendments that are worthy of note and that have been accepted by the opposition and by those who will be affected by them. Schedule 1 refers to amendments to the Land (Planning and Environment) Act. Those amendments will remove the anomaly relating to when an approval to conduct a development becomes effective if an objection has been made to the application for approval. Under the current act that approval takes effect before the conclusion of the period that is permitted for the making of an application to the AAT for a review of the approval decision.

However, in practice, that can cause some problems. The date on which the approval takes effect and the application period for an AAT review can commence on different days if objectors or third parties are not notified of the decision on the day that it is made. Some time ago these two processes somehow got out of kilter. The AAT picked it up and these amendments have been proposed to bring the processes back into line and to ensure that an appeal is made to the AAT before the approval takes effect.

Representatives of the Master Builders Association said to me that if the appeal notification occurred later someone might have dug a hole, commenced a development and incurred expenses and that development would then have to be stopped. It is far better if the appeals process occurs concurrently. In that way, if there were an appeal, the relevant parties would be notified and developments would not be put on hold until such time as an appeal had been dealt with. That would save everyone a lot of bother. Industry in particular welcomes the amendment, which will correct an anomaly.

The bill makes a few other minor amendments such as facilitating the transfer of administrative responsibility for ACT NoWaste to the Minister for Urban Services. In practice, under the act it has had responsibility for these matters. These amendments will simply formalise that operation. All in all, these appear to me to be pretty sensible amendments. This bill will repeal a number of acts that have been superseded by other legislation. The opposition supports this tidying up bill, which will do a number of quite good things, in particular, in relation to the AAT. It has the potential of saving industry groups much cost and trouble.

**DR FOSKEY** (Molonglo) (11.08): The explanatory statement to this bill states that these amendments are minor and non-controversial. As that appears to be correct I am happy to support the bill. I wish to make one comment about the proposed amendment to part 1.6. If and when the National Transport Commission introduces new standards for securing loads I urge the ACT government to ensure that trucking companies, people who work in the haulage industry and members of the general public who cart loads to the tip know what is expected of them.

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (11.09), in reply: I thank members for their contribution to debate on, and their support for, this bill. This bill, which makes minor legislative changes, continues the technical amendments program that will develop a simpler, more coherent and accessible statute book for the territory.

I am sure all members would concede that the statute law amendment process is an efficient mechanism to effect non-controversial, minor or technical amendments to several pieces of legislation in this territory while minimising the resources that would be required if those amendments were dealt with individually. Every amendment is minor but when the amendments are viewed collectively it is apparent that they contribute significantly to improving the operation of affected legislation.

Amendments to the Administrative Decisions (Judicial Review) Act 1989, which are technical in nature, include the updating of language, the breaking up of several complex provisions into smaller ones and the restructuring of schedules to improve the accessibility of users to this important act. Similarly, amendments to the Legislation Act 2001 will ensure that the overall structure of the statute book is cohesive and consistent and kept up to date with best practice. Amendments to provisions about working out time periods are intended to create greater clarity than does the operation of the statute book. That will lead to a better understanding of how the time for statutory provisions is worked out.

I again express ongoing appreciation for members continuing support for the technical amendments program. That is another example of the territory leading the way and striving for the best; in this case, a modern, high-quality, up-to-date and easily accessible statute book. I also take this opportunity to congratulate the Office of Parliamentary Counsel. All members would be aware of the enormous workload that is carried by that office. We are demanding in the instructions we issue and the amount of legislation that is produced by this parliament.

However, I am always mindful of the enormous amount of professionalism that exists in the Office of Parliamentary Counsel and the work that it does in relation to bills such as this and other omnibus legislation that is produced and debated from time to time. I take this opportunity to acknowledge sincerely the level of detail demanded of and the attention to detail provided by the Office of Parliamentary Council in relation to the Statute Law Amendment Bill. Legislation such as this does not generate much debate because it is non-controversial and very technical.

However, because legislation is non-controversial and it does not elicit much debate, it might deny the quite detailed drafting work and precision required continually to update it. That level of work has been reflected in the Statute Law Amendment Bill. Legislation that goes through this Assembly with less debate than other legislation nevertheless can be incredibly complex and demanding for the Office of Parliamentary Counsel. I take this opportunity to acknowledge its skill, its professionalism, and the work that it does for us all. I thank members for their support for this bill.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Health Records (Privacy and Access) Amendment Bill 2005**

### **Detail stage**

Clause 1.

Debate resumed from 22 November 2005.

Clause 1 agreed to.

Remainder of bill, by leave, taken as a whole.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (11.14): I seek leave to move amendments Nos 1 to 5 circulated in my name together.

Leave granted.

**MR CORBELL**: I move amendments Nos 1 to 5 circulated in my name together and table a supplementary statement to the amendments [*see schedule at page 4783*].

When we dealt with the in-principle stage of this debate in the last sitting I indicated to members that a number of minor amendments had been identified as necessary to confirm some misunderstandings and correct some poor wording in parts of the legislation. These amendments address those issues. I trust members have had an opportunity to look at them and that they are comfortable with the changes.

**DR FOSKEY** (Molonglo) (11.15): I support the government's amendments and note that they have been prepared in response to concerns raised by the Scrutiny of Bills Committee. At a meeting of that committee I expressed concern about the fact that research that would enable access to health records was not governed by any public interest or ethical guidelines. Subsequently the committee's report dealt quite carefully with those matters and I am pleased that the government has taken on board those concerns.

**MR SMYTH** (Brindabella—Leader of the Opposition) (11.16): The Opposition supports the government's amendments. I thank the minister for his courtesy. As this is quite a short bill, debate on it could have concluded in the last sitting fortnight. However, the minister had some last minute amendments that he wished to make. He tabled those amendments and then said he would be quite happy for the bill to be debated this sitting week, obviously to give members time in which to look properly at those amendments and to consult with their colleagues. I thank the minister for his courtesy in that regard. As I said, the opposition supports these amendments.

Amendments agreed to.

Remainder of bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

**Sitting suspended from 11.17 to 2.30 pm.**

## Questions without notice

### Hospital waiting lists

**MR SMYTH:** My question is directed to the Minister for Health. The ACT hospitals' monthly activity and performance report, which I obtained under FOI, shows that, at the end of September, waiting lists were actually 5,450—not 4,652 as you claim. I seek leave to table the chart.

Leave granted.

**MR SMYTH:** I table the following document:

Elective surgery waiting lists, July 2003-September 2005

The chart is quite clearly and unambiguously about elective surgery at Calvary and at the Canberra Hospital. Despite this, you have claimed that the reason for the discrepancy is the inclusion on this chart of other services such as dental surgery as well as clinically unfit patients.

Minister, if, as you claim, the extra 798 people on the waiting list are waiting for dental surgery and other mysterious surgery or are clinically unfit, can you tell the Assembly exactly what these other surgeries are, how many people are waiting for each of them, and how many were clinically unfit?

**MR CORBELL:** Unfortunately, Mr Smyth has yet again misled the Assembly. He has done so—

*Opposition members interjecting—*

**MR SPEAKER:** Order! Order! Mr Corbell, you will have to withdraw that.

**MR CORBELL:** I withdraw that, Mr Speaker. Once again, Mr Smyth has misled the people of Canberra. He has quite deliberately sought to create an argument that suits his ends, regardless of the facts. I am delighted to advise members that—I stated this in the recent Assembly committee hearings into the ACT Health annual report—as at 30 September this year 4,652 people were on the ACT elective surgery waiting lists. That is a fact and I stand by it.

Mr Smyth argues that he has some other piece of material that suggests that there is close to an additional thousand people on that list. The number that Mr Smyth quoted is the total number of people on the list—both those ready for care and those not ready for care. It is national practice to report publicly only those people on the list who are ready for care.

I draw Mr Smyth's attention to the *National Health Data Dictionary*, which is the dictionary used by every state and territory when it comes to reporting health statistics. What is the requirement of the *National Health Data Dictionary*? I quote: "Only patients ready for care are to be included in the national minimum data set elective surgery waiting times". That is what we report. That is what the previous government reported as

well. That is why there are 4,652 people ready for care on the elective surgery waiting list.

But Mr Smyth simply does not let the truth get in the way of a good lie. In fact, Mr Smyth was provided with the elective surgery waiting list figure in his freedom of information request, where the 4,652 people were clearly detailed. But he did not tell anyone that. That might ruin a good argument! He might be shown up for what we now show him to be—misleading the people of Canberra on this.

Since 1999 we have reported against the *National Health Data Dictionary*, which reports on those people who are ready for care for elective surgery. Recently the Auditor-General, in her review of elective surgery waiting lists, requested that the government also report regularly on the number of people not ready for care. The government agreed to that recommendation and we report on that. Indeed, page 39 of the July health services report I released this year shows both the number ready for care and the number not ready for care. We will continue to report on these figures every six months.

Where is the substance to Mr Smyth's claim that I am hiding something? Where is the substance to Mr Smyth's claim that I am manipulating the figures? Where is the substance to his claim that, in some way, the government is bodgying the books? There is no substance to any of those claims. If Mr Smyth is very happy for us to compare elective surgery waiting lists, including not-ready-for-care, during the whole term of the previous Liberal government, maybe we can do that exercise and see how it shows up.

But this is the reality: this government and the previous government have always reported elective surgery waiting lists on the basis of those people who are ready for care. We have never included in the waiting lists—and neither did the previous Liberal government—those people not ready for care. Mr Smyth is deliberately manufacturing an argument to suit his means. He is certainly not interested in the truth.

**MR SMYTH:** Mr Speaker, I have a supplementary question. Minister, will you tell the Assembly exactly how many people were clinically unfit for surgery at the end of September 2005?

**MR CORBELL:** I do not have those figures immediately to hand. But I am happy to provide them to members. Indeed, as I indicated, on page 39 of the July 2005 health services report, released in September this year, both the number ready for care and the number not ready for care are reported. Maybe Mr Smyth needs to walk out of his office, get a copy of the report from the library and see it himself.

Let me clarify for members exactly what not-ready-for-care means: it means patients who have rescheduled to have surgery at a specific future date, patients who are too ill due to other medical conditions to undergo their surgery, or patients who have deferred their surgery for their own personal reasons, that is, at their request. Those are the definitions behind not-ready-for-care. In the future, when Mr Smyth does another FOI request, we will make exactly what is in those charts very explicit to him so that he cannot in any way seek to misconstrue—

**Mr Smyth:** Why didn't you make it explicit this time?

**MR CORBELL:** Because we rely on people, Mr Smyth, to tell the truth and unfortunately—

**Mr Smyth:** We rely on you to issue the information. If you withheld information—

**MR CORBELL:** No, that is right, and we cannot. You are quite right, Mr Smyth, we cannot rely on you to tell the truth; we cannot rely on you—

**Mr Smyth:** Mr Speaker, he has to withdraw the imputation.

**MR SPEAKER:** Against whom?

**Mr Smyth:** He just said, “We can’t rely on Mr Smyth to tell the truth”. He must withdraw.

**MR SPEAKER:** He did not say that. I was listening closely. Order! I ask Mr Corbell to conclude.

**MR CORBELL:** The reality is that we cannot rely on Mr Smyth to correctly represent the facts to the people of Canberra. We cannot rely on him to make an argument based on the facts. We cannot rely on him to have any integrity when it comes to reporting information made available to him under freedom of information.

We all know what Mr Smyth is interested in. Mr Smyth is interested only in making an argument that suits his means, regardless of whether it is true. His attitude is: say it often enough and someone, hopefully somewhere, will believe it. On this occasion, he went too far. He had a claim that he knew was blatantly untrue, and he still went and made it. That only brings his office and himself into disrepute. It does not do anything to encourage confidence in the public health system when you have the potential minister for health out there deliberately misrepresenting figures for his own political ends.

### **Emergency Services Authority—volunteers**

**MR GENTLEMAN:** My question is to the minister for emergency services. Minister, are you aware of allegations made in the media regarding the treatment of volunteers during the recent storm cleanup? What is the government’s response to these concerns?

**MR HARGREAVES:** I thank Mr Gentleman for the question. Yes, I am aware of the allegations made in yesterday’s *Canberra Times*. I was concerned by the allegations as, like most Canberrans, I believe the handling of the large storm and the subsequent cleanup was a credit to those volunteers and paid staff from the rural fire service, state emergency service, the fire brigade and the ESA in general.

Although I am no stranger to the media and the opposition trying to find negative stories in order to denigrate and undermine the fantastic work done by our emergency services volunteers, I felt that it was important to have these allegations investigated. Upon investigation, it appears that the efforts of the vast majority of our volunteers have been tainted by the actions of a few. I refer members to the letters page of the *Canberra Times*

this morning where ESA Commissioner Peter Dunn refutes the allegations made by nameless volunteers.

Everyone acknowledges that in an operation as big as the one we saw on the weekend before last there will always be lessons that can be learnt. The operation spanned 51 suburbs and the ESA have acknowledged that there were some difficulties in delivering meals on time. However, they reject the allegation that anyone waited 12 hours for a meal.

I am advised that the SES introduced a catering for on-duty members policy on 10 May 2005, which confirms that during local storm or flood events the SES will arrange for catering for deployments spanning more than three hours or where volunteers have been called out before or during a mealtime. It also highlights the need for volunteers to be prepared to be fully self-sufficient for periods of up to 24 hours in certain circumstances.

**Mr Smyth:** In the middle of a city?

**MR HARGREAVES:** Have you finished?

**MR SPEAKER:** Order!

**MR HARGREAVES:** I am further advised that the following arrangements were in place during storm cleanup operations. On Friday, 2 December, meals were provided by the RFS for volunteers in the field from catering points established at the Belconnen SES unit, the Jerrabomberra RFS brigade and the ESA headquarters in Curtin. On Saturday, 3 December, breakfast was catered for at the Gungahlin JESC. Lunch for volunteers was arranged through a commercial provider and drinks and snacks were available at the Gungahlin JESC. Dinner, provided by the Raiders club, was also available at the JESC.

On Sunday, 4 December, SES and RFS crews were invited to attend the lunchtime volunteer day barbeque at Black Mountain Peninsula or, alternatively, to purchase their own meals with arrangements in place for later reimbursement. On Monday, 5 December, a full sit-down lunch was provided for volunteers at the Dickson tradesmen's club.

The advice I have from Commissioner Dunn is that at no time were volunteers asked to operate in an unsafe environment or asked to use unsafe equipment. No SES member or any other personnel deployed in the cleanup should have been working in unsafe conditions. Induction training for all SES members includes competency-based OH&S training and reinforces the absolute requirement to follow OH&S and service operating procedures.

In a cleanup of this size it is to be expected that equipment will be damaged. I am informed that the ESA logistics centre maintains a cache of spare equipment, including protective clothing and equipment, which can be deployed quickly to field crews through recall arrangements. The logistics centre was especially opened on Friday night to allow additional resources to be provided to crews in the field. This included chainsaws and equipment to provide temporary relief to affected property owners. On 2 December, an SES team reported defective chainsaw chaps and arrangements were made for them to be

replaced by SES as per normal practice. I am advised that the team opted to purchase the chaps independently.

It is unfortunate that what I understand is a small number of volunteers have chosen to air their concerns in the media, rather than communicate with management of the SES or the ESA. As with all operations, this one will be reviewed and, where operations can be improved, they will be. It is vitally important that volunteers and other staff communicate their concerns to management so that they can be addressed. I know that the management of the four services, as well as of the ESA, are diligent when it comes to the safety of volunteers and staff and I have every confidence that anything that needs to be rectified will be as the debriefing from the storm cleanup continues.

I would like to pass on my congratulations to all who worked to clean up this city following the storm. It was a magnificent effort, one of which we should be proud.

**Members:** Hear, hear!

### **Emergency Services Authority—volunteers**

**MR PRATT:** My question is to the minister for emergency services, Mr Hargreaves. On 29 November a notifiable instrument came into effect that effectively gags ESA volunteers, including ESA and RFS volunteers. You said here a few moments ago that this guidance is essential. We agree that guidance is essential.

Is it not the fact that this notifiable instrument allows volunteers to be disciplined, suspended or terminated, for almost any reason? The scope of this instrument appears to be so broad in fact that a volunteer could even be terminated without external appeal rights, simply because they complained about something like a lack of essential equipment.

Minister, despite what you said a few minutes ago, why has your government brought in such discriminatory legislation that could prevent volunteers notifying their superiors about genuine problems, for fear of reprisals?

**MR HARGREAVES:** There are two points. One is that I have just answered all the question. I suspect that Mr Pratt's mind must have been in Bhutan or Nepal or somewhere because it certainly was not with us just a couple of minutes ago. I find quite amusing the speed with which Mr Pratt is able to make a complete fool of himself. I am staggered by the speed.

These guidelines, in fact, provide protection for volunteers against unfair dismissal. That is what they do. They provide guidelines. This crowd opposite espouse their blessed leader, John Howard, and his draconian IR laws, which have absolutely no protections whatsoever. These guidelines set the parameters around which chief officers have to operate in the event of an incident or issue concerning the behaviour of one of the volunteers. They afford volunteers protection under the Public Interest Disclosure Act, as I understand it. They allow them to make a logical or structured—that is a better word—complaint to the Ombudsman.

They also have now, which they did not have before, an avenue to the commissioner to have the matter looked into. Under the regime of those opposite, the chief officer could say, “I don’t like the way you are wearing your orange overalls, so don’t come on Monday.” They had the power to do that. Not any more, they do not.

There are protections afforded to the volunteers. The protections that are afforded to them, in fact, mirror those protections that exist in the general public service. We allow people in the public service generally to appeal to the Ombudsman and to make a complaint under the Public Interest Disclosure Act. We protect them against unfair dismissal. We find that those protections are currently under threat by those people on the hill, the soul mates of those people opposite who would defend the withdrawal of rights.

This government is about creating, strengthening and enhancing the rights of people who work under the authority of the Stanhope government. We are not about whittling away the rights and the privileges of our employees. We value our employees. We do not come out every second Tuesday and say, “They are getting paid too much.” We do not say that about our people.

We do not dishonour them regularly in the media, as Mr Pratt is wont to do—dishonour them regularly. If he is not criticising emergency services, he is criticising police officers.

If he is not criticising police officers, he is criticising the fire brigade.

I have answered his question. I do not know what part of “we will protect them against you” he does not understand.

**MR PRATT:** Thank you, minister, for a nice bag of spin.

**MR SPEAKER:** Come to the question.

**MR PRATT:** Minister, what is your government so afraid of that it has imposed this extreme gag on ESA volunteers?

**MR HARGREAVES:** The answer to that question is: we are supremely afraid of John Howard’s industrial laws.

**Mr Smyth:** On a point of order, Mr Speaker, under standing order 118 (a): the minister is debating the subject. He has to answer the question.

**MR SPEAKER:** Mr Pratt asked Mr Hargreaves what he was afraid of. He is responding to the question.

**MR HARGREAVES:** I am afraid that the disease—

**Mr Smyth:** On a point of order, Mr Speaker: the question was not: what is the minister afraid of? The question was: what is your government so afraid of that it has imposed this gag on ESA volunteers?

**MR SPEAKER:** Mr Hargreaves is dealing with his fear.

**MR HARGREAVES:** I am. Mr Speaker, you know how I quake in my boots at the very mention of those words “John Howard”. The IR laws are about taking away protections for our working people, whether those protections apply to full-time workers or whether they apply to volunteers.

The guidelines that we have introduced in that notifiable instrument provide protections and guidance to those people who are volunteers about ways in which they can give expression to their concerns. Hitherto, the only way they could give expression to their concerns was either to speak to me privately—because, unlike those opposite I have gone around and spoken to every one of them—

**Mr Smyth:** Every one of them?

**MR HARGREAVES:** Mr Speaker, you should deal with this man. The other way in which they found expression was to leak things. There is no need for people to leak things if there is a properly protected structure around which people can form their complaints and have them heard. That is what we have provided to people.

We have gagged nobody. Only a person with the mind of a grasshopper could suggest that the public interest disclosure legislation is gagging people. Only a person with the mind of a grasshopper could suggest that allowing people to appeal to the Ombudsman or directly to the commissioner, which is a right they did not have before, is gagging people. I do not think I need to deal with this insect anymore.

## **Human rights**

**MR STEFANIAK:** My question is to the Attorney-General. Attorney, the cancellation of the invitation to you to give a lecture on a national human rights bill to the Catholic community in Melbourne was based on the realisation of the Archbishop of Melbourne, Denis Hart, that your understanding of human rights is held to be very partial and selective and would cause strong feeling against your presence. The Vicar-General of the Catholic Archdiocese of Melbourne, Monsignor Les Tomlinson, said on ABC radio on 8 December:

I think the Archbishop became aware that there was a strong feeling against Mr Stanhope and reasoned that that could be turned into an embarrassing and unpleasant scene.

Can the attorney explain how creating bad feeling in the Catholic community in Victoria by pushing his personal barrow of libertarian views is calculated to promote the ACT interstate?

**MR STANHOPE:** I welcome the question. It was a matter of some honour to me that the Melbourne Commission for Justice, Development and Peace invited me to present what I regarded as a most significant lecture. I was invited by the Catholic commission—I did take it as a significant honour and I was most honoured to receive the invitation—to deliver a lecture on human rights. I am aware of much of the very significant work that

the Catholic Church does on social justice and on human rights and of its very significant commitment obviously, as expressed through the teachings of the church, to equality, egalitarianism and justice.

As a long-time admirer of the Catholic Church, I was most pleased and most honoured to receive the invitation to give perhaps the most significant lecture or paper that is presented through the aegis of the Melbourne Commission for Justice, Development and Peace. Those are all issues close to my heart. Justice, development and peace are issues in which I take a particular interest. They are at the heart of my personal philosophy and they are very much at the heart of my personal political philosophy and at the heart of much of what Christianity and the church stand for.

The letter of invitation that I received commended me and congratulated me for the particular stand that I had taken in Australia in relation to human rights and the response to terrorism. I was flattered to receive from the Catholic Church—indeed, from the Melbourne archdiocese—such unexpected praise for a stand or position that I had taken. Of course, that does, in the context of the question asked by the shadow attorney, reflect on this government and on the ACT. I admit that I found it flattering that the Catholic Church, through the commission, should praise me in such unexpected and uninvited terms as it did.

I was looking forward very much to presenting the lecture. It was with some surprise that I received, in the first instance, a letter from the commission withdrawing the invitation on the basis of my acknowledged public position on life issues. I was not entirely sure what life issues were in the context of an invitation to deliver a paper on the need for human rights in the terrorist age. I felt initially, in my confusion, that perhaps it had something to do with the stand I had taken against the death penalty and the execution of Van Nguyen and then it dawned on me that it was because the ACT had decriminalised abortion and it all became clear that it had to do with the right to lifers, I do not know whether within Canberra or within Melbourne. I must say that I am suspicious about the genesis of the campaign.

I understand now, post the withdrawal of the invitation, that there was a furious campaign within the church, which actually had tentacles all the way from Melbourne to Sydney and throughout Canberra. We discover now that the invitation to deliver a speech on human rights, an invitation which was actually extended following admiration for me within the Catholic Church in Melbourne as a result of the position that I took on terrorism, was cancelled, withdrawn, because—shock, horror!—I do not share the Catholic teaching on abortion. It is interesting that in a debate around terrorism, civil liberties, human rights, opposition to sedition, and the need for free speech the Catholic Church felt that I should not utilise my right to free speech because I did not agree with the Catholic Church on a woman's right to choose.

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

**MR STANHOPE:** I would welcome a supplementary question, Mr Speaker.

**MR STEFANIAK:** I am delighted to give you one. Attorney, given the ACT's parlous budgetary position, thanks to your government's mismanagement, wouldn't it have been

more productive for you to stay in the ACT and focus on dealing with these problems rather than tilting at windmills round Australia?

**MR STANHOPE:** I had intended, quite fortuitously, to visit Melbourne over last weekend, which in any event I did. It was my granddaughter's first birthday and I wanted to share that time with her. The last time I had seen my granddaughter was about six months ago when I travelled to Melbourne to participate in her christening, her baptism into the Catholic Church, of which she and her family are members—strong, participating members—and it was with great pleasure that I visited Melbourne then to attend St Finbar's church, where my granddaughter was christened into the Catholic Church. That was the last time that I visited Melbourne.

I thought that it was quite coincidental, in fact, that the two visits that I was to take to Melbourne this year were associated with the Catholic Church, in the first instance to participate in the christening of my granddaughter, my only granddaughter, as a member of the Catholic Church at St Finbar's church. I thought that it was coincidental that my second visit to Melbourne following the christening of my granddaughter at a Catholic church was to be, again, at the invitation of the Catholic Church. I am very pleased that the invitation to attend my granddaughter's christening was not withdrawn.

The second invitation that I received to a Catholic Church function in Melbourne, unfortunately, was terminated at the behest of the Catholic Church because some within the church thought that, in some way, it would be inappropriate for a person who supports the right of a woman to have an abortion to speak at a Catholic-sponsored function about the need for a national bill of rights. I have to say that the link—and I still grapple with it—does evade me to some extent.

I will not say too much, other than to express my continuing regret, following the enormous pride that I felt in getting the invitation, that the Archbishop of Melbourne was so imposed upon by the right-to-life movement within his church that in order to avoid an unseemly scene at the speech—as expressed to me, there was concern that the meeting would become unruly and out of order as a result of the angst which some apparently feel towards me as a result of the fact that I support the right of women to choose an abortion as an option—I am, I presume, to be barred forever from darkening the doors of Catholic churches.

I do not say that lightly. I find it quite remarkable and ironic that the very night before I received notice of the withdrawal of an invitation to deal with, amongst other things, the freedoms that we enjoy, including the freedom of speech, a situation in which I was invited to address the importance of human rights in 2005, one of which is the fundamental right of freedom of speech, I shared the platform at a significant function within the Assembly with Father Frank Brennan, who spoke about the need for a national bill of rights and the central message of Father Brennan's presentation was the centrality of freedom of speech. I think that he said something to the effect that freedom of speech above all but freedom of speech backed by a bill of rights.

I cannot express that as eloquently as he did, but it was interesting to me and highly ironic to find within a day of sharing a platform with Father Frank Brennan—Professor Brennan, a professor at the Australian Catholic University—during which he spoke passionately about his commitment to a bill of rights, spoke deeply about the importance

of freedom of speech as one of the fundamental rights which we need and should protect through a bill of rights, the Archbishop of Melbourne withdrew my capacity to continue with an invitation that I had received from his church in Melbourne to speak on the very same subject as Father Brennan had spoken about so passionately here. I regret that. I will say no more than that I understand the embarrassment of the archbishop and of the church in Melbourne. I think that they must be deeply embarrassed by their behaviour.

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

### **Environment—sustainability**

**DR FOSKEY:** My question is also to the Chief Minister and it relates to the use of global reporting initiative guidelines in annual reporting procedures. During the annual reports hearings of the Standing Committee on Public Accounts on 30 November, you commented that you had taken the Auditor-General's criticisms to heart and issued an unambiguous direction to every ACT government agency head that they comply with the recommendations of the Auditor-General's report on sustainability reporting. You also directed other agencies to look at ActewAGL's sustainability reporting practices for guidance. ActewAGL used the global reporting initiative's indicators for their sustainability report. Given that the Auditor-General has applauded Actew's use of the GRI guidelines and has particularly recommended the use of GRI guidelines for ACT agencies in her July report—that is, her third report for the year reporting on ESD—will you require ACT agencies to use GRI indicators for their 2005-06 annual reports?

**MR STANHOPE:** I thank Dr Foskey for her question. Dr Foskey, I have on my desk a proposed detailed government response to the Auditor-General's report on sustainability reporting, which I have not yet digested. To give the question you asked the justice it deserves, I would welcome an opportunity to review that response. I am happy in that context to take your question on notice. I think it will be answered in detail in the government's response to the Auditor-General's report, but I will take the question on notice.

**DR FOSKEY:** I have a supplementary question, Mr Speaker. Could the Attorney-General please provide the advice provided by the Office of Sustainability regarding directions to agencies from the Chief Minister's Department referred to by Mr Ottesen during the public accounts committee's annual reports hearing on 30 November?

**MR STANHOPE:** I cannot imagine why I could not, but I will take advice before answering directly. I will take advice on the question and hopefully respond to you by close of business today.

### **Disability services—transport**

**MRS BURKE:** Mr Speaker, my question is to the Minister for Disability, Housing and Community Services. Minister, why has a decision been made to withdraw transport to group homes for people with a disability in the ACT?

**MR HARGREAVES:** I thank Mrs Burke for the question. I do not have the level of detail on that about my person, to be quite frank. Like the Chief Minister, I will take the

question on notice. With a bit of luck, I will be back before the end of the day with an answer to Mrs Burke.

**MRS BURKE:** Mr Speaker, I have a supplementary question. The minister might also, in that answer, expand and tell me how these people will now not become prisoners in their own homes.

**MR HARGREAVES:** I will happily find the answer to the substantive question but I am not going to be drawn into a piece of hysteresis such as that the supplementary question invokes.

### **Capital works**

**MR MULCAHY:** Mr Speaker, my question is to the Treasurer. Treasurer, according to the September 2005 capital works progress report, total funds available for capital works in 2005-06 have been revised down from \$314 million to \$239 million, a fall of \$75 million. Will that \$75 million not spent this year on capital works be sufficient to fund the blowout in current expenditure?

**MR QUINLAN:** That is a hard question to answer. After some of the questions Mr Mulcahy has asked in this place since coming here, I thought, "Hello, we have had at least some improvement in understanding fundamentals." You have to understand the essential difference between operating, capital expenditure and cash.

**Mrs Dunne:** We understand that.

**MR QUINLAN:** Why don't you tell him? If you have a capital program that is downsized for the year, what is earmarked for that capital still depends on whether or not all of those projects are intended to be carried out over the longer term. That is when you know whether the funds are there or not. Even so, the funds not spent on capital will not migrate into the operating statement. It does not work like that. I used to tutor in accounting but I must be a bit out of touch. I am finding it a bit difficult to make it sound reasonable and clear that operating is counting your ongoing expenditures—day in and day out—and capitals are the "onces" and that that program can be set for a period of time, delayed, accelerated or whatever. It will not change unless you change the actual composition of the capital program or the cost of the individual projects within it. That money will still be spent. That is the best I can do with the question, mate. I am sorry.

**MR MULCAHY:** Mr Speaker, I ask a supplementary question. Treasurer, thank you for that most lucid response. What is your revised estimate of the operating loss for 2005-06?

**MR QUINLAN:** At this point in time I do not have it. I do not do it on a day-to-day basis. We do not have a barometer operating. It is not wise to do so because of the volatility in some of the figures you have.

*Opposition members interjecting—*

**MR QUINLAN:** I think the immediate response to my saying that underscores what I said in answer to the first question. There seems to be a fundamental misunderstanding

of the basics that go on.

**Mrs Burke:** We know when the budget is in deficit. We are not silly.

**MR QUINLAN:** Of all people! Thanks for your help, Jacqui. Maybe we could stick an MPI on and you could all get up and tell us how much you know. We could fit you all in, too. I have said before in this place that, at any given time, we have a huge raft of investments out there on volatile markets. I can give you one figure, if you like. As of the last time I spoke to Treasury officials about numbers, which was fairly recently, our investments were travelling \$80 million better than expected. But it is not going to take huge shifts in capital markets here and overseas to change that. It is a matter of asking what the anticipated figure is now, waiting 30 seconds and asking, "What is it now?" It could be different.

*Opposition members interjecting—*

**MR QUINLAN:** It does not seem to me to be smart, particularly as—

*Opposition members interjecting—*

**MR QUINLAN:** We have had here today from your leadership an irresponsible misuse of numbers, as Mr Corbell has quite clearly explained. And you are saying, "Can you give me a number now that I can go out and misuse again and again." When we present figures to the public through this place, we would like to ensure that we have done an overall assessment, made long-term estimates of what will happen and are able to say, "This is the expectation."

**Mr Mulcahy:** You have not revised? Watch the forecast.

**MR QUINLAN:** From day to day, and every second week in this place, Mr Mulcahy, what you are suggesting is a stupid process.

**Mr Mulcahy:** Do you do revisions to your forecast?

**MR SPEAKER:** You will get to ask that question tomorrow, Mr Mulcahy.

### **Emission standards**

**MRS DUNNE:** My question is to the Minister for the Environment. Given that several eminent scientists have publicly stated that the greenhouse emission reduction targets specified in the 1997 greenhouse strategy are realistic and could be achieved quickly and relatively cheaply and given that, in the words of Professor Graham Pearman, an international authority on climate change, "they are exactly the sort of measure that are needed. In fact, most governments are looking at setting far tougher greenhouse emission targets," would you tell the Assembly which eminent scientists you consulted before you decided to lower higher rates of emission in your new climate change and energy policy?

**MR STANHOPE:** I remember, before the last election, when this became a matter of some note and we had this particular debate, the Liberal Party went very, very quiet on this subject. Why did they go very quiet on this subject when all this debate that was had

was had then? Kerrie Tucker was leading the charge. A year later, a new Greens picked it up and ran it. The Libs jumped on it this time, whereas they did not the time before. Why did they not the time before? It was because the detailed assessment that was undertaken by the Office of Sustainability of implementing particular initiatives within the strategy was costed at \$140 million to meet 70 per cent of the target.

The question was asked after the then and continuing Leader of the Opposition, for the time being, had indicated that they were not going to build the prison, so they could put all the bricks and mortar from the prison into bricks and mortar somewhere else. But they were not going to put it into bricks and mortar; they were going to put it into salaries for one year. They were going to convert the capital for the prison into recurrent expenditure for staff at the hospital.

Along the way, they realised what a goose the Leader of the Opposition was making of himself about those particular numbers. When it was revealed that the Liberal Party was also committed to \$140 million of expenditure on greenhouse, they suddenly decided, "Oops, let us go a bit quiet on this. We have just spent \$120 million of bricks and mortar for the prison on salaries for the hospital; we had better just go a bit quiet on the \$140 million of greenhouse expenditure to meet 70 per cent of the target which we have just picked up." It is interesting that, last time round, before the last election, the Liberals went a bit quiet on the \$140 million.

**Mrs Dunne:** On a point of order, Mr Speaker: I ask you to draw the Chief Minister back to the question, which was: which eminent scientists did he consult before changing his policy?

**MR SPEAKER:** Come to the subject matter of the question.

**MR STANHOPE:** I did not read the reports of the eminent scientists, so I am at somewhat of a disadvantage. I did not read that particular article. I must say—and I hope Ms Beattie will forgive me—I tend not to read the hysterical stuff on the latest shock-horror revelations which are a repeat, of course, of the shock-horror revelations that were reported 18 months ago. I thought, "Goodness me, I read this 18 months ago. I do not need to read it again." The same suspects from the ANU and the CSIRO are trotted out. They are always eminent scientists.

The question that was put contained the words "relatively cheaply". Is it not lovely that, to a scientist sitting in splendid isolation, trying to get his latest invention commercialised, \$140 million is relatively inexpensive? The important word in the question that the member asked was "relative". Relative to whom and relative to what? \$140 million is not relatively inexpensive; it is extremely expensive; it is money we do not have to implement 70 per cent of the programs that are included in a completely flawed strategy that, when in government, the Liberal Party did nothing to implement. Is not this remarkable!

Go back and have a look at this strategy and what the Liberal Party when it was in government did. It did nothing, absolutely nothing. This is classic pea and thimble.

**Mr Smyth:** On a point of order, Mr Speaker: under standing order 118 (b) he cannot

debate the subject of the question. It was not about the Liberal Party's policy. He must answer the question: which scientists did he consult?

**MR STANHOPE:** This is classic pea and thimble. You introduce a strategy; you set a target; you are in government; and you do nothing. You lose government.

**Mr Smyth:** On a point of order, Mr Speaker: the question was not about what we did in government. The question was: what scientists did the Chief Minister consult? He must answer the question or at least make an attempt to do so.

**MR SPEAKER:** Come to the subject matter of the question.

**MR STANHOPE:** I am coming to the subject matter. The subject matter was cost. The issue was cost. I am explaining why, having been left with—

**Mrs Dunne:** On a point of order, Mr Speaker: the question was not about cost; it was about the experts that were consulted. The subject matter of the question was the experts.

**MR SPEAKER:** The subject matter of the question is the policy.

**MR STANHOPE:** The policy was a nonsense. We are in the process of introducing a far better one. I have to say that the eminent scientists who think this was relatively inexpensive could do something about helping us to find the money.

**MRS DUNNE:** Are you saying, Chief Minister, that people like Professor Pearman and Professor Andrew Blakers know less about climate change and energy policy than the people who constructed your strategy? Are you prepared to tell us which eminent scientists you consulted before you threw out the greenhouse strategy?

**MR STANHOPE:** I am prepared to say, in relation to Professor Andrew Blakers, that I believe members will recall the Liberal Party policy promise before the last election essentially to create a bank to fund solar units which Professor Blakers had invented and was working on. It was an interest-free scheme that the Liberal Party was going to create to allow, essentially, the retrofitting of every house in the ACT, at ACT government expense, with the cost of the retrofitting to be paid through Actew bills.

That was costed by the Office of Sustainability. It was costed at \$70 million to outfit 10,000 houses. We have 120,000 houses in the ACT. It was costed at \$70 million up front to retrofit 10,000 houses. That is \$840 million. Professor Blakers, one of the eminent experts criticising the government for not achieving these proposed targets which the Liberal Party adopted before the last election as one of its policy positions, would, on the basis of advice from the Office of Sustainability, cost up front \$840 million—\$840 million to implement Professor Blakers' scheme which the Liberal Party accepted and which Mrs Dunne campaigned on before the last election.

When the Liberal Party went out before the last election and, in the face of promises like that, said, "Vote for us as if your life depends on it," you can understand why they did. They knew their lives depended on it. "Vote as if your life depends on it." By golly, they did. They knew, with an opposition running around and making promises that they would institute and develop a bank to allow Professor Blakers' product to be retrofitted

onto every house in the ACT at a cost of \$840 million, what that would do to the ACT budget.

**Mr Smyth:** On a point of order, Mr Speaker—

**MR SPEAKER:** You have not got a point of order because he is dealing—

**Mr Smyth:** You cannot know that until I have raised the point of order.

**MR SPEAKER:** I can almost guess what you are going to say, but go on.

**Mr Smyth:** You can say that, but you cannot say that it is not a point of order until you have heard the point of order. Under standing order 118 (b) he cannot debate the subject like that.

**MR SPEAKER:** I reckon I knew it.

**Mr Smyth:** He has to answer the question, which is: which eminent scientists did he consult? You have to make him do that.

**MR SPEAKER:** The Chief Minister has two minutes—

**MR STANHOPE:** I have finished.

**MR SPEAKER:** He could have two minutes and 30-odd seconds, if he wanted, to refer to Professor Blakers, I think it was—

**MR STANHOPE:** Professor Andrew “\$840 million” Blakers.

**MR SPEAKER:** He could have referred over and over again to him and his connection with the policy your party supported. He is entitled to do that.

**Mr Smyth:** On the point of order, Mr Speaker—

**MR SPEAKER:** Sit down.

**Mr Smyth:** On the point of order, he has to attempt to answer the question. The question was: which eminent scientists did he contact or speak to? He has not answered that question in any way, shape or form. He has avoided the whole point of the question. You should direct him, under the standing orders, to answer the question.

**MR SPEAKER:** I cannot direct him to answer the question.

**Mr Smyth:** Yes, you can. He must be relevant and he must not debate the subject, which is what he is getting away with today.

**MR SPEAKER:** I know you would like me to direct him to answer the question in the way that you would like it answered, but I cannot do that either. Questions without notice. I call Ms Porter.

**MR STANHOPE:** To conclude: as I said, the advice—

**Mrs Burke:** You have been embarrassed into giving an answer

**MR STANHOPE:** No. I am happy to say the advice was prepared by the Office of Sustainability, an office that I trusted. The action officer who investigated and prepared—

**Mr Smyth:** His time has expired. He can make a statement after question time.

**MR SPEAKER:** I have already called Ms Porter. If you want to seek leave to make a statement after question time, I am sure the Assembly will give you leave.

**MR STANHOPE:** I make the point that the advice the government relied on was prepared by Mr Gordon McAllister, a trusted officer of the department.

**MR SPEAKER:** Resume your seat.

## **Tourism**

**MS PORTER:** My question is to the Minister for Tourism. Minister, last Friday the latest domestic tourism statistics were announced, showing that ACT tourism had recovered from the effects of the introduction of Jetstar last year. To what do you attribute the strong rebound in tourism numbers?

**Mr Mulcahy:** His brilliance, no doubt.

**Mrs Dunne:** His brilliant personality, obviously.

**MR QUINLAN:** If you get sick of me bringing this good news into the place, I will see if I can find some dark news for you.

**MR SPEAKER:** Mr Quinlan, please direct your comments through the chair—and members of the opposition will cease interjecting. It is hard for me to hear what it is that you object to by way of points of order.

**MR QUINLAN:** The latest national visitor centre service results indicate a 34 per cent increase in the number of domestic overnight visitors to the ACT for the September quarter of 2005 compared to the September quarter of 2004. The increase reflects a recovery from the low-cost airline impacts in the September quarter of 2004, when visitor numbers declined by something like 22 per cent. The recovery has been particularly strong from the regional New South Wales market, which has increased by over 100 per cent, contributing to an overall increase of 54 per cent of the total New South Wales market for the September quarter of 2005 compared with 2004.

Overall, an increase of 4.1 per cent in domestic overnight visitors to the ACT was recorded for the year ending September 2005 compared to 2004, against a national decline of 5.3 per cent. Interestingly, the record Floriade numbers account for only part of this strong September figure, as Floriade straddles the September and December

quarters. Therefore, I am hopeful that the December figure, due out next year, will also contain good news for the industry, particularly taking into account Floriade, the Brindabella Challenge, which was new, and the Champions Trophy hockey tournament.

If you look at the results for the other states and territories in the September quarter of this year, the achievement of the ACT industry is even more impressive. We were the only state to show growth. Every other state has shown decline in that quarter, and the national decline is about 5½ per cent. So it is a terrific result.

There are a number of reasons for this, of course, but we do refer to the Jetstar phenomenon, which I have heard described as a once-in-a-lifetime experience. Leadership has been provided by ACT tourism, and the government and the industry have worked together. We did work with the industry during Floriade, with the rock 'n' roll trail. That worked; that brought people in. We are now working on a program called "From the Vault", with the major attractions, and I do expect that that will have some effect as well. I think that demonstrates that, after several years, we really do have the tourism industry across Canberra working together—and happily working together—and I think we are also seeing the ongoing effects of the "See yourself in Canberra" program, which was never intended or expected to be just a one-shot boost. It would take time to have its impact, and I think it is having its impact.

There is ever the possibility of an economic downturn, of natural disaster, of petrol prices, of another SARS or bird flu or whatever. But, all things being equal, it is to the credit of Australian Capital Tourism Corporation and of the tourism industry across Canberra that we are showing a recovery from some bad but explainable figures a year or so ago.

### **Multicultural centre**

**MS MacDONALD:** My question is to the Chief Minister. From the time it first won government, Labor has worked towards the establishment of a dedicated multicultural centre to service the vibrant communities that are an integral part of the makeup of our city. The Chief Minister officially opened the Theo Notaras Multicultural Centre on 8 December 2005. Chief Minister, can you explain the significance to the Canberra community of the opening of the new multicultural centre?

**MR STANHOPE:** I thank Ms MacDonald for the question. The opening of the multicultural centre last week was a very important occasion at which I was very pleased to be present. It is the first such centre in Australia and already it has become the envy of multicultural communities through Australia. At the opening, the representative of the federal department of immigration commented to me that the centre was a wonderful initiative and she had no doubt that it would now become a feature of the commitment of other governments throughout Australia to a genuinely inclusive, tolerant and multicultural community.

It was with great pleasure that I officiated at the opening of the centre. Of course, it was doubly pleasurable that the ACT government was able to deliver, through that centre, on a significant election promise that we had made. I note that the Liberal Party in government made the same promise time and time again but never delivered on it. It is interesting that after seven years of Liberal government, with no multicultural centre and

no commitment to multiculturalism, we now have a multicultural centre that is the envy of Australia. It is an achievement in which I take particular pride. We promised we would do it and we have done it.

The centre really has activated and energised the multicultural communities of the ACT. We have seen that just this last weekend, with a highly successful summit coordinated and facilitated by my colleague the minister for multicultural affairs, John Hargreaves. I have received enormously positive feedback from that summit.

It is this government's commitment to a multicultural community that has resulted in this energising, this reengagement, indeed, the great excitement at the opening of such a fantastic multicultural facility as the Theo Notaras Multicultural Centre, which will be at the heart of the Canberra community. It is fitting that the centre is in the North Building, across the square from and adjacent to the Assembly.

For the information of members, it is relevant that already there are 23 separate multicultural community groups and six peak organisations housed there. Some of the combinations of groups that are housed there really do go to the heart of what multiculturalism is about. We have representatives from the Pakistani, Hmong, Thai, Korean, Samoan and Russian communities, and it goes on and on. Six of the major peak multicultural organisations are now housed in accommodation built for their particular needs. It is accommodation of which they are enormously proud.

In these times we see what happens if we take our attention away from the need to continue to work for inclusiveness and tolerance and the need to embrace difference. Over the last few days we have seen most vividly in Sydney what happens when racial tensions escalate and when the inclusiveness and tolerance for which Australians are proudly famous begin to disintegrate in the most appalling way. We can see the ease with which racism and racial tensions can explode into violence, destruction and intolerance.

Sydney, at the moment, is a blight on Australia. One has to stop to consider our response to some of the communities at the heart of the violence and racism exhibited in our newspapers and on our television screens. Heaven forbid that we ever experience that in the ACT! It is this government's absolute commitment that we will never in this community allow those divisions to be created. We are committed to our multiculturally diverse community and we will not tolerate the prospect of the community degenerating into those sorts of divisions. We will remain focused and maintain a commitment to tolerance, diversity and difference and to the strengths of a multicultural society.

I am pleased that, with the centre, we have been able to acknowledge one of Canberra's great pioneers, Theo Notaras. He was the father, to some extent, of our multicultural community. He opened the Capital Cafe in Civic in 1927. This city grew up with the Capital Cafe—

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

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

## **Supplementary answer to question without notice Teddy Bears Child Care Centre**

**MR CORBELL:** In question time on 24 November this year, Mrs Dunne asked me this question in relation to blocks 2 and 6 of section 99 Curtin, known as the Teddy Bears Child Care Centre:

Minister, did you recently have a meeting with the management of the Teddy Bears Child Care Centre in relation to the direct sale of land as a replacement for the current centre? Did you tell the management of the Teddy Bears Child Care Centre that the land at Curtin was not available for direct sale because you were interested in setting it aside for urban infill?

When I answered that question from Mrs Dunne, I heard it as one question and answered the second part as no. Can I clarify my answer by saying that the answer to the first part of the question, that is, did I recently have a meeting with the management of the Teddy Bears Child Care Centre, is yes. In relation to the second part of the question, the answer is still no.

## **Answer to question on notice Question No 678**

**MR STEFANIAK:** I rise under standing order 118A. I have one unanswered question on the notice paper, question on notice 678, to the Attorney-General. The 30 days expired on 17 November.

**MR STANHOPE:** I regret that I was not aware that there was an overdue question. Had I been aware, of course I would have taken steps to ensure that it was answered. I was not aware of it. I will now pursue the issue on behalf of the shadow attorney.

## **Auditor-General's Report No 7 of 2005**

**Mr Speaker** presented the following paper:

Auditor-General Act—Auditor-General's Report No 7 2005—2004-05 Financial Audits, dated 12 December 2005.

Motion (by **Mr Corbell**, by leave) agreed to:

That the Assembly authorises the publication of the Auditor-General's Report No 7 2005.

## **Executive contracts Papers and statement by minister**

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): 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:

Beverly Forner, dated 1 December 2005.  
Geoff Keogh, dated 4 November 2005.  
Lincoln Hawkins, dated 11 November 2005.  
Megan Smithies, dated 10 November 2005.  
Michael Vanderheide, dated 25 October 2005.  
Mick Kegel, dated 1 December 2005.  
Roger Broughton, dated 15 November 2005.  
Roslyn Hayes, dated 2 November 2005.  
Sue Marriage, dated 4 November 2005.

Long-term contracts:

Di Preston-Stanley, dated 30 November 2005.  
Greg Jones, dated 1 December 2005.  
Jason McNamara, dated 7 October 2005.  
John Robertson, dated 8 November 2005.  
Kahlid Ahmed, dated 8 November 2005.

Short-term contracts:

Greg Jones, dated 29 and 30 November 2005.  
Lana Junakovic, dated 15 November 2005.  
Leanne Power, dated 17 June 2005.  
Meredith Whitten, dated 24 November 2005.  
Pam Davoren, dated 21 November 2005.  
Phil Collins, dated 28 November 2005.

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

Leave granted.

**MR STANHOPE:** 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 22 November 2005. Today I have presented five long-term contracts, six short-term contracts, and nine contract variations. The details will be circulated to members.

## Papers

**Mr Quinlan** presented the following paper:

Australian Capital Tourism Corporation Act, pursuant to subsection 28 (2)—  
Australian Capital Tourism Corporation—Quarterly report—July to  
September 2005.

**Mr Corbell** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—  
ACT Health—Annual Report 2004-05—Corrigendum, dated November 2005.

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Building Act—Building (Prudential Standards) Determination 2005—Disallowable Instrument DI2005-250 (LR, 17 November 2005).

Environment Protection Act—Environment Protection Regulation 2005—Subordinate Law SL2005-38 (LR, 17 November 2005).

Gambling and Racing Control Act—

Gambling and Racing Commission Appointment 2005 (No 2)—Disallowable Instrument DI2005-263 (LR, 30 November 2005).

Gambling and Racing Commission Appointment 2005 (No 3)—Disallowable Instrument DI2005-264 (LR, 30 November 2005).

Land (Planning and Environment) Act—Land (Planning and Environment) (Fees) Determination 2005 (No 2)—Disallowable Instrument DI2005-265 (LR, 30 November 2005).

Nurses Act—Nurses (Fees) Determination 2005 (No 1)—Disallowable Instrument DI2005-245 (LR, 17 November 2005).

Pest Plants and Animals Act—

Pest Plants and Animals (Pest Animals) Declaration 2005 (No 1)—Disallowable Instrument DI2005-255 (LR, 24 November 2005).

Pest Plants and Animals (Pest Plants) Declaration 2005 (No 1)—Disallowable Instrument DI2005-256 (LR, 24 November 2005).

Public Place Names Act—

Public Place Names (Red Hill) Determination 2005 (No 1)—Disallowable Instrument DI2005-253 (LR, 24 November 2005).

Public Place Names (Tharwa) Determination 2005 (No 1)—Disallowable Instrument DI2005-252 (LR, 24 November 2005).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Operation of Sports Bookmaking Venues) Determination 2005 (No 3)—Disallowable Instrument DI2005-259 (LR, 28 November 2005).

Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2005 (No 3)—Disallowable Instrument DI2005-260 (LR, 28 November 2005).

Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2005 (No 4)—Disallowable Instrument DI2005-261 (LR, 28 November 2005).

Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2005 (No 5)—Disallowable Instrument DI2005-269 (LR, 2 December 2005).

Race and Sports Bookmaking (Sports Bookmaking Events) Determination 2005 (No 1)—Disallowable Instrument DI2005-254 (LR, 28 November 2005).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2005 (No 3)—Disallowable Instrument DI2005-257 (LR, 28 November 2005).

Race and Sports Bookmaking (Sports Bookmaking Venues) Determination 2005 (No 4)—Disallowable Instrument DI2005-258 (LR, 28 November 2005).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No 11)—Disallowable Instrument DI2005-251 (LR, 24 November 2005).

Road Transport (General) (Parking Ticket Fees) Determination 2005 (No 3)—Disallowable Instrument DI2005-262 (LR, 25 November 2005).

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No 11)—Disallowable Instrument DI2005-251 (LR, 24 November 2005).

Road Transport (General) (Parking Ticket Fees) Determination 2005 (No 3)—Disallowable Instrument DI2005-262 (LR, 25 November 2005).

Tertiary Accreditation and Registration Act—Tertiary Accreditation and Registration Council Appointment 2005 (No 4)—Disallowable Instrument DI2005-266 (LR, 1 December 2005).

## Ministerial arrangements

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): At the beginning of question time I had intended to indicate to members that Ms Gallagher could not, regrettably, attend question time today and that I would have been happy to take questions that may have been directed to her. I regret that I did not make that announcement. I apologise that I did not extend that offer to members of the Assembly.

## Teacher registration Ministerial statement

**MR STANHOPE** (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): Ms Gallagher is unavailable today. It is on that basis that I wish to make this statement on her behalf. I seek leave to make a ministerial statement.

Leave granted.

**MR STANHOPE:** As I indicated, I make this statement on behalf of the minister for education, Ms Katy Gallagher. I am pleased to provide a progress report to Assembly members on the issue of teacher registration. As members will be aware, the ACT standing committee on education submitted a report in August 2004 titled *Teaching in the ACT: shaping the future*. This report included a series of recommendations to improve the quality and status of the teaching profession in the ACT. One of these recommendations dealt specifically with the issue of teacher registration and read as follows:

The Committee recommends that the Government establish a teacher registration board as a matter of priority and make registration a compulsory requirement for all teachers in the ACT as soon as practicable.

In its response, the government noted the standing committee's recommendation and gave an undertaking that we "will explore possible options for ACT teacher registration during 2005". The response also noted:

In developing a policy position into the feasibility of teacher registration for the ACT consideration needs to be given to the different models from other states, the costs of introducing such a scheme, as well as registration requirements in other

professions. The department will consult with key stakeholders including the non-government sector and teacher unions, in examining registration issues related specifically to the ACT before proceeding on compulsory teacher registration.

When Ms Gallagher tabled the government's response she undertook to report to the Assembly prior to the end of the year.

The primary purpose of any system of professional registration is to provide the community with assurance that the profession is operating according to a set of standards that are both high and transparent; that people working as members of the teaching profession are appropriately qualified and competent; and that incompetent practitioners are identified and appropriately managed.

In summary, the introduction of a registration system will provide the community, parents, students and the teaching profession itself with greater confidence. That confidence is gleaned from the knowledge that the registration process will articulate standards that maintain and add value to the quality of teaching across all sectors in the ACT.

In the latter half of 2005, the Department of Education and Training embarked on a process of awareness raising, with the establishment of a key stakeholder forum known as the interim reference group. This group comprises representatives from the non-government and government education sectors and teacher unions from both sectors. To inform the work of this group, consultation has been undertaken with representatives from key stakeholder groups, including the Government Schools Education Council, the Non-Government Schools Education Council, the Parents and Citizens Council, the Indigenous Education Consultative Board, the University of Canberra, the Australian Catholic University and the Board of Senior Secondary Studies.

The key themes and the associated considerations that have emerged to date from the consultation with key stakeholder groups include, firstly, the role of any teacher registration body. Will it be a body that sets qualification standards and issues practising certificates to teachers wishing to work in ACT schools or will it have regulatory responsibility for things such as a code of conduct of teachers or a role in disciplinary processes? Secondly, recognising the link between registration and professional standards; acknowledging the challenge in developing a registration system that can articulate standards for different stages of a teacher's career.

Thirdly, ongoing requirements for professional development in the context of ensuring that a career in the profession is seen as a continuum, with the regular updating of relevant skills. Fourthly, accreditation of preservice teacher education. This will require working closely with the University of Canberra and other teacher-training universities on the requirements of the teaching profession in the ACT. Fifthly, the cost of establishing an independent registration authority. Given the size of this jurisdiction, careful consideration will need to be given to options on infrastructure, shape, size and accessibility.

Sixthly, the type and scope of the registration authority and the relationship with employers; how best to put an appropriate structure in place that recognises the role of employers of teachers and the setting and maintaining of professional standards.

Seventhly, the need for sufficient scope and flexibility to enable the evolution of the registration process and the various elements of the education sector work force in the ACT.

In progressing this issue, the Department of Education and Training has been in regular contact with the teacher registration authorities in other jurisdictions about the ongoing developments of teacher registration around Australia and New Zealand. These insights will help inform the territory's progress in considering the issue.

Another key player in the area is the National Institute of Teacher Quality and School Leadership, which is doing national work in the area of teacher registration and teacher standards. It will be important to ensure this national work is integrated with the progress of this project.

Given the range of different interests and perspectives held by many groups in the community about schools, teachers and the teaching profession itself, and the range of complex policy questions that will need to be identified and properly considered in taking the issue forward, Ms Gallagher and the government have agreed that the community should be engaged in a broad community consultation process in the first half of 2006.

The department of education is in the process of finalising a discussion paper that will canvass a number of issues, models and options as the basis for the consultation process, and that will inform further consideration by government. The paper will also contain a number of questions that will need to be addressed in developing a regulatory impact statement as part of the ACT's obligations under national competition requirements, should the government proceed down the legislative path.

It will also provide some analysis of the comparative costs and benefits of the respective models. The education department will convene and facilitate a cross-sectoral group and convene focus groups and discussion forums to assist in gathering the views of the community. People will also be able to provide written comments and submissions as part of the consultation process. All Assembly members will receive a copy of the discussion paper when it is released by Ms Gallagher early next year.

## **Curriculum and teaching**

### **Discussion of matter of public importance**

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

Curriculum and teaching in the ACT.

**MRS DUNNE** (Ginninderra) (3.53): On several occasions since the last election I have spoken in this place and elsewhere about what I and other parents consider to be the threat posed to our children's future by the ill-considered enthusiasms of this Minister for Education and Training and her senior bureaucrats.

To date, I must admit, our fears have rested on evidence that was more potential than actual; that is, on evidence such as *Every chance to learn—curriculum for ACT schools P-10: principles and framework (phase 1)*. As you can tell from the title alone, Mr Speaker, this as a small masterpiece in education gobbledegook which, amongst other things, introduces us to the brave new world of essential learning achievements, as distinct from actually learning anything. So, for example, our children will be shown how to make plans and carry them out, create products using technology, understand change and manage self and relationships. If by some fluke they happen to learn how to read and write and gain a basic understandings of maths and science, or speak another language, that will not be held against them. But it will certainly be incidental to their training as proactive, sensitive and caring publishers of multimodal texts.

Indeed, in another of Ms Gallagher's documents, *Future directions in ACT curriculum renewal*, we are told that the commonly used definition of "curriculum"—that is, a course of study, in particular the documents describing the course or courses—is a fairly restricted term and that many educationalists, although only one reference is given to support this, now use the term to cover pretty much anything that happens inside the school.

As I have said before, to describe something as "a solid-hoofed, plant-eating quadruped with a flowing mane and tail" may in some ways be considered fairly restrictive, but it is a reasonable definition of a horse and gives a reasonable idea of the creature we are actually talking about. But nothing so straightforward could pass muster in an essential learning achievement. In fact, these two documents alone provide absolutely incontrovertible evidence of the truth of the old saying, "If you can, you do; if you can't, you teach, and those who can't teach become educationalists."

But, alarming as these documents are, they at least have the virtue of being more or less pure gibberish. It was not exactly clear what precise damage the minister was proposing to do. Now, however, we have acquired a clear idea, and it is not only alarming; it is positively deranged. I am referring to the document *Teaching and learning in the middle years in the ACT* which came out last week—a study which, we are told, is meant to support schools to meet the learning needs of adolescent students. Again, the title and the subtitle give the game away. "Learning needs"—I am surprised it is not "unmet learning needs"—is again the jargon that is used. Is "education" too simple a word to be used these days?

To give this publication justice and to point out the farrago of question-begging, spurious scholarship and rampant fallacies would take far longer than the 15 minutes that I have today, so I will concentrate only on the central themes, and more importantly the practical implications of what is being proposed. The subject of the study is sensible enough: the best way to teach young people between the ages of 11 and 15, the so-called middle years of schooling. Its overall structure is unremarkable: a literature review followed by a quantitative survey of existing practices and then a proposed framework for improvement.

But then we come to the content. It starts off with what is called a "conceptual framework", which, in the manner of these things, comes across on page 3 as a fusion of bad geometry, the *Da Vinci Code* and Dante's *Inferno*. There are all these concentric

circles with words thrown in, apparently at random. The outer circle, which in Dante's hell was not too bad a place, has things like "Within reach of us all: ACT government schools plans 2002-04"—it is out of date already—along with "inclusivity" and "professional pathways". In the next circle, closer to hell, we have "organisational structures and processes" together with "student environment" and "community involvement". It seems to suggest that "inclusivity" is somehow different from community involvement. I would have thought that inclusive communities are the only sort we as a community should be including in any conceptual framework worthy of the name.

But it is good to know that student achievement and learning, according to the framework, is the core business of schools, even if we are then told that "the complex interplay of these factors"—inclusivity, community involvement, et cetera—"creates different focuses depending on the characteristics and needs of the specific student cohort at any educational site". In that sentence, we have it all. Either it is saying something so obvious that it is trivial, or it is saying nothing at all. We should ask ourselves in this context: what is an educational site? A school, a classroom, a bike shed? And what is wrong with ordinary words? Are they not obscure enough for a doctorate in education?

One thing, however, that is not obscure is what in practice this document is all about. This conceptual framework may be twaddle, but the subsequent detail very clearly spells out what Ms Gallagher has on her mind for undermining ACT government schools and the children in them, and the best way of bringing this to light is to quote the document verbatim. It says:

Schools for students in the middle years need to create:

a culture of learning—

that sounds quite all right, but let us look at what this culture of learning focuses on—

that focuses initially on engagement through relevance and meaning ... should be learner centred and co-constructed involving students in equal partnership with teachers in deciding what is relevant and meaningful. This will empower students to make choices about their own learning, including the nature of the learning environment.

and—

a culture of relationship that recognises that for learning to occur, student wellbeing in the middle years is contingent on meaningful and mentoring relationships where students feel cared for but not smothered. These relationships should focus on students being treated as adults, having a say in what they are being asked to do and feeling empowered as part of the decision-making process. The relationships must feel equal; students in the middle years need to believe that their opinions matter and that their teachers listen to, trust and respect them.

So let us just reflect what this means and what it implies for classroom practice. It means that an 11-year-old should co-construct, in equal partnership with his teacher, what he considers to be meaningful and relevant. I have done the test and most people have come

up with skateboarding and footy cards. Just think of the contradiction. On the one hand, the document states that young people between the ages of 11 and 15 are a distinct group and they suffer, we are told, from powerlessness, social estrangement, meaninglessness and normlessness—I am not quite sure what that word is, but it is a word in the document—and yet they are to be treated as adults, deciding on the direction of their own education.

In what other field would we accept such nonsense? If we are learning to drive a car, do we co-construct with our instructor when to use the clutch and change the gears? Think of any area of national activity in which elitism is not only tolerated but encouraged to the point of fanaticism. Do sports coaches co-construct with their charges an exercise regime or rules to the game? What would you feel about a medical student negotiating with their lecturers on how best to perform an appendectomy? Yet with adolescents we are told that teachers must try to connect with students where they are at. And where exactly are they at? The document tells us that they are in a youth culture where there is a low premium placed on textual analysis but a high premium placed on other forms of immediate communication—TV, video, computers, films, magazines, music, text messaging, creating and broadcasting online zines, web sites, and video clips. When they become disengaged or alienated, we are told that this is because “the work is too difficult” or “the work is irrelevant to students and/or does not connect with their world”.

It follows, of course, from this that traditional teaching and learning programs are hopelessly outdated; it says so in the document and it says that there is research to support this. We know this because we are told that the research shows it. Of course, there is no reference given to this research and certainly no reference to research that might show the exact opposite. But asking for evidence is itself doubtless a fuddy-duddy and outdated norm, as outdated as basic literacy and numeracy.

This is not just a nice debating point, though. In the section on “key issues” the document does actually address the most obvious question about the whole business of co-construction, namely, “Are students likely to abuse their position of relative equality and involvement in planning the curriculum?” And the answer? No, not according to the literature. The literature, like the research, has no references. What literature? Not only is this one of the most elementary fallacies in existence—the argument from authority—but this is not even supported by authority. Such is the intellectual rigour of those who presume to control our children’s education.

But, never mind, we are assured—yet again from the gift horses mouth—that “despite the scarcity of hard data so far on the success of middle schooling in improving students’ academic achievement, student engagement represents a valued outcome in itself”. This document actually says, in its own words, that, despite everything that is written in here, there is a scarcity of hard data about the success of middle schooling—in other words, there is no evidence to support any of the proposals—but getting adolescents to make up their own curriculum seems like a good idea anyway, so we will go ahead and see what happens.

Our children’s future is not something that we can afford to put at the disposal of wild theories and passing academic fashion. In saying this, I am not advocating what members on the other side will misrepresent as conservative traditionalism. Obviously, pedagogy develops over time and it is essential that we prepare students to participate in a world

that is changing more rapidly than at any time in the past. A range of teaching methods and a diverse curriculum are clearly desirable, and with the particular case of language teaching the question is not one of either/or but of working out an appropriate combination. We do not have either phonics or whole-of-language teaching, but a judicious balance of the two. Similarly, you seek to implement a range of teaching practices that amalgamate the best of several approaches available.

But there obviously is something to be said for practices that have served us fairly well over the past couple of thousand years. It is a simple fact that competence in mathematics, for instance, requires a certain amount of rote learning. The same is true for acquiring a second or a third language—and coming to grips with history and science is sometimes, quite simply, hard, just as training to become a professional athlete or a racing driver is hard. Nor can it be made easier by an addiction to new technology. Certainly this is where today's adolescents are at, to use the preferred argot of the education department. They are more familiar with TV, video, computers, films, magazines and video clips, but facility with keyboards and mobile phones is not quite the same as intellectual aptitude. Ms Gallagher has insisted that students have access to the very latest technology and that their very thoughts can be transmitted on broadband—yet to what effect?

There has been a similar cargo cult in the United Kingdom—this mentality of Tony Blair, who seems to think that plonking a child in front of a computer will somehow magically make them intelligent. It is a pity that only last week an official report of the UK Institute of Education concluded that, despite massive expenditure, there had been little definitive evidence that it contributed to raising educational achievement. Without a grounding in literacy and numeracy, not to mention the broader arts and sciences, students will use computers more or less as toys—or, to put it in terms with which Ms Gallagher and her senior bureaucrats would be comfortable, where they are at is where they will jolly well stay, particularly if they are allowed to co-construct their own lessons.

This is a potential tragedy for the whole community. The people who will lose out are not the educationalists or the department executives, nor the minister, nor for that matter the people who can vote with their feet and take their children to non-government schools. The ones who will lose out are students in government schools, who will be guinea pigs in this entirely reprehensible exercise in academic self-indulgence. The real irony is that, while the ACT government is embracing new fads and new theories, other Labor governments across the country have begun to realise that their educational fads have been a complete disaster. It is high time that Ms Gallagher took note of her Labor counterparts, who are now ashamed of what has happened in their states, took a leaf out of their practices, consulted with parents, and decided to take a new future, to consolidate what we have which is good in the ACT education system and ensure that it does not go backwards.

**MR CORBELL** (Molonglo—Minister for Health and Minister for Planning) (4.08): I thank Mrs Dunne for raising this matter, because it provides yet another opportunity for the government to celebrate the important work that we are undertaking in renewing the curriculum on offer to ACT students.

Mrs Dunne continues to criticise and denigrate the great work being undertaken by Canberra teachers when they are actually achieving tremendous results. The ACT government and the ACT community continue to have great trust in the professional expertise of our educators. A key Stanhope government priority is to continue to ensure that the ACT leads Australia in education and training and in lifelong learning. The performance of ACT students is at the forefront in international comparisons. In reading, for example, our 15-year-old students equal the performance of the highest achieving nation in the world, Finland.

Canberra's future depends on our children having the necessary knowledge, understanding, skills and values for a productive and rewarding life in the 21st century. The curriculum renewal initiative undertaken by the Labor government is a vital aspect of this process, as high-quality curriculum is central to achieving the outcomes we seek.

A wide-ranging review of ACT curriculum in 2004 identified a need for significant renewal of curriculum in the ACT. Indeed, I can recall that when I was minister for education we had identified and commenced early work on this matter, and I am pleased that the current minister, Ms Gallagher, has continued and advanced it to the detailed stage it is now in. I would like to remind members that the new ACT curriculum framework is still in its developmental stages, and consultation includes representatives of all sectors of the ACT community in its development.

While Mrs Dunne apparently feels confident about what curriculum, teaching and learning is needed, the government will not be relying on her advice alone. This important work will be done by educational professionals in consultation with the ACT education community and the broader community. Members will probably recall that the new framework is not proposed to be implemented by all schools until 2008.

A significant feature of the curriculum renewal process is the high level of involvement of the community. There are representatives of the government, the Catholic and independent school sectors, teachers unions, parent organisations, professional business and community organisations and universities, working together on this new curriculum framework for ACT schools. This high level of collaboration by the ACT community will ensure that the curriculum framework provides the best opportunity for our students to continue to be the best in the country.

The focus is on retaining what is important. There will be nothing faddish about the new ACT curriculum framework. In fact, traditional subject disciplines or key learning areas will certainly be a strong focus. The new curriculum framework will provide the basis for rigorous learning in the subject disciplines in our schools and, like all other states and territories, the ACT framework will include the new national curriculum requirements which are also based around the key learning areas.

It will incorporate the national statements of learning for English, mathematics, information and communication technology, civics and citizenship, and science that are currently being developed. These statements set out the essential learning requirements that are agreed nationally as reasonable, challenging and appropriate for young Australians in the years 3, 5, 7 and 9. The systemic teaching of reading is a key element of the new ACT curriculum framework. ACT government schools already adopt a

balanced literacy approach, recommended by the recently released national report on teaching reading, in which phonics is a key element along with a range of other sound teaching practices. This will continue when the new framework is implemented. The success of this approach is seen in the results of the ACT assessment program in literacy, where ACT students perform at the highest level and remain amongst the best in the country.

I would like to focus briefly on the ACT assessment program results. Last week we released the results for the 2005 year, which showed that the standards of ACT education remain very high. ACTAP testing in ACT primary schools covers reading, writing and numeracy for years 3, 5, 7 and 9 students across nationally agreed minimum acceptable standards. Such testing provides important information for parents and carers and provides a map of student progress over the years. It also provides government with information about areas where we can celebrate success while also identifying areas where improvements can be achieved.

This program also ensures that individual students who require additional support are provided with that support. Parents are provided with an individual student report as part of the program which shows their child's performance compared to the middle 60 per cent of their peers and the mean cohort performance. In years 3, 5 and 7 the child's performance is also compared to the national benchmarks in reading, writing and numeracy. ACTAP examines ACT students' literacy and numeracy performance against the curriculum profile levels and the national benchmarks.

More than 17,000 students across years 3, 5, 7 and 9 in ACT government, Catholic and most independent schools took part in this year's testing. While the results across the board were excellent, a couple of areas must be highlighted. The year 3 reading result is particularly pleasing, with 96 per cent of students above the national benchmark. Years 3 and 5 students in the ACT are maintaining a high standard of achievement when assessed against national reading, writing and numeracy benchmarks. Year 7 benchmark results show that our students maintain a high standard in reading and writing. There has also been a small but steady improvement in year 7 numeracy benchmark results between 2003 and 2005. ACT results in year 7 numeracy are among the best in Australia, but there is room for progress in this area.

On top of all that, there are no significant differences between the performance of boys and girls in reading and numeracy in years 3, 5 and 7 against the benchmark standards. While changes in the results for indigenous students need to be treated with some caution due to the small number of indigenous students in each year level, it is pleasing to see there have been increases in the proportion above benchmark in years 3 and 5 numeracy.

In terms of the ACT's own testing on curriculum profiles in the areas of literacy and numeracy, the education system also remains strong. Year 3 results are consistent with previous years, with high proportions of students performing in the top two profile levels in reading, writing and numeracy. Year 5 results show more than 75 per cent of students achieving in the top two profile levels in reading and numeracy, and significant proportions of year 7 students achieved in the top two profile levels in all areas, with over 80 per cent of students in reading and about 70 per cent in numeracy achieving at these high levels. Year 9 results were consistent with those in previous years, with more

than 80 per cent of students achieving at or above level 5, which is within or above the skill range appropriate to their year level.

Literacy and numeracy are the most important skills a student can acquire at school. These results underscore the excellent state of education in the territory and affirm the ACT government's commitment to ensuring that all students have the opportunities and support to achieve their best.

Our students are performing well at an international level also. As a reminder, 15-year-old students in the ACT equal the performance of the highest achieving nation, Finland, in reading. Also in mathematics, scientific literacy and problem solving, the performance of ACT students equalled that of students in Finland, Hong Kong and Japan—and Japan, of course, scored the highest average performance in international testing in 2003. We have every reason to celebrate the success of our students and teachers based on these figures.

I would like to turn briefly, in the time I have left, to the issue of teaching and learning in the middle years. This has been the subject of some critique—I must say ill-informed—on the part of Mrs Dunne. She has again, in this MPI, taken her typical approach in criticising the recently released ACT study about teaching and learning in the middle years. But it was not a considered critique; rather, it was a rambling diatribe, with nonsensical references to Dante's *Inferno* and the *Da Vinci Code*, selective and contorted misquotes and inflammatory language. In short, it was nothing short of crass political theatre, not aimed at improving educational outcomes but aimed at the dedicated professionals who are doing an outstanding job.

Let us set a few things straight. The document on teaching and learning in the middle years which was launched on 29 November is a response to research that indicates that traditional approaches to learning have not successfully engaged all students in achieving optimal outcomes in their education in the middle years of schooling. The study provides teachers with clear direction and guidelines on how best to meet the needs of young adolescent students. The literature review, which is part of the study, cites a substantial body of research indicating traditional models of educational delivery in the middle years are not adequately meeting the learning needs of students. This is not an issue isolated to the ACT; it is a challenge across the country and across the world.

The study identifies a culture of learning and a culture of relationships as key elements of successful learning for all students in the middle years. Students in this age group need to have a say in their learning, and the study makes clear that this does not mean an abandoning of curriculum essentials or a lowering of academic standards or strong teaching practices. This approach leads to much higher levels of student accountability for their learning, develops a deeper understanding, and brings academic rigour into each student's learning. Learning becomes more challenging and relevant to young people, and produces higher levels of engagement.

The study does not endorse students, whether they are 11 or 14, having free rein to do whatever they want, contrary to Mrs Dunne's claims. Students need to be immersed in interactive experiences that are rich, complex and real. It is commonsense that one task given to a class of 25 students will not challenge them all to the same extent; it will be too easy for some; it will be too hard for others. Each one of our children needs

experiences that will challenge them just enough for them to reach out, but not too much that they give up on the task of learning. To do this, teachers need to talk to the students, build a relationship with them, and find out where they are at before understanding how they best learn. Only then can teachers devise programs that suit the class as a whole.

The ACT education system is still the best in the country. We are not abandoning best practice, but there is always room for improvement. The extensive community consultation process in developing the ACT curriculum principles and framework for years P to 10 identified high expectations for young people in the ACT to be independent, discerning critical thinkers who are productive members of our society, productive citizens. The focus of the new ACT curriculum framework will be to improve learning for all students. There is a strong focus on personalising learning to meet the needs of all students, including those in the middle years, yet retaining a strong emphasis on the traditional subject disciplines. This will be the approach of the Stanhope government into the future as we continue to undertake this important process of curriculum renewal.

**MR MULCAHY** (Molonglo) (4.21): I rise to speak in support of Mrs Dunne regarding some of the concerns that she has expressed today. I do not profess to be an authority on educational matters, although I do take a keen interest in this field. I have a lot of regard for people who select this profession. I do believe—I am sorry that the Chief Minister is not here to hear this—that collectively they are probably an underpaid group, given the work they do and the remuneration they draw for what they do for our youth. But I am troubled by the tendency constantly to experiment with the curriculum.

That has happened on many occasions, beginning long before I set foot in the Assembly. When I was considerably younger, I saw other members of my family going through their schooling while people kept experimenting with new methods of teaching English and new methods of teaching mathematics. One of the problems that that creates is that those who dream up these things, and there are all sorts of agendas running in the area of curriculum development, fail to appreciate that, if they get it wrong, they have potentially seriously and irrevocably damaged the prospects and long-term development of someone within their care.

It is not just folklore to say that there are people coming out of universities who can barely write in the physical sense and who cannot spell, yet they walk out of university with degrees and into the work force and then they have to be trained in fundamentals. The managing partner of an accounting firm I spoke to recently told me that they now have to put all their graduates through formal training on fundamentals because, in many instances, the graduates are not capable of writing basic documents. So, when one hears of bright new ideas in curriculum development, one has cause for concern if those initiatives are not soundly based, are in the experimental dimension and have the potential to bring about adverse outcomes for the pupils who are being subjected to them.

Parents often are not in a position to determine whether they are correct. I submit that many teachers and those that devise the curriculum are relying on a range of published views that often are not tested. I have looked quite extensively over the published material on curricular development. I have read of experiments in Belfast whereby trials have been undertaken and then those conducting the experiments have looked at the conclusions and said that some people were worse off suddenly with maths and some

people were worse off with literacy. It is a pretty frightening situation when people say, "That didn't work too well. Sorry about that. Life goes on."

When you look at the document *Teaching and learning in the middle years in the ACT*, you find that a principal reason for doing away with traditional teaching and learning programs in schools is given as research in the 1990s into brain-based learning. I must say that I had not heard of this educational theory before I did a bit of research, but what I found was quite fascinating. It might be helpful to share with members some of the main features of what would seem to be the intellectual foundation of the proposed system of middle schooling now in the ACT.

What, then, is brain-based learning? In the first place, it is also known as brain-compatible learning, which presumably means learning that is compatible with using the brain, or at least not incompatible with it. Indeed, according to one of the pioneers of the theory, Dr Leslie Hart, the brain is the organ of learning, which is just as well if learning is also based there. Anyway, the theory is defined in one leading work as follows:

This learning theory is based on the structure and function of the brain. As long as the brain is not prohibited from fulfilling its normal processes, learning will occur.

So far as I can tell, this means that having a functioning brain will enable people to learn things. I know that that is profound. It is something that never really occurred to me previously, but I am pleased to be able to enlighten the Assembly on this aspect of this theory.

There are 12 core principles of brain-based learning. I will note them for the purposes of this debate. They are: the brain can perform several activities at once, such as tasting and smelling; learning engages the whole physiology; the search for meaning is innate; the search for meaning comes through patterning; emotions are critical to patterning; the brain processes wholes and parts simultaneously; learning involves both focused attention and peripheral perception; learning involves both conscious and unconscious processes.

Apparently we have two types of memory—spatial and rote—although often in question time one wonders about the depth of memory of some of those opposite. But that is what the theory tells us. The other core principles that are contained in this theory are that we understand best when facts are embedded in natural, spatial memory; that learning is enhanced by challenge and inhibited by threat; and, finally, that each brain is unique. Those are the profound core principles of brain-based learning. These are remarkable insights and this is going to be the new basis of teaching and learning in the middle years in the ACT.

Apparently there are also, as part of it, so-called instructional techniques associated with brain-based learning. They are: orchestrated immersion, that is, creating learning environments that fully immerse students in an educational experience; relaxed alertness, namely, trying to eliminate fear in learners while maintaining a highly challenging environment; and active processing, which means allowing the learner to consolidate and internalise information by actively processing it.

These are a few of the theory's central tenets: feedback is best when it comes from reality, and I hope that members opposite are really taking this into account; people learn best when solving realistic problems; the big picture cannot be separated from details; and, because every brain is different, educators should allow learners to customise their own environments. Those are the guiding principles behind this new theoretical approach to our education system.

It worries me that this is the sort of theoretical stuff that is going to influence potentially a whole generation of young people. Some of it contains what is basically common sense. Feedback usually is better when it has something to do with reality. Of course it is useful to know how the brain processes information and how emotions are tied up with intellection. But much of the supposed theory is quite suspect. It does not, most importantly, provide a rationale for getting rid of all traditional teaching practices and replacing them with a joint venture between teacher and pupil in which, not to put too fine a point on it, adolescents are encouraged to design their own curriculum.

The temptation to constantly experiment with these new ideas may be very appealing to educational researchers, but it troubles me that we are, effectively, using our children as guinea pigs in these experiments and we have no going back if we get it wrong. I have seen for many years those who seek to use the curriculum to implement particular ideological objectives. Remember, not long ago that famous Labor premier in Victoria, Joan Kirner, said that education had to be reshaped "so that it is part of the socialist struggle for equality, participation and social change rather than the instrument of the capitalist system".

When you hear that sort of nonsense come out, you just wonder what those who are involved in influencing curriculum development really have in mind if it is not looking after the educational development of our young people. There are bodies such as the Australian Curriculum Studies Association, a peak body that brings together academics, teacher educators and teachers, which advocate positions such as that schools must work with students to unmask and confront the complex social causes of inequality, including the function of schools themselves in this regard. In other words, schools must work at several levels to redress injustice in society, which still fails to recognise it.

The principles might be fine but, if the educational system is going to be turned into a vehicle to influence ideological objectives or to fulfil them, I think we all, as members, ought to be concerned. Government and the education system have a very critical duty to look after the needs of young Canberrans. We do have a good track record. I do not dispute with Minister Corbell that we do have much to be proud of. There are cracks that appear. I get troubled by some of the trends that are driven by economics in our public school system. I am a great believer in the public system, not just the private system, but I worry when we see these experiments occur that could have terrible consequences for our young people, based on international theory.

**MS PORTER** (Ginninderra) (4.31): Mrs Dunne would not have our young people being able to make plans and carry them out, or manage relationships. She would have us think that young people in this world today, in the context of their other learning, would not be assisted through their educational experience to carry out those two essential aspects of learning. Maybe it is because Mrs Dunne has not learned how to make plans and carry

them out, and to manage relationships, as she lost her job as opposition whip and manager of opposition business.

Mrs Dunne covers up the obvious fact that she does not have the foggiest idea what she is talking about by making the odd reference to the various levels of help. As Mr Corbell said, Mrs Dunne not only continually undermines our public school education system, our teachers and our educationalists, but also now wants to undermine and demoralise our young students. She says, from what I just heard, that they are not capable of thinking, negotiating or commenting on their desire to learn in a certain way or the progress of their learning.

Mrs Dunne sits on a committee that is conducting a public hearing into education at the moment and she, along with others on that committee, has heard how important it is to develop positive relationships in the school environment, good relationships between children, good relationships between students and teachers, and good relationships between teachers and teachers, and for the whole school community to develop good relationships with parents. Mrs Dunne, having been given good evidence that if these conditions apply the child's academic outcomes, previously failing, are amazingly advanced, to the benefit of the student, of course, but also to the benefit of our whole community, maintains today that establishing good relationships is somehow not relevant.

A great deal is written and spoken these days about emotional intelligence. It has been found that, in order to learn and to be able to survive in this very complex world, one needs to have a healthy emotional intelligence. I wonder whether, somewhere along the line, Mrs Dunne missed out on this important learning. It would seem from her negative communication style and her negative vitriol today that this is the case.

I would like to reinforce the words of Mr Corbell in supporting our teachers and the important work they are undertaking to ensure that the school curriculum and teaching practices remain at the cutting edge. The excellent achievements of Canberra students are a reflection of the professional expertise of teachers in our schools. In partnership with parents, teachers have a key role to play in developing our children and our young people as learners, as people and as community members contributing to society, both now and into the future.

Members will recall the many government initiatives and the funding put in place to support education and training in the ACT. That has included a focus on assisting students in the important adolescent years. The middle years study so roundly criticised in this place today by Mrs Dunne is indeed a valuable addition to the professional expertise of our teachers as it brings together the latest in educational research aimed at improving the educational outcomes of our young people. It is a great pity that Mrs Dunne seeks to drag down the middle years study and all those that are working to implement it.

In addition to the other initiatives the government has put in place, it has youth workers for each government high school and provides additional funds to support those most disadvantaged. A key initiative of the government is the school excellence initiative which reinforces the commitment to quality teaching and learning. The ACT has a proud history of being innovative and flexible and of being able to incorporate educational

research to ensure that ACT teachers consider the best in new approaches to assist students throughout Australia. This has included working with the University of Canberra and researchers such as Dr Andrew Martin with the study on improving the educational outcome of boys.

Teachers know and understand that students in schools today are facing many challenges. They continually tailor their courses and teaching to meet the needs of these students. It will be a sad day if they ever stop doing that. Teachers are professionals, even though Mrs Dunne seem to think that they are not. Teachers know what works with their students. It is not about throwing out effective past practices; it is about building on these, and it would be very unwise of us not to do so.

The ACT government provides significant funding each year for professional learning to ensure that our teachers are equipped to meet the learning needs of their students. This is obviously a sound investment when you consider the excellent achievements of ACT students. Nationally, comparable assessments of student literacy, numeracy and science indicate that ACT students are amongst the best in Australia, as Mr Corbell has outlined. In the trends in international mathematics and science study, TIMSS, our year 4 students were ranked equal top in the world with students in China.

At the end of this school year, unlike Mrs Dunne and other members of the opposition, I would like to congratulate our teachers, as did Mr Corbell, for their professional expertise and their contribution to the excellent achievement of our students. I wish them well in their work with our students in 2006 and beyond.

**DR FOSKEY** (Molonglo) (4.38): I feel duty-bound to contribute to this debate, although I am concerned that we are covering old ground again and not necessarily getting anywhere. There are things that I feel need to be said, because what we often have in these debates is the opposition casting aspersions on what the ACT government is doing in public schools and members of the government standing up and defending themselves, and we do not end up having a real discussion. I think that education is so important that we all should be engaged.

It is good that the opposition is interested, but it is not good that it always, at least in my time here, comes to this topic from a very negative perspective. We have heard today words such as “new ideas in this middle school curriculum” and “experiment with our children”. I hate to burst the bubble, Mr Mulcahy, but these ideas are not new. They are ideas that have been being put basically since John Dewey starting writing about education. They are not new ideas and they keep being said because they point to real issues that we have with educating our children.

Another point I have to address is Mr Mulcahy’s choice of a few quotations where education and equality were spoken about in the one paragraph, if not the one sentence. I think that we all know that the whole origin of public education, free schooling, was about equality, about giving children of less privileged parents the opportunity to move themselves out of poverty. We know that it was literally that; it was about moving them off streets, out of gutters, out of slums. It was a good initiative then. Therefore, I think that putting the word “equality” with education is good, but I have a particular ideology.

But when did education not get connected with ideology? I would like to know how you categorise the kinds of changes that Dr Nelson is trying to impose on state and territory education systems. He is calling for continual testing and he is calling for a very prescriptive kind of teaching of reading, for instance. He has not got onto maths yet. He has not got onto geography and the other topics. Given that reading is so important to children, his changes are really of concern.

I believe that one of the things that Dr Nelson is suggesting is that we test children from kindergarten, every few months, to see how their reading is going. If that had happened to my daughter, for instance, she would have been branded a failure from a very early time because, like many young children, she did not start reading until she went to school. I know that there are students who were reading before they went to school. My mother was one of those. I know that my other daughter could have been one if I had decided to hothouse her like that, but I did not. The federal government is trying to require the states, using the power that it has through funding, to set a benchmark and then to tell children whether they meet that benchmark. Most of our children need successes, not failures.

This topic of education is one that we can all talk about, whether or not we know anything about it. Just the other day I heard someone bemoaning the fact that today's teenagers know nothing of history. Which generation has not said that about teenagers? I used to teach politics to university students and I found that most students, even though they were doing politics, which would lead one to assume that they were a bit interested in the topic, did not know who was the Prime Minister before the one in the time that I was teaching them.

We are all going to moan forever that teenagers do not know a lot about history. I remember sitting through six years of history in high school. It was a compulsory subject then. Now, of course, history is not, because the curriculum requires so much that it is not possible to teach the depth of every topic that we would like our children to know about. Choosing curriculum is a really difficult thing to do. That is why it has to be based around ideological issues. By choosing one thing, other things are of necessity left out.

I was not interested in history, but I was passionate about geography. I was not that interested in maths, but I was very interested in English. When I went to university, I was free to choose to follow the subjects I liked. That is how it was for students in my generation. Now, students are getting a bit of a choice earlier. They certainly get it when they go to college, and they get it to some extent within their English and SOSE courses in high schools now.

That is necessary because, unless students are engaged with their learning, they are not going to learn. There is so much in the curriculum that has to be chosen about. I assume that Mrs Dunne, who brought up this topic, will read the things that I am saying later, although I feel that, having introduced the debate, she is not really interested in other people's responses to it.

Students learn when they are engaged and anyone who has been in a high school as a teacher or had other close contact with one know that a very large problem today is keeping students, who have so many stimuluses from so many places, engaged so that

school is a relevant place for them. I hate to have to disillusion people, but many students go to school more to see their friends than to go to classes, and that is the case whatever school they go to. That is a fact about young people's lives; they are extremely social beings.

What can we do? We can make sure that they leave school with the skills to follow up their interests, no matter when they find out what they are. How many people do not find out what they want to do until they are middle-aged? Quite a few. Firstly, we always need to have the skills to be able to pick up whatever area of learning we want to take on, whatever profession that might lead to, and, secondly and most importantly, we need to know the way so that through our whole life we can engage in education and learning.

We focus here on schools time after time—that is important; it is an ACT area of responsibility—but we must always remember that there should be opportunities for those people who drop out of school because they do not engage. We have many students at risk for whom schools are the most stable things in their lives. They are very important places not just because of what is thought. They must be supported, public schools arguably more so because they are the place where poor people can afford to send their kids.

Many years ago a man called John Holt wrote a number of books about learning and education. One of those books was called *How children learn*. As I say, none of this is new. This one was probably written in the 1950s, 1960s or 1970s, and the theory there is that you start from where the child itself is. If you can do that, if you can provide the resources, if you can provide the interesting topics, if you can provide the social milieu, that child will have a very good start in life.

It is great that we are having this discussion. It is not good that it just leads to self-congratulation on the part of ACT government members and it is not good that we do not hear too much acknowledgment of the good things that are happening from the opposition.

**MS MacDONALD** (Brindabella) (4.48): I welcome the opportunity to speak today on this matter of public importance. I would like to speak about the so-called experts that Mrs Dunne has referred to; in particular, Dr Kevin Donnelly, a Liberal Party apparatchik

**Mrs Dunne:** I did not refer to him.

**MS MacDONALD:** Mrs Dunne may not have referred to Dr Donnelly today, but she has referred to him previously.

**Ms Dunne:** I take a point of order, Mr Speaker. Ms MacDonald has just said that I referred to an expert. I did not refer to any expert and I did not mention Dr Donnelly. I have been misrepresented.

**MR SPEAKER:** That is not a point of order. Sit down.

**MS MacDONALD:** Mrs Dunne has referred to him in the past. She does not like to have it pointed out, but he has been referred to by those opposite. He is a Liberal Party

apparatchik who has been commissioned by countless federal government departments to provide the government with the answers it wants to hear.

Like their colleagues on the hill, Dr Donnelly is a pin-up boy for those opposite. His writings have no doubt inspired today's MPI. Mr Pratt suggested in this place on 22 September that Dr Donnelly is well qualified to speak in the arena of education, with the ludicrous claim being made that his book has been well received across this country. Mr Pratt should check because Dr Donnelly has not been well received by the education community.

Mrs Dunne often comes into this place and accuses the education minister of being a hippie and a child of the 1960s, despite the fact that I have it on good authority that she was born in the 1970s, which has an eerie similarity to Dr Donnelly's writings. For example in a recent piece in [onlineopinion.com.au](http://onlineopinion.com.au) he suggested:

The 1960s and 1970s were not only about Woodstock, Vietnam moratoriums and flower power. At the same time, education became a key battleground in the Left's attempt to take over the commanding heights of the nation's culture.

Mr Speaker, it is pretty obvious where Mrs Dunne gets her inspiration from for speeches on education. Here we have another case, like the Gerard affair, of a Liberal Party stooge receiving government appointments. In return, Dr Donnelly has earned and expended significant taxpayer moneys for the federal government to score cheap political points.

Dr Donnelly is a former chief of staff of federal Minister Kevin Andrews and continues to seek preselection for the Liberal Party. Dr Donnelly has also been discredited for creating an antismoking program funded by those great antismokers Philip Morris, the tobacco company. Most recently, he completed a report for Brendan Nelson into curriculum across the country but did not even bother to read the relevant ACT documents before compiling his report.

Like Mrs Dunne, Brendan Nelson does not run a single school, not one, does not employ a single teacher and does not educate a single student. However, they are both willing to talk down the achievements of hardworking teachers and students across the country because state government electors round the country have entrusted Labor governments with running their schools, hospitals and urban infrastructure. As long as the Liberal Party continues to try to play politics with our children's futures, I have no doubt that trend will continue.

We need only to look at the way Mrs Dunne has handled the Ginninderra high school debate to see how education is misused by Liberal Party politicians for political gain. Mrs Dunne's office has been advising constituents regarding the proposed building of a new school in west Belconnen. She and her office have been directing constituents to lists of web sites that apparently provide authoritative evidence on middle schooling.

Four of the web sites suggested are American. They have little relevance to the model used in the ACT and the rest of Australia for P to 10 schools with middle schooling. None of the information refers to the ACT or even Australian experiences of P to 10 and middle schooling. Only one of the four American articles listed by Mrs Dunne even references an Australian study, and that is 25 years old, long before the successful

P to 10 schools in the territory had even been contemplated. I assume that the Liberal Party took into account that timely and important information when they built the K to 10 school at Amaroo.

The final web site is from the Association of Independent Schools of Queensland. Given that we are here today discussing a government school in the ACT, I am sure that article would be very illuminating for interested parents. The bibliography of that article demonstrates Mrs Dunne's laziness. It lists two of the other four American articles listed in Mrs Dunne's email. Mrs Dunne has not even done her own research. She has effectively read one article from the Association of Independent Schools—

**MR SPEAKER:** Order! The time allotted for the discussion of this matter has concluded.

**Mrs Dunne:** Mr Speaker, in accordance with standing order 47, I seek to explain how I have been misquoted and misunderstood.

**MR SPEAKER:** There is no question before the house, Mrs Dunne.

**Mrs Dunne:** In the MPI debate, I was misquoted—

**MR SPEAKER:** There is no question before the house. There has to be a question before the house.

**Mrs Dunne:** Okay, I will bring it up in the adjournment debate.

**Mr Stefaniak:** That is an interesting precedent.

**MR SPEAKER:** Mr Stefaniak interjects that it is an interesting precedent.

**Mrs Dunne:** No, it is actually a fair ruling.

**MR SPEAKER:** Take a look at the standing orders, Mr Stefaniak.

## **Planning and Environment—Standing Committee Report 19**

Debate resumed.

**MR SESELJA** (Molonglo) (4.54): I would like to say a few words about both the report itself and some of my dissenting comments. Firstly, I would like to take the opportunity to thank the committee secretary, Hanna Jaireth, who did a very good job, as usual, on the annual reports report. I know that members of the committee value her very hard work. We always find her to be very professional in her dealings. I put that on the record.

I find myself in the odd position of agreeing with Mr Gentleman. Mr Gentleman spoke earlier this morning about how the committee worked reasonably constructively together on the preparation of this report. I agree with him on that. The main report is not bad. I have highlighted areas where it does not go far enough or where I disagree with some of the recommendations. I have outlined that in my additional comments.

Some of my suggestions this time were taken on board, which was good, and that is reflected in a couple of the recommendations. If this is the new way we are going to be working together, I certainly look forward to the committee working together in the future and putting together recommendations that sometimes, even if government does not necessarily like them, will be good recommendations where the committee will be holding the government to account. I agree with Mr Gentleman that we worked together better on this one. I thank the other members of the committee for that.

I also was in the odd position of having Ms Porter agree with me on something. She knew I would raise this. It was probably the first time that Ms Porter and I have voted against Mr Gentleman. That was fascinating. I do not know what has brought about this sudden change, but may there be many more instances like it.

I want to speak to some of the recommendations before turning to some of my dissenting comments. The first recommendation is particularly important. It is clear that for some time we have been hearing in a number of forums about the need for additional funds for the Office of the Commissioner for the Environment. I cannot remember off the top of my head the exact funding each year, but I know it is not very much. A small increase would probably make quite a significant difference. That is a good recommendation.

Recommendation 2, which was in relation to the ACT government investigating better methods for disclosing the accounting value of undeveloped ACT land and really getting a better idea of ACT land assets, was discussed. We devoted some time to it in the hearings. It is an important point. I understand the difficulty of it. I understand that it has not been something that has been done by past governments, but it is something that would add to accountability in the territory. That is why the committee has seen fit to include that recommendation.

Recommendation 3, which I suggested, was in relation to the LDA getting some better processes. The appointment of in-house legal counsel to manage the fairly significant amount of external legal services that they have and that they have provided to them would add to the value for money that the LDA is likely to get and would add a bit of a check. Recommendation 3 is an important one as well.

I will not speak to each recommendation, but I will raise a couple more. I need to speak to recommendation 11. This was put in as a bit of a political kick. I do not think it is really something that the planning and environment committee would ordinarily concern itself with. That is why I have responded to that in the dissenting report. Let me deal with the merits of the recommendation. It states:

The Committee commends the ACT Government for its policy of not encouraging the use of Australian Workplace Agreements in the ACT Public Service.

It is a slightly misguided recommendation. As I said, apart from being somewhat outside the ordinary consideration of the planning and environment committee, given the figures which I have highlighted in the dissenting report about the differences in real wages between those on AWAs and those on awards or those covered by collective agreements, the committee is essentially recommending that the ACT government, or commending the ACT government for this, continue to keep wages lower in the ACT public service.

That is disappointing and is certainly a recommendation that I could not support in good conscience.

It was telling that during the hearings we heard that all the people in ACTPLA who are on AWAs and who were all offered the opportunity to be removed from the AWAs declined the offer. Clearly those in ACTPLA on AWAs think it is not a bad idea to be on an AWA. They seem pretty happy with their conditions, whether that is their pay or whether that is other conditions associated with their work. It is a misguided recommendation, for those reasons.

I make the point that we are often hearing, particularly from Katy Gallagher, about the difficulty of competing with the commonwealth in the retention of public sector employees. The commonwealth uses AWAs for its public sector employees. Perhaps part of the reason that it is difficult for the ACT to compete is that the conditions that are offered to some of those employees are significantly better and are quite attractive, as evidenced by the response of those ACTPLA employees whom I mentioned.

I highlight a couple of things in some of the dissenting comments and recommendations. It is all covered in my dissenting report, and I will not go through all of that. It is important that the ACTION bus patronage figures be raised. What came out in the committee was that the expenditure by ACTION increased by about \$8 million but, at the same time, patronage figures went down in the financial year. An area that we should be concerned about is the value for money we are getting from ACTION and the significant amount of money that is spent on ACTION buses.

The other issue I highlight is the significant increase in the LDA marketing budget. It has gone from about \$300,000 to about \$4 million, a significant increase. I raised a question about the cost of a sign for the EpiCentre development. The answer came back, significantly late. I had concerns about it coming back some four weeks after it was asked, when the ordinary practice in annual reports is for it to come back within five working days. That was disappointing. The expenditure on that sign points to some misguided priorities.

Who are you targeting with the EpiCentre development? You are looking at big developers who would come in and develop the site. I would have thought there were more direct ways of communicating with big developers, both locally and nationally, than a big sign on the corner of Canberra Avenue and Hindmarsh Drive. I make the point about the overdue answer. I am not quite sure what the reason was for that being significantly overdue compared to the usual practice with annual reports.

I conclude by once again thanking the secretary and my committee colleagues and saying that we worked together better this time. I look forward to that occurring more and more in the future.

**MS PORTER** (Ginninderra) (5.02): I endorse Mr Gentleman's comments on the Standing Committee on Planning and Environment's report into the annual and financial reports for 2004-05. At first, I thought I would agree with Mr Seselja's remarks. However, I must say that I was surprised to hear Mr Seselja's remarks as I, along with Mr Gentleman—and, I thought, Mr Seselja—thought that at last we were working as one

committee, not as two members and a person appearing to be quite disengaged, as had been the previous process.

I agree with Mr Seselja. I thought we were cooperatively working together and being productive in our last discussion on this report, but it appears that Mr Seselja was playing some sort of game, rather like his federal leader did with voluntary student unionism last week. Mr Seselja lulled us into a false sense of security, leading us to understand that he was willing to work with other members rather than against them.

I regret the position I did take that he has just referred to, as I now see that, just as Mr Howard managed to show himself up to be mean and sneaky over the VSU, Mr Seselja has once again let the committee down with his dissenting report and remarks.

We see lists of complaints and misconceptions about reality in Mr Seselja's dissenting report, although I believe—and I am probably being kind when I indicate that Mr Seselja has misunderstood—he deliberately chooses not to understand so that he can reflect negatively on the annual and financial reports for 2004-05 in some way in order to reflect negatively on the minister and on this government. Of course, this is what we have come to expect of Mr Seselja as he is desperately trying to show that he is a real Liberal, as capable as his colleagues in his ability to complain and undermine, as capable as his colleagues to take advantage of the goodwill extended to him by other members of the committee, which he admits existed.

I will not waste the Assembly's time by going through his shopping list of complaints, although members can, if they have a mind to, read for themselves the annual reports for 2004-05, the committee's report and Mr Seselja's dissenting report. Then, armed with the facts, they will be able to make their own judgments on Mr Seselja's appalling behaviour. I look forward to the committee's deliberations in 2006. I trust that Mr Seselja will reflect upon his behaviour and decide to use New Year's Day to resolve to work cooperatively with the committee in 2006.

**Mr Seselja:** Mr Speaker, I seek leave to respond to Ms Porter.

Leave not granted.

**DR FOSKEY** (Molonglo) (5.05): I take this opportunity to respond to the report. First up, I would say that it is very concerning that, in the last two sitting weeks, including this one, the tabling of reports by the planning and environment committee has ended up being opportunities for one member and then the other two members to engage in what I can only see as a slanging match. It is a great pity.

The planning and environment committee, like all our committees, is an opportunity for members to work together. There will be disagreements. They can be expressed in dissenting reports. Personally, I would rather not come in here and hear from each of the two groups. Let us face it: we have a Labor majority, which must be quite disempowering for the third member of the committee. Let us get past that and let us hope that, in the next report that is presented, we will not have qualifications about how well the members worked with each other.

I will speak to the recommendations. As you would expect of a majority-government committee, much of the report simply thanks the government, commends the government and says how well the government is doing in various areas. I am really pleased to see that the government members were concerned enough about the issues at stake to make some recommendations that challenge the government. I want to point to some of those today.

First off, we had discussion about the Office of the Commissioner for the Environment. We have been aware for a number of years that the commissioner has been asking for more resources. People may not know that she is only employed for eight days a month. That is not at all adequate and certainly does not allow a response to complaints. She is not resourced for her role in getting together the regional state of the environment report, on which she has been very occupied for most of this year.

One of the first recommendations of the committee is that the ACT government increase the level of funding for the Office of the Commissioner for the Environment in the next budget to enable the commissioner to properly discharge her functions in relation to the ACT environment. That is a very welcome measure. I hope that the fact that the two parties represented on the committee could make that recommendation will unanimously persuade the government that it is a good thing to do.

I was very pleased to see the committee recommend in recommendation 4 that the Land Development Agency and the government continue to pursue mechanisms for making housing affordable, particularly for first home buyers. I am disappointed that there is that focus on house buying, because we all know that you have to have a reasonable level of income before you can move into the house purchasing market. I was very pleased to see the following recommendation at 1.44:

The Committee recommends that the Land Development Agency require a percentage of multi-unit and greenfields developments to be constructed as affordable housing.

This, of course, is the very proposal that the Greens put to the Assembly earlier this year and that my predecessor, Ms Tucker, put before that. I remind members that at that time they rejected it, but it is very pleasing to see that the Labor backbenchers have now come to the conclusion that we need that action to improve the availability of affordable private rental dwellings if we are going to tackle the issue of people who are living with housing stress and who would move out of government housing if they could afford to and if they felt there was security and affordability in the ACT private rental market. That would perhaps take some stress off public housing. Of course, more is needed.

Recommendation 5 might seem trivial but it is recommended by the committee:

... the Department of Urban Services place an agreed number of trunks and mature felled trees in open woodland and forest areas of Canberra Nature Park for wildlife habitat.

I read last weekend that David Attenborough, a nature guru, said that insects are probably the most important species in the world in terms of our biodiversity. They are certainly the most numerous. Some of them we might not like. But the role they play is

as yet unknown. Most species are still not investigated. The trunks of mature felled trees do provide habitat and do not present a fire risk.

Mr Seselja was quite critical of ACTION buses. We have to realise that, while petrol prices increase, we will see more patronage of ACTION. It is absolutely important that we stand by our public transport system and do whatever we can to make it more frequent and extend its times of service so that people have a real alternative to driving. I have to say that I have seen a number of buses going past with bikes in the racks on the front. That is clearly a successful measure by the government.

In terms of waste management, it is very disappointing to see that the ACT government has no plans to implement a green garden waste collection scheme for residential organic waste. I expect that we do not mean just garden waste; we mean all organic waste. I heard an interview on radio this morning or yesterday—sometime very recently—with a German minister or official saying that 100 per cent of their green waste is now being handled and collected. I would really like to see more commitment to this.

I note that the ANU Green proposal is mentioned in the report. This is still an area which I believe the government could explore. You will note that there are no recycling facilities at all for businesses in Civic. They should be demanding them.

Finally, recommendation 9 states:

The ACT Office for Women should increase public awareness about the ACT Women's Register.

That is a small measure. I am aware that the ACT Office for Women is doing work on that. The point is made that the ACT government, when inviting organisations to nominate persons to committees, wants them to suggest women amongst their nominations.

Those things are good. I acknowledge Mr Seselja's dissenting report. That is probably the only way it could be dealt with because of the fact that his views were different to those of the majority of the committee. At least we have them there. On the whole, it is a really good report. I hope that the backbenchers in the Labor Party will push those issues with the government, especially affordable housing and the Commissioner for the Environment's funding.

**MR GENTLEMAN** (Brindabella) (5.15), in reply: In closing, I will respond to some of Mr Seselja's dissenting comments. As I have already mentioned today, Mr Seselja seemed to work with the committee and made suggestions that the committee took on board, but I cannot agree with many of his comments.

He said that the report is couched in overly friendly language which simply takes the government line on an issue or echoes what, in particular, is in an agency's annual report. That is false. One out of 11 of the recommendations commends the government. There are 10 recommendations for improvement. One recommendation is in support of the government improvements. Is Mr Seselja saying that the committee should only be critical of agencies and that we should not stand up and congratulate them for the good work they do?

Mr Seselja has mentioned that there was a paragraph devoted to outlining the success of the Land Development Agency. That is correct. It is part of the committee's role to report on objectives that are clear and measurable, to focus on results and outcomes and to discuss results against expectations, among other things. I can only assume Mr Seselja is referring to paragraph 1.20, as he has never entered into discussions with the committee as to what was in his dissenting comments.

This paragraph goes on to talk about the LDA and the success of the financial outcomes delivered to the ACT government. In its second year of operation, the agency achieved an operational surplus of more than \$100 million, that is, \$100 million that is going towards building our future; \$100 million going back into the ACT community. That is quite a different approach from that of a former Liberal government of allowing such profits to remain in the pockets of private developers.

Mr Seselja is correct in saying that questions taken on notice in report hearings are required to be responded to in five working days, but Mr Seselja neglected to mention that that it is five working days from the receipt of the *Hansard*.

Another issue that needs to be addressed today is the fact that Mr Seselja has previously complained about not receiving draft reports with enough time to read them, but he would not allow the committee the chance to read his dissenting comments until the report was tabled this morning. I guess it is just another case of one rule for the committee and one for Mr Seselja.

As to Mr Seselja's comments about affordable housing, this is referred to in recommendation 4, which I will read out:

The Committee recommends that the Land Development Agency and the Government continue to pursue mechanisms for making housing affordable, particularly for first home buyers.

This was discussed in the committee's deliberations on the draft annual report and was obviously adopted as it appears as a recommendation in the report.

Mr Seselja also criticised the report for not addressing road safety issues. I have read through the evidence of the Minister for Urban Services in the *Hansard* of the annual report hearings and cannot find any road safety issues that were raised and not added to the report other than the issue of the safety of on-road cycle lanes. Minister Hargreaves quoted from the sustainable transport plan. Mr Seselja alluded to that text in his dissenting report. The key issues of the sustainable transport plan state:

A sustainable transport system must seek a fair balance between the community's strategic social, economic and environmental transport needs. Thus, the Sustainable Transport Plan addresses strategic issues including the need to provide:

safety and security for users and the community;

an appropriate balance between modes—walking, cycling, public transport and private cars;

a cost effective system that is affordable for the community.

The role of the plan states that, as a comprehensive framework for a sustainable transport system for Canberra, the plan contains strategies concerning road safety planning, among other initiatives.

I mentioned earlier that Mr Seselja had quoted from *Hansard* on the safety aspects of the construction of the Woden to Dickson on-road cycling lane. This quote was an absolute misuse of the committee transcript by Mr Seselja. To quote his own question to the minister and deliberately omit the answer—that is right, deliberately omit the answer from the minister—is a deliberate misuse of the committee process and a deliberate misuse of the Assembly. I quote now the omission where the minister answered the question. The minister said:

I am satisfied that the road facility for cyclists is efficacious; that it satisfies national standards for pavement width and pavement compatibility with the roads around it; and that, if anything, it will prevent cyclists being injured on the roads. We have the full support of the cycling community in this town.

There was then more information provided to the committee on the on-road cycle lanes, to help answer concerns raised by Mr Seselja.

I will go on to speak about Mr Seselja's other dissenting comments. Mr Seselja has raised concerns about the fact that he could not agree to the committee's recommendation 11, which I will again read out for the benefit of Mr Seselja, who was not present in the chamber this morning:

The Committee commends the ACT Government for its policy of not encouraging the use of Australian Workplace Agreements in the ACT Public Service.

Mr Seselja tells us that he opposes this recommendation and believes that the committee should condemn the ACT government for keeping wages low in the ACT public service by failing to offer AWAs. Mr Seselja also states that this is outside the terms of reference. I draw Mr Seselja's attention to the fact that these are departmental annual financial reports—yes, financial reports—and standing committees are to inquire into the financial running of government departments. Forgive me if I am wrong, but industrial relations and employee-related costs are probably the highest outlay of any business, including the ACT public service. How could the committee's discussions on AWAs in the terms of the annual report hearings be misguided when they are specifically related to the costs of employment? However, Mr Seselja must find AWAs to be rather an important issue in relation to annual reports, as he continued for three paragraphs about his views on AWAs.

The committee commends the ACT government for not encouraging AWAs. There are currently 250 employees on AWAs in the ACT public service—all, according to Mr Seselja, better off. I have some figures here that the opposition may find interesting. Mr Seselja stated that if the ACT government is serious about retaining high-performance staff and preventing them moving to the commonwealth public service or the private sector it should offer AWAs. I quote from an article referring to the federal government in the *Age* of 14 July this year:

If the Government is using our money to tell us these facts, they must be right. And, one detail aside, they are. And yet they are also misleading.

On Tuesday the Bureau of Statistics told us very different facts. Its book *Australian social trends 2005* reported that for adults in full-time work, hourly ordinary-time earnings were highest for workers on collective (certified) agreements. They averaged \$24.10 an hour, compared with \$23.30 for those on individual deals, and \$16.70 for those on awards.

I am not entirely sure where Mr Seselja got his figures that wages of employees on AWAs are 13 per cent higher than those on certified agreements, but I have at least stated my source of information.

Other employees affected by AWAs are non-managerial staff who, we know, are worse off and, of course, the one group in the community that Mr Seselja often forgets about, women. Statistics taken from the press release of the Minister for Women, Katy Gallagher, show that women are further worse off under AWAs. Department of Workplace Relations, DeWR, figures show that only eight per cent of AWAs registered to date make provision for paid maternity leave; that women on AWAs earn an average of \$5.10 an hour less than men; that women covered by collective agreements have an hourly wage rate of 11 per cent above women on registered individual contracts. That is right, 11 per cent above women on secret workplace agreements. Research also suggests that secret contracts offer less flexibility for work and family balance and provide less job satisfaction.

I bring this to the attention of Mr Seselja today, as he has, on several occasions, disagreed with the recommendations on gender equality. Mr Seselja raised opposition to that in the annual report hearings when he asked whether the best person received a position on the ACTION board because of their gender. I again say that I believe that, if we do not target minority groups, then how can we have equality.

I certainly hope that the next time I stand in this chamber to table a report of the Standing Committee on Planning and Environment I will not also have to give a closing speech on Mr Seselja's dissent.

Question resolved in the affirmative.

## **Leave of absence**

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

That leave of absence be given to Ms Gallagher (Minister for Education and Training) for this sitting week.

## **Adjournment**

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

That the Assembly do now adjourn.

## Motor sport

**MR STEFANIAK** (Ginninderra) (5.25): I rise tonight to mention a couple of matters. Firstly, members may be aware that, back in May—and I think this cropped up in about August—the motorcycle track at Fairbairn Park had some work done on it and some material was dumped that had some asbestos in it. I am not quite sure how it got through the checking which was required. That was done through no fault whatsoever of the motorcycle track people. Apparently the responsible person, who runs a small company, has been located, and I would have hoped common sense would prevail.

I understand that an arrangement was made between that person and Environment ACT to take away the offending material, which is lodged in over 1,000 tonnes of soil. It was quite a big job and they were going to worry about the cost of it later. That seemed quite reasonable, but I have been advised that, unfortunately, a public servant from urban services somehow got into the act and demanded that it be taken away, saying that this person or the company would have to pay \$110 per tonne, which I understand is impossible. I would have thought that, if Environment ACT had come to a commonsense arrangement with the relevant party, that would suffice.

I would certainly like the relevant ministers to sort that one out. I will be happy to take it up with them later. I draw that matter to the house's attention because about 600 members of the motorcycle club use that track, many of whom are young riders, trained in safe riding, who go on to compete in championships, and many people come from interstate to attend the various championships. A real problem has now arisen with many of these young riders drifting away from the sport or perhaps going out and riding unlicensed or unregistered bikes in other, unauthorised, parts of the ACT, rather than on the dedicated track located at Fairburn Park.

That dedicated track had some improvements done for the Rally of Canberra, which a number of members, including Mr Gentleman, attended. I saw him at that very successful event. I think some of the earthworks might even have been in relation to that. So, again, through no fault of the track, the motorcycle club finds itself in dire straits. The club is starting to lose riders because young riders do not have that facility available to them. It needs to be sorted out. It seems to me to be a bit of a *Yes, Minister* situation.

My second point also relates to motor sport. I had cause to attend an interesting meeting in relation to the dragway a couple of weeks ago, where I heard some rather disturbing comments from the minister—but more on that later. The lot opposite have a rather nasty habit at times of gilding the lily and coming up with some very strange views on what has occurred. I recall that, when the dragway issue was last raised, the Chief Minister ranted and raved about the then government having closed the track, which was nonsense.

To put the record straight, there was a strange arrangement. There was a three-way lease. The Department of Defence, which owned the land, leased it to the dragway and it was operated successfully for many years. The lease was somehow supervised by the territory. The territory did not have a huge amount of input to it, but I recall that the territory had to write a certain letter, saying it had no problems with the dragway continuing. That was duly done on, I believe, 8 December 1998 by the then Minister for

Urban Services. I saw the letter when the minister passed it to me in the chamber to make sure I was happy with the wording. I was happy with the wording, and off it went.

Unfortunately, the Department of Defence, the airport and a few other federal government departments were not terribly keen on seeing the dragway continue. Unfortunately, despite very public representations by me in January 1999, the 10-year lease was not extended. In my view, it should have been extended for 10 years. I understand a five-year option was offered, which was not taken up. There were subsequent court cases, which I was rather saddened to see the dragway people lose, in both the Supreme Court and the federal court.

Get your facts right, people, in relation to the dragway. I note that Minister Corbell and indeed you, Mr Speaker, were very vociferous in 2001—and before then—in trying to ensure that a new dragway was built. A promise was made at that time and another promise was made by the current government in 2004. I was very concerned to see comments made by Mr Corbell which seemed to indicate that, even if a number of recent reports were okay, there were still all these amazing hoops for the dragway to overcome.

## **Volunteers**

**MS PORTER** (Ginninderra) (5.30): As we all know, 5 December was celebrated as a day to thank all volunteers throughout the world for their wonderful contribution to our wellbeing. We celebrated our ACT volunteers in particular on that day. As I have said previously in this place, the ACT leads the nation on that. Forty-two per cent of the population volunteer and take part in a myriad of activities across a wide range of disciplines such as sport and recreation, health, community services, environment, heritage, science and technology, and the arts. Canberrans regularly volunteer their time to assist families, neighbours, their community, the sport they love or the natural and built environments.

I know Mrs Dunne is going to criticise me for once again talking about volunteering. We all arrive in this place with particular expertise and passions, and my passion is volunteering. That is not surprising, really, given the long history of my contribution to volunteering in the ACT, in Australia and internationally. Mrs Dunne claims to know just as much about volunteering and volunteer staff management as I do. From her last attempt to address the subject, I would dispute that.

Mrs Dunne's passion as an area of expertise appears to be garbage. I must say that, over the past 13 months, I have heard her talk a lot about that. I am impressed that one could work oneself up so much about what amounts to a load of old rubbish. Nonetheless, Mrs Dunne has shown herself to be quite outstanding in her knowledge in the area of waste and its disposal. Do not worry, Mrs Dunne, I am not about to tread on your obvious passions. I prefer it to be you who talks rubbish rather than me. All I ask is that you pay me the respect of recognising a person's undoubted expertise.

I go back to the subject of volunteers and volunteering. The ACT government encourages people to contribute to the community in which they live, whether to gain work experience, maintain skills, establish friendships, develop new skills, practise their English language skills or get a reference for future paid employment. Volunteering gets

people involved and enhances participation and interaction between members of our community; it fosters social networks, trust and cooperation.

One of the key goals of this government's Canberra social plan is to recognise and support the role played by volunteers, because of the benefits to both the volunteer and the community. It connects us with our community and is an investment in the wellbeing of our society. For young people, volunteering leads to new experiences and contact with a diverse range of people in the community; it helps to establish connections with the community and the paid work force—beyond the family and the school. In fact, it can often lead to a paid job. I saw this happen many times when I was the CEO of Volunteering ACT. That is one of the reasons that organisations experience a high turnover of voluntary staff.

Volunteering is also a way for retired members of our community to remain active and continue to be participating members of the community. Those who are retired often report that volunteering provides a sense of purpose that might be missing after leaving the paid work force. The benefits volunteering offers are increased self-esteem, better health, a sense of achievement, increased social contact, or simply knowing you have made a difference.

Research shows that volunteers over the age of 55 doing 20 hours or less of voluntary work per week are among the happiest people in Australia—if not the happiest. Being happy also enhances one's chance of remaining healthy, so it would appear that volunteering contributes to good health, particularly for those who are getting older. We should therefore encourage and support members of our community to volunteer throughout their lives, as we can see that there are benefits for everybody.

The ACT government's vision for volunteering in the future is one in which all people in the community are supported in their efforts to participate as volunteers in the life of Canberra. This includes overcoming the barriers facing participation by people with disabilities, people from diverse cultural backgrounds, people on low incomes, and young people. Perhaps it will be better if we remember every day the contribution volunteers make to our lives and not remember it just once a year.

### **Dr Kevin Donnelly** **Christmas lights**

**MRS DUNNE** (Ginninderra) (5.35): Firstly, I would like to compliment you, Mr Speaker, on your assiduous application of the standing orders when I stood to seek leave earlier under standing order 47. As I was saying the words, I realised that there was no question before the house. Whilst I hoped you would not notice, I offer congratulations for the fact that you did notice.

Today, for the second time, Ms MacDonald has risen in this place in a debate on education and said—this is only a rough quote—that I had quoted Dr Kevin Donnelly and then gone on to say a whole lot of things about Dr Kevin Donnelly. I put the challenge out to Ms MacDonald that, if she can find a *Hansard* reference where I have quoted Dr Donnelly, I will eat a photocopy of the page of *Hansard*—not a page from the bound copy. I undertake to do that. I am pretty sure I have never quoted Dr Donnelly. Ms MacDonald seems to be fixated by Dr Donnelly. I think she needs to get it out of her

system and put it to bed once and for all. It is a bit morbid, really. There are many people in this country who are concerned about the future direction of education, as am I, not just Kevin Donnelly.

Something else brings me to my feet tonight, in the last sitting week before Christmas. I know it is really difficult in the utopian paradise created by Jon Stanhope for backbenchers to obtain much relevance, but I think the “lights out, please” foray of Ms Porter this week has been singularly unfortunate in the festive season. In terms of stating the bleeding obvious—that neighbours should be considerate to one another—it is a pretty thin measure indeed on which to put out a press release.

In the socialist utopia being created by Jon Stanhope, I hope that this is not the beginning of the regulation of Christmas lights, as seems to be being proposed by Ms Porter. I hope that the Stanhope government executive will distance themselves considerably from the proposal that we should regulate Christmas lights. Even with my passions about greenhouse gas emissions I think that, from time to time, a few low-energy lights brighten up the place and express some Christmas cheer—and I use the term “Christmas cheer”. I hope members of this place will not start referring to “the holiday season”. I am quite happy for Ms MacDonald to refer to Hanukkah, but for us it is Christmas.

I think that the Grinch-like outburst from Ms Porter yesterday was entirely inappropriate. There should be no regulation of Christmas lights. Most neighbours get on perfectly well and appreciate the efforts gone to in their neighbourhood to spread a bit of Christmas spirit. I think the intervention by Ms Porter was inappropriate.

## **Volunteers**

**MR HARGREAVES** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (5.38): I want to speak on volunteering. The international day of volunteers was celebrated around the world on 5 December, as it is every year. Through my ministerial portfolios I see the outstanding work done by volunteers in our community. I would like to take this opportunity to recognise some of this endeavour and to acknowledge the volunteers who carry out the work.

Volunteers provide many of Canberra’s essential services, such as services provided to the frail aged and people with disabilities, primary health programs, environmental conservation, heritage protection and restoration, services to young persons at risk and the homeless, education, sport and recreation, and, of course, emergency services.

As members are aware, the Canberra community is one of the most diverse communities in Australia. Last weekend we held a multicultural summit, which was attended by nearly 400 people. Many community events are organised across Canberra each year by volunteers from the many cultural and language groups. Other events, such as the National Multicultural Festival, the National Folk Festival and the heritage festival, could not be staged either without the assistance of thousands of volunteers. Indeed, tourism in our city relies heavily on the work of volunteers in conducting events such as Floriade. Volunteers act as guides and explainers in all the major national capital attractions in the ACT.

On a more serious note, we all know about the huge contribution of the ACT emergency services volunteers who came out in force after the recent fierce storms that hit our suburbs; and the Rural Fire Service; and the 450 volunteers active in the 28 community fire units. Currently, 35 participants volunteer their services to assist the community through volunteers in policing. These volunteers work for a maximum of 16 hours a week and have collectively contributed in excess of 30,000 hours of ACT policing. They bring a diverse range of skills, training and life experiences to their volunteering and, at the same time, provide an important link between the police service and the community.

The ACT government is committed to further developing the volunteer sector. In 2002 Volunteering ACT, in partnership with the ACT government and the business sector, developed a four-year strategy for volunteering in the ACT called “An agenda for volunteering in the Australian Capital Territory community 2003-2007”. As part of the agenda, the ACT government developed a volunteering policy within the ACT public service that supports and encourages workers to volunteer in their communities.

In 2004 the ACT government produced guidelines for the use of volunteers in public service agencies. Those guidelines recognise that the use of volunteers allows the community to become involved in initiating, enhancing and extending the services of ACT public sector agencies. The guidelines have been issued to assist those agencies to manage the engagement of volunteers, while accommodating agency needs. The guidelines provide advice to ACT government agencies on developing policies and codes of practice in relation to volunteers.

They also describe the rights and responsibilities of volunteers and of the agencies the volunteers work within—insurance and liability considerations and recruitment best practices—and introduce for the first time dispute resolution and grievance procedures. The 2004 enterprise bargaining agreement with ACT government agencies includes as one of its core provisions unequivocal government support that all ACT public service agencies are to accommodate staff who wish to perform volunteering work during their public service careers.

Recognising the vitally important role played by volunteers in community sector organisations, we have provided funding to Volunteering ACT to provide extensive training to the community sector on what they need to know in relation to the recruitment of volunteers. This includes insurance cover, occupational health and safety, privacy considerations and police checks. It reflects our recognition that community organisations operate in a more complex regulatory work environment in respect of the recruitment of volunteers than ever before. The ACT government’s vision for volunteering in the future is of one in which all people in the community will be supported in their efforts to participate in the life of Canberra as volunteers. This includes overcoming the particular barriers facing participation by people with disabilities, people from diverse cultural backgrounds, people on low incomes, and young people.

Finally, I wish to acknowledge the partnership the government has had with Volunteering ACT over time, a partnership which delivers. I would also like to acknowledge for the public record the role played by my colleague Mary Porter, for

which she has been quite rightly honoured by being awarded the Order of Australia. Indeed, I think this Assembly is considerably enriched by her presence.

### **Human Rights Day**

**DR FOSKEY (5.43):** On Human Rights Day, which was last Saturday, there were a number of things a person could do in Canberra. Of the multitude of events, I chose to attend first a bazaar in Glebe Park on Saturday morning which was organised by the Arab-Australian Women's Association. At that bazaar there was an absolute feast for the eyes and other senses, particularly the senses of smell and hearing, of crafts and other products from Middle Eastern or perhaps I should say Arab countries. Perhaps most wonderful of all was a choir consisting of about 14 men from Sydney who sang to traditional Arab music. It was absolutely fantastic.

I commend that group of women, which included Winifred Rosser, who was, I believe, a Liberal candidate for Brindabella, Diana Abdul Rahman and many other women who probably should be named but whose names I am afraid I do not know. This is going to be a regular event and I really look forward to that. I also attended the afternoon session of the all-day event, which was the multicultural summit arranged by the minister and officers from the Department of Disability, Housing and Community Services.

**Mr Quinlan:** They were from the Office of Multicultural Affairs.

**DR FOSKEY:** They were from the Office of Multicultural Affairs. I thank the member for drawing attention to my slip. I feel that a great number of positives can come from that summit and from the community itself. I have a number of friends in the multicultural community, particularly women who are active in it, and I was pleased to see them there on the day. Of course they were not backward about their desire to assist in the community development role that the multicultural council, or whatever follows it, might have. I believe something needs to come out of that. I believe it is not necessarily good politics just to talk individually with communities, because it may set them against each other.

The events at Cronulla perhaps were a great warning. Of course, the causes were much more complex than can be discussed here. They indicate that we absolutely must be talking to young people when we talk about the ways in which we assist the multicultural community in organising itself. Young people do not always have the same views as the people who leap to leadership in these groups. They are often ignored and not spoken for. Many of them were born in this country, some in this city, and they have things to say that must be heard.

Finally, I put in a plea that we also talk to the women in the multicultural community whose whole lives are involved in community development at the family level, in their local residential communities and also within their ethnic communities, and hear their plea that we work to build bridges between different ethnic groups. We do not want to encourage the silo approach to multiculturalism. The word "multiculturalism" is just that. Not only is it about recognising the diversity of the ACT culture; it is also about recognising that we too are part of our community and building bridges between groups and between the non-English speaking background people. One way to do that is to set up discussions on issues such as the new terrorism laws.

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

### **Cancer support**

**MR GENTLEMAN** (Brindabella) (5.48): It was some 20 years ago that Yvonne Cuschieri set out to help 13 kids with cancer attend a CanTeen national camp. Word soon spread about this selfless act and soon Yvonne was in need of help. In March 1986, in her dining room, Yvonne met with her friends to discuss how they could assist families of children with cancer. So began the ACT Eden Monaro Cancer Support Group. Now, some 20 years later, demand for their support has grown so large that the organisation employs office staff. Thanks to the generosity of government and community, these positions are funded, allowing the group to maintain its policy of all donations going to families.

You do not need statistics to know that every Canberran has been affected by the diagnosis of a loved one with cancer. I have been affected because I saw my brother pass away at an early age due to melanoma. Dealing with cancer is an emotional roller-coaster ride for patients and their families alike. Highs are often met with lows. As anyone who has ever had a loved one suffer from cancer knows, treatment is at times painful; it is also intrusive and does not always guarantee a happy ending.

The effects of cancer are not limited to the emotional and physical aspects. As the ACT Eden Monaro Cancer Support Group rightly point out, the bills do not stop when a loved one is diagnosed with cancer. When a child is going through treatment it is normally the case that at least one parent or care giver gives up employment to care for their sick child. In the case of an adult, it is usually the partner who is the carer, resulting in some couples having to rely on sickness payments.

It is the key objective of the ACT Eden Monaro Cancer Support Group to limit the impact of cancer in the community by focusing on the needs of cancer patients and their parents. Alleviating the added financial strain of supporting a cancer sufferer is a real and tangible means of assisting these families. The group is able to do this in a number of ways. The organisation has purchased equipment such as videos, television sets and recliner chairs, to make time spent in hospital more tolerable. The group has supplied medical equipment for the hospitals that treat Canberra's young people.

Firstly, I think it is important to acknowledge the work done by the volunteers of the group, the hardworking men and women who dedicate their time and energy to give the emotional support needed by many families in our community and ensure that the donations received are delivered to families in need. Secondly, this organisation could not run on the scale it does without its major sponsors, who are vital to the group's ongoing viability. Finally, the ACT Eden Monaro Cancer Support Group relies on us—members of the community—to donate our time and money to its ongoing fundraising events.

One such event is the annual Hawaiian shirt day. I am very proud to say that this year my office organised a morning tea to raise funds around this event. Not only was this an attempt to raise funds; it was also an opportunity to dust off those loud and proud Hawaiian shirts. Like the Hawaiian shirts, moneys were aplenty. Here in the Assembly

we were able to raise over \$200 in badge sales and donations. I take this opportunity to thank everyone involved—be it by wearing a Hawaiian shirt, buying a badge or meeting with us on that Friday for a coconut slice and a mini Hawaiian pizza, both created by the wonderful women in my office, Rebecca and Lauren. So successful was the morning tea that my office will be running one again next year. Should you be tempted to throw out that Hawaiian shirt, think again. We will be back louder and brighter than ever. I congratulate the ACT Eden Monaro Cancer Support Group for the continuing role they play in our community and I thank them for indulging my taste in bad shirts and making a day out of it.

### **Motorcycle Riders Association—25th anniversary event**

#### **Traffic issues**

#### **Arab and Australia Women's Friendship Association**

**MRS BURKE** (Molonglo) (5.52): I congratulate Mr Gentleman for organising that event. I believe that he refers to the staff in his office as “the help”, so I would like to thank the help, too.

I had the privilege this week of riding with the Motorcycle Riders Association in an event to celebrate their 25th anniversary. Mr Gentleman was there to represent the ACT government and Senator Kate Lundy was there for the federal government. It was a grand spectacle. I am sure Mr Gentleman will be talking about that this week, so I will leave it there and not steal his thunder. I just say that I was privileged to be part of a group of 850 to 900 bikes. I am sure Mr Gentleman will correct me on that one. There was probably over \$2,000 raised, and tens of thousands of dollars worth of toys donated.

In the couple of minutes I have left, I want to dispel the myth that all on this side of the house are carping, whingeing people. I am glad you are here, Mr Hargreaves; do not move. I want to congratulate you and put it on the public record that, most times that I have lobbied you for things, except where public housing is concerned, which is a debate for another day, you have moved expeditiously.

I want to thank you very much for three things, all urban services issues. I refer to the changed traffic conditions in Namatjira Drive and the Cooleman Court car park. I think the changes have really raised the awareness of pedestrians and drivers alike. Thank you for those changes. I also made representations to you about Bunda Street in Civic, and I see that there have been changes there. That is the trifecta; that is all you are getting for now. I know it is Christmas and it is the season to be jolly. I give credit where credit is due. I try to offer solutions and work with the government where I can.

I also want to mention the Arab and Australian Women's Friendship Association, of which I am a member. I was there early in the morning and saw the effort that went into it. The pity was that not many people from Canberra—the public—seemed to know much about it.

**Mr Hargreaves:** Most of them were at the summit.

**MRS BURKE:** They were indeed at your summit, Mr Hargreaves. The fact is that we need to get behind things like that. It was a fabulous initiative. Hours and hours of work went into it, and there were many committee meetings, which were a bit like Indian

bazaars with everybody talking and nobody listening, but we had fun. I thank the women who were the driving force behind that, not the least of whom was Samira Pratt, Mr Pratt's wife.

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

Question resolved in the affirmative.

**The Assembly adjourned at 5.55 pm.**

## Schedule of amendments

### Schedule 1

#### Health Records (Privacy and Access) Amendment Bill 2005 (No 2)

##### Amendments moved by the Minister for Health

**1**

**Clause 5**

**Proposed new principle 4.2, new clause 3**

**Page 4, line 27—**

*insert*

- 3 A record keeper need not keep a record on the register under clause 1 for longer than 7 years after the day the record is made.

**2**

**Clause 7**

**Proposed new principle 10, clause 3 (a)**

**Page 7, line 19—**

*omit proposed new principle 10, clause 3 (a), substitute*

- (a) the disclosure is necessary for the purpose of research or the compilation or analysis of statistics, in the public interest; and

**3**

**Clause 7**

**Proposed new principle 10, new clause 3 (e) and (f)**

**Page 8, line 10—**

*insert*

- (e) the disclosure is in accordance with guidelines prescribed by regulation for this clause; and
- (f) the record keeper believes, on reasonable grounds, that the recipient of the health information will not disclose the personal health information.

**4**

**Proposed new clause 16A**

**Page 23, line 7—**

*insert*

**16A Regulation-making power**  
**New section 36 (2A)**

*insert*

- (2A) A regulation may make provision about a matter by applying, adopting or incorporating an instrument, or a provision of an instrument, as in force from time to time for the privacy principles, principle 10, clause 3 (which is about the disclosure of a health record for the purpose of research or the compilation or analysis of statistics).

5

**Proposed new clause 22**

**Page 24, line 26—**

*insert*

**22** **Dictionary, new definition of *privacy principles***

*insert*

*privacy principles* means the privacy principles under schedule 1.

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