



Debates

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

Personal explanation

MR HARGREAVES (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs): I seek leave to make a personal statement to the Assembly.

Leave granted.

MR HARGREAVES: It is a matter of great embarrassment to me that, last night when I was driving home, I was stopped by the police at a random breath test station on the Tuggeranong Parkway. I did what a good citizen should do and submitted willingly to the test. It is with great regret and sorrow that I inform the Assembly that I failed the test. Police officers escorted me to the Tuggeranong Police Station, where I had a breath analysis test which produced a reading of 0.097. The police officers informed me that I would be prosecuted by way of a summons. I hope that that prosecution is expedited so I can put this matter behind me.

I am not the first person to hold a high office who has come to the attention of the police in this way, but I am mortified to have to stand here today and make this speech. I have offered to stand down from my position as a minister, and the Chief Minister has agreed to that course of action. I apologise also to the people of Canberra, to my colleagues, to my staff and to my family for letting every one of them down. More importantly, Mr Speaker, I apologise to you and to the Assembly for my behaviour.

Disability services—policy

MS MacDONALD (Brindabella) (10.33): I move:

That the Assembly:

- (1) notes:
 - (a) the importance of moving young people out of nursing homes and into more appropriate accommodation; and
 - (b) the need for appropriate services and infrastructure for people with disabilities and delays in their development; and
- (2) recognises the commitment of the Stanhope Labor government to maintaining services for these people.

Imagine being 20 years old and surrounded by the aged and dying every single day. That is the heartbreaking fate of thousands of young people across Australia. Every day a young Australian with high-care needs is placed in an aged care nursing home. Across the nation there are more than 6,000 young people with disabilities that are forced to live in aged care homes. If this continues, it is estimated that by 2007 the number of young people in nursing homes will rise to 10,000.

The complex care needs of young people in care mean that there is limited accommodation available which is designed to meet their specific needs. The type of care offered by the disability and acute care sectors is either unsuitable or places are limited. Families will often do anything it takes to support a loved one, but they cannot always keep it up in the long term. The primary caregiver may get sick, or as parents age they no longer have the physical strength to care for their disabled child. Unfortunately, some young people's families cannot look after them because the burden of care is too much to handle, both financially and emotionally.

These young people often have acquired disabilities, caused by accidents, brain injuries or genetic disorders such as degenerative neurological conditions like multiple sclerosis, Parkinson's disease or muscular dystrophy. Twenty years ago their lives may have been lost, but with the advent of modern medicine they are surviving and the challenge now is to give them quality of life.

The combination of these factors often leaves young people with no option than to live out their youth in the confines of nursing homes alongside frail, aged and dying residents who have reached the final stages of their life. This has become such a huge issue in our community because nursing homes create huge lifestyle and care problems for younger residents.

First of all, aged care nursing homes are designed to manage the end stages of life and not the living life. This culture is very different to what is needed for successful rehabilitation. Aged care homes focus on ensuring that the elderly are comfortable at the end of their lives, which means they do not provide younger residents with the best therapy and support required for recovery.

Another problem is that the needs of young people with disabilities require more funding and support than is provided by nursing homes. Without the specialist disability services they need, the overall health and wellbeing of young people in care can deteriorate over time.

Young people in nursing homes also suffer from social isolation. Nursing homes are not funded to provide elderly residents with access to the community, so there are very limited opportunities for young people to participate in the community or do social activities like shopping, eating out or visiting friends.

A recent study conducted by the Youth in Nursing Homes organisation revealed that 34 per cent of young people in nursing homes almost never participated in community activities and 21 per cent went outside the nursing home less than once a month. Also, as you can probably imagine, visiting hours in aged care nursing homes do not feature highly on the weekend plans of friends. A study has found that nursing home environments tend to deter young visitors and that 44 per cent of younger people receive a visit from friends less than once a year. Adding to this feeling of isolation is the exclusion the young residents feel because of the huge generation gap between them and aged residents.

In all of this, it is not surprising that many young people in care suffer from depression and distress. The negative effects of young people living in nursing homes affect not

only young people and their families but also the elderly and the general population. The places that young people occupy are not spare beds waiting to be filled; quite the opposite is true. The reality is that young people are taking up spaces in an already overstretched system. Aged care services are designed for people over 65 years of age. Young people are not supposed to take up places in this system, although people under 65 comprise nearly five per cent of all nursing home residents.

What is the result of this? The overflow of elderly Australians unable to secure a place in these facilities are forced into acute care beds while they wait for a place to become available. But the consequences do not end there. While the elderly linger in hospital beds, the burden is passed on to the general population as taxpayers' money is spent on their care and hospital waiting lists grow longer. This is not a situation that is easily resolved, as there are a number of funding traps young people with special accommodation needs fall into.

The funding responsibility for services for younger people with a disability is defined in the Commonwealth State Territory Disability Agreement, or the CSTDA. The CSTDA defines the services to be provided in each state and territory and includes the level of additional growth money provided in the agreement to fund additional services to be managed by the states. State and territory governments have responsibility for accommodation services, as well as therapy, recreation and equipment, among others. The commonwealth has primary responsibility for disability employment services, advocacy and research.

The CSTDA is the instrument whereby the commonwealth allocates funds to the states and territories to provide disability services. For community-based accommodation and support arrangements to be developed for younger people as alternatives to nursing home places, this must be done by the state and territory governments under the auspices of the CSTDA. Nursing homes are not part of the CSTDA, and younger residents cannot access many of the disability services available to other people with disabilities living in the community.

Young people in nursing homes are often caught in a bureaucratic and political funding trap. To help combat this ever-growing problem, the National Alliance for Young People in Nursing Homes was formed at a national summit held in Melbourne in May 2002. The alliance has chapters in each state and territory. It represents young people living in nursing homes and their families, carers and friends, service providers and advocacy organisations. The national advocacy alliance created a five-point plan to generate choices for young people living in nursing homes. These include, firstly:

The Commonwealth Government assume a leadership role in developing an administrative framework encompassing aged care, health, disability and housing, to resolve the issues of responsibility and the shortfall in resources at both Commonwealth and State/Territory levels.

Secondly:

The Commonwealth and the States/Territories agree to promote vastly improved coordination and cooperation across government sectors to ensure that young people accommodated in aged care settings have equity in access to disability services and supports and are provided with appropriate service pathways.

Thirdly:

The Commonwealth and the States/Territories collaborate in the development of an agreed national policy framework that commits to systemic change to resolve this issue ...

Fourthly:

All levels of government. Federal, State/Territory and Local. to work with the National Advocacy Alliance for Young People In Nursing Homes in the development of a sustainable service system that is responsive to the needs of young people with high and complex care needs and that allows individuals and their families to exercise their right to choice.

Fifthly and finally:

The Commonwealth Parliament of Australia instigates a Parliamentary Inquiry to examine sustainable and equitable financial arrangements and a national community care service system for young people with high care and/or support needs.

The Stanhope government has demonstrated its commitment to these objectives by delivering on high-quality, flexible, person-centred services and supports for the disability population. This government's commitment is evident by the level of funding allocated in the 2006-07 budget, and previous budgets, to help relieve this situation.

The budget brought down by the Treasurer yesterday included the joint initiative with the Australian government to reduce the number of younger people in residential and aged care and to provide appropriate accommodation options and support for this group of people. This means that younger people will have access to a wider range of lifestyle choices than is currently available in the ACT, including options to live in normative community settings. In addition to the \$42 million funding provided for disability support services in 2003, the 2006-07 budget includes a significant increase in funding to the disability sector.

The ACT has the highest level of growth of per capita expenditure on disability services across all jurisdictions. From 2000-01 to 2004-05 the ACT per capita expenditure increased by 69 per cent, nearly twice the jurisdictional average of 38 per cent. The number of people accessing individual support packages has increased to 161, representing a recurrent funding increase of \$5.9 million over the past three years. This means that many people who previously relied primarily on family or friends to provide them with essential support can now engage paid carers. The ACT government, in partnership with the commonwealth government, has also supplied further funding to aged carers totalling almost \$1.2 million over four years.

In 2006 a local area coordination or LAC program commenced in Gungahlin and Woden. This will assist individuals to be less reliant on traditional formal disability services, through working with them to establish better resource links and support networks within their local community. This government has also committed to improving the long-term outcomes for families, children and adults who have very high

and complex needs, by providing an additional \$1.85 million per year for the provision of specialist support and treatment services.

Between 2002 and 2006 this government has provided an additional \$12 million to address unmet need, including \$2.2 million in the 2002-03 budget; \$3.78 million in the 2003-04 budget to address individual support needs, the needs of clients with complex behaviours and the transport needs of people with a disability; \$3.78 million in the 2004-05 budget to address the unmet need of individuals with a disability, an intensive care and treatment program for people at risk, respite for older carers and further funding for transport needs of people with a disability; and \$2.6 million in the 2005-06 budget for community support and crisis intervention, children with high and complex needs, including autism, and community support services youth and young adults, or the CSSYYA.

This year's budget also includes a new \$2 million capital injection for a therapy ACT southern hub. This hub will ensure clients can benefit from the experience of a range of specialists in one location, including psychologists, social workers, occupational therapists, physiotherapists and speech pathologists.

Over the next six months several new services will commence, including community support services for youth and young adults. This initiative will fund the establishment of a new person-centred community-based service on the north side of Canberra for young people who have a disability. New intensive support services for adults and families with children with a dual diagnosis of a disability and mental illness will begin. A new person-centred day options community service on the north side of Canberra will also commence in mid 2006, at a total cost of \$415,000 per year.

All of these initiatives highlight the government's recognition that this is a major issue in our society. I commend the government on its outstanding track record in addressing the needs of people with disabilities in this community and supporting them to realise their vision of achieving what they want to achieve, living how they choose to live and being valued as full and equal members of the ACT community. I commend the motion to the Assembly.

MR SMYTH (Brindabella) (10.47): I commend Ms MacDonald on putting this motion on the notice paper this morning. It is an important issue and it is an issue that has been there for some time. Most governments in most jurisdictions have not done much in the way of making sure that there are real bricks and mortar on the ground to accommodate young people, unlike the previous Liberal government, which in this jurisdiction put some blocks together in Hughes, just behind the Hughes primary school, and opened two buildings, which I understand at the time were run by the National Acquired Brain Injury Foundation, specifically for young men.

In these figures, my recollection is that young men are over-represented. Young men tend to have more car accidents, particularly motorbike accidents, and suffer from paraplegia and quadriplegia which, as they get older, as Ms MacDonald has pointed out, becomes an enormous burden both on their family and their friends. Also, most homes are not built in such a way that can accommodate their needs—access, wider doorways, wider halls for wheelchairs and indeed beds in which, in some cases, these people will spend the rest of their lives.

What you have to do is compare bricks and mortar on the ground—open, accommodating people—with what the government has done today. In part (2) of her motion Ms MacDonald “recognises the commitment of the Stanhope Labor government to maintaining services for these people”. I think you really have to ask the question: what have they maintained and what have they done?

I note that, on page 78 of budget paper 3, there is an initiative called “helping younger people with disabilities in residential aged care services”. But clearly this is aimed at providing programs to assist, whether they live in a nursing home, which is not going to get people out of nursing homes, or whether they live at home as they age. The problem with that is they can only stay there for a finite period of time. As Ms MacDonald rightly points out, their families often cannot cope with some of the injuries that young males in particular have received, and indeed they end up in nursing homes because there just are not enough beds.

I note that this initiative in the budget paper this morning is in fact in response to a commonwealth government initiative. At February’s COAG meeting they agreed to provide \$122 million towards a five-year program that was designed to help keep younger people out of aged care facilities. Well done to the federal government. Indeed, with the almost one million dollars here, congratulations to the ACT government on at least starting to acknowledge that there is more that needs to be done. But we do not see initiatives that will put more accommodation on the ground, and that is the problem.

We know we have a problem with nursing home beds, we know there is a lack of them, and we know there are long waiting lists. For instance, I was told that Leslie Moreshead had only placed one new resident in their facility last year and have a waiting list of something like 750. It is those sorts of numbers that are not being dealt with by this government at all, and I think there is more that needs to be done.

The whole issue of quality of life, as raised by Ms MacDonald, is something that needs to be addressed. If you are a young bloke or a young woman and you go into a nursing home and the only free bed is in a dementia ward, then you are spending your entire day with people who do not know who they are and probably have no idea who you are or what you are. For a young person coping with a physical disability or a physical injury, that must drive you crazy, quite literally.

Ms MacDonald raises the point that the statistics all show that their friends then drop off and young people tend not to visit nursing homes. It is often hard enough to get young people to visit their own relatives in nursing homes, let alone a young mate or a young female friend, and that is the problem they are in. It also puts pressure on the nursing home sector.

They are taking up beds that reasonably and appropriately should be there for older people, for people with specific injuries or dementia or just suffering from the ravages that old age brings to us all. So there are a number of problems here. At the core of it, yes, we need to keep people in their homes as long as we can but we also need to make sure that, when they do need accommodation—bricks and mortar on the ground—the facilities exist.

It is interesting because I have heard a rumour that the houses we built in Hughes—it is a disability group home now—are allegedly set to be converted into a respite centre, due to difficulties with the group home being compliant with OH&S guidelines as set out by Disability ACT. The trouble is that this home actually has residents in it. To have it as a respite centre, will that then comply with OH&S guidelines without some sort of major upgrade? I think we have to have from the Minister for Disability and Community Services a coming clean on this matter. If they are committed to assisting young people to transfer out of nursing homes and into appropriate care, what is being done in turn to ensure that appropriate accommodation and facilities are also being maintained across the disability sector in the ACT to take them up?

Perhaps Ms MacDonald, representing the government, can get an answer to that. Perhaps when she closes the debate she will scotch that rumour and say that this group home will remain as a group home and will not become a respite centre, because I think it would be a terrible outcome if that were the case. I might be a little out of date and it may already have changed its function, but, when we opened it, it was there for people with an acquired brain injury. If we could have an update on that, Ms MacDonald, that would be good.

It is a big problem. The federal government has acknowledged the problem. There is \$122 million of federal money. Whilst you have to acknowledge what the ACT government has done in this budget, it does not say anything about building long-term accommodation for these people.

The problem with enabling more people with disabilities to remain in their home as they age is that they do age. Part of the problem—and it has not been recognised or looked at in the ACT—is what they call succession planning. For many older parents with a child with a disability—and that child might be anywhere between 20 and 40—it is not appropriate for them to be in a nursing home, but we do not have a different facility for them to go to. And we do not have any concrete advice for those parents as to what they should do in the unfortunate circumstance that they pass on—and ultimately they will pass on. We do not have a plan to look after their children.

We need to make sure that we as a caring community ensure that perhaps some of this money will go to that. But we also need to make sure that we get succession planning right as well, so that we get a handle on how big this problem is, what it is that we are likely to face and how we will face it. We all know it is coming. We certainly know that the rate of ageing in the ACT will increase significantly over coming years.

I think it is time for real changes to be made that will improve the quality of life for young people who live in aged care facilities but who are unable to reach their maximum potential because the nursing home setting does not provide for the unique needs of younger people. Let us face it, nursing homes are set up and geared to nursing home-type patients. You can still be quite active, you can still be very young, you can still have a lot of potential which you would like to use in the way that you would love to do as a young person. It is important that we give them their opportunities. If they are limited physically, then we need to liberate them mentally as much as we can.

What I would like to see is a statement from the government on how some of this money will be spent and what they will do. They mention that it will be used for people with disabilities living in residential aged care facilities to be supported in accommodation that meets their individual support needs in a way that is age appropriate. How will that be done? Will it be in the way of a service where they are taken out of the aged care facility? Will we have youth officers who will go into the aged care facilities and address needs on site? Will it involve a different model?

We have some money, and the money is welcome, but we need to make sure that it is spent appropriately to ensure that, one, they get the maximum effect personally and we as a community get the maximum effect from the funding. We need to work on an alternative for young people with disabilities, to exclude nursing homes as residential options, to ensure that they are no longer left to languish in facilities designed for aged people. I do not see any move towards that either. The option will still be in the ACT that, if you need a bed, that bed will be in a nursing home.

Nursing homes were never meant to handle these young people. It is a problem that has been with us for some time, but what are we going to do about it in the future? Nursing homes do not have the resources, they do not have the level of staffing, nor are staff trained to support the different disability types that these young people have to endure.

Recently a report published in the *West Australian* said that a survey in the ACT showed that a significant percentage of carers are not actually trained at all. Are these young people inappropriately in nursing homes, being looked after by people who are either inappropriately trained for their needs or not trained for their needs at all? So we have a problem that compounds and compounds. I believe that alternative models of community living need to be formulated and funded that will provide these young people with the opportunity to participate as members of their community, so that they are no longer excluded from the community and indeed socially isolated.

Going back to the statistics that Ms MacDonald quoted about how the atmosphere of a nursing home is not conducive to your friends coming around, let us face it: we all know that we are all very busy and it must become harder and harder to go and visit a mate or a friend in a nursing home. If that place is not conducive to being friendly for an able-bodied person to visit, then how much worse must it be for a young person? I think what the ACT government must do now is act to ensure that young disabled Canberrans do not have to be looked after in nursing homes at all.

No-one denies that aged care facilities do their very best for younger people with disabilities, but we also cannot deny that they are not the very best places for young people to live in. So it will be interesting to see if Ms MacDonald has some more details from the minister when she concludes this debate. Let us be quite open about this: will the government now consider opening more group homes, similar to disability group homes, to cater specifically for young people in aged care?

If we can gather them together, we can have a greater scale of economy, we can provide better services, we can provide dedicated services and we can provide appropriate services in the situation where they live. Hopefully we can make it a more interesting and young people friendly place so that their friends will continue to come and travel

with them on what will be a very difficult path in their own lives. To have their friends around them in the long term would, of course, be a way of making that path somewhat easier to travel. I see the minister nodding. I am sure she is going to get up and deliver lots of great news, and I look forward to that great news. It is a problem that is not going to go away, and indeed it is a problem that may get worse in time.

I have a friend who was a fireman. He was looking after his wife—they were in their 30s—as she had developed a debilitating disease. He spent five years at home looking after her until it became impossible for him, not because he did not want to but because he did not have the knowledge or the physical resources to be able to do it. With great regret, in her 30s, his wife of some 15 years went into a nursing home, and that is where she will spend the rest of her life.

A nursing home at approximately 35 is not something that anybody should have to suffer or endure. Again, as a society, we need to ask ourselves: can we make it better? If we have enough underage people who should not be in nursing homes in this city—and hopefully the minister will enlighten us as to the exact number—then hopefully they can be brought together in a single facility that can be modified or made more appropriate to their needs.

I commend the motion to the house. The opposition will support the motion. We have some doubt about recognising the commitment of the Stanhope Labor government to maintaining services for these people. I think “maintaining” is a word that says we are happy with what is going on currently. Clearly the federal government do not believe that what is happening currently is appropriate. They have put their money where their mouth is with \$122 million.

The ACT government has allocated almost \$1 million over the next four years. That is to be commended but, beyond that four years, indeed beyond this year—because I note there is only \$110,000 in the first year, doubling to \$200,000 and almost \$400,000 in the two outyears—it is the physical infrastructure, which is costly. When these people reach a point when they cannot stay at home with their loved ones, when they cannot be cared for appropriately, they must have somewhere appropriate to go. I look forward to what the minister will have to say. With that, we will support the motion.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services, Minister for Women and Acting Minister for Housing) (11.01): I thank Ms MacDonal for bringing this motion to the Assembly today. At any one time, approximately 3½ per cent of the ACT population will require ongoing support because of their disability. When the Stanhope government took office, there was clear evidence of long-term neglect of the disability service system. Since then the government have undertaken significant systemic reform in the disability area and we have committed substantial resources to improve the level of services and support available to people with a disability.

Between 2002 and 2006 this government has provided an additional \$12 million to address support needs in the disability sector for people with disabilities and the families that care for them. Over the last three years, Disability ACT has implemented strategies to minimise the effects of disability and maximise opportunities for individuals, with a focus on improving the quality of life for all people with a disability in each of the

service, community and business sectors. In particular, we have recognised the importance of intervening early for people with high and ongoing needs, to ensure they enjoy the benefits of the community along with their peers.

Consistent with this approach, the government is committed to reducing the number of young people with disabilities living in residential aged care facilities, as well as those in hospital and those at risk of inappropriate placement in residential aged care. As Ms MacDonald has already mentioned, the 2006-07 budget makes provision for a further \$1.5 million to deliver more appropriate services to young people in residential aged care facilities. As Mr Smyth has acknowledged, this money will be matched by the Australian government. So, together, the two governments will jointly provide more than \$3.1 million over four years for the initiative. This follows the commitment by COAG which, including the ACT government, agreed to start to reduce the number of younger people with disabilities living in residential aged care services—an important decision, I think, when you have all the governments in Australia acknowledging that younger people with disabilities living in residential aged care is not appropriate.

The immediate focus here in the ACT will be those under the age of 50. This is in recognition of the impact that such accommodation has on the ability of people with disabilities to have an ordinary life, such as working and being part of the social fabric of our community. Aged care facilities are, as others have said this morning, not designed or adequately resourced to properly provide for the needs of younger people with disabilities.

Most people with disabilities in residential aged care find it very difficult to be part of family life, and this results in significant isolation. Studies indicate that younger people in aged care are often excluded from life in the community. It is also more cost-effective to move young people with disabilities out of health care facilities to more appropriate accommodation. The program, which will commence this year, will initially target people under the age of 50 in residential aged care, as well as those in hospital, or those who are at risk of being placed in residential aged care.

As of November 2005, there were two people under the age of 50 in residential aged care services in the ACT, but there are a further 48 people between the ages of 50 and 65 in residential aged care. All of those are part of this project. The figures do not include ACT citizens located in out-of-state aged care facilities, as the Department of Health and Ageing does not provide that information to the states and territories.

People who have suffered a traumatic brain injury and/or spinal cord injury are among the majority of people with disabilities who require long-term and intensive support. ACT Health figures indicate that each year the ACT will have between three and six new young people who require intensive and long-term support and who are at risk at being inappropriately placed in an aged care facility or remaining in hospital.

While the ACT has the best record of all states and territories in providing appropriate community care for younger people with a disability, the ACT currently does not have sufficient facilities or support services necessary to accommodate these people on a long-term basis outside health or aged care facilities. With demand continuing to grow, it is necessary to create additional capacity in order to prevent inappropriate admissions to residential aged care facilities. This means that a large number of people who would

otherwise end up in residential aged care facilities are living in the community with their family or other peers, enjoying the social, recreational and family benefits that the ACT has to offer.

As members would know, Disability ACT currently provides a number of services and supports to young people with disabilities who would otherwise be at risk of entering an aged care facility. These include accommodation support in four specialist Disability ACT group homes and funding of two non-government organisations—Centacare and Koomarri—to provide specialist support for people with high and complex physical support needs. In the 2005-06 budget, one individual who was residing in a nursing home received community support and crisis intervention initiative funding for the provision of appropriate alternative long-term residential care and support.

This new initiative will offer assessment and planning services to those people currently inappropriately accommodated and to those who are currently in hospital settings awaiting accommodation and support. I am trying to answer all of Mr Smyth's questions; I think I am getting through them bit by bit. Ms MacDonald will follow up on the question about Hughes.

A purpose-built group home will be constructed to accommodate four people with high support needs and will be staffed specifically to meet the needs of this group. This home will provide long-term accommodation and will be designed to meet both physical care and social support needs of the residents. A number of other people who may otherwise be forced into residential aged care facilities will be assisted with support in their own homes so as to be in a position to access their community.

In conclusion, the actions of the government in supporting these services to people with disabilities will improve access to appropriate supports for people with high and complex needs, improve community and government responses to people with a disability, minimise barriers and maximise opportunities for people with disabilities to access the ACT community.

I thank Mr Smyth for his comments. It is good to have a united Assembly position on this, an acknowledgment that young people living in nursing homes or other aged care residential settings is inappropriate, and that we will work together to make sure we address that and more appropriately accommodate them and provide them with the support they need to enjoy their lives.

MS MacDONALD (Brindabella) (11.08), in reply: I would like to thank Mr Smyth and, of course, the minister for their support. I would also like to apologise to Mr Smyth. We were trying to find out an answer to the question he posed earlier on but, unfortunately, we have not had it come down yet. We will have to give it to him at a later point. It is an important thing to address, so we are keen to do that.

I do not think anybody would have an issue with supporting this motion. We do not want to see young people condemned to spend their lives in inappropriate settings; that is why I have brought the motion on today. I commend the motion.

Question resolved in the affirmative.

Housing—Narrabundah Long Stay Caravan Park

DR FOSKEY (Molonglo) (11.10): I seek leave to present a petition from 1,666 citizens concerning the Narrabundah Long Stay Caravan Park.

Leave granted.

DR FOSKEY: I present the following paper:

Petition—out of order

Narrabundah Longstay Caravan Park—Dr Foskey (1666 signatures).

I move:

That, in relation to the Narrabundah Longstay Caravan Park, this Assembly:

(1) acknowledges:

- (a) the strength and value of the community of residents presently living at the Narrabundah Park;
- (b) the absence of alternative longstay caravan park berths in the Canberra region;
- (c) the shortage of affordable private rental accommodation; and
- (d) the long public housing waiting lists;

(2) notes, with regret:

- (a) the rushed and improvident transfer of ownership of the park from the ACT Commissioner for Housing to Koomarri in 2000;
- (b) Koomarri's decision to put the park on the open market this year and to sell it to the highest bidder; and
- (c) the intention of the new owner, Consolidated Builders Ltd, to evict all residents and cease operations of the Narrabundah Longstay Caravan Park;

(3) welcomes:

- (a) the ACT Government's commitment to a positive and sustainable outcome for the Longstay park residents; and
- (b) Koomarri's preparedness to refund most of the sale price and work with the ACT Government and Consolidated Builders Ltd to redress the situation; and

(4) calls on:

- (a) Consolidated Builders Ltd to walk away from this property deal, at no cost to itself, so that it can be returned to public ownership; and
- (b) the ACT's peak business and property organisations to publicly commit to an ethics-based approach of corporate social responsibility.

I would like to talk through each step of this motion because I believe that all the elements are significant, otherwise I would not have put them there. I refer firstly to the

strength and value of the community of residents presently living at the Narrabundah Long Stay Caravan Park. In making the point that the community living at the Narrabundah Long Stay Caravan Park is a strong and supportive one, I am not presuming that everyone likes everyone else or gets on with each other. However, I have observed in my visits there and in talking to residents that people do look out for each other.

The residents themselves argue that they like where they are living and would fear isolation if they moved to a block of flats or into a house in the suburbs. A trip to the shops involves checking whether neighbours need a lift or some milk. People living on their own are not in danger of getting sick unseen or at the worst, as we have seen with some places in larger cities, dying in their flats and not being found for many months.

Most of the residents at this park also argue that they pay their own way and that they own their own house, if not the land, and that Canberra people should not see them as poor and needy. That is true, although, in common with long-stay caravan parks across Australia, the people there do not have much money, and they include quite a few retirees and pensioners, as well as some on benefits and people living with a disability and with low-paid work.

While the typically more isolated and affluent Canberra people might not have much time for their neighbours, the park's residents know that their quality of life is greatly enhanced by the sense of community they experience. That kind of social capital would be destroyed if the park were moved. It is deeply disturbing that Koomarri failed to understand the social value of property it had in its hands and that Josip Zivko, the developer, could consider purchasing the property without regard to the community living upon it.

I turn to the absence of alternative long-stay caravan park berths in the Canberra region. There is only a handful of sites available anywhere in the Canberra region—from Yass or Goulburn to the coast. So, while legally the new owner can simply advise residents that they have a few months to make other arrangements, realistically there is nowhere to go. Also, many long-stay parks these days will only accept new or virtually new vans and transportables. Even if residents were to look further afield, they would be unlikely to be able to bring their homes with them.

Finally, a large proportion of the vans and homes could not be moved. They have had wet areas, slabs and other rooms added. Some are just too old. They are strong where they are, but would not stand up to being moved. For anyone who is able to and prepared to move, the costs would be prohibitive.

As to the shortage of affordable private rental accommodation, there is a range of reasons that there is such a dearth of affordable housing in Canberra's private rental market. The land release program, land tax, support for first home owners, the rental rebate scheme, negative gearing, diminishing funds for public housing and even the GST all play a part in limiting the supply of affordable housing. I have referred to that numerous times in this Assembly and elsewhere. ATCOSS, ACT Shelter, the Housing Industry Association and the property council all acknowledge this shortage.

The next element is the long public housing waiting lists. Many residents would not be eligible for public housing, or at least would not be given priority, unless and until they

were made homeless. The present waiting period for priority one housing is 12 to 18 months. For people further down the list, it is indefinite. While, for the residents, moving into public houses is the last thing they want, for ACT Housing, having to do more with less, having another 100 to 200 people needing a home would turn the crisis into a catastrophe.

I turn to the rushed and improvident transfer of ownership of the park from the ACT Commissioner for Housing to Koomarri in 2000. All information publicly available indicates that the long-stay park was making a small profit for ACT Housing before it gave the park to Koomarri in 2000. The ACT government announced its decision to sell the park in 1999. There was considerable action by residents and dispute in the Assembly at the time. The existing caretaker joined with a few residents to make an offer to buy the park from the ACT government. I understand that his attempts to talk to the minister and to find out the proper process were unsuccessful.

Bruce Mackenzie, former CEO of Community Housing Canberra, wrote to the *Canberra Times* to tell us that the government was in negotiation with Community Housing Canberra at the time and then pulled out suddenly in order to hand the property over to Koomarri. Margaret Spalding, the chief executive of Koomarri then and now, is reported as saying that the park was thrust on them over two days and that they did not really have a chance to work out if they wanted it.

The key concern of Greens MLA Kerrie Tucker and the Labor opposition at the time was security of tenure for the residents. Minister Brendan Smyth simply transferred the five-year moratorium on changes to the lease purpose clause put in place by the commonwealth when it transferred ownership to the ACT government the year before. I look forward to Mr Smyth, who is not in the room but perhaps listening eagerly upstairs, enlightening us as to any underlining purposes for making in the end such a rushed decision to push the park onto Koomarri.

Koomarri's decision to put the park on the open market this year and to sell it to the highest bidder is perhaps the hardest part of the process to understand. I wonder how much debate went on at board level about the moral right Koomarri had to a windfall \$2 million and whether the sale to the highest bidder—treating the park as any other asset, to quote ActewAGL chief executive and Koomarri president John Mackay—was a fair and proper course of action.

It was unfortunate that managing the park did not create a viable business opportunity for Koomarri's supported employees, which it was earlier argued would be the benefit of the deal. It is also unfortunate that Koomarri's management of the park overall left a lot to be desired. I would like to know whether Koomarri discussed the proposed sale of the park with the ACT government before it put it on the market and whether anyone else was advised of the possible sale of the land prior to January this year.

I think we need to remember that Koomarri is now a company limited by guarantee. Its objects are to support and create opportunities for people living with disability. All decisions it makes in pursuing those objects are business decisions. The board of Koomarri includes three of Canberra's top business people—Stephen Byron from the airport, James Service and John Mackay. They are on Koomarri's board, I suppose, because they see it as a way of contributing to our community. However, the corporate

culture, the way businesses think in Canberra, saw residents of the park dismissed as collateral damage in a robust asset management strategy.

People right across Canberra were shocked by Koomarri's actions and disapprove of it. The general consensus is that Koomarri must have known that evictions would be the outcome but that they had hoped that they would not happen quite so soon. The only ethical position would have been to hand the park back to the government, rather than capitalising on it.

I turn to the intention of the new owner, Consolidated Builders Ltd, to evict all residents and cease operations of the Narrabundah Long Stay Caravan Park. The new owner bought the property with the intention of closing down the caravan park and evicting the residents. Many people seem to take the view that Mr Zivko of Consolidated Builders Ltd is a developer and that developers should work for their own interests alone. I do not accept that. Consolidated Builders chose to pursue this block of land. As I understand, it is not in financial difficulties with this course of action being its only route for survival. This was a business decision purely focused on making a profit by, presumably, sitting on a large block of land until the lease purpose clause could be changed. There are many of us in the community who believe that this does not justify the sacrificing of 100 homes.

Next is the ACT government's commitment to a positive and sustainable outcome for the long-stay park residents and Koomarri's preparedness to refund most of the sale price and work with the ACT government and Consolidated Builders Ltd to redress the situation. Since then, partly in response to the very strong resident and community-based campaign, the ACT government has made it very clear that it will work towards the only acceptable resolution of the issue, which is that the residents remain in their community on the present site. Koomarri has made the inevitable concession that it has absolutely done the wrong thing and is prepared to return the windfall profit. I hope its reputation can be recovered.

The next part of the motion calls on Consolidated Builders Ltd to walk away from this property deal, at no cost to itself, so that the park can be returned to public ownership. I do not get the problem that business people have in acknowledging the social impact of their decisions and then saying, "Sorry, we had better do something different instead." Mr Zivko put out a statement arguing that he cares about people, particularly families, and does not want to cause unnecessary distress. Even so, he seems to feel compelled to follow through on a strategy that would do significant damage to those people and to the Canberra community.

Dr Rigmor Berg, in a successful action against a proposed development of a long-stay park near Gosford, argued successfully in the land and environment court that broad social impacts of the loss of community include the loss of close, supportive bonds between neighbours which greatly enhance the quality of life of its members, being likely to result in social isolation for many, with physical and mental health consequences, and loss of self-determination and security.

I do not accept the view that the new owner is only the meat in the sandwich. Mr Zivko knew what he planned to do. While I believe that he should not make untoward profits from this business venture, I do believe that he should not be out of pocket over the

exercise if, in good will, he works with Koomarri and the ACT government to undo the damage.

The last part of the motion calls on the ACT's peak business and property organisations to publicly commit to an ethics-based approach of corporate social responsibility. The Greens have approached these organisations and put it to them that they would be well served by publicly endorsing such an approach. That comes directly from this situation, which demonstrates an absolute failure of the two key businesses concerned, Koomarri and Consolidated Builders, to consider the social impact of their decisions.

They are run by important individuals in the Canberra business community and members of key organisation such as the property council, the Housing Industry Association, the Canberra Business Council and the chamber of commerce, yet the whole business community seems to be sitting mum on this issue, publicly at least. This amounts to tacit support for the developers and makes a mockery of any claims they might make to corporate responsibility.

That makes me think that most business people just do not get the notion of corporate responsibility. It has not appeared on their radar screen as a guiding principle which informs all decision-making processes. For too long, notions of corporate social responsibility have been perceived as motherhood-type statements that public relations units work into mission statements and media releases but which remain that—just words.

In my summing-up speech, I will speak more about the notion of corporate social responsibility which will be informed by a federal government discussion paper which has, opportunely, just been put out on this issue and respond to the comments. I look forward to hearing from my Assembly colleagues on this important matter that faces us, even though it has been eclipsed somewhat this week by the budget and by various behaviours and acts of the federal government. We cannot let this one go. It is a test of us as a community. I will now sit down and listen to what the rest of you have to say.

MR STANHOPE (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs, Minister for the Arts, Acting Minister for the Territory and Municipal Services and Acting Minister for Multicultural Affairs) (11.24): Mr Speaker, the government shares Dr Foskey's deep concern about the welfare of the Narrabundah caravan park residents. Some residents of the park are indeed amongst the least financially secure members of our community, with little capacity to relocate themselves. In addition, some community support agencies, such as Anglicare, actually rent facilities in the park to provide emergency accommodation.

But the park is far more than just accommodation. It is more than just a stopgap option for some people. It is home. It is a community in the truest sense of that word, a community that supports its members, that enriches the lives of its members. The government is happy to support all elements of Dr Foskey's motion with the exception of paragraph 4 (a), which calls on the developer to walk away from the property deal at no cost to itself so that the park can return to public ownership.

The government proposes an amendment to paragraph 4 (a), which I understand has been discussed with Dr Foskey and which we believe better represents the nature of the

relationship and continuing discussion and consultation with Consolidated Builders in relation to the issue. I will move that in due course, Mr Speaker.

This is a very complicated issue. It is not simple. It is not black and white and it will require a creative solution. That creative solution may not, I have to say, come in days; it may take some weeks, no matter how much we would all like all of the residents to be given a sense of security and confidence about the future and about their capacity to continue to reside where they are currently living.

Blanket calls for one solution or another are not at this stage helpful and may even, in the context of the difficulty, the sensitivity and the complicated nature of some of the issues we are trying to deal with, prove to be counterproductive. The view that the government has taken in relation to this matter is that it does not believe that it is in anybody's interests for any one of the affected or interested parties to dig itself into a ditch and to be immovable on positions from that ditch.

That is very much the attitude that I have taken in my negotiations and discussions and I have asked other parties that the government is dealing with to remain open to discussion and negotiation and, at the end of the day, to remain open to the prospect of compromise. The government's attitude to this is that, rather than calling on Consolidated Builders to walk away from the deal, it would be better to seek Consolidated Builders' agreement to continue negotiations so that the long-term interests of the residents are protected and, in that sense, that they remain on the existing site.

There has been, appropriately so, much community debate around the particular issue but it does need to be reiterated and repeated that this is not a drama of the government's making. I very much hope that the government may have a hand in its resolution and we are happy to work actively with all parties to seek to achieve that. I certainly will not abandon the residents of the Narrabundah Long Stay Caravan Park, but I do want to come up with a solution that salvages what is possible from the situation in terms of government policy, as well as giving the best possible outcome for the residents, Consolidated Builders and Koomarri.

Whilst some in the Assembly, I think, have sought to twist the history of this incident for advantage, I see no benefit accruing to the residents of the park from finger pointing. In fact, if anything, the dissection of who was told what and when is a distraction, and potentially a damaging distraction, from the real issues: the rights and needs of the residents, the legal rights of the developer and what is surely the desire of the community to see a much-loved community organisation in Koomarri come out of this episode with the least possible damage to the interests of its own constituents who, let us not forget, are amongst the most vulnerable and the most marginalised of all Canberrans.

I think that we do need to be mindful of the impact on Koomarri's reputation, and the impact of Koomarri's reputation on its constituent client group, of the ongoing focus on Koomarri's, perhaps, culpability. Koomarri is a much-loved, vital organisation within the life of Canberra and I do believe that it behoves all members of this place to be mindful of that and to respect the wonderful work which Koomarri does for this community.

For the purposes of a time line, there are some simple, inescapable facts and, for the sake of the time line, I will mention them briefly. In 2000, the then government sold the

Narrabundah caravan park to Koomarri for \$1, with the specification that it be used for long-term, low-cost accommodation for five years. Previously the site had been owned and managed by ACT Housing, predominantly for low-cost accommodation. The valuation of the site at the time of the original sale was in the order of \$1 million.

The lease purpose clause specifies that the land is to be used for the purpose of a caravan park. Recently it was announced that Koomarri had sold the Narrabundah caravan park to a private developer, Dytin Pty Ltd, a company associated with Consolidated Builders Ltd and Mr Josip Zivko, its chairman, and that eviction notices had been served on the park's 102 "licensees" and their families. On the basis of those notices, residents were told that they would have to vacate the park some time between August 2006 and February 2007, depending on the individual notices served.

Mr Speaker, other facts are known. Some residents have lived in the park for years. Many are on low to moderate incomes. Some live with the challenge of a disability. But, as I said, they are a community, a strong and, I believe, viable community, and that is what is most important in any description of who or what the residents are and what they deserve.

On 17 May 2006, I announced the formation of a task force to come up with a solution, to provide options and information to the government on the significant and complex issues confronting residents in the wake of the sale of the park. The task force and the government have taken a whole-of-government approach and looked at the full range of available options and actions open to the government. I have met with both Consolidated Builders and Koomarri and I am investigating with both parties possible ways forward that will satisfy the aspirations of each, while delivering the best possible outcome for the park residents.

Representatives of the task force have met with Koomarri, the developer and the residents of the Narrabundah caravan park. From the options identified by the task force, three seem to offer, in the government's view, the best prospect of a way forward. The first is to reverse the sale, the second is to seek to negotiate the possibility of a land swap and the third is compulsory acquisition. I need to reiterate, and I have advised Mr Zivko of this personally, that the option of compulsory acquisition has not been ruled out but I think it is, obviously, an undesirable one, not least in terms of good policy.

It is clearly not good policy for one government to sell a block of land for \$1 and then for a successive government to buy it back five years later for \$2 million. To date, as you may be aware, the developer has indicated that it will not agree to a reversal of the sale. As the territory is not a party to the sale, it is not in a position to reverse the sale without the agreement of both parties. This arrangement was the government's preferred option because it protected the interests of residents without a call on the public purse. I convened a meeting, as members are probably aware, with Consolidated Builders and Koomarri to seek to negotiate that first option as an outcome, representing the government's preferred option.

Representatives of the task force continue to hold meetings with Consolidated Builders. I understand that Consolidated Builders, the task force and, indeed, ACTPLA have had meetings and continue to have discussions quite regularly, having been doing that over the last 10 days. Of the issues being discussed are issues relating to the land swap option.

Land swaps, however, involve a number of issues, once again complicated and somewhat technical.

There are planning issues. For instance, the current site of the caravan park is one of only two in the territory which have an overlay explicitly permitting mobile homes. A variation to the territory plan would be necessary to provide the same policy provisions to other sites. There are issues around land servicing. If the site is not serviced, new connections have to be designed and contracts arranged for their delivery before a new site can be handed over. There are potentially environmental considerations, issues that can involve both the territory and the commonwealth governments and can also require additional surveys and studies.

Not least of all, of course, is the question whether there is any appropriate similar land that may be available, or could be identified, to be swapped and whether there could be an agreement between the parties in relation to the desirability, the value or the appropriateness of any land that might be identified as available for a swap. But these are issues, each of which is resolvable, each of which, with good will and through negotiation and some compromise, can be dealt with and resolved. That is one of the processes which the government is currently, through the task force and through ACTPLA, going through with Consolidated Builders.

Under normal circumstances, once a site has been identified it may take up to nine months to prepare it for release. Government officers are examining some of the range of complex issues involved in that process. While those issues are being addressed, it is important to ensure that an interim solution is found for the residents, which may involve the territory taking over responsibility for the caravan park until a final resolution is found. That is, to some extent, an option that is preferred by Consolidated Builders in relation to this matter—that the government resume responsibility on an interim licensing basis with Consolidated Builders.

That prospect, in turn, creates a number of issues which the government needs to work through, not the least being issues in relation to insurance and public liability. Dytin has raised several issues relating to building and other approvals and the implications of any irregularities for the company as the owner of the caravan park. The company has raised with the government the prospect of the government providing public liability indemnity if it does hand the site back to the government under this interim proposed arrangement. There are issues which the government needs to take advice on and consider in relation to that.

Negotiations with the developer are, as I said, continuing in good faith on both sides. The relationship with Mr Zivko and Consolidated Builders is very constructive and positive. I believe that there is a very good deal of good faith in both Consolidated Builders and Mr Zivko and in the government and government representatives. Further meetings, I know, are scheduled for this week to continue to progress issues in relation to the caravan park.

Mr Speaker, let me assure members that I am working sincerely and proactively to find a solution to the matter. I urge the community, the residents and all parties to maintain the good working relationship that has been exhibited to date. I feel certain that we will be

able to deliver an outcome that satisfies the residents and indeed other parties involved in this particular issue.

I will take the opportunity now, Mr Speaker, to formally move the amendment circulated in my name to paragraph 4 (a) of private members' business notice No 2 as moved by Dr Foskey. I move:

Omit paragraph 4(a), substitute:

- (4) (a) Consolidated Builders to work constructively with the Government to find a resolution that will ensure the residents can remain at the Longstay Park; and”.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.37): I foreshadow that I will be moving the amendment circulated in my name. I am not going to go over history in terms of the saga of the Narrabundah Long Stay Caravan Park. I have been heartened in recent weeks to see that efforts are being made to find a solution. The park has in it many people who have been there for 15 years or more. I understand that 92 of the 102 sites are occupied. There are some elderly people there. I think that 10 people there are over 70 years of age and I think that there are a couple of people who are approaching 80 years of age, so it is terribly important that a proper solution is found.

I am pleased to hear how, from what the Chief Minister was saying, everyone seems to be working together to find a solution. That is very good. Speaking to the amendment, whilst it is probably an improvement on Dr Foskey's motion, I just wonder whether the Assembly can call on an entity outside the Assembly to work constructively with the government to find a resolution or to do anything.

It is quite all right to call on the government to do something, or an agency that the government has some control over, but it may well be somewhat difficult to have a motion or even an amendment whereby we are calling on a totally independent outside entity to do anything—not, I am sure, that this particular entity would have any trouble working constructively with the government. Indeed, my understanding is that that is exactly what is happening. In fact, the Chief Minister alluded to that in his speech. So, in relation to the government's amendment—obviously I will speak further in relation to my amendment—I think that that there is a difficulty with that, as there is indeed with the substantive foray of Dr Foskey's motion.

DR FOSKEY (Molonglo) (11.39): Speaking to the amendment, I have been very pleased ever since the government announced that it was setting up a task force to grapple with the issues concerning the Narrabundah Long Stay Caravan Park. I am also heartened by the work that has been done in getting to the guts of the situation. It is a complex situation and there are a number of personalities involved. I do understand the complexities and I am certainly prepared to accept the government's amendment, because I understand that there are sensitivities in this situation and I am very concerned that it be resolved positively for the residents.

Nonetheless, the Greens stand by the original motion because we do believe that there needs to be more pressure on businesses in this town, if they cannot do it for themselves, to take an ethical approach in their business dealings, especially when we are talking about something that is as integral to people's lives as where they live, especially in a

situation where we know that this is one of the key obstructions to people being able to deal with other factors in their lives, such as their work, their education and their transport.

Of course, the government does have some self-interest in resolving this issue. I am not denying that it has taken an ethical stance here, but there is no doubt that the cost of providing alternative residences for 102 households would be prohibitive—indeed, it may be logistically impossible—and the cost of subsidising the moving of these people, if indeed we could find somewhere that they could park their mobile homes, would be a minimum of \$110 a kilometre and a couple of hundred dollars would need to be thrown into each of those for the hire of cranes. So, one way or another, the government would be very heavily out of pocket.

Funding replacement services that are offered by just living in that park cannot be quantified. Indeed, many of them cannot even be named because they are invisible. They are at the level of just noticing whether someone has opened their blinds that day, whether someone has collected their mail, the kinds of thing you can see as you walk past a house and the kinds of things that are very difficult to provide and very expensive to provide as community services.

I attended a barbecue the other day at the park and was talking to an elderly woman who told me that her father-in-law had been one of Canberra's earliest citizens, had lived here long before the lake was here. I think that sometimes we forget when we talk about the history of this place that most of Canberra's earlier settlers were not Campbells and landholders, but low-paid workers, many of whom were never in a position to own their own property. Some of their descendants are among the residents of the park and they still are not in a position to own their own block of land. Nonetheless, they feel as though they belong here, they feel as though they have a right to stay here, and they contribute immeasurably to our community.

Mr Speaker, I am very concerned that, if the Canberra community fails to secure a good resolution for the people in this park, we will in a sense have shown that we have lost our social concern, that we are very happy for the yuppification of Canberra to proceed apace and that there is no place in this town for people who cannot afford the high private rents and cannot afford the prices for buying a dwelling of any kind.

I turn to the federal government's corporate social responsibility discussion paper, which I did allude to before. This relates to the part of my motion which, I note, the Stefaniak amendment actually takes out. In fact, I note that the Stefaniak amendment excludes every part of the motion, which is very worrying, I believe. Perhaps he will explain that later.

The paper notes that the terms "corporate social responsibility" and "corporate social accountability" lack a precise fixed meaning and that some descriptions focus on compliance with the spirit as well as the letter of applicable laws regulating corporate conduct, while other descriptions concentrate on the societal impacts of corporate activities. Those who think that mere compliance with the letter of the law is enough to satisfy their obligation to the society that protects, nurtures and ultimately supports them are obviously in the "don't get it" camp.

Do such people honestly think that trading in slaves would be socially responsible if the clock were wound back and slavery was legal again? Compliance with whatever laws happen to be in place at the time is a case of giving unto Caesar what is Caesar's. Whether one's moral compass is guided by biblical exhortation or humanitarian principle, having given unto Caesar is where one's moral obligations begin, not end.

The International Finance Corporation refers to corporate social responsibility as "the commitment of businesses to contribute to sustainable economic development by working with their employees, their families, the local community and society at large to improve their lives in ways which are good for business and for development". The American Law Institute's principles of corporate governance model say that, even if corporate profit and shareholder gain are not thereby enhanced, the corporation in the conduct of its business may take into account ethical considerations that are reasonably regarded as appropriate to the responsible conduct of business.

Consolidated Builders cannot claim that governance constraints stand in the way of them doing the right thing. Their shareholders do not need the moral opprobrium that this decision is lumping them with and their corporation does not need the dark stain on its reputation that a decision to go ahead with this deal will bring. I call on them to walk away from this deal with their heads held high and their hearts firmly in the right place.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.47): Mr Speaker, the government, as the Chief Minister has indicated, will be supporting this motion today with the amendment that he has circulated. The purpose of that is to recognise that the outcome we all sincerely want to try to achieve is one which sees the residents of the long-stay caravan park in Narrabundah able to stay in their homes. The nature of the ownership and governance arrangements of the caravan park obviously is very fluid right now, and the Chief Minister is seeking to address a range of issues.

I want to put on record my concerns about the way in which the lease for this property was managed by the previous government and the previous minister. Mr Speaker, it is normal with a concessional lease, particularly one of this nature, for there to be what is called a consent to transfer clause. Consent to transfer simply requires that the minister must consent to any sale to a third party. It is designed to protect leases such as this which are granted at less than market value and where there is clearly a public interest that needs to be continued to be protected, regardless of who is the lessee.

The failure of the previous Liberal government and the failure of the previous minister, Mr Smyth, to provide for a consent to transfer clause has led to the situation we are in today. A consent to transfer clause would have required Koomarri to seek the permission of the territory to sell the lease to another party and for the territory to agree and therefore for the territory to be satisfied that the person to whom the lease was proposed to be transferred was genuine about running the facility on an ongoing basis as a place of accommodation for the people who currently live there.

But that did not happen. No consent to transfer provision was made. There was a limited process requiring Koomarri to maintain it for a set period, but consent to transfer would have been a more enduring mechanism. Indeed, that was the mechanism that was used

by this government when it came to the future of Phillip oval. ACTAFL indicated they no longer wished to hold a concessional lease for Phillip oval and they approached me, as minister, to seek agreement to sell it. They were proposing to sell it to a developer. That would have resulted in the loss of that oval to the community, with a loss of the provision of that space to the community, and the government refused. I refused to give consent to its transfer to a third party. That meant ACTAFL had to think again of their options and they ultimately chose to surrender their lease to the territory.

Mr Speaker, that is the sort of safeguard that consent to transfer provides. Even though that lease was granted 30 or 40 years ago, the public interest was protected. The short-term provisions put into the lease by Mr Smyth gave no protection at all after a five-year period. That is the real failure of the previous government that this government is now seeking to address.

I think that the approach that has been adopted by the Chief Minister is the appropriate one in this regard. He has indicated very strongly the view of the government that the interests of residents and their long-term security must be protected. There are no easy choices for the government in regard to this issue. At some point we will be picking up the tab, whether it is in regard to land or whether it is in regard to compensation. The taxpayer will again be asked to pick up the tab. Perhaps it is a bill that should more rightly be sent to Mr Smyth, the minister who created the situation in the first place. But the territory accepts that it has responsibilities and the territory will be moving to ensure that the interests of the long-stay residents at Narrabundah are protected to the greatest extent possible. I support the motion and the amendment moved by Mr Stanhope.

Amendment agreed to.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (11.53): I seek leave to speak again and to move the amendment circulated in my name.

Leave granted.

MR STEFANIAK: I move:

Omit all words after “this Assembly”, substitute: “calls on the ACT Government to vigorously pursue a suitable solution in relation to the future of residents at the Narrabundah Longstay Caravan Park; and, in particular, pursue the option of a land swap with the current owner.”.

This is a simple amendment. It cuts out a lot of the verbiage in Dr Foskey’s motion, some of which may be relevant and some of which I think is completely irrelevant. I have already spoken about some of the problems in paragraph 4 (a), but that has now been voted on.

My amendment calls on the ACT government to vigorously pursue a suitable solution in relation to future of residents at the Narrabundah long-stay caravan park, and in particular, to pursue the option of a land swap with the current owner. I should perhaps point out to Mr Corbell that this debate went on for about eight months in 2000. There was certainly a debate in the Assembly about not selling it. Then the arrangement with

Koomarri was made, and no-one seemed to have a problem with that in 2000. So hindsight is a wonderful thing, Mr Corbell.

Then, to go back to more recent history, apparently the government knew of what was happening back in November 2005. So there has been a series of, shall we say, problems along the way. But we need to find a solution, and I am pleased that the government is pursuing efforts to find one. That is a positive sign. I was pleased to hear the Chief Minister say that he is having ongoing discussions with the new owner of the caravan park. That needs to continue as well. Yes, whatever happens will probably cost some money.

It seems to me that the best solution at this time would be a land swap with the current owner, whereby he could walk away from the park and receive in exchange land of equal value and use somewhere else in the territory. I understand that is not necessarily an impossible occurrence. I also understand that that is something the current owner would consider and, indeed, if that came to pass, be quite happy with. That seems to me to be the best possible way out of this situation.

I have already spoken about the nature of the park. Some people have been there for many years. There are some elderly people there. I think we only have two such places in the territory. It is necessary to have low-cost accommodation in the territory. There are some significant problems in relation to low-cost accommodation, and they would be exacerbated if the park were to go. Possible solutions include moving people to other low-cost accommodation.

I have had a couple of interesting suggestions about solving this problem put to me, and I am certainly happy to pass them on to the government. But the simplest solution, I submit, would be a straight land swap. That would, I think, basically satisfy most sides in this imbroglio. That is why the opposition has moved this amendment. I commend the amendment to members.

DR FOSKEY (Molonglo) (11.56): On this very busy day, I am pleased that members have taken the time to address this motion. I know that this matter has probably been on people's minds for some time. I am pleased to support the motion, as amended by the government. I am, however, very disappointed that, even if it cannot agree to right the wrong that was done in 2000, the Liberal opposition has not taken the opportunity to try and explain why a piece of valuable land was given away for \$1 without thought to what might happen after five years.

Mr Smyth interjecting—

DR FOSKEY: It is a bit longer than an electoral cycle—quite long-term thinking for some politicians. But it went very quickly for the people in the Narrabundah long-stay park. There was no thought given to that decision, and I am very sorry that Mr Smyth has not explained today what motivated him and his government then. I know that we had a government that was into giving away public property for the public good, but in this case there was no thought of the public good and no thought of the government's bottom line. There is a big area there. We would love to see the documents. I do not think we will get to the bottom of this for a while.

Perhaps it is symptomatic of the way that the opposition tackles things. Mr Stefaniak's amendment indicates to me that he is not prepared to acknowledge the strength and value of the community of residents currently living at the Narrabundah park. I wonder how much time he has spent there listening to them, hearing their concerns and understanding that this is a trauma close to the loss of a loved one. On the scale of stress-related factors in people's lives, this is up there. Some people have lived there for 30 years. They do not have alternatives like members of the opposition do.

Has the opposition not looked into the possibility of finding an alternative long-stay caravan park berth in the Canberra region? Apparently they have not. There has been an acknowledgment of the shortage of affordable private rental accommodation, but nothing I have seen in Liberal Party policies is about addressing this. In fact, most of their housing policies would exacerbate this very issue. While the opposition expresses heartfelt concern about long public housing waiting lists, I am yet to see solutions put on the table.

Every part of my original motion that was of substance and which indicated an understanding of the situation would be deleted by the Stefaniak amendment. It seems to me that his amendment belongs to that class of people that I referred to in my earlier speech—people who do not get it, the people in this town who do not think that business has a responsibility to add to the good of the community.

This town is still small enough that people know what people do. People make decisions according to what they know about a particular firm. Business people on our boards, even on the board of Koomarri, want to be shown to be doing the right thing. We live in a world where business is being given more and more licence. Governments, including Labor governments, give them more all the time. Developers in this town have quite an amount of power, and I think it is just good commonsense and reflects a love for the community that we live in if we ask them to behave ethically and to consider the community that they operate in.

I know that the opposition rejects the idea of having human rights in our law, but to me corporate social responsibility is part of that agenda of human rights. The human rights lexicon is written for governments. It does not—it should—apply to corporations and private businesses, so we need another mechanism. We need, more or less, a code of corporate behaviour, and that is the spirit in which we have moved our motion. More and more we are giving corporations and businesses the right to determine our social environments. Well, let them have the good of the social environment in mind. Thus concluding, I thank the Assembly, or the bulk of it, for supporting the spirit of my motion.

Amendment negatived.

Question resolved in the affirmative.

Motion, as amended, agreed to.

Standing orders—suspension

Motion (by **Mr Corbell**) agreed to, with the concurrence of an absolute majority:

That so much of the standing orders be suspended as would prevent Order of the day No. 11, Executive business, relating to the Education Amendment Bill 2006 (No. 2), being called on and debated cognately with Order of the day No. 1, Private Members' business, relating to the Education Amendment Bill 2005.

Education Amendment Bill 2005

[Cognate bill:

Education Amendment Bill 2006 (No 2)]

Debate resumed from 3 May 2006, on motion by **Mrs Dunne**:

That this bill be agreed to in principle.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (12.03): Mr Speaker, the government will not be supporting Mrs Dunne's amendments to the Education Act 2004. Section 20 of the act acknowledges the important role of schools in the lives of individuals in the community. It provides for a consultation period of at least six months before the closure or amalgamation of a school and for the consideration of the educational, financial and social impacts on students, their families and the general school community.

Mrs Dunne's amendments seek to limit the government's ability to put forth concrete proposals. The primary effect of Mrs Dunne's amendments would be to create an extended period of uncertainty and disruption. This is not in anyone's interests, least of all the interests of school communities.

Mrs Dunne's proposal to replace the words "school communities" with the words "each school community" makes no substantive difference to the meaning of the current provision. The act currently includes the obligation to ensure that school communities affected must be consulted. This does not allow for a random selection of school communities; rather, it considers those school communities that might be affected in a meaningful or material way.

It is no mystery that these amendments have been prompted by this government's intention to tackle the challenges that are facing our public education system. As I have said before in this place, there are nearly 18,000 empty desks across the ACT public school system. Keeping surplus capacity at such levels is costly, making it increasingly difficult to maintain the highest standards of educational facilities and services in all 95 schools.

This government believes in a viable quality public education system, but we know that difficult choices need to be made to ensure educational quality across the territory. As I have said before, this government believes some form of school closures is unavoidable. The government has actively developed a renewal program to rejuvenate the public

education system in the territory with the objective of delivering a public education system with the best educational outcomes for students.

In yesterday's budget, the government announced the most significant capital injection in public education the territory has seen since self-government. There is \$90 million for capital upgrades, \$67 million for the construction of two new schools, and money for a feasibility study for a third that would look into the prospects of collocating a CIT campus with a college in Gungahlin. There is also \$20 million over four years for investment in information technology.

Towards 2020: renewing our schools is a commitment to provide children and young people in the ACT with a vibrant, responsive and world-class public education system, a system that is second to none, one that celebrates and values diversity, strives to achieve excellence and is accessible to all. This announcement will make immediate and far-reaching improvements to our schools and will secure a sustainable education system into the future.

As part of this renewal program, a number of school closures and amalgamations have been proposed. This would come as no surprise to the community. The government has already committed to the revitalisation of public education in West Belconnen through the creation of a state-of-the-art facility and the closing of ageing infrastructure. This commitment was fully funded in yesterday's budget. However, more needs to be done across all areas of Canberra, and the government has proposed a way forward.

I flagged in my inaugural speech in this place and in subsequent speeches that there is a need for school closures and that proposals would be forthcoming. I have also highlighted my commitment to open and transparent community consultation. This government is committed to consulting with the community in a meaningful manner, but to do this you need to put together the "what" as well as the "how" of community consultation prior to making the decision, and that is what I am proposing today.

The "what" was released as part of the budget: eight regional proposals for renewing our schools. The "how" is described in the changes in this bill. As I said in my tabling speech yesterday, these changes will require the minister, before a decision is made about a proposal to close or amalgamate government schools, to tell school communities about the proposal and to listen to and consider their views.

The bill then goes on to describe the principles that must underlie the consultation process. These can be summarised as a focus on access to and provision of quality educational opportunities, openness and transparency, effective community engagement leading to sustainable decisions, provision of relevant information in a timely and accessible way, opportunities for feedback, and seeking the views of school boards likely to be affected by the proposals.

The government will engage with local communities to examine the educational, social and financial outcomes when deciding to proceed on any program, just as we engaged with the community about the West Belconnen changes. The government went to the community with a well-developed proposal that we believed would meet the educational needs of the West Belconnen area now and into the future. This stands in marked contrast to when the Liberal Party closed Charnwood high in the 1990s.

This government do not walk away and simply close the doors of a school. Instead, we propose to invest in the future of our community to build on a vision of a community that gives children every chance to reach their potential. To renew our education system, to provide a consistent standard of high quality education and to maintain a viable system, we must ensure that government schools provide uniform quality of the highest standard across the territory. This does inevitably mean making very difficult decisions about closing schools in some parts of the territory.

But, and I say it again, the current arrangements are working against the equitable provision of resources throughout the system. What the opposition has failed to acknowledge is that last year this government, under the current legislation, engaged in a comprehensive and ongoing consultation process with affected school communities, and we undertake to do exactly the same thing again. This process will involve eight public meetings that I will be holding later this month.

There will also be ample opportunity, via a dedicated web site, a series of focus groups and meetings with school boards and individual school communities, to further develop and discuss the government's proposal. There is a range of options for particular regions within the renewing our schools package. I am looking forward to engaging in a debate with members of the community and affected school communities about the benefits of middle schooling, an early childhood focus and what we can do to further develop our VET focus within our secondary colleges.

There are also possibilities within this process to provide for some diversity within the public education system. We need to move away from the 1970s model. You get a certain sense from some participants in this debate that we reached some sort of nirvana in the 1970s. I am reminded of an episode of *The Simpsons* where Homer says that music was perfected in 1974 and nothing has ever been the same since. You get the sense that people in the education system are not prepared to look beyond the 1970s model that we have in this city. Well, I have been minister for eight weeks, and I am proposing to look forward to what our system can be, not just next year, but in five years and in 10 years and in 2020. Students who will be enrolling in preschool next year will be in our system until 2020. It is my firm view that the system that we have at the moment will not cater to their needs, and we need to address that.

I will be holding a series of community consultation meetings, stakeholder briefings and open days. I will put in place a variety of measures to address all of the concerns that are raised. In the course of this open and constructive dialogue with the community, I am sure that aspects of our proposals will be met with some concern. I have no doubt about that; I acknowledge that publicly. But, over the course of the next six months, I am confident that we can engage in a constructive debate about the future direction of our education system.

The government is well aware of the central role that schools play in the development of the individual, the family and the community as a whole. For this reason it is vital that the government is able to approach the provision of schooling in a manner that is strategic, based on clear evidence and well considered. We do need to ensure our education system continues to meet the changing needs of our community. The government will not be supporting the opposition's amendments because, far from

benefiting the school communities, their effect would be to remove the government's flexibility to make decisions to improve educational outcomes, to limit the government's power to approach the community in future with well-developed proposals and to create further uncertainty for school communities.

In the consultation on the proposals announced in yesterday's budget, the government will utilise a range of consultation tools and techniques. This is because each school community is different and might have a different preference. Meaningful consultation requires a broader approach than one-size-fits-all. On that basis, the consultation will involve a range of tools and techniques, including public submissions, public meetings, workshops and forums.

As we can all appreciate, school closures and amalgamations are not easy decisions. It is not a simple economic argument of listing costs and benefits. It involves many intangible issues that are hard to quantify. The bill I am proposing defines the consultation process more clearly for members of the Assembly and the community. The government will consult the community on the proposals announced in yesterday's budget, the details of which are in the 2020 booklet. I hope that this bill will gain the support of both sides of politics so that we can move on to the bigger issue of consulting with the community about what sort of education system they want in their regions, both now and into the future.

MR SPEAKER: I should have reminded members at the outset of this debate that, in addressing order of the day No 1, private members' business, they can also address their comments to order of the day No 11, executive business.

MR SESELJA (Molonglo) (12.15): Thank you, Mr Speaker. I will be addressing both bills. I support Mrs Dunne's proposed amendments to the Education Act that will hold this government accountable in the critical area of public consultation around school closures. Mrs Dunne's amendments would simply require the government to consult with communities prior to making a decision to close a school, and I will go further into the amendments. This is something that the community would expect to occur prior to such decisions being made. Mrs Dunne's bill has been prompted by the appalling process put in place by the former education minister in relation to the closure of the Ginninderra district high school.

In addition, Mrs Dunne has circulated amendments to this bill, including an amendment that would put in place a statutory obligation for the government to follow a clear and transparent process in making decisions about school closures. This amendment shadows similar approaches taken by governments around the country and around the world. In summary, it will adopt a measured and timely approach, include all stakeholders, analyse all alternatives and ideas, reach the best possible consensus, and activate the best possible options.

I believe that this amendment is a positive step. I know that the government will not be supporting it, but maybe there is more to be said on that. It is disappointing that we have had to bring it forward. As I said, the appalling process last year in relation to the Ginninderra district high school prompted the introduction of this bill. It is disappointing that the government made these amendments necessary by ignoring the spirit of the legislation last year. Government is not about circumventing or selectively interpreting

the law. Government is the acknowledgement that you represent the people and will always defer to the people and engage in thorough debate and consultation.

Today the minister—it happened last year to his predecessor—has been brought kicking and screaming to the position of putting forward legislation. If it were up to Mr Barr, we would have nothing by way of a consultation process. So it is a small step in the right direction, but it goes nowhere near far enough. Differences of opinion, whether politically or in the community, not only allow the government to identify what the majority of the people wish the government to do, but also allow the minority the basic right not only to disagree but also to be heard, to be given the opportunity to try and convince the majority, the government, of the validity of their case.

Since the Labor government took office in 2001, primary school enrolments have declined at an average rate of two per cent, dropping consistently every year. In fact, since coming to office, this government has done nothing about this drift. The only strategy the former minister for education suggested was for schools to engage in a marketing exercise, as if somehow parents who choose to take their children out of government schools are so stupid and do so for such trivial reasons that a marketing exercise would fix it. One suspects that the government is happy for students to continue to move away from the public sector, whatever the reasons, in order to save money.

As a result of the lack of action over the past five years, we now see desperate urgency on the part of the government on the issue of school closures. Our concern is that, because of this self-imposed urgency, proper process and proper consultation will suffer, and that is what we are debating today.

The new minister for education has denied the existence of a hit list. In fact, he was the first person to actually say the words “hit list” in this place. I did not actually ask him whether there was a hit list. I asked him about a list and he said, “There is no hit list.” This looks like a hit list, Mr Speaker. I think what we are seeing in the budget is a hit list of 39 schools. We can go through some of them: Hall, Flynn, McKellar, Giralang, Hackett, Reid, Weston Creek, Chifley, south Curtin, Melrose, Mt Neighbour, Tharwa—the list goes on. That is just for this year. There is a hit list.

The minister and the government have had to be brought kicking and screaming to the table even to make minor concessions on what consultation process they will put in place in closing down these schools. This is not going to be a genuine consultation process.

Mr Barr: So you are ruling out now closing any of them? You will reopen them all, will you?

MR SESELJA: They are going to just close these schools. These are the schools they want to close.

Mr Barr: You will commit today to reopening them all, will you?

MR SESELJA: They will put in place a token process and then they will close these schools.

Mr Barr: And you will commit to reopening them, will you?

MR SPEAKER: Order, Mr Barr!

MR SESELJA: That is why we are here. Thank you, Mr Speaker. Proposed new section 20 (6) of Mr Barr's bill states:

To ensure that school communities affected by closing or amalgamating a government school are adequately consulted, the Minister must ... listen to, and consider, their views.

At last year's estimates we had a debate with the former education minister about section 76 of the Education Act, which requires the minister to ask for, and consider, advice. The former education minister said that that "ask for, and consider" did not mean consultation; it did not mean she had to consult. I do not know how the amendments, if they were to get up, would be interpreted by a particular minister, but I put it to the Assembly that they allow a lot of room for manoeuvre, and I will come back to some of the detail of those amendments in a bit.

Prior to the election of 2004, the Liberal Party publicly acknowledged that some schools might have to close. That is on the public record. In fact, the *Canberra Times* headline of 12 August was: "Merge shrinking schools: Pratt". The article reports shadow education minister Steve Pratt as saying that some schools may have to close because of the changing demographic realities. This was in August 2004.

What was the government's response at the time? A spokesman for education minister Katy Gallagher categorically ruled out Labor closing any schools during the next term of government. The spokesman said that the government would not be closing schools. The announcement yesterday, that we are trying to get a handle on in this debate, is proof that the government deceived the people of the ACT in the 2004 election. They said: "Trust us. We will not close your schools. Trust us; vote for us."

Many people did trust them and vote for them. But they should not have. Eighteen months later, suddenly the case for closure is so strong that 40 schools will be closed. The people of Canberra were massively deceived at the last election. I do not know how government members can keep a straight face in this town. Eighteen months after making that assertion before the election, they turn around and say: "We said that no schools were going to close in the next term. What we actually meant was that 40 of them will close. We are only going to close 40."

How can this government be trusted to keep its word on consultation? This is what it comes back to. The minister would like us to trust him to engage in good process. We have seen no evidence of that to date. In previous years, every time the issue of school closures has come up, the Labor Party have been the first to oppose it. As recently as the 2004 election, they were denying it was going to happen.

We have the hit list. Rivett preschool and Rivett primary school are to close by the end of this year. I understand that many of the people of Rivett voted for the Labor Party, and they would have voted for them, in part, on this promise: "Vote for us. We will not close

the schools. It is those nasty Liberals. You do not need to worry about us. We are for public education. We will not close your schools.” That has been shown to be a lie, Mr Speaker. That has been shown to be a deception of the people of Canberra. It is an absolute disgrace!

In recent times in the debate about school closures the Chief Minister and the education minister have been surprised to realise that, suddenly, there are 18,000 empty desks. They say: “There are 18,000 empty desks; we did not know about that before.” This is disingenuous. There has been a steady decline in enrolments in government schools over many years. It has been happening over many years. It has not suddenly happened in the last 18 months. It has happened over time.

The Liberal Party was honest enough to identify it before the election, but this government would not tell the truth. They would not tell their real plans, and it is only now—conveniently, 2½ years out from the next election and 18 months after the last election—that we are seeing their true plans. The idea that suddenly it has dawned upon them that something has to be done, that they did not know about it before, is absolute rubbish! Every time school closures have been spoken about, the Labor Party have opposed them. As recently as the 2004 election they denied that it would happen. Mr Barr has spoken in the media and in this place of his vision for education in the ACT. On 4 May, Minister Barr said:

I will, of course, be engaging the process in coming months of consulting with the community around a range of options that we will take forward. My view is that I need to present an open and honest appraisal of where our school system is ...

I will be taking forward in the coming months a package to address those issues.

Now we see the results of this broader package to improve education. The broad and comprehensive consultation and engagement with the community involves putting out the hit list and then saying: “This is how we are going to do it. We are going to close your school.”

Mr Speaker, I neglected to mention this before, but I think it is important to remind you that you yourself have said:

Political integrity plays an important part in the debate as well. At the last election the Liberals said that some schools may need to close and Labor put it about that there would be no closures.

Mr Speaker, truer words have not been spoken in recent times—certainly not on the government side of this place. Political integrity is at the heart of the debate. Political integrity is important, and what we have seen from this government is a massive, massive deception. Many people, including public servants, enter politics with a desire to make a difference to people’s lives and to improve standards, and your point about political integrity is therefore all the more important.

Education is one of our most important areas. Very few areas of public policy are more important; very few areas of government expenditure are more important. With this bill Mrs Dunne is seeking to put in place a framework that will ensure, not that there are no school closures, but that there is a proper process and that we do not just hand over to the

minister and say: “Yes, we trust you, minister. You just go and close the schools you think should be closed and you do a token consultation.”

The Education Amendment Bill No 2 states that “To ensure that school communities ... the minister must, before a decision is made ... tell the communities about proposal”. We have got a hit list of 39, so they have done that. The bill then states that the minister must “listen to, and consider, their views”. What exactly does that mean? The former education minister has said that “listen to, and consider” does not mean consult. We have heard some of the views today on talkback. We have read them in the *Canberra Times*. Is it going to be sufficient if the minister considers those views and then goes and closes the schools anyway?

The government’s amendments are nothing amendments. The minister was dragged here kicking and screaming under pressure from Mrs Dunne. These amendments do nothing. Mr Speaker, given your public comments on this issue, I struggle to understand how you could possibly support this as some sort of attempt at genuine consultation before closing schools. These amendments do nothing.

Mrs Dunne’s amendments pick up the good work that Mr Stefaniak did in government. When he was in government Mr Stefaniak had the courage to say that if the government were to consider closing schools, it would put in place comprehensive guidelines to govern that process; the government would listen to, and consider, the views of the community, not conduct token consultation. When he was in government Mr Stefaniak had the courage to hold himself to that standard. Mr Barr is refusing to hold himself to that high standard. Instead he is engaging in tokenism, with a hit list of 40 schools.

The government was not open and honest before the election. Let us be clear about that. No-one in the government is even pretending. It is on the public record. They knew this was going to happen, but they did not want to say so before the election. Now they are asking us to trust them to put in place this token consultation process and everything will be okay. Well, we do not trust this government, and nor should we, and the community should not trust the government on school closures. Mr Speaker, I ask you in particular to support the bill. We know that the government will not support the bill. I ask Dr Foskey to support the bill. It will hold the government and the minister to account. The government has shown that it cannot be trusted in the area of public education.

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

Sitting suspended from 12.29 to 2.30 pm.

Ministerial arrangements

MR STANHOPE: For the information and assistance of members of the Assembly, I indicate that, for question time today, the Minister for the Territory and Municipal Services will not be taking questions. Any questions that may have been directed to him in his capacity as Minister for the Territory and Municipal Services may be directed to me. Any questions involving housing may be directed to the Deputy Chief Minister.

Questions without notice

Business—programs

MR STEFANIAK: My question is directed to the Chief Minister. Chief Minister, in the economic white paper you said that the ACT will be:

... unashamedly pro-business and committed to actions that will make the ACT the premier business friendly location in Australia.

At a time when you should be attempting to expand the economic base of the ACT and generate increased revenue, why have you failed to pursue these objectives by imposing a draconian \$5 million cut in business programs?

MR STANHOPE: Indeed, I am pleased to respond to any question or request for information about this government's commitment to business, to economic development and, indeed, to a strong economy—a strong bottom line and a vigorous approach to the management of our budget. This budget that has just been brought down confirms that and continues it.

Some of the indicators about which we are all aware give some indication of that, starting—despite this newfound attitude of the Liberal Party to the Australian accounting standards—with the fact that this government has just delivered its fifth consecutive surplus. That is five in a row—a surplus, under the extant accounting system, of \$120.5 million—the second largest surplus delivered by any government since self-government. That is a sign of the strength of the ACT economy; it is a sign of the commitment of this government to the economy, and to economic development and support for business.

The economic white paper was the first and most significant attempt at strategic planning and forward thinking, and the provision of a vision in relation to business and economic development at any time since self-government. We have followed through on that.

It is interesting, in the context of our commitment to the economy and to business, to reflect on some of the major investments that we as a government have made directly focused on the support of business and the business sector. If you like, you could start with the convention centre. I well remember from the opposition bench the finagling and the breast-beating that came from the then government, the Liberal Party, in relation to the need for new, enhanced and reinvigorated convention facilities for the ACT. I remember well, particularly from Mr Smyth in his then capacity, the promises that they were “gunna” do something about the state of convention facilities and the infrastructure within the territory. But it was not until this government was elected—

Mrs Dunne: Mr Speaker, I rise on two points of order. One is: what will you do about the failure of the Chief Minister to sit in his place when people rise to make points of order? It is becoming a continuing problem and is a sign of considerable arrogance and rudeness—in much the same way as this morning on the radio when he was speaking over the people.

My other point of order is this: the standing orders require that the Chief Minister confine his answers to the subject matter of the question. And the subject matter of the question is a draconian \$5 million cut to business programs.

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

MR STANHOPE: I was talking about this government's commitment to business. Our commitment to business and to economic development is reflected in the fact that we, as a government, put our money where our mouth is. It was because of this government—after years of finagling and inaction by the other government, by the Liberal Party in power—that \$30 million was eventually invested directly in the convention centre.

You need to remember these things. You need to remember who it was that made the investment. You need to recall that it was this government that invested \$20 million in NICTA—the most significant other investment in IT enhancement—one of the smart industries that we identified through the economic white paper. An issue that has been pursued by Business ACT was the decision by this government to support NICTA to the tune of \$20 million.

Just start racking it up: \$30 million for the convention centre; \$20 million for NICTA. As a result of our commitment to that and the leverage that was undertaken, we now have within the territory the pre-eminent centre of excellence in relation to IT.

There is the \$10 million investment into the venture capital fund of the Australian National University, which allowed the leveraging of another \$20 million, to the point where we now have, at the Australian National University, a \$30 million venture capital fund. There is the \$10 million investment in the University of Canberra in relation to the establishment of an allied health facilities faculty and the implications of that for business, for skills and for the development of the economic base here in the territory.

Just look at the record of this government and then compare it to the record of the previous government in relation to direct assistance for business. Look at the town. The economic indicators now, today, are better than they were at any stage in your period in government.

MR STEFANIAK: Mr Speaker, I have a supplementary question. Since many of the budgets delivered recently by other states have increased support for businesses and decreased business taxes, why are you increasing the gap between the ACT and other states in providing support for business?

MR STANHOPE: As I was saying, we have provided enormous support for business in the territory over the last five years. Business has responded and so has the economy. As we indicated this morning and pointed out in the budget, we have the strongest balance sheet in Australia. We have—in the context of the strength of our balance sheet—a position that every other state looks at with some envy and, I am sure, longing.

In relation to the issue of decisions taken by other states in relation to tax, it is easy to pick out this tax or that tax and say, "This particular tax, land tax, is higher in the ACT than it is in Victoria." It is very interesting that until a year ago the comparison was

always between the ACT and New South Wales: “We are an island surrounded by New South Wales. It is absolutely imperative that our land tax, rates and arrangements be identical to those in New South Wales. The ACT is an island surrounded by New South Wales. It is imperative that our stamp duty regime be identical to that in New South Wales.”

But now, all of a sudden—because land tax in New South Wales is higher than in the ACT—the comparison is with Victoria. I guess we will traipse around Australia as the Liberal Party seeks some point of differentiation in relation to supposed lack of support for business in this territory.

The bottom line in relation to taxes and charges is that the Australian Bureau of Statistics, in its latest report on jurisdictional relativities, feels that the ACT, in a state and local government capacity, taxes at 11 per cent less than the national average. If you look at the rate of increase in taxes around Australia, you see that it has been less in the ACT than in other jurisdictions. That is what the Australian Bureau of Statistics revealed as recently as March this year.

Overall, the level of taxes imposed in the ACT is not high. It is not high. You can of course pick out this tax or that tax and say, “Well, this particular tax is higher than the national average.” It may very well be. But there is a range of other taxes and charges that are considerably lower than in other places around Australia. Overall, we have a taxation regime that is essentially equivalent with the national average.

We can do this audit; we can go through and compare this tax with that tax. Then we need to do the rest. We need to go to the other side of the revenue expenditure picture—which is what this government has done—and we need to ask the question: how much do we spend on business in the context of national averages? How much do we spend on tourism in the context of national benchmarks? What do we discover in relation to tourism? It is that, until this budget, we have been expending on tourism at a rate 111 per cent above the national benchmark. Until this particular budget, we were expending the third highest amount in Australia per capita relatively on tourism. So here we have it: this impost is the highest in Australia.

If you want some completeness, if you want the true picture, if you want some understanding of the other side of the equation, just roll out your benchmarking on the level of expenditure by this government on business. Roll out your information on the level of expenditure by this government on tourism. And what do you say? You say, “This particular tax or that particular tax with a particular impost on business might be high.”

At what level does this government expend, and at what level has this government traditionally expended, on business in relation to tourism? Some 111 per cent above the national average—the third highest tourism spend by a jurisdiction on a relative basis in Australia. That is the level of commitment by this government to business—that level of expenditure. The fruits of it are there to see.

We have the strongest balance sheet. We have the strongest economy. We have the lowest unemployment. We have the highest participation rate. State final demand is

amongst the best in Australia. We have delivered the fifth successive surplus—\$120 million. That is the second highest surplus ever delivered by an ACT government.

The opposition and shadow Treasurer now pooh-pooh this, denying of course with an amazing lack of self-awareness that their colleagues used exactly the same system for seven long years, using exactly the same accounting treatment in relation to land sales and superannuation. His speech is now out in the public—“why did the government take so long?”—never for one second acknowledging that his colleagues in government used the same system, the same accounting standards, for seven long years. And, even using those accounting standards, they could not deliver the surpluses we have.

MR SPEAKER: The minister’s time has expired.

Education

MR GENTLEMAN: My question is to the minister for education. Does the minister believe it essential to take steps to renew public education in the ACT? Were there any alternative policies?

Mrs Dunne: On a point of order, Mr Speaker: that is asking for an expression of opinion—“Does the minister believe?”

MR SPEAKER: You are right.

Taxation treatments

MR MULCAHY: My question is to the Treasurer. Why has the government decided to index its new rates, charges and fees by the wage price index instead of the more conventionally accepted consumer price index measurement? Does he acknowledge that the WPI is expected to be 45 per cent greater than the CPI and that, by using it, he is applying a less equitable measure by which these new charges are imposed on Canberrans who are already bearing an unfair tax burden?

MR STANHOPE: I will take on notice some of the specifics that the shadow Treasurer seeks. You need to understand that, when the shadow Treasurer suggests and uses a number such as 45 per cent in relation to comparisons between two standards, I do not assume for one second that it is right or it is true. I will check before I take it as a given.

Mr Smyth: Don’t you know?

MR STANHOPE: I do not know the answer to that. The fact that it is out of the mouth of the shadow Treasurer raises some significant other scepticism in relation to whether or not it should be believed in the context of some of the other utterances we have heard just today on his understanding of GFS and accounting treatments in relation to superannuation and land which are way off the beam and show a remarkable lack of understanding of previous budgets and GFS assessments.

Mr Mulcahy: Read your own budget paper, BP3.

MR STANHOPE: Read my own budget papers! I suggest to you, Mr Mulcahy, for the sake of saving yourself from an embarrassment which you will feel, that you try to develop some understanding of the accounting treatments that have been used in respective budgets over the last five or six years in relation to these matters.

Mr Mulcahy: I am very well aware. Why did Standard and Poor's tell you to change it?

MR STANHOPE: If you are well aware, you would not be making the mistakes that you are making in the claims you make about differentials in relation to surpluses or deficits produced or not produced in respective budgets over the last five or six years under the GFS accounting standard, because you are, quite bluntly, wrong. You have not taken account of the variation and change in the accounting standards since 2002-03, at a time when the ABS willingly accepted and included in those budgets reference to superannuation receipts. It then changed the accounting standard to that which is incorporated in the current budget, which you have sought to denigrate. It is also quite consistent with the standards utilised and recognised in relation to the treatment of superannuation receipts in every other jurisdiction in Australia.

You are off the mark; you are off the beam; you have not understood the accounting treatment that has been utilised and accepted—

Mr Mulcahy: On a point of order, Mr Speaker: I am loving this debate, and I am happy to have it, but I would like to know whether the Chief Minister can answer the question about wage price indexation. If he does not understand it—

MR SPEAKER: Order! There will be no debate about the matter. You have raised your point of order. The Chief Minister has two minutes to continue responding.

MR STANHOPE: Thank you, Mr Speaker. I know it is inappropriate for me to respond to the interjection in relation to Standard and Poor's, but the record needs to be corrected. The position quoted by the shadow Treasurer as early as this morning in relation to Standard and Poor's ignores the statement released by Standard and Poor's yesterday. It was quite convenient for Mr Mulcahy to quote selectively from a Standard and Poor's report delivered some time earlier this year or last year and then conveniently ignore the statement made by Standard and Poor's yesterday—

Mr Mulcahy: Read it thoroughly.

MR STANHOPE: We know what it says, Mr Mulcahy; we know precisely and exactly what Standard and Poor's were saying in the statement that they released yesterday. It was as close as a rating agency ever gets to congratulating a government for the tough decisions it has taken. And you know that. Well done, Standard and Poor's. The criticism they make is that the budget was not nearly tough enough. That is the criticism of the ratings agency in relation to the budget delivered yesterday. It is an acknowledgment by Standard and Poor's that the government had taken decisions that were required to be taken so that the AAA rating that the ACT enjoys and has enjoyed most particularly over the last five years—for the reason, as important as others, that this government has delivered five consecutive surplus budgets, including the second highest ever delivered by a government since self-government—will continue.

Have you read the statement? Do you acknowledge what it was that Standard and Poor's were saying? They said, "We would have liked the government to have been tougher in the budget, but a good effort."

Mr Mulcahy: I thought they congratulated you.

MR STANHOPE: They did, in their own way. I must say that I have not had the introduction to the New York offices of Standard and Poor's or Moody's.

MR SPEAKER: The minister's time has expired.

MR MULCAHY: Thank you for that fascinating reply to my question about WPI. My supplementary question asks the Treasurer: can he assure the Assembly that families, retirees and those on fixed incomes will not be disadvantaged by this indexation change, given that the WPI will be 45 per cent higher than the CPI?

MR STANHOPE: The revenue measures that are incorporated in the budget are tough; they are hard. It is with real regret that the government has, through a range of measures, imposed an additional burden on families and property throughout the ACT. It comes, however, in an environment which is at the heart of the budget and at the heart of responsible fiscal management within the territory, and that is the need to close the fiscal gap between revenues, receipts, and expenditure.

We all know in this place that every government since 1989 has been complicit in the provision of government services at a level and at a rate significantly above national benchmarks. You in government and we in government are all complicit, at one level or another, in the level of expenditure on government services within the territory, averaging out, over all government service delivery, at 20 per cent above the national average.

This is in a circumstance where our receipts from our own source revenue, according to the Australian Bureau of Statistics as recently as March this year, were 11 per cent below the national benchmark or average. These are fairly simple sums. We spend at 20 per cent above the national benchmark. In March of this year, the Australian Bureau of Statistics informed us that our taxes, rates and receipts averaged at about 11 per cent below the national benchmark. This is a very simple sum.

Successive governments—you, in government; we, in government—have attempted to maintain or cover that fiscal gap through the utilisation, for recurrent purposes, superannuation receipts and land sales receipts. You did it. And we have done it. We have each sought to maintain a level of service delivery 20 per cent above the national average, by reliance on land sales receipts and superannuation returns.

This government, in this budget, has said that this is unsustainable. Land sales receipts are dropping. Superannuation liabilities are increasing. The population is ageing. The demand on services is increasing. We must act responsibly. We must close the fiscal gap. We must wean ourselves off land sales receipts and superannuation revenues for the purposes of paying our bills. We can utilise those receipts for the purposes of our superannuation liabilities or for our capital programs, but we must get out of the habit

which each of us in government has pursued. It is a behaviour that is unsustainable. As a consequence, it is imperative that we fund the fiscal gap by ensuring that the services that we deliver are paid for by the community through the charges that are levied in their myriad forms.

You can deny this. You can campaign at the next election on a return to the old days. You can campaign on the basis that you are happy to return to the Australian accounting standards. You can campaign, if you wish, at the next election on the basis that you will reopen schools that will be closed. You can campaign at the next election, if you wish, on a return to the old superannuation arrangements. You can campaign, if you wish, on a return to a 20 per cent provision of health services above the national average or you can stand up tomorrow, in the Leader of the Opposition's response to the budget, and tell us that you will not be doing those things.

In the response tomorrow we will expect the Leader of the Opposition to give the basis on which you will deal with these issues and the basis on which you will campaign in the next election. Will we be returning to 20 per cent above the national average across the board? Will you return to those days? Will you reopen the schools that will be closed? Will you undo the reconfiguration of the education system? Will you return the superannuation arrangements that we have changed? Will you be doing that or will you be making whatever political gain you can make out of the fact that we as a government have taken the hard decisions which you, in seven years of government, did not take and could not deliver?

Mr Smyth: Kaine tried, Carnell tried, Humphries tried. And Labor voted against them.

MR STANHOPE: Here they are, saying that we stopped them. In other words, you did not have the capacity, the will or the fortitude to take the decisions that needed to be taken. You did not have the capacity to produce the vision and to engage the people of Canberra in your vision.

Schools—closures

MRS DUNNE: My question is to the minister for education, Mr Barr. Minister, the aim of your schools rationalisation program seems not to be about saving money but, to quote from the document, "to provide a range of strong life pathways toward further studies and rewarding careers". Minister, across the budget, how much will you expend on your schools rationalisation plan and what savings will be made from this plan?

MR BARR: I thank the shadow minister for, effectively, giving me the opportunity to deliver my answer to a dorothy dixer. As I say, the government is deeply committed to public education and to providing all students in the territory with the highest possible quality education. As I have said, the public education system needs reform. We have outlined a proposal for that reform.

It is important to acknowledge that the system that we have is largely a product of the 1970s and is one that does not keep up with changing demographics and changing community expectations. It is the government's desire to see a significant investment in the physical infrastructure of schools. We announced yesterday in the budget that there

will be \$90 million across the next four years for upgrading school infrastructure. I have also announced that there will be \$67 million for two new schools.

We are, of course, expecting to make some savings across the outyears in relation to school closures. I said yesterday that all of that money and more would be ploughed back into public education. That is a clear commitment of the government. The savings across the four years are to be in the order of \$30 million to \$40 million.

Mrs Dunne: The figure I heard yesterday was \$32 million.

MR BARR: I am happy to provide the exact figure to Mrs Dunne, but it is in the order of \$30 million to \$40 million. We are, of course, putting an additional \$90 million into capital upgrades, \$67 million into new schools and \$20 million into new IT infrastructure. There is an \$11.3 million ongoing capital works program for every year that includes older school refurbishments. We will have \$4 million over four years for transitional assistance.

The size of the government's package of investment in education dwarfs, obviously, any savings to be made over the outyears. However, we do have a strong commitment to delivering on those savings and reinvesting them in the public education system. That is the point: we make the savings to reinvest in the system, to deliver a stronger system. If members of the opposition do not agree with that, let them get up and say so. If they do not believe that we should find efficiencies—

Mrs Dunne: I am just seeking information here, minister.

MR BARR: If the shadow minister does not believe that we should find efficiencies and reinvest savings in the system, let the opposition say that. If members of the opposition believe that no schools should close, let them commit today to reopening any schools that we do close as a result of the consultation process. We will have six months of constructive engagement with the community about how we can renew our system. I am fundamentally committed to seeing our public education system return to the strength it once had. There is considerable concern—

Mr Pratt: After your government ran it down.

MR BARR: Particularly, Mr Pratt, with the era of the Carnell government, when public education was gutted. This government has invested an additional 25 per cent in public education. This government has committed an additional 25 per cent to public education. We have delivered pay rises to teachers to catch up—

Opposition members interjecting—

MR SPEAKER: Order! Resume your seat for a moment, Mr Barr. Members of the opposition will cease interjecting. Mr Barr, you have the floor.

MR BARR: Thank you, Mr Speaker. As I was saying, we delivered pay rises to teachers to catch up for the years of neglect of the previous government. There is no doubting this government's commitment to public education. The package we have announced will see public education return to its place as first choice for parents in the territory. It is about

having a vision for the future. We have not heard a thing from the opposition about what is their vision for public education. They would like to see the system crumble to being just a safety net. They are about undermining public education to the point that it becomes nothing but a safety net system. We will not accept that. We have a plan for the future. You have nothing, absolutely nothing. You sit there smugly because you have not had the guts to undertake the sorts of reforms that have been necessary. We are doing it. We are prepared to make the hard decisions.

Mrs Dunne: This is not reform; it is a gutting.

MR BARR: Mrs Dunne, you have said privately to me in this place that you support the direction of this package because you understand that the reform is needed.

MR SPEAKER: Direct your comments through the chair, please, Mr Barr.

MR BARR: You understand that the reform is needed.

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

MRS DUNNE: I have a supplementary question. Minister, in relation to the rationalisation program that you announced yesterday, will you take steps to preserve particular well-accepted programs such as autism units and the gifted and talented programs in schools which are facing closure or amalgamation and the bilingual programs offered at Telopea and Lyons?

MR BARR: The answer is yes, we certainly will. Any programs that are operating in schools that would close, we will move them and transition them into schools that will continue into the future. In fact, part of this proposal is to build on some of those programs. I think that one of the key factors in strengthening public education will be to strengthen the gifted and talented programs that operate across the territory. In relation to a particular question that I know Mrs Dunne has an interest in at Lyons, yes, I am absolutely committed to the continuation of that program.

Mr Pratt: Will you pick up the talent and move it, too? Will you transfer the talent as well?

MR SPEAKER: Mr Pratt, I warn you.

MR BARR: Yes, all of those programs. Many of the innovative ideas that have come forward from across the system need further strength and support, and that is what this government will be doing.

Community sector task force

DR FOSKEY: Mr Speaker, my question is to the Minister for Disability and Community Services and concerns the community sector task force. Minister, earlier this year the community sector task force delivered to you a report with key recommendations relating to industrial relations, work force development and funding issues. The minister would be aware that the community sector has an annual turnover rate of over 30 per cent, yet the presentation of the budget papers yesterday indicated no

new initiatives in this area that will assist community sector viability. Minister, what is the status of this report and why did the government decide not to respond through the budget?

MR BARR: I thank Dr Foskey for the question. It is an issue of some detail, Dr Foskey. Obviously, having been in the portfolio only a short period of time, I have only just received full detail of the report. I will continue to work towards the government response. I note, however, that there are aspects of the report that have caused some concern for those in the community sector. I am seeking to engage—my office certainly has—with some members of the community sector on how we can progress this. It is something I intend to do in the near future, but at this point it was not ready for a response in the budget.

DR FOSKEY: Mr Speaker, I have a supplementary question. Given that, will the minister commit to the immediate public release of the full task force report?

MR BARR: No.

Schools—closures

MR SESELJA: My question is to the Minister for Education and Training. Minister, as part of the government's schools rationalisation project, 39 schools and preschools are identified as having to close, a radical policy program that will undermine any sense of stability in ACT public education. Minister, how will this destabilising of public education and increased uncertainty among students and parents prevent the flow of students into the non-government sector?

MR BARR: I reject the premise of Mr Seselja's question. I think the clear point is that we need to act now to stem that flow. It is inevitable that any change process will result in a degree of uncertainty. That is inevitable. We cannot seek to change something without creating some level of uncertainty. That point I accept and acknowledge.

In putting forward a proposal that we can have what I hope to be a rational discussion over the next six months in which we engage with the community—and I am sure members of the opposition and the crossbench will seek to engage on these issues as well—we have the opportunity to make some forward-looking decisions, to move beyond just next year and the year after and look towards 2010, 2015 and 2020 and where we want our education system to be.

If there is a view that government should not look forward or that, as a new minister, I should not have a view beyond next week or next month or the next election, then I apologise, but I reject that. I will engage constructively over the next six months. I am eager to have a conversation about how we can improve our public education system and I welcome anyone who wishes to contribute to that debate.

But let us have a genuine debate. Let us have a view to the future. Let us have a view about changing our 1970s education system into something that is more relevant to the 21st century, something that does deliver outcomes for students and something that will make a difference in terms of the enrolment decline that we have been seeing.

The easy option is to do nothing. It is to sit back and just watch it happen. I am not prepared to do that. I am prepared to take what is a big step forward, a brave step, and seek to engage in some reform. I think the public education system needs it. I do not shy away from that at all. I intend to engage in that reform in a constructive manner, and I welcome all those who will seek to contribute.

MR SESELJA: I ask a supplementary question. Minister, will the destabilising of public education and the inevitable curtailment of teacher numbers drive more teachers into the non-government sector?

MR BARR: No, Mr Speaker.

Civil unions legislation

MS PORTER: Mr Speaker, my question is to the Attorney-General. Can the Attorney-General advise the Assembly of the latest situation with regard to the commonwealth proposal to override the Civil Unions Act 2006?

MR CORBELL: I thank Ms Porter for the question. As members would be aware, the commonwealth government and the commonwealth Attorney-General indicated late yesterday their intention to advise the Governor-General to disallow the Civil Unions Act 2006.

This is a move which is of enormous concern to the government and should be of enormous concern to all members in this place because what is at stake is not just the issue of whether or not that piece of legislation is a worthy piece of legislation—we on this side, and I know Dr Foskey, believe that it is—but also at stake is the issue of whether or not this parliament, this Assembly, is entitled to make laws for the people of the Australian Capital Territory.

For that reason I have already communicated to the commonwealth Attorney-General, in a discussion I had with him last night, my very serious concern and anger on behalf of the government—and, I believe, of most members here—at the decision to override that legislation through the provisions of the self-government act.

Following that discussion, I have sought further advice from my department as to the options open to the Assembly and the government to address this unprecedented, heavy-handed and draconian move by the commonwealth government. As members would be aware, the options are limited. The powers of the self-government act make it clear that the commonwealth has this power.

In doing this, the first thing we need to hear from the commonwealth government is which provisions of the Civil Unions Act do they disagree with. I asked this question of the commonwealth attorney last night. He was unable to give me any clear advice as to which provisions of the Civil Unions Act should be amended to make it acceptable to the commonwealth. I believe it is incumbent on the commonwealth to advise this Assembly which provisions of the legislation are unacceptable, so that this Assembly can consider whether or not it is reasonable to amend the legislation.

I will be writing to the commonwealth Attorney-General this afternoon, asking him to detail the particulars of the commonwealth's objections and which clauses or clause of the civil unions legislation should be amended, in his view, to make it acceptable to the commonwealth. I think it is incumbent upon him to do that.

Of course, the other issue which the government has regard for is the role of his Excellency, the Governor-General. Members would be aware that there is provision in our standing orders to make an address to the Governor-General on matters of concern to the Assembly. I can foreshadow to members that I will be proposing as a priority, first thing tomorrow morning, that this Assembly make an address to the Governor-General outlining our concerns and asking the Governor-General to have regard for his powers under the self-government act to seek and request amendments of this Assembly. That is a more constructive and appropriate approach than that which has been suggested to date by the commonwealth, which is simply to disallow the legislation.

Thirdly, I can indicate to members that I have sought advice from the Department of Justice and Community Safety as to at what point the civil unions legislation can be commenced. I anticipate that, following that advice, I will be in a position to bring forward the commencement date of the Civil Unions Act to a period some time within the next one to two weeks. That will permit Canberrans to move to apply for a civil union here in the ACT. It is the government's view that this legislation should be made available to Canberrans.

We all know what the commonwealth government has announced and we all know that the commonwealth government is seeking to overturn this legislation, but we still believe that there are members of our community who are interested in taking advantage of the provisions of this law. I will move to make those provisions available to members of our community as soon as possible. That may entail an amendment to the civil unions legislation in relation to the notification period for civil unions to be entered into and I will be providing further advice to the Assembly on that matter shortly.

Health—funding

MR SMYTH: My question is to the Minister for Health. Minister, the Chief Minister has said a number of times over the last couple days that the budget for ACT Health has been increased by \$41 million. In addition, minister, in budget paper No 2, page 12, paragraph 3, the Chief Minister says that the ACT budget "also allocates to health provisions previously accounted for at a whole of government level". Minister, what are these provisions? What is the value of these provisions?

MS GALLAGHER: I thank Mr Smyth for the question. I will take part of that question on notice. I have not completely recorded to memory every aspect of the Chief Minister's budget speech. He will have to forgive me for that. I have heard it a number of times, but I have not recorded all of it to memory. I will get back to you on that. I imagine I can do that before the end of today.

In relation to the health budget, there is significant investment in this year's budget, an acknowledgement by the government of the priorities that we place in providing a top-rate health system to members of the ACT community. I do not think anyone in this

place could deny that we have the best health system, comparable to anywhere in the world, here in the ACT. The government recognises that. For the first time our expenditure in health will be over three-quarters of a billion dollars going to providing the best services to people in the community, ranging from community health to acute care, and addressing areas of significant need in the community.

We feel that the initiatives in the budget have been targeted to the areas of most need. We have prioritised health. We have considerably increased expenditure in health. It is an 8.9 per cent increase, and we will continue those increases of up to \$200 million over the forward estimates.

This has been a very responsible budget across the board, but in relation to health it is acknowledged that there is growth and pressure and that this needs to be met. In the future we will need to look at how we contain our costs, how we bring our costs down towards national benchmarks—not to meet national benchmarks, but towards national benchmarks—and that work will be done over the next five years. I look forward to managing this changed process in health. There is a lot of good news in health at the moment and this budget will build on that good news.

MR SMYTH: I ask a supplementary question. Minister, with higher superannuation payments totalling \$16 million, higher insurance premiums totalling \$6 million, lost revenue of \$11 million and additional wages of \$3 million, a total of almost \$36 million, will you now confirm that real spending on health services has not increased?

MS GALLAGHER: No, I will not confirm that real spending in health has not increased. The reality is that the money is there. It is clear. It is in the budget papers. \$751.2 million is expected in 2006-07, providing significant increases to the health budget and significant increases in service delivery areas. This budget includes an extra \$61 million; 20 additional beds; an additional 350 operations; enhanced emergency department services and a very significant investment in cancer services, including a third linear accelerator and more staff in the oncology area.

What part of that indicates to you that there has not been an increase in spending on health? All of the areas that you named are costs to the health budget and are linked to service delivery because they are linked to staff costs, and staff actually provide the services. Not only are there the areas that you have selectively decided to quote from, but there are all the other initiatives as well. There is significant investment in the health portfolio.

Mr Smyth has not been given an opportunity to slam the health budget, because he simply cannot. The money is there. It is targeted to areas of need, areas that Mr Smyth goes on about all the time.

Mr Stanhope: But which he did not fund in government.

MS GALLAGHER: Exactly. This government, by December this year, will have funded 106 additional beds. The 100 beds that Mr Smyth always goes on about—we have done it! There are an additional 20 beds in the package that was announced yesterday, so we are actually moving way past you. The areas that you are on about all the time, elective surgery, waiting lists, demand in the emergency department, have all

been met in this year's budget. Unfortunately, you are trying to make a bad story out of something good, and you cannot do it.

Health—staff cuts

MR PRATT: My question is to the Minister for Health. Minister, in delivering the 2006-07 ACT budget, your government announced a massive cut to jobs in the ACT; in particular, 82 jobs in health. Where in health will these job cuts be made and when will these job cuts occur?

MS GALLAGHER: That work will be done through the implementation of the decisions taken by cabinet. There will not be a cut of 82 staff in health because of other initiatives which will require employment in health. It will not be at the service delivery end. It will be looking at areas where we can streamline our costs—middle management, administration and overhead staff costs. I am sure that you will support all of the work which is being done.

We have a situation where we are currently providing services at 20 per cent above the national standard or the national price. We are going to try to bring that back to 10 per cent over the next five years. You can easily do the maths around that. We will be removing areas through efficiencies, mainly through administration and middle management. That work is starting. I reject your figure of 82 because, at the end of the day, there will be a number of initiatives, if you work through the budget papers, that will require employment. It will not be through cuts to any services. You can see that through the budget in terms of the targets we are setting and the initiatives which relate to increasing amounts of service delivery.

MR PRATT: Minister, as there will be a planned reduction of jobs in your department, as you say, in the middle and back end of service, how will you ensure that there will be no reduction in the delivery of health services to the ACT community? Are front-line positions not being cut?

Mr Corbell: I think that she just answered that.

MS GALLAGHER: Yes, I have answered that. We have made clear through our initiatives that we want to see increases in service delivery areas, and money is being provided for that, but we are looking at running the most efficient health system that we possibly can, and that involves having a look at all areas of the functions that support the service delivery areas. I think that is an entirely responsible thing to do. No doubt, after listening to Mr Mulcahy on some of the bandwagons he gets on about efficiencies and savings, it is something that the Liberal opposition will not only support but also endorse.

Hospitals—waiting lists

MS MacDONALD: Mr Speaker, my question, through you, is to Ms Gallagher in her capacity as Minister for Health. Much has been said in recent times about elective surgery waiting lists and load sharing. Minister, could you update the Assembly on the performance of the ACT's health system?

MS GALLAGHER: I thank Ms MacDonald for the question. It is true that the Canberra Hospital and Calvary Public Hospital have, in recent times, reported an increased demand for inpatient, outpatient and emergency department services. During the March quarter 2006—

Mr Smyth: On a point of order, Mr Speaker: does this question anticipate a debate? Notice No 4 on the notice paper specifically mentions the rate of bypass or load sharing, as it has been renamed, and the elective surgery waiting lists. That will come on this afternoon.

MR SPEAKER: Mr Smyth's motion, which is to be debated this afternoon, goes to the issue of bypass. You have asked a question about load sharing, which I assume is the same, and elective surgery waiting lists.

Ms MacDonald: No. If I could clarify that.

MR SPEAKER: You can read it again, if you like.

Ms MacDonald: The questions says: minister, could you update the Assembly on the performance of the ACT's health system?

Mrs Dunne: On the point of order, Mr Speaker: in that case, the previous item on the notice paper, Mr Gentleman's notice, also reflects on that. Mr Gentleman has a motion on the notice paper about the performance of the ACT's health system.

MR SPEAKER: Let me deal with Mr Smyth's problem first. I will come back to yours. Questions should not anticipate debate on matters which are on the notice paper. Clearly, that is going to be on this afternoon. The question would, therefore, be out of order. Mrs Dunne, you raised another point.

Mrs Dunne: It is essentially the same point. It refers to the motion that Mr Gentleman is to move this afternoon. Seeing you have already ruled the question out of order, my point is now moot.

MR SPEAKER: Mr Gentleman's will be debated before Mr Smyth's.

Mrs Dunne: You have already ruled it out of order. It was in relation to the question being out of order. My point of order becomes moot.

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

Supplementary answer to question without notice Rhodium Asset Management

MR STANHOPE: I wish to respond to a question from the Leader of the Opposition yesterday in relation to questions on the financial and other management arrangements at Rhodium. I provided some information and took other aspects of the question on notice. I am happy to provide that further information now.

The opposition leader asked me whether there had been disputes between the Rhodium board and its CEO. I am advised that the board disagreed with the former chief executive's decision to proceed with the purchase of a new IT system. The board has since decided not to implement the new system as it would not meet all of Rhodium's requirements and would go over budget. That decision was taken independently of the departure of the former chief executive officer. The former chief executive officer resigned on 31 March 2006, for health and family reasons. Prior to this, the board had expressed concerns to the chief executive officer about the management of some issues, including the use of credit cards and hospitality. There have also been some concerns with staffing appointment practices. I am advised that the core business operations of Rhodium were not of concern in these areas.

I am also advised that the Rhodium board has decided that the acting chief finance officer will act as the chief executive officer for Rhodium from 7 June 2006, to take Rhodium through the scoping study process that was announced in the budget. The scoping study had been initiated with a view to the future sale of the business. Maximus Solutions Australia has provided a temporary chief finance officer at Rhodium following unsuccessful attempts to recruit a permanent employee. Rhodium has been searching for a chief finance officer in a very tight employment market, and this has been difficult.

There have been concerns with some financial management and staffing practices at Rhodium. The Rhodium board has taken a number of steps to address these concerns and to ensure robust controls are in place. The board commissioned several independent reviews by KPMG to assist in that process. In addition, Ernst and Young, on behalf of the ACT Auditor-General's Office, has conducted an annual interim audit of Rhodium's financial accounts. The board was advised of various financial and management control measures, and new policies have been introduced as a result of these processes.

The government agrees that it would be desirable for the Auditor-General to provide a report on these matters. Indeed, I am advised that the Auditor-General has been briefed in detail by the board and has been kept informed of all developments mentioned above. I will be writing to the Auditor-General seeking a report on the relevant matters and asking the Auditor-General to provide a report at the earliest opportunity.

Schools—closures

MR BARR: Mrs Dunne asked me for an exact figure on estimated savings over four years. I can inform the Assembly I was right. It was between \$30 million and \$40 million. The correct number is \$34 million.

Answers to questions on notice

Question No 1053

MR SMYTH: Under standing order 118A, question No 1053 is overdue. It expired on 1 June 2006. It was to the Minister for Tourism, Sport and Recreation and referred to the active ageing framework. I wonder whether he has an explanation as to why that question is overdue.

MR BARR: I may have signed that answer at lunchtime, so it will be with Mr Smyth later today.

Question No 1095

MR SMYTH: I wait with bated breath. I have a second one. It is to the Treasurer. It is question 1095, re regular reporting to the Treasurer. It expired on 3 June. I was wondering whether the Treasurer had an explanation as to why that question has not been answered within the time frame.

MR STANHOPE: Similarly, Mr Smyth, I believe I signed that response yesterday, but I would have to crosscheck the number. I do not have an explanation, other than pressure of work—it was somewhere within the system—perhaps to do with the production of the budget. But I apologise for any delay or inconvenience that may have been caused and will pursue the matter. I believe I signed it yesterday.

Auditor-General's Report No 3 of 2006

Mr Speaker presented the following paper:

Auditor-General Act—Auditor-General's report No 3/2006—Management of trust moneys and other non-public moneys, dated 6 June 2006.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (3.28): I ask for leave to move a motion to authorise publication of Auditor-General's report No 3 of 2006.

Leave granted.

MR CORBELL: I move:

That the Assembly authorises the publication of the Auditor-General's report No 3/2006.

Question resolved in the affirmative.

Human Rights Act Statement by minister

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning): I seek leave to make a short statement.

Leave granted.

MR CORBELL: I thank members. The Human Rights Act has nearly reached its second anniversary. Over the past two years, it has had a significant impact on the development of law in the territory and in the progress towards the passage of bills of rights in other jurisdictions.

Under the act, I am required to review the first year of its operation, including specific issues relating to the protection of environmental, economic, social and cultural rights. A discussion paper for this review was released publicly on 6 April this year on the web sites of the Chief Minister's Department and of the Department of Justice and Community Safety. It was also distributed to a range of persons and organisations with an interest in human rights. The consultation period for the review closed on 19 May this year. In response to requests, that period was extended by one week to provide greater opportunity for participation.

Under the act, I am required to present a report of the review to the Assembly by 1 July 2006. However, as there are no sitting days at that time, I wish to advise members that I will be tabling the report on 15 August, which is the next available sitting date.

Education Amendment Bill 2005

[Cognate bill:

Education Amendment Bill 2006 (No 2)]

Debate resumed.

DR FOSKEY (Molonglo) (3.31): We have in front of us today two education bills. My preference is to support Mrs Dunne's bill, but I am aware that, the way the numbers are, her bill will be overridden by the government's bill. I am assuming that is what will happen, unless of course the earth moves, in which case I will, with less enthusiasm, support Mr Barr's bill. Let me outline the reasons for this approach.

There is no doubt that, in our society, school is essential to the lives of our children. It is one of those coming-of-age experiences for children where they move from the family into the broader community, where children make friends and learn to socialise and, if they are lucky, make friends who live in the same suburb or nearby so that they can easily play together after school and on weekends.

This is perhaps becoming an old-fashioned view, which is a pity, because that is how Canberra was designed. Canberra was designed with neighbourhood centres and a primary school in each suburb. There was a whole science of planning behind it. We could be critical of that science. I was, in fact, quite critical of it in my master's thesis because it is a machine model. Nonetheless, it was based on some very sound principles. One of those principles was community development. Schools are not only where children meet but also where the families of those children meet. In the new suburbs of Canberra, where people moved here from other parts of Australia, as well as from other parts of Canberra, there was a degree of isolation, ironic though that is when you have so many houses side by side.

I know that when I moved to Yarralumla, where I did not know a soul in 1990, it was through my daughter going to preschool and then primary school that I became part of that community, joined the P&C, became part of the after-school committee and so on. That, I would say, has led to my being here today, basically—through a long, long road. This is the importance of schools. It is the importance of schools being within a community. Any decision that we make that changes that model is a very grave decision that must be very deeply thought through.

Schools have potential to do a lot more in terms of community development. They can, for instance, produce newsletters. Students, through their curriculum, can do historical studies and they can work with elderly and more isolated people in their communities. There is huge potential for local schools. Schools can be much more than places where we learn to read and write. I believe they should be. Consequently, the government's plan to close 39 schools is something that must be done with very firm principles of community consultation. They must also go to experts and seek a social and cultural analysis.

While I believe consultation with communities is absolutely essential, most of our parents are not anthropologists; they are not sociologists; they are not people who have the history of their community at their fingertips. That is why I am saying we need to look a little bit further than the communities as well so that that consultation starts from a good information base. If the government proceed to make school closure decisions based on enrolment numbers, they are definitely selling their communities short.

The reason that I support Mrs Dunne's bill is that it puts in place what I believe the community thought was the intent of the Education Act 2004. Shortly before the Education Bill was debated in 2004, a member of Kerrie Tucker's staff raised the parents and citizens' concerns that the consultation process on the possible closure of government schools was inadequate, as it was described in the Education Bill 2003.

While resisting the eventual inclusion of a six-month minimum consultation period, the response from ministerial and departmental staff was that six months was nowhere near as long as they would take in reality and, of course, the community would be consulted before such a decision was made. Mrs Dunne's amendment to that act more clearly expresses the stated intention of the time. Since then we have had what I can only call the Ginninderra high school consultation farce.

Ms Gallagher: That is rubbish.

DR FOSKEY: I am sorry, I am expressing my view here. It is a view that is informed by members of the community. You are very welcome to have a different view. It is concerning that the ex-minister for education should interject. She knows that I have never criticised the decision that was made. I have criticised the way the decision was made. They are the terms in which I am speaking today.

I note that Mr Barr gave a commitment in his first question time as a minister that he would work with and consult school communities, particularly those that might be deemed at risk of closure, on the educational, financial and social impact of closing schools before the government takes any decision to close them. I can only assume then that the ACT government would have supported that bill.

Now we have got another bill on the table before us which might be better on some fronts. Given that the ACT government's 2020 paper, which by the way was not made available to members of the Assembly before it was made available to the media, would seem to have made a number of decisions on the schools it is already committed to closing, I wonder how this commitment to authentic consultation, as it is defined in both bills before us, can possibly be realised.

For consultation to be real, we have to look at the context in which it is taking place. A close look at the suburbs where the government is mooting the closure and sometimes amalgamation of schools raises some alarm bells. Over half of the schools to be closed are in suburbs with high poverty rates, ranging between nine and 28 per cent. About one-third of the schools are in suburbs that have poverty rates between five and nine per cent, and none of the schools to be closed are located in suburbs with poverty rates under five per cent. Weston Creek, for example, will have both its preschool and its primary school closed, yet children living in this area face poverty rates around 8.1 per cent, and 40 per cent of people in this area live in single-parent households. Here we are going to the data. We all know data is not always right. This, though, is as good as we can get.

Kambah is the suburb with the highest number of people in poor households—an estimated 1,511 people are in poverty, and that is 823 adults and 688 children. Children here face a poverty rate of 12.2 per cent. Kambah also has some of the highest number of unemployed people, and 34.2 per cent of households are in public housing. If you couple their loss of schooling with what is happening at the moment with the dramatic cuts to public housing, you can see that this government, if it closes schools, will be increasing the disadvantages these families face.

I must say I was rather surprised and alarmed to see Dickson college on the list. It is slightly different in that it is located in a suburb that ranks highly on the disadvantaged score, yet it is not amongst those with the highest poverty rates. A startling 17.4 per cent of children here are likely to live in poverty. It is also the central location for a number of suburbs that face both high-poverty and disadvantage rates. It is well known for hosting youth programs that assist in achieving better social outcomes. Those of us who know about the School Without Walls and who regretted its closure, under a Liberal government, will be aware that Dickson college picked up some of those programs. It was a wholly different concept, but it worked. We must also consider the important introductory English centre that the college provides.

We are told that all these things will keep existing. But for disadvantaged students, change is threatening. We change programs. If we make it a bit harder to get there, the effort may not be made. That is how it is with students at risk of failure. So we need to think about who will be affected not just by the closure but by any move that the government offers as an alternative. Most importantly, really, is: where can students with poor motivation go to school easily? It has to be made as easy as possible for such students.

My concern is that the most disadvantaged communities are also the least likely to be able to speak up for themselves. What are the politics of this? Are we avoiding those communities like Yarralumla where parents are articulate and well resourced? I do not know. I hope that the government answers that question.

But my point is that, if we are talking about schools where communities are perhaps less engaged, then we have to have consultation processes that are not just handing out a sheet of paper which people need to read and asking them for responses. We have to engage in different ways, because those are the people that are going to be most hurt by any closures or other changes for schools. That is a whole thing in itself. It could be an exciting process; I do not deny that. This could be a way of making education better, but

not when you tell communities right away that they are going to lose their school. You have already lost them if you do that.

There are other issues, like the travel that is involved. Take the students at Hall or Tharwa, if they lose their school. I come from a community, down in the bush admittedly, where, if there were 20 students in the school, that was considered a big number; it enabled them to have one teacher and an assistant. I must say my older children came out of that school with a very good education. It is not about the numbers. I am sure that Tharwa is a community that deserves a school. It may not have hundreds of students in it, but it may still do the job. What an educational resource that whole area is. How difficult will it be to get children to school if that school closes?

There are the issues about people's stressful lives already in the morning—bad tempers, getting the kids ready for school. You have got to add another 15 or 20 minutes to that trip. I am very sorry that Mr Barr is going to have to read my speech in *Hansard*, because that will restrict his ability to respond to it. It is adding 15 or 20 minutes in the morning to the family's time. Are parents going to have to change their work arrangements so that they can pick up kids after school? I have already been told about that being a possibility. This is how broad the consultation has to be. We are talking about family life here; we are talking about making Canberra a great place for people to come to and live. These are the very things that do that. So that is why I am more inclined to support Mrs Dunne's legislation.

MR STEFANIAK (Ginninderra—Leader of the Opposition) (3.46): In rising to support Mrs Dunne's legislation, I make the observation that it is very important not to put the cart before the horse and to consult, not after the event but before the event. Mrs Dunne is obviously proposing consultation before deciding to close a government school or amalgamate government schools. It has a couple of things the minister must do. The consultation period has to be at least six months.

She also proposes a disallowable instrument, an education and community consultation determination. The disallowable instrument is a consultation guideline which was put in in about 2000 by the previous government and its minister. This was used very successfully. I must say it took about 12 months for the amalgamation of the campuses at Melba—the then Melba primary and Spence primary. Spence ultimately decided to merge into Melba. That was a 12-month consultation. That probably was a textbook way of how to do it. There were literally six parents in the school, out of about 300 families, who did not want to see that go ahead. I recall the current government, the then opposition, were still very sceptical about that. They tended to oppose everything we tried to do to rationalise schools. This particular document was used very effectively there.

It was also used when Duffy and Rivett looked like amalgamating into one campus as a school, but the proposed amalgamation broke down. Something went wrong along the way in the use of this document, and the decision was to not proceed further. This basically is a fairly well-tried and proven way of ensuring a very detailed but effective consultation process for ACT school communities.

School communities certainly are reeling after the government's announcement yesterday of what is intended for them. Far from looking at schools and perhaps

consulting them and saying, “We have got real problems with you for X, Y, Z reasons; we think you should consider amalgamation, closure or whatever,” and actually consulting, we now have as a fait accompli a list of schools and preschools which are to close.

I am not surprised that the government is not addressing this issue properly and is not going to vote for Mrs Dunne’s very sensible bill and very sensible process of community consultation on school amalgamations or closures. What is proposed here is quite extraordinary. I have been through the document and some of the rationales given on what is proposed.

For example, Dr Foskey talked about Dickson college. I have already had a few people who are concerned about that ring my office. I assume the quid pro quo there is that Campbell high is to be year 7 to year 12. We are going back to the old Whitlam scheme which was in operation when I went through school at Narrabundah high. I can remember the days when Campbell high was year 7 to year 12. Obviously there are a number of issues there.

I heard what Dr Foskey said. Dickson college is certainly a college that takes people from not only the immediate area but also outside. It has some excellent programs and some excellent facilities. One person who rang up my office yesterday said, “You will be taking away the only college which has ovals and sporting facilities in the vicinity which can be used by the students there.”

I also note—obviously in my own electorate, to start with—Hall preschool and Hall primary school are on the list. Whilst history should not be perhaps the paramount or only reason, I point out to the government that the Hall preschool, which I see has got 15 students, was always a part-time preschool. I do not think it was ever more than a part-time preschool for the last 10 years or so. The primary school has always had a fairly small capacity, but it has always had a reasonable percentage of students. It is a school which goes back to about 1911 or 1904. It is nearly 100 years old. Since, I think, 1911 there has continuously been a school there. It is a village. It is one of two villages left in the ACT. Dr Foskey made the point about village schools. So there is a lot of history there.

Getting out of my electorate, I say the same thing about Tharwa. Tharwa started in, and has continually had educational programs since, 1899. Again, there are usually no more than about 35 students there, but there is a lot of history there. The village of Tharwa services the rural areas of the ACT, as indeed does Hall. Hall services areas a bit over the border and its postcode is almost a New South Wales postcode. But students come here because that is their closest school. Yes, those two schools are village schools. There is a lot of history there and the government does not seem to be taking any note of that whatsoever.

It is crucially important to take people with you as much as you can. Most people in our community now accept the need for a rationalisation of schools or for some school closures. Unlike the current Labor government, we at least went to the last election indicating that we would support some school closures. But you want to do it in a proper way. You want to do it with consultation, unlike you lot who went to the last election promising you would not close any schools. Here we are 18 months down the track and

we have this list of 39 preschools and schools which you have unilaterally decided to close without any community consultation at all.

Mrs Dunne's document is a very good blueprint for a community consultation process. I am not surprised that you are going to vote against this legislation. Indeed, it is hardly surprising when you have announced a huge sum—25 per cent, I think one of the media outlets described it—of preschools and schools within the ACT which will be affected. It is a huge slab, I suppose, for our community simply to comprehend and come to grips with. And it has been announced without, it would seem, any attempts at consultation.

If you are now going to consult, you are consulting after the event. You are consulting probably just on programs you might move and how the administration of these closures can take effect, rather than consulting with the community to see whether in fact that is the best model, whether in fact that is the best idea and whether in fact that is the best way forward.

We on this side accept the need for amalgamations and some school closures, but we see it as absolutely essential, as far as you can, to take the community with you. You need to have a decent consultation model. Most of the time you are dealing with people that are quite reasonable. I hark back to the Melba and Spence example. You will be able to take the vast majority of the community with you. You can do that by proper consultation.

But you are certainly not going to do that and you are certainly going to cause a lot of angst by simply saying, "This is what we are doing." Effectively, there will be no consultation. Consultation after the event is not real consultation. Obviously, at the end of the day, you can do what you like; you have the numbers. But that does not mean it is right; it does not mean you are approaching it in the right way.

I believe what Mrs Dunne has on the table is, as far as you can put anything like this down on paper and conceptualise it, the best way forward for proper consultation. It allows for a real engagement of school communities. Her amendments have also allowed for consultation for at least six months before the event, not after the event, not after the decision is made, and her bill is worthy of support.

MR PRATT (Brindabella) (3.55): I rise to support Mrs Dunne's proposed legislation on this issue of school closures. Educating our young, perhaps after community safety, is the most important duty of government. It is our community's future.

Government members interjecting—

MR PRATT: Lives first, and then the nurturing and education of children. Lives first, I know, is a very, very strange concept for Labor to get across; you will have to bear it, won't you? Therefore, the educating of our young, the nurturing of our youth, the development of that next generation of our community, is a very high priority and is fundamentally important to the way government behaves and the way it carries out its duties.

But education has to be cost-effective. We want government to deliver excellent standards of education. But at times there will be a need for cost-effective decisions to be taken. That is why the opposition, certainly in the last four years, have never said that we

are totally against school closures—unlike you lot, who, approaching the 2004 election, promised that there would not be any school closures. I might emphasise those points, exactly what I said in August 2004, approaching the 2004 election, and what the government said.

Members interjecting—

MR PRATT: Let me stress what I said. “It is expensive to operate a school. If it can be merged with another school that is not at capacity”—come on, Mr Temporary Deputy Speaker, this is a circus.

MR TEMPORARY DEPUTY SPEAKER (Mr Gentleman): Members will keep order. Mr Pratt has the floor.

MR PRATT: As I was saying, I said, in the announcement of that policy of the opposition in August 2004, “It is expensive to operate a school. If it can be merged with another school that is not at capacity and without forcing class sizes to swell, this may be necessary in terms of funding, teacher numbers and the best possible student outcomes.” I also said that mergers or closures had to be decided on a case-by-case basis, not according to some wretched numbers game, and that process had to be open and transparent to alleviate any concern in the community. I also said in that policy announcement that there were some smaller schools in more isolated areas which should be kept open, falling in line with a case-by-case basis approach to how you administered that policy.

A spokesman for education minister, Katy Gallagher, categorically ruled out Labor closing any schools during the next term of government. Let *Hansard* chip that away in stone. Labor said that they would rule out closing any schools during the next term of government. “The government will not be closing schools,” the spokesman said—a back-flip with three pikes. Let us blow away the smoke and the dust and let us be very, very clear what the opposition has said, what the opposition believes in, exactly what the government believed in and what those two opposing positions were. There has been a lot of misleading spin on that particular position on the part of this government in these last few weeks.

The point is that we were saying that consultation is a very, very important part of that process. I have got to echo what Dr Foskey said earlier. The opposition has not criticised a decision taken by the government about Ginninderra high school. Dr Foskey is quite right. The criticism is about how the government made that decision. That was the nub of the criticism—how you went about it, how you did not consult the broader community and give them some warning.

Mr Temporary Deputy Speaker, I put it to you that, after three or four years of numbing silence on the subject of good governance which may have to involve the proper and measured closing of schools, we now suddenly find a last-minute, shock approach to governance of school administration. Thirty-nine schools are suddenly catapulted onto a list. I would say that this was akin to the last-minute, shock amputation of a complete leg after years of neglect, where toes amputated gradually may have saved the entire limb. That is the analogy that I draw.

Three or four years of policy neglect have forced this government to come rushing out into the community with a shock list of 39. Imagine the impact on the community; imagine the discourse and the unsettling nature that policy decision has had. Sure, if you need to argue the toss that some schools need to be closed, the opposition will support you, provided you go out there and consult the community first. You failed to do that.

The impact on the community of sudden school closures can be quite shocking. Let me quote from an email that I got today from a constituent of mine in Kambah. He talked about the closure of Village Creek primary perhaps and Kambah high school. This is, in fact, a cc copy of an email that he sent to the minister. He says:

I am a single parent of four children. Two currently attend Village Creek Primary and two attend Kambah High School. My children attend these schools as they are in the area as they are close for them to walk home after school. This is important to me as I am unable to collect them from school due to work commitments.

I understand the Government's need to rationalise the use of the assets involved in providing public education due to the changing population demographics.

I highlight that sentence in his letter because I am talking here about a constituent who is quite reasonable of mind. He says that these decisions have to be made. He continues:

However, I consider that the government has provided inadequate change and people management in relation to this issue.

Dwell on that—"inadequate ... people management". He continues:

As a parent I need to know what the government is going to do in relation to the transition of my children to new schools in order to minimise the emotional, physical and other hardships that will result from such a decision.

I could go on for quite a deal more, but I will not. I guess he is saying that, if the school community had been approached first and had been advised that, due to a certain number of factors, that school was clearly under consideration, what the school community had to say and the concerns—

Mr Barr: That is exactly what I have just done.

MR PRATT: No. Before they see the 39 listed in the newspaper—

Mr Seselja: That is the consultation.

MR PRATT: That is right. If the department had already talked to schools and said, "We have got some problems here. We would prefer not to close but, if the facts are that we have to, this might come about. How do you feel? What are your problems?"—giving the parents, the P&C, the teachers and the community in general the opportunity to come forward with strengths and weaknesses, advantages and disadvantages of the impacts—that would have been consultation. At least you are letting the community down gently if you have to make that hard decision at the end of the entire process. But you have got it

the other way around. You have put the schools in the paper. It is a shock decision; it is last minute.

We say that addressing the subject of school closures has to be assessed on a case-by-case basis. You cannot draw a Plimsoll line across the ACT map and say, "Due to facts of declining enrolments or population numbers or demographic factors in these particular areas, these schools automatically go straight to the chopping block." You have simply got to go out there and expect that some small schools deserve to remain open while perhaps larger, inefficient schools may have to be closed. Why do you not reinforce success? If a school, perhaps a niche school with a niche set of programs and a unique culture, is a successful school, why not reinforce success and why automatically think that that school has to be closed?

I draw your attention to Copeland college. Copeland college is a small college but it is a niche-program college. I can recall that Copeland had broken ground in the very difficult area of VET education and the difficult exercise of engaging and identifying with youth at risk. It was a very successful program. It had a very dynamic principal. Perhaps its population is quite small now and it might qualify in straight demographic terms for closure, but why not provide that school with sufficient support to perhaps try to grow further, to attract—

Mr Barr: That is what we are trying to do.

MR PRATT: That is not clear. It is not clear that you are doing that. You have got a list of schools in the paper, and that is all there is to it—the list of 39; the night of the long knives. It is all there; it is on.

Why is Tharwa primary school on your list? Tharwa primary school has a proud history. It is a school in an isolated community. I would put it to you that Tharwa primary school is a very, very special case, as is Hall, as Mr Stefaniak pointed out. They are good schools with good cultures, and they are going to suffer.

If there is a small school with a niche program, a unique set of circumstances to it, how can you say, as you said in question time, Mr Barr, that you would simply pick up the program and transfer it somewhere else? You cannot pick up the environment, the culture, the staff that were at that school and all of those factors which, when combined, create a successful set of programs. It is abstract. You do not just pick it up lock, stock and barrel, shove it all on the back of a semitrailer and drive to the next suburb.

There is also the question of whether schools that are going to be impacted by school closures in suburbs next to them are going to be able to cope. How do we know that? By concentrating all the students in the Weston Creek area into whatever school is left over, have you now decided which schools are going to be able to cope? And have those impacts been considered? These are the issues. If they have been considered, you are not telling the public.

Why should we be surprised about that? This is a government which operates in secrecy and all decisions are made in secrecy; it is none of the community's business. How this government governs is never the community's business.

Members interjecting—

MR TEMPORARY DEPUTY SPEAKER: Order, members! I have asked you to come to order three or four times. We have had interjections from both sides of the chamber. Mr Pratt has the floor.

MR PRATT: Thank you, Mr Temporary Deputy Speaker. Labor promised that they would not close schools. They said, “Vote for us. Vote Labor. You can trust us.” This is a government which, when it is convenient, will mislead the public about how it is going to govern. It harboured those votes to win that election. And then it stabbed that community in the back.

That is what you have done. You went to the 2004 election promising that you would not close schools and made a song and dance about the opposition’s announced policy on closures. You politicised the event. You seized what you thought was the political high ground. You had a crack at the opposition. You then made false promises to the community that you would not change schools. A mere 18 months later we have gone from zero closures to 39. That is measured government. And I speak sarcastically!

You people are pathetic in the way that you govern and how you deliver essential services to our community. You have shown that in your whole approach. If you were measured in the way that you manage this territory’s assets and its essential services, then you would have thought these things through, you would have perhaps taken the hard decisions earlier, and you would have let our community down with a softer landing.

My constituents in Brindabella are wondering what the hell is going on with a significant number of schools. Like Kambah and Tharwa, they are schools of good quality. This is a sad day. I support Mrs Dunne’s legislation. I hope that brings some commonsense to you in the way you govern.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services, Minister for Women and Acting Minister for Housing): (4.10): I rise to support Mr Barr’s legislation and not to support the legislation being put forward by Vicki Dunne. It was interesting to sit here and listen to members talk about the issue of school closures and the proposal that has been put forward by the government to the community for discussion. How convenient it is to completely drop out any mention of the \$110 million investment being proposed in public education, to completely ignore the building of new schools in areas of growth and need in Canberra and to completely ignore half of what has been put on the table.

I take members back to the original discussion on the Education Act. At that time I was minister in charge of some of that. The rewrite of the Education Act started under Mr Stefaniak, it continued under Mr Corbell, and it lasted two years or so into my term as the education minister. It could have been in the first year.

That work was done, as I said, probably over five years. The discussion on that part of the legislation on school closures, I would have said, took almost a year to come to agreement on with stakeholder groups and the education community. That was the clause

which sets out the process that needed to be followed and the six months time as set out in the act. It took, I would say, about a year to negotiate those clauses because of the diversity of views. I relate it now to the Ginninderra district high school proposal. We went to the community with a genuine proposal. There had been no decision to shut the Ginninderra district high school before that proposal. The six months had been completed and there had been no decision—

Mrs Dunne: Pull the other one.

MS GALLAGHER: Mrs Dunne can laugh but, fortunately for the ACT, Mrs Dunne does not sit in the cabinet room, nor has she ever sat in the cabinet room. She does not understand the process that cabinet can go through.

Cabinet agreed to go to the community with a proposal. That is what cabinet agreed to. At the end of that consultation process—six months, as required by the act—the government took some decisions on that proposal. As much as the opposition does not like to acknowledge it, that was the way things were. The government agreed in the initial stages—the first stage was in July last year—to go to the community with a proposal. I said at the time, “If the community does not want this proposal, does not like the proposal being put forward by the government, fine; we will not progress that proposal.”

What happened? After six months of genuine consultation, six months of meetings with different groups—from the preschool society, the P&C, to the save our schools group at Ginninderra—public meetings, responding to hundreds of questions from the communities involved and individual questions, the government took a decision, as required by the act. After six months consultation and having regard to all the aspects that are covered in the act, the government took a decision. The act is very clear on that. The consultation process on Ginninderra district high school went through. The overwhelming support of the community was for the proposal to proceed, and that is exactly what happened.

Mrs Dunne’s amendments want to tie the process up and turn the whole discussion on provision of public education into a process argument. She does not want to get on with the job. She does not want to get on with offering children a first-rate public education in first-rate facilities with access to the best IT. She wants to tie it down in process arguments. That is essentially what her amendments do.

The government has, in the Education Act, a clear community consultation process. Minister Barr’s amendments draw that out a bit more; they make clear the process that needs to be undertaken. They respond to some of the criticism that we copped unfairly on the Ginninderra district high school proposal. But we copped the criticism. The material that the minister has put out has a whole outline of the community consultation process, including meetings to attend. It talks about the feedback and how it will be compiled. It says that the report summarising the feedback will be prepared for consideration by government and then the government will advise the community on the final decision at the end of that consultation process.

It is clear that the consultation that we are undertaking on this is genuine. This is what we would like to do. This is what we think needs to happen in order to offer a public

education system for our children that is the best in the country and certainly the best in the world. This is what we would like to do. Now we would like to talk to the community about it. For those opposite to sit there and think that you could have done this, gone and had individual meetings with schools, saying, “We think this and we think that; we are not too sure,” and that would have been an adequate way of putting forward a progressive and genuine vision for education—to think that it could be managed in little spots across the community—is just ridiculous. In the education community, it cannot be handled like that.

You need to go forward with a proposal and a vision, put it on the table and then have the discussion. You cannot have a discussion about what you might put if you were thinking about it. A little chat with a few different people here and there simply would create uncertainty and unrest in those communities. What we have put forward is based on rigorous analysis of enrolments and on the state of buildings. To think that this is about poverty, as Dr Foskey has tried to argue in her speech, is simply ridiculous. To think that we sat down and went, “Where are all the poor suburbs? We are going to target those schools,” is simply outrageous and is not supported by the evidence or the proposals that have been put forward.

Evidence of the fact that the government are genuinely consulting is the range of options that are being put out. We want to hear. We have several ideas in relation to this. What do people think about these ideas? We have a whole process of consultation to go through. We have the biggest single investment in public education, historic investment in public education, second to none, since this system was established. Nobody is talking about that. Some \$110 million is going in to upgrade buildings. That does not even go to the additional money to build new schools and new infrastructure. It is \$110 million going into upgrading existing school infrastructure and making sure that our kids have access to the best IT. There is \$1 million for transition assistance.

Mr Barr: Each year.

MS GALLAGHER: Yes, \$1 million is being put aside to support any transition arrangements that are required. Programs can be moved from school to school. There are particular programs. Mr Pratt, you obviously have not read anything about this; you just had to stand up and have a bit of a spray. As you have not read any of the material, you think that we have not assessed areas around niche programs, as he calls them.

If you took the view that he has taken, there would be included a number of schools that are not included in the proposals for consolidation. And that is the case. He had shadow responsibility for that portfolio for a couple of years. The government never went to the election saying we would not close schools. Every single time I was asked, as the minister responsible, to rule out potential school closures, I said, “No responsible minister from either side of politics could stand here and say that there would be no school closures in the future.” No government member has ever said that. It was not in our election policy.

I know the Liberals love reading what a spokesperson for education minister Katy Gallagher said. The context in which that question was asked was: did the government have plans to close any schools? We did not. We had no plans to close schools. This work was not even started. We did not just think we could close schools.

We were not even considering it. The work that was done after the election on Ginninderra district high, which started off this process, happened after the election.

Time will show that I stand here and tell the truth. You can twist it as much as you like. Heading into the last election, the government had taken no decisions and had no plans to close any schools. I have been through this in the Assembly before. You can read the *Hansard*. On re-election, I was approached by the Ginninderra district high school to have a look at their school. We have been through this before; check the *Hansard*. I went out and had a look at the school. We put together a proposal for school renewal. Following that work, there has been more work done.

As much as the Liberals do not want to accept that, they cannot find my having said it as the minister; they cannot find it in our election policy; they cannot find it anywhere—other than a statement by a spokesperson from my office which they consistently take out of context. The response that that question was answered to was: did the government have any plans to close schools? We did not. After the election, when I started looking at how we could provide the best public education system for our children, we started work on the Ginninderra district high school proposal. The towards 2020 program has come out of that work.

We have to accept the fact that parents are voting with their feet and are not sending their kids to schools in the numbers that they should. Public education should not be a safety net for those that cannot afford private education. That is what it will become if there is not investment and there is not modernisation of this system. That is what we should be talking about here today.

How do we provide the best system for our children? How do we apply this \$110 million to make sure our schools are good and to make sure that, when a prospective parent walks in the door, they think, “Wow, this is the school I would like to educate my child in”? We need that response from parents. We do not need parents walking in and going, “I went to this school and it has not changed.” That is not what we need. We need a different way of doing things. That is the program that the minister has put forward. He should be commended on his vision and on the work that is being done.

Mrs Dunne: It is not about that document.

MS GALLAGHER: It is about this document.

Mrs Dunne: It is not. It is about this bill.

MS GALLAGHER: Your amendments, Mrs Dunne—

MR DEPUTY SPEAKER: Members, Ms Gallagher has the floor. Can we get through this debate with every point being heard properly? Carry on, Ms Gallagher. You have the floor.

MS GALLAGHER: Thank you, Mr Deputy Speaker. The amendments being put forward by Mrs Dunne today tie the whole vision up in a process argument about how consultation on a potential amalgamation or closure or rationalisation of schools should occur. And that is what it will be tied up in. It will not be about discussions on how best

do we provide education. It will not be about where should we spend this money. It will not be about the new schools. It will be about individual consultation processes, and nothing will change.

In three years time we will not have a public education system that parents will want to send their children to as the first point of beginning their education. It simply will not be the case, because our schools need this change. They need to be modernised, and we need to push forward with a program that supports that in consultation with the community, as outlined by the minister.

MR DEPUTY SPEAKER: The minister's time has expired.

MRS DUNNE (Ginninderra) (4.25), in reply: Before I launch into my speech, I put one thing on the record and correct the record. A number of weeks ago when I announced that I was going to move further amendments to the Education Act I put out a press release that my amendments today, which were essentially an adjunct, a schedule, to the Education Bill had been a disallowable instrument under the previous Education Act. Some very eagle-eyed people in the Office of Parliamentary Counsel contacted me to say that I had made a mistake in my media release and, in fact, it was not a disallowable instrument in the previous legislation; it was a notifiable instrument. I put on the record that I made a mistake. I thank the staff of OPC for being so on the ball and point out to them that it is the service that I have always come to expect from OPC.

We are having a cognate debate today on this matter really because it boils down to the fact that the Stanhope government and successive ministers for education have been brought kicking and screaming to make some concessions on consultation. I put on the record today that most of what Ms Gallagher has said is interesting and worth debate, but it was not an appropriate place to have the debate today.

Today we are debating two bills, the Education Amendment Bill and the Education Amendment Bill (No 2). These two bills are about consultation. If we want to talk about Mr Barr's towards 2020 plan, we can do that in the budget reply tomorrow and at various other stages. That is where that principally should be.

But we have to put it on the record here that these responses in my bill are not brought about by the moves of the current minister to have a debate about the future of public education; they have been brought about by the complete misleading of this community by the previous minister. We saw the long litany of untruths peddled by the Stanhope government. We had the famous statement: "The government will not be closing schools," a spokesman said." At no stage did any spokesman for the government, any other spokesman for the minister, the minister herself or the Chief Minister ever come out and say, "Our spokesman really overstepped the mark when he said that. It is not true. We are keeping our options open."

At no stage was this person quoted as saying, "We do not envisage closing any schools. We do not have any current plans for schools." What he said was: "The government will not be closing schools." And that position was never gainsaid by any minister in this place. It is quite clear that the government intended to say one thing before we went to the last election and then go off and do something else.

One of the minister's officials, when the Education Act came into effect back in January last year, sat in my office and, when I specifically asked him about these guidelines, as they existed, and whether they would be incorporated into the new legislation, he said they probably would be at some stage but there was no hurry because we were not closing schools. That lie was perpetuated in my office by the minister's staff. That was the same piece of information that was given to the Parents and Citizens Association when they asked exactly the same question because they were concerned about the lack of guidelines on consultation.

While we are on the subject of the Parents and Citizens Association, I read into *Hansard* a copy of a letter that I received this morning which was addressed to Mr Barr on these amendments that we are discussing today. It says:

On behalf of the P&C Council, I am writing as a matter of urgency in relation to your proposed amendments to Section 20 of the Education Act 2004 relating to school closures and amalgamations.

There is a general discussion about how the P&C council had met with Mr Berry and had seen the amendments. It goes on:

I wish to clearly state that these amendments are not acceptable to the P&C Council. We strongly oppose any amendments that would further weaken existing community consultation processes. The amendments do not give adequate clarity to the community about the consultation processes to be followed.

One of the concerns we have with the proposed amendments is the assumption that there must already be a proposal for closure on the table before school communities are consulted. Council's strong view is that any consultation process should begin by alerting school communities to "a problem" ... or any other pre-determined criterion, and then give them an opportunity to consider ways of addressing the problem and proposed solutions. It is often the case that those most affected are in the best position to come up with innovative solutions that will meet their specific needs and circumstances.

As Mr Stefaniak has already pointed out, these guidelines have already stood the test. They have done that in the case of the Mount Rogers proposal. They were used in relation to Rivett and Duffy. That did not proceed but there was a process. It was clear and open and people understood the process. When people decided to walk away from that process, it was done with good grace.

The Parents and Citizens Association goes on at great length to tell the minister—and the minister knows this, but I should share it with the Assembly at large—its concerns about the proposal as put forward by Mr Barr. I conclude the quote with the conclusion that the parents and citizens council makes in regard to the general process of consultation:

... P&C Council supports, as a minimum, the consultation guidelines on school closures proposed by Vicki Dunne MLA in the Education Amendment Bill 2005. These guidelines were developed after previous discussions of school closures led to widespread dissatisfaction with government proposal and were agreed after extensive consultation with all stakeholders, and represent best practice.

I could sit down now because that says it all. The education community has clearly called for better consultation. We are not here today because Mr Barr wanted to have a discussion about the future of education. Do not flatter yourself, Mr Barr, that we are here because of you. We are here today debating this because of the absolute, unmitigated failure and the unmitigated bad faith of the previous minister who connived and juggled the real meaning of the legislation to her own ends.

It was clear from the outset, over Ginninderra district high, that this minister proposed to close the school come what may, and every suggestion put up by the school community was cast down because it was not convenient. The school community was open to alternatives. The school community worked hard at putting together alternatives which they thought would be better for the community. They made proposals but every one of them was put down by this government because they were inconvenient to them.

Let us have a look at what we have got here today. What we have is a proposal in the Education Amendment Bill, with the amendments that I proposed to move, which is strongly supported by the education community and by education consumers in government schools across Canberra. Alternatively, we have Minister Barr saying, "I cannot be left out of the debate. I have to be seen to be doing something and I certainly cannot be seen to be doing anything that the Liberal Party might suggest." So he comes up with a whole lot of weasel words.

His idea of consultation, which has been called totally inadequate by the Parents and Citizens Association, goes like this: "Tell the community." He has done that. "Listen and consider their views," which could be translated, in the words of Professor Henry Higgins in *My Fair Lady*, to "listen very nicely and then go off and do precisely what you want". That is what this is about: these weasel words here focus on access. "Talk about openness and transparency." These are just weasel words. There is no clarity; there is no definition here. It boils down to the Humpty Dumpty version of consultation. The minister says it is consultation and therefore it will be. This is why we should absolutely and utterly vote against this minister's proposal and support the bill brought in by the opposition last year, which has further amendments proposed to bring it into line with best practice as it exists in the community.

Mr Barr and his government cronies are trying to have another attempt at pulling the wool over the eyes of the education community. The spokesman for the minister lied to the community. That lie was never corrected. That lie is being perpetuated every day because this government has proved itself to be untrustworthy. It could not be trusted because, before the last election, it could not afford to be truthful and say, "We are thinking about closing schools as well." So they told a lie and the minister let that lie hang around the community. The minister let that lie hang around the community because she never corrected the record.

Ms Gallagher: You keep lying.

Mr Stefaniak: On a point of order, Mr Deputy Speaker: I ask the minister to withdraw the word "lying".

Ms Gallagher: She is telling me I am lying. I withdraw the word “lying”, Mr Deputy Speaker, but I think Mrs Dunne should do the same thing. I am happy to withdraw it.

MR DEPUTY SPEAKER: Mrs Dunne is talking about a government lie. I would rule that you were taking a personal approach in labelling somebody a liar. Your request is refused.

Ms Gallagher: Mr Deputy Speaker, I will check the *Hansard*, but I am sure I heard “the minister lie” in some of her comments. I will check the *Hansard* and come back to you.

MR DEPUTY SPEAKER: I would be prepared to revisit that. I did not hear that. If you wish to check that, I will make another ruling.

MRS DUNNE: Thank you, Mr Deputy Speaker. I was actually saying that there was a lie told to the community and this government perpetuated that lie. The minister did not take any steps to put an end to that lie. All she does now is say, “The policy does not say anything like that.” That is true, but her spokesman—and I have a fair idea who it was—told the *Canberra Times* something that was not true. She never corrected the record, and neither did any of her colleagues.

This is about whether or not you can trust these people. We know that you cannot trust the Labor Party when it comes to school closures. The Education Amendment Bill 2005 and its circulated amendments ensure some checks and balances when you cannot trust them.

Mr Barr’s bill, which he brought in hastily yesterday—and it becomes an urgent budget bill because, for goodness sake, we could not possibly have something as sensible as that proposed by the Liberal opposition actually getting up, something which is supported by the community actually getting up—is a Clayton’s consultation. It will be consultation that Mr Barr himself describes as consultation. It will not be consultation that allows the community to freely express their views. It will not be consultation that allows the community to put forward alternatives, as they did with Ginninderra district high, and have those alternatives listened to and supported where they make sense.

There is a question that I put on the record here today. At some stage I want the minister to answer this question directly. I know he cannot in this debate because he has already spoken. This is a question that has been asked of me by the Parents and Citizens Association, and I put it on the record. If school bodies reject any of the proposals in this paper, will the government listen to them and take their views into account? If they put forward an alternative proposal to the one in this, will the government listen to them and take it into account or will they just listen very nicely and go off and do precisely what they want?

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 7

Noes 8

Mrs Dunne
Dr Foskey
Mr Mulcahy
Mr Pratt

Mr Seselja
Mr Smyth
Mr Stefaniak

Mr Barr
Mr Berry
Mr Corbell
Ms Gallagher

Mr Gentleman
Mr Hargreaves
Ms MacDonald
Ms Porter

Question so resolved in the negative.

Education Amendment Bill 2006 (No 2)

Debate resumed from 6 June 2006, on motion by **Mr Barr**:

That this bill be agreed to in principle.

MR BARR (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (4.43), in reply: I will not speak for long. In wrapping up, I think we have a proposal now that can see this process move forward. We need to reform our education system. We need to engage in a constructive debate with the community. I look forward to doing that in the next six months.

It is very important that all views are heard. It is equally important that, at the conclusion of this process, we arrive at some change in our education system. To stay the same will see that system slowly decay and reach a point of minority status and, as the previous minister referred to, leave us with nothing but a safety net education system in the public sector. To me that is unacceptable.

I will seek in the next six months to engage constructively, as I said before, with all members of the community. There is a strong process in the 2020 statement around public meetings, opportunities for feedback, engagement with school boards and school communities. It is something that this government is committed to, it is something that I understand I will be held accountable for, and that is something I have no problems with. It is important for me as minister to engage as widely and as constructively as I can, and I give that commitment in this place to do that.

As I have said, it is a difficult process that we are about to embark on but the guidelines and the proposals that I have here in the Education Amendment Bill 2006 (No 2) set a good framework to undertake that proposal. We now have something concrete to talk about. There is a range of options. There is a variety of proposals around early childhood, around middle schooling and around how we can improve the VET focus in our secondary colleges. This is an exciting debate we can have about the future of public education in the ACT. It is something that I think is long overdue.

Let us look forward. Let us look forward not only to 2010 but to 2015 and 2020. Let us have a look forward at what our education system can be. Let us have a look at how the money that is in this budget can be invested wisely to increase the quality of our public education system. It is something I am personally very committed to.

I take on board the comments of Dr Foskey and Mrs Dunne in relation to the consultation process. I think there is a degree of common ground that we have seen in this debate. As I say, I look forward to engaging with the community and I commend this bill to the Assembly.

Question put:

That this bill be agreed to in principle.

The Assembly voted—

Ayes 9		Noes 6	
Mr Barr	Mr Gentleman	Mrs Dunne	Mr Stefaniak
Mr Berry	Mr Hargreaves	Mr Mulcahy	
Mr Corbell	Ms MacDonald	Mr Pratt	
Dr Foskey	Ms Porter	Mr Seselja	
Ms Gallagher		Mr Smyth	

Question so resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Public health system

MR GENTLEMAN (Brindabella) (4.48): I move:

That this Assembly:

- (1) notes the importance of an effective public health system for the ACT community; and
- (2) recognises the continuing commitment of the Stanhope Labor Government to this system.

It goes without saying that every community needs an effective public health system. That the ACT has such an effective public system is self-evident. Canberrans are healthier and live longer than other Australians, according to the *Report on government services 2006*. We have the lowest mortality rate and infant mortality rate in the country. We have the highest proportion of children who are fully immunised, and we have the lowest rates of potentially preventable hospitalisation for acute and chronic conditions and, through ACT Health, we are working at improving our public health system.

The government provides a full range of acute care, including inpatient, outpatient and emergency department services at the Canberra Hospital and the Calvary Public Hospital. Whenever the Canberra Hospital is mentioned we hear cries of doom and

gloom from those opposite, and they are always about bypass. They cannot see past the catchy headlines like “Horror week” and “May mayhem” to the good work that is being done behind the scenes to improve services.

Yes, the Canberra Hospital emergency department goes on load share, or bypass, from time to time and I do not dispute this. However, it was this government that established the formal emergency department load share mechanisms to ensure that patient safety is a priority during peak times—and it is only in peak times. The mechanism in place for load share is not a signal of defeat, it is the most responsible clinical outcome during periods of above average demand for services.

Looking at positive outcomes, the rate of unplanned hospital re-admissions—that is, the proportion of people who are re-admitted to hospital within 28 days of their separation due to complications of their condition—is below target for 2005-06 at 1.7 per cent. The hospital-acquired infection rate is below target for the same period at 0.2 per cent.

One of the most exciting projects established to address the issue of access to health services is the access improvement program, AIP, which was established in June 2005 to facilitate the redesign of health care delivery processes and work practices. The primary role of the access improvement program is to improve acute care access to services.

Unlike many similar projects, the access improvement program focuses on the patient’s journey or experience through the health care system, while providing a structured change management framework and external assistance. Also, unlike many similar projects, the program recognises that the best people to provide the redesign solutions are the front-line staff currently working the system and the patients who have experience using the system. The program is a cross-territory initiative involving both the Canberra and Calvary hospitals, as well as the aged care and rehabilitation system and also community health services and mental health services.

Some of the solutions already identified include a redesign of triage to ensure safety and timely assessment of all patients presenting to emergency departments; the rapid streaming of emergency patients to care zones consisting of multidisciplinary teams aligned to patient needs; reinforced leadership roles, with a focus on managing the end-to-end patient journey through the emergency department; and an expedited assessment of the older patient presenting to the emergency department to identify those at risk of rapid deterioration. These patients will then be quickly streamed to an area designed for their specific needs.

The ACT has recorded some achievements, highlighted in the *National mental health report 2005* released by the Australian Institute of Health and Welfare, AIHW, in the provision of mental health services to the community. The ACT recorded the highest per capita spending on community mental health services at \$76 against the Australian average of \$51. The ACT came a very close second to Victoria with the highest percentage of funding for total mental health services being spent in the community services sector, non-government, at 11.4 per cent against the national average of 6.2 per cent.

The ACT also recorded the highest level of services externally assessed, with level 1 implementation of the national standards for mental health services and the highest level

of consumer/carer consultants employed per thousand clinicians. The ACT had the second highest positive change, behind WA, in spending on mental health services since 1992-93 and ranked third highest per capita spending on mental health services of \$103.06, versus the Australian average of \$100.02. We also had higher than average mental health supported public housing places per 100,000 population. In the ACT there are 23.3 places versus the Australian average of 13.2.

We acknowledge that there are a number of challenges we still have to face in the provision of health services to our community, but our commitment to this system is reflected in this year's budget and cannot be doubted. The 2006-07 budget provides record expenditure of \$751.2 million for health, reflecting the government's continuing commitment to providing a high quality, safe and accessible public health service for all Canberrans. This is an increase of \$61.2 million, or 8.9 per cent, over the 2005-06 period.

The increased expenditure will deliver growth in activity across public health services, additional elective surgery, additional cancer services, work force initiatives, part-year operating costs for the subacute facility, ongoing salary and wage increases, and increased insurance costs. These increases are offset by savings expected from the move of some administrative support functions to a shared services provider; one-off items, including property transfers in 2005-06, and efficiencies associated with lowering health cost structures closer to the average peer group hospital costs. In addition, funding of \$20.65 million has been allocated for major capital works. Expenditure will grow on an average of 6.4 per cent annually across each of the budgeted years.

To meet growing demand, the budget has injected \$8.6 million in 2006-07 and \$57.5 million over four years into initiatives that will go towards increasing the capacity of our public hospitals to treat the critically ill, directly addressing the growing need for cancer and aged care services and providing community-based health services. Within this funding, \$12.043 million over four years has been provided to enhance acute bed capacity in the ACT and build on the 2005-06 budget commitment of 20 extra beds, which are already in place. The initiative will provide additional acute care capacity across the ACT public hospital and health care system to meet growing demand.

There will be specific emphasis on supporting the objectives of the access improvement program, which commenced in 2005-06, aimed at reducing emergency department access block, reducing acute bed occupancy in hospitals, reducing cancelled elective surgery and focusing on the special needs of older Canberrans who need access to hospital and community care in a timely manner.

This new capacity will enable up to an additional 20 beds worth of capacity to be commissioned at peak times throughout the year. This capacity will be in the form of additional beds or equivalent non-hospital capacity. These beds are on top of the 60-bed subacute service that will be fully operational in early 2007. This new 60-bed service, based at Calvary, adds 51 extra beds and reconfigures nine existing beds.

A first instalment of 10 extra beds was commissioned in February 2006. The amount of \$4.98 million has been allocated to provide additional critical care bed capacity across the ACT public hospital and health care system. The additional capacity will be a

combination of emergency department, intensive care unit and high dependency unit staff and beds.

This will allow the rapid transfer of critically ill patients to a critical care environment following assessment by the emergency departments, significant trauma and significant life-threatening surgery. This capacity will build on current initiatives aimed at reducing ED access block, improving ED waiting times and reducing the cancellation rate of elective surgery.

An additional \$1.8 million has been allocated to provide additional support to the frail, and younger people with a disability, to allow them to remain at home and to prevent their inappropriate or early admission to nursing homes. This initiative will provide additional services to meet the increasing demand for home and community care services in the territory.

The capital region cancer service will receive increases in annual funding to keep pace with developments in diagnostic testing and advances in treatments and to provide supportive care to people and their families who are living with the diagnosis of cancer. The budget has provided \$2.1 million over four years for the employment of additional specialist staff, enhanced access to high-cost pharmaceutical treatments, medical oncology and ongoing care options for persons with cancer.

On top of this, ACT Health will move ahead with the commissioning of a third linear accelerator for radiation oncology treatment. This will reduce the need for ACT patients to travel interstate to receive essential cancer care. The amounts of \$10.6 million over four years in operating costs and capital of \$18.7 million have been set aside in the budget to begin the process to purchase and maintain the new linear accelerator, which should be fully commissioned by 2008. This will lead to dramatic improvements in support for our patients.

The budget has provided more than \$8 million to improve the territory's mental health services, including the promotion of mental health, prevention and early intervention. Some \$4.9 million of the funding will be used to increase the number of specialist mental health providers, including consumer and carer positions, and to provide supported accommodation for young people.

These initiatives will improve access to specialised mental health services and reduce delays between seeking and receiving mental health care. They will provide early intervention strategies and increase the involvement of consumers and carers in the planning of mental health care.

The initiatives will also provide for mixed short and long-term 24-hour residential supported youth accommodation and day care support for young people with serious mental illnesses. The short-term accommodation will include a step-up/step-down option as an alternative to acute admission, while the long-term support will focus on providing a home environment for young people with serious mental illness.

The promotion of mental health and early intervention of mental illness is a comparatively new direction in mental health. It has been identified as a priority

nationally in the national mental health plan 2003-08. The budget has provided \$3.1 million over four years for this purpose.

The move to increase the focus on mental health promotion, prevention and early intervention is driven by several factors, including a recognition that this burden cannot be met by providing treatment services alone. The budget funding will enable the ACT to implement a prevention and early intervention focus on mental health, as called for in the national mental health strategy, and is linked to the ACT government's election commitment to develop a mental health strategy for the territory.

The budget also provides funding to reduce the number of patients waiting for elective surgery; to strengthen the territory's avian influenza preparedness towards the introduction of a national bowel cancer screening program in the ACT; foster innovation, particularly in the crucial area of health work force recruitment and retention; and improve staff safety. The importance of an effective health system is why the Stanhope Labor government is committed to continuing to improve it. I am sure my colleague Ms Katy Gallagher will elaborate on this later.

MR SMYTH (Brindabella) (5.02): I appreciate the opportunity to speak to this motion because it is quite clear that Mr Gentleman does not understand the health system and how it is not working. He starts by saying it is self-evident of the government's commitment and how much they have made it better. All he has to do is go back to 31 May this year and read the release of the AIHW report to see that it is not clear. The Australian Institute of Health and Welfare says that, on any measure bar one, the ACT is doing worse than the rest of the nation. That is the independent judgment.

I know those opposite will say, "Yes, but that was 2004-05." But when you go to this year's budget you will see that it is not getting better. When you look at the statistics on the waiting list you will see that it is not getting better. When you look at the statistics just for May for—what are we calling it now?—load share bypass, it is not getting better. You can throw as much money as you like towards the problem, but if you do not have a strategy that works then it will not get better. That is the problem.

This government has relied on bumper surpluses and the squandering of cash across all its systems, and indeed in health, to make itself look good. But the reality is that health care for ordinary Canberrans and their ability to access the system is not getting better. The outcomes are not getting better. That is the problem.

Mr Gentleman said, "We are living longer. We live longer than anywhere else in the country. Therefore, that is because of the health system." Surely those who are living longer are people who are not getting well. They are not people who are getting into the system, so it is illogical to use that measure to say that we have a better system. You have to look at those who are affected, how they are affected by this system, and do they get the sort of care they deserve.

Let us go back to the AIHW report—acknowledging that it is for 30 June 2005. We see that the only upside is that the rate of hospitalisation for potentially preventable problems was 19.3 per 1,000 people in the territory, the lowest nationally. The *Canberra Times* report goes on to say that ACT public hospitals recorded the poorest performance

for treating people in emergency departments, with slightly less than 60 per cent of patients seen on time.

If you go to this year's budget paper 4 and check to see if things have improved, as the minister will no doubt claim they have, you will find that they have not. Remember that there are five categories in the emergency department. Last year at 30 June, 100 per cent of resuscitation cases—ie, "Treat me or I die"—were seen on time. That is a good outcome. When you get to emergency cases, at 30 June last year it was 70 per cent and we have an improvement this year to 80 per cent. So there is a good one there for the government as well.

Last year we had 50 per cent of cases in the "urgent" category seen on time. The estimated outcome at 30 June this year is 41 per cent, an 18 per cent decline on urgent cases; on semi-urgent, last year 52 per cent of people were seen on time, this year the estimated outcome is 42 per cent, another 20 per cent decline; last year 83 per cent of non-urgent cases were seen on time; and this year it has again declined, with an expected outcome of 81 per cent.

This is an indicator of—and I hope the minister is listening—a system that is declining. Five years of Labor government, \$6 million in cash thrown at it when they started, three health ministers, hundreds of millions of dollars thrown at it since then, and numerous reviews, but it still gets worse. It declines. In real terms, compared to your own figures, it is getting worse. For Mr Gentleman to stand up here and say how much more effective the system is is just a joke. The government, he said, would put in the AIP. Yes, the AIP; that was going to fix things, another groovy little acronym. But when you look at the real indicator on the AIP you find that it declines as well.

Strategic indicator No 3 from the 2005-06 budget says that, in 2004-05, 98 per cent of acute beds were occupied overnight, so all you have to do is reduce that so you have room for emergency cases, clearing the bed block. The target for 2005-06 was in fact 95 per cent but the outcome is 96 per cent, so it is not getting better. You cannot reach your target.

If we look at the long-term target, it is still set at 90 per cent and the target for the coming year is 93 per cent. So how are we going to shave that off? We will throw some more money at it, but the problem is the lack of beds. The minister made the claim in question time—and she is good at this; she makes claims that are not supported—that she had answered my question of where were the 100 extra acute care beds that are required. You said, "We have answered you, we have given you your 106 beds. We have done better than you asked for." You have not. You have 20 acute care beds in this budget and 20 next year if you can deliver—that is only 40—and you have some 66 non-acute beds.

It is acute beds that count in this circumstance. That is the problem. You want to fudge the figures. You have been sitting next to Mr Corbell too long, twisting, weaving and spinning—right?—to make it suit what you are doing. The problems just go on because this government thinks that money is commitment.

Efficiency, supporting the staff, looking after people, changing the system, getting rid of the bureaucratic nature, making sure it is effective when the Canberran who needs that

system gets the service they deserve and need: that is fixing the system. It is interesting. Mr Gentleman went on to talk about mental health. Here is a report from 27 May where Justice Ken Crispin goes to town on the mental health system in this city. It says:

... Justice Ken Crispin condemned the way in which those with mental health problems had been abandoned and how the criminal justice system was expected to sort out those problems.

It says that the judge's remarks were made during sentencing procedures involving a 28-year-old individual. It continues:

... a mentally disabled Melba resident, who held up a taxi driver with a knife in February so he could be arrested and sent to the Belconnen Remand Centre for some "time-out".

Isn't that interesting? I have been calling for a time-out facility for four years. The judges and the police, just about everybody, say that we need a time-out facility, but is there a time-out facility in the budget? No, there is not. Now we have a minister who is not even across her portfolio. It is really interesting. She was asked a question by Mr Pratt today about job cuts in her portfolio and she got up and said, "No, you have got it wrong. There are no job cuts in my portfolio."

Ms Gallagher: I didn't say that.

MR SMYTH: Minister, I think you should look at page 146 of this year's budget paper 4. The minister says, "I did not say that." Can I quote what you said, minister? "There will not be cuts of 82 staff in health." That is what you said.

Ms Gallagher: Go on.

MR SMYTH: I will go on in a minute, "There will not be cuts of 82 staff in health because there are other initiatives that require employment in health." Okay, that is the minister's answer. "It will not be at the service delivery end. We will look at streamlining costs." So there will not be cuts because there are other initiatives that require employment in health and it will not be at the service delivery end, which indicates there are cuts, because we are going to look at streamlining costs.

You cannot have it both ways. It is interesting when you get to page 146 of BP4. You should read your documents before you publish them. At the bottom of page 146 is the head count, staffing. What is its expected outcome for this financial year? It is 4,849. What is it for next year, the 2006-07 year? Just keep in mind that it is 4,649 this year. For next year it is 4,767.

It is a smaller number, which normally means there has been a cut. The number has gone down. In fact it is a cut of 82. If it is not a cut you should say so, Ms Gallagher, and you should explain why you and the Treasurer and Chief Minister put your names to a budget, a document, that is wrong. That is the problem. We are going on your document, it is there in black and white. It is going down. It goes down 82. But no, it is not.

These are the numbers that we get to deal with with this government. There it is in black and white. Eighty-two are going but no, they are not going. That is the problem. It is

somewhat illogical. Money is the answer. We have thrown lots of money at it. Three times I think in the last 24 hours I have heard the Chief Minister use the figure that health is going up by \$41 million—I think there is a banner in the *Canberra Times* that says the same—yet Mr Gentleman just said \$61 million. I wonder what the real number is. When I go to the budget papers, I can see where Mr Gentleman got his \$61 million from, because that is the number I worked out as well.

We have a minister who just does not know where the money is going. The question is: how can this be? Is it \$41 million or is it \$61 million? The answer is it is immaterial unless you get the ethos of the organisation changed to back up those individuals who are at the sharp end—the nurses, doctors and allied health workers who look after ill and sick Canberrans who come to our hospital system.

At page 174—and I will talk this through slowly—the 2005-06 outcome is \$689,999,000. Let us call it \$690 million. The 2006-07 budget is \$751 million. Normally \$690 million to \$751 million is \$61 million. If it is not, then again the minister and the Treasurer and Chief Minister have put up documents that are false. Is that a \$41 million increase or a \$61 million increase? The government does not know, and that is symptomatic of the way they run their figures.

We have a Chief Minister who was alarmed when he found out that the public service had grown by so much, but that is because he was not alert. We have a minister who says there are no cuts, and yet the document says we are lopping off 82 heads. We have a Chief Minister who says the health budget is going up by \$41 million and we have the backbencher who says it is \$61 million. Is anybody in control over there? Does anybody know what they are doing and saying?

If these figures are wrong, I am happy to have it pointed out that I am wrong. But I am quoting your figures. This is the problem. There is not the commitment to health that is required. Health is a very important issue. Mr Gentleman very kindly raised elective surgery, those in need of a bed. When we left office, the latest figures that we had in September 2001 said there were 3,488 individuals on the ACT's elective surgery waiting list—3,488 on the waiting list.

The question is: how many are there now? That is an interesting question because it did recover slightly. Everybody will remember Mr Corbell's absolute failure when the list blew out to 5,099 in March 2005, almost 50 per cent over what we left them—50 per cent. Despite the millions of dollars and the series of reforms and the chain of ministers we had, it had gone up. It fell to 4,477 in December 2005, not through surgery but through administration. We removed these people for other reasons. I assume some of them had moved off and paid for it privately and some had probably died. I do not know, because we never found out what that removal was, but more than 400 people were removed from the waiting list.

Here it is, it has gone down, maybe it is going to get better. But, no, it jumps back up and it is now, at the end of March, something like 4,545, which is only 30 per cent higher, Mr Gentleman, than the number we left you when we left office in 2001. Where is this effective, efficient system that the government has created? Where is this system that is looking after people better? The answer is that it only exists in the media releases of the government. That is the only place it can exist, because nothing happens.

Let us look at Mr Corbell's commitment to reducing hospital waiting lists for elective surgery. Let us look at this search for beds. In March 2001 Michael Moore announced that we would build a step-down facility so that people could move out of expensive acute care beds, at about \$960 a day, to rehabilitation beds at about \$160 a day. Pretty good maths, a good deal for those who are getting the attention and care they deserve. Where is it? It is still not open, five and a bit years later, it is still not open. There is commitment. That is a sure sign of commitment from this government to the people of the ACT and their hospital system.

Part (2) of Mr Gentleman's motion recognises the continuing commitment. Five and a half years of continuing commitment. That is commitment; let alone the monetary losses the system has suffered; let alone the sort of inappropriate care that people receive; let alone the pressure it put on the system; let alone the people who were excluded from elective surgery because they could not get a bed; let alone the people who could not get admitted to the hospital and had to wait in the emergency department for long periods of time because they could not be admitted; let alone the people who rested on gurneys in hospital corridors attended by paramedics, when ambulances could not leave because they were tied up because they could not admit a patient; let alone the families who suffered as they watched their loved ones in pain; let alone the employment opportunities these people suffered because they could not get elective surgery; let alone the economic costs to the people of the ACT.

You are fooling yourself here if you think it takes 5½ years to build a step-down facility. If you think 5½ years is a commitment, then you are absolutely fooling yourself. It is symptomatic. How many reforms have we had to reduce bed block and elective surgery? I can name about four or five reforms that ministers were forced to put in place to clear bed block, but we see in this year's figures that bed block is not getting any better. This is not commitment. This is failure.

MS GALLAGHER (Molonglo—Minister for Health, Minister for Disability and Community Services, Minister for Women and Acting Minister for Housing) (5.18): I thank Mr Gentleman for giving me the opportunity to talk today about the public health system in the ACT. It goes without saying that every community needs an effective public health system. That the ACT has such an effective public health system is self-evident. Canberrans are healthier and live longer.

According to the report on government services, we have the lowest mortality rate and infant mortality rate in the country, we have the highest proportion of children who are fully immunised, and we have the lowest rates of potentially preventable hospitalisation for acute and chronic conditions. Through ACT Health, we are working at improving our public health system.

Mr Speaker, the government provides a full range of acute care, including inpatient, outpatient and emergency department services, at the Canberra Hospital and Calvary Public Hospital. Whenever the Canberra Hospital is mentioned, we hear cries of doom and gloom from those opposite, as we just heard in a rather hysterical speech about the health system here, and they are always about bypass.

Mr Smyth: Point out what I said was wrong. Point out where it was wrong.

MS GALLAGHER: Every time I hear Mr Smyth speak on health matters, he is talking the system down, not talking about any of the good outcomes that are occurring. He never talks about the good outcomes that are occurring. He always talks the system down and says that it is in crisis, but it is not.

Going to some of the comments being made about bypass, if you read some of the media releases that come out and listen to some of the comments that are being made over the airwaves you would not be wrong in thinking that the hospital emergency department was closed. I think that the attitude of the shadow health spokesperson is irresponsible, because people in our community listen to him, think the emergency department is closed and will not go there if they have a need to do so. That is not a good outcome.

The reality, as Mr Smyth knows, is that the emergency department is never closed. It is always open to people. People need to know that even when the hospital is on bypass or load sharing—whatever term you want to use; I am not fussed on either of them—they are still able to present themselves to the hospital and be looked after if they need help. We know that there are people who, on listening to comments made about bypass and the hospital being closed and nobody getting in, think that that is correct, but it is not. I want people to know that the hospital emergency department is always open and people are always able to go there.

The issue around load sharing or bypass, for the sake of this discussion, is that at certain times when the emergency department is busy, and it has been busy over the last month, as Mr Smyth knows, agreement has been reached between the hospitals about how to handle that increased demand; that is, at times non-urgent patients who, for argument's sake, are coming to Canberra Hospital in an ambulance and who could be seen quicker at Calvary Hospital are sent there to be examined rather than waiting and not being able to be seen at the Canberra Hospital.

That is simply a responsible way of managing demand. It is not about closing the emergency department. It is not about people with urgent conditions not being seen. That is not what it is about. I think we need to be truthful about that. It is a way of managing demand. Advice to me is that that is the most responsible clinical way of handling demand, and it is a reality of the system here. It is not a performance indicator. It is not used as a performance indicator in any measure of a hospital's performance.

Mr Speaker, we are working on dealing with demand and timeliness as to people being seen in the emergency department. Mr Smyth mentioned the access improvement program which was established in June last year to facilitate the redesign of health care delivery processes and work practices. This idea is at the coalface: it is asking clinicians and other staff and patients about better ways to ensure that the patient's journey and experience through the health care system is a positive and efficient one.

The program is a cross-territory initiative involving both Canberra and Calvary hospitals, as well as the aged care and rehabilitation stream, community health services and mental health services. The solutions already identifiable include a redesign of the triage to ensure safe and timely assessment of all patients presenting to the emergency

department, the rapid streaming of emergency patients to care zones consisting of multidisciplinary teams aligned to patient needs, reinforced leadership roles with a focus on managing the end-to-end patient journey through the emergency department, and expedited assessment of the older patient presenting to the emergency department to identify those at risk of rapid deterioration, and those patients will then be quickly streamed to an area designed for their needs.

The ACT has recorded some achievements, highlighted in the national mental health report 2005 released by the Australian Institute of Health and Welfare, in the provision of mental health services to the community. The ACT recorded the highest per capita spending on community health services, at \$76 against the average of \$51. The ACT came a very close second to Victoria with regard to the highest percentage of funding for total mental health services being spent in the community services sector, at 11.4 per cent against the national average of 6.2 per cent. The ACT recorded the highest level of services externally assessed with level 1 implementation of the national standards for mental health services, and the highest level of consumer/care consultants employed per 1,000 clinicians. We also had higher than average mental health supported public housing places per 1,000 population.

We acknowledge that there are a number of challenges that we still have to face in the provision of health services to our community, but our commitment to that is reflected in this year's budget and cannot be doubted. There is a lot of work to do around the provision of mental health services and I have had some initial discussions with consumer groups about that. I accept that that will be a big piece of work for me in the next year.

Mr Speaker, this is not just about throwing money at the health system and hoping that it will get better. Detailed work has gone into looking at the growth in demand for services, some of which is outlined in the budget papers, and it is showing that the demand for acute services is growing at eight per cent, cancer services are growing at, I think, eight per cent, and community and public health services are growing at between two and three per cent. We know that the demand for services is growing and part of meeting that demand is having additional money there to provide those services.

The government has taken the decision of increasing the health budget through the budget announced yesterday. At the same time—I am sure that Mr Smyth will support this because it goes to some of what he has been saying—we are not saying that it can keep growing at the way it has been growing in past years. We need to control that growth. We need to draw a line in the sand. The forward estimates will have, on average, a 6.4 per cent growth. That is considerably less than has been provided in the past, when they have been growing by 10 or 11 per cent. That will require changes to how services are delivered. It will require benchmarking our back-end functions.

Mr Smyth: But how are you going to achieve that?

MS GALLAGHER: By looking at management and administrative support positions, not looking at the front-line positions. There is a capacity there to reduce costs in an attempt to rein in costs. We are acknowledging that we are not going to be able to provide the kind of health system that the community expects and deserves if we bring it back to national levels or the average national expenditure on health. We are setting

ourselves the challenge of bringing it to within 10 per cent of that, still 10 per cent higher than the national average.

We have a job to do in health. I am not saying that it is going to be easy. It is going to be difficult. The demand for services is increasing all the time. As our community ages, that demand is going to grow. We need to have a real plan about how we manage that growth. We are doing that in this year's budget. We are allocating money where Mr Smyth is arguing for money—I am sure he welcomes all that—in terms of elective surgery and in terms of more beds, with 20 new medical beds and more beds in critical care, high dependency and intensive care. Those are in addition to the beds that were provided in last year's budget and the beds that have been provided through the subacute facility and short-stay beds in the emergency department. Seventeen short-stay beds are now in place and operating in the emergency department.

MR GENTLEMAN (Brindabella) (5.28), in reply: I thank Ms Gallagher and the Stanhope Labor government for their foresight in providing this extra funding for the ACT's health system. I would like to concentrate on the actions which we are taking now and will be taking in the future that both Ms Gallagher and I have addressed tonight.

My colleague the former Minister for Health outlined 12 months ago in the context of the 2005-06 budget the Stanhope government's approach to improving performance in the health system, with a simple, clear objective of providing timely access to care based on need. The government has consistently backed up this strategy since it was elected in 2004 and has invested in previous and present budgets.

Not only have we outlined and funded a long-term program of improving and reforming our health system to improve performance but also we have been up-front with the ACT community about our performance. From the commencement of the 2005-06 year, we introduced the ACT public health services performance report. This quarterly report is the most comprehensive and detailed public report on health system performance in Australia. This is about being clear about priorities, open about our performance and accountable for our achievement and underachievements.

Let's reflect on our actions and our planned actions. Mr Smyth likes to talk about beds. Specifically, he wanted 100 more beds. I would like to look at other important issues as well, but I will start with beds. What are we doing about building up bed capacity? How many beds have been introduced by this government in the current term and are to be commissioned by December 2006? Twenty medical beds, 12 at Calvary and eight at TCH in place now, from the 2005-06 budget; three intensive care beds are in place now at TCH from the 2004-05 budget; sixty subacute beds, 51 extra and nine existing, with 10 in place in February 2006 and the balance by December this year; 17 emergency department short-stay beds are in place now at the TCH and Calvary out of the 2004-05 budget; and 15 transitional aged care beds, jointly funded by the ACT and commonwealth governments, were put in place in June 2006 and will be run by the aged care sector.

That comes to a total of 106 extra beds by December 2006, of which 50 are now in place. Of course, that was before the 2006 budget, which commits funding for up to an additional 20 acute beds. That amounts to total government funding commitments for extra beds of 126, with 50 in place now and the rest to follow progressively in the

2006-07 financial year. So, if we go back to Mr Smyth's claim of 100 more beds, where would he like us to cut them? We have 126 in the pipeline, 50 in already. As usual, we would go backwards with Mr Smyth. We have allocated an additional \$13 million over three budget years to improve access to elective surgery, which will have provided more than 1,500 more operations over the last three years than otherwise would have been the case.

Growth in elective surgery admissions over the last three years has been at a record level: 7,661 in 2002-03; 8,548 in 2003-04, a record; 8,617 in 2004-05, a record on top of the previous one; and 9,000 estimated for 2005-06, again above both previous records. The capacity of beds and operating time has been boosted by the addition of the 20 acute and three ICU beds to support elective surgery throughput.

What are we doing about the emergency department and timely access to acute hospital services? The government has a three-pronged approach to improving access to hospital services. Firstly, we are working on reducing the demand for emergency and acute hospital care. We are doing this through our support for expanded after-hours GP services and clinics at Canberra and Calvary hospitals, expanded home and community care services to keep people healthy and well in their own homes, focusing on the prevention of admissions through our successful falls prevention in the elderly initiatives, and extra support for better hospital discharge practices and innovative models of care for those with chronic disease, with \$1.9 million over four years in the 2006-07 budget.

Secondly, we are increasing the capacity of our hospital health care system. We have funded an additional 20 acute medical beds, on line since July 2005, and we have provided an additional \$13 million over the last three years to improve access to elective surgery which will have provided more than 1,500 more operations over the last three years, as I said, than otherwise would have been the case. Our 2006-07 budget takes this one step further, with an additional \$10.3 million over four years for elective surgery.

We have reintroduced discharge lounges at our hospitals to free up acute beds. We have funded services that provide for high-need children to be cared for at home rather than in hospital, thus freeing up beds. We have funded an additional three ICU beds, reducing blockages and providing more access for elective surgery. We have filled the first 10 beds of the new 60-bed subacute and non-acute service, with the next 50 to come on stream in December 2006 and early 2007. When complete, this service will add an additional 51 beds to the system.

We have commissioned the ninth operating theatre at TCH, which increases patient flows and reduces elective surgery postponement rates. We have established short-stay inpatient units next to our emergency departments to further improve access to care, adding a further 17 beds to our hospital system. Fifteen transitional aged care beds run by the aged care sector will be in place in June 2006. This comes to a total of 106 extra beds by December 2006, of which 50 are in place now. The 2006-07 budget also commits funding for an additional 20 acute beds. That amounts to total government funding commitments in the current term for 126 extra beds, with 50 in place now and the rest to follow progressively in the 2006-07 financial year: no "100 beds Smythie" for us.

Thirdly, we are changing the way we do things. On top of reducing demand and increasing capacity, we are changing our work practices and modernising the way we organise our care systems. This is the approach being adopted in our \$1.2 million access improvement program that I mentioned earlier. The AIP seeks to redesign our care delivery system based around the concept of patient journeys and build-up in front-line clinical staff who know the day-to-day realities of managing emergency and acute care. A further \$750,000 will be added to that in the 2006-07 budget. This program will achieve further improvements to patient access and care by implementing solutions that are developed by clinicians and consumers.

Finally, Mr Speaker, I turn to the cost of our hospital system. In recognition of the need to manage the increasing demand for health services and provide value-for-money services, ACT Health will be required to bring its hospital costs into closer alignment with national averages. Our objective is within 10 per cent of national benchmark costs within five years. This will be achieved through efficiencies in administrative, management and support services, a more strategic approach to supply chain management.

Our hospitals will improve rostering, staffing practices and management of overtime to contribute to more efficient service delivery without reducing the level of quality of front-line staff. We will redefine the roles and relationships between our two hospitals, TCH for the tertiary services and Calvary for basic general hospital services. By concentrating on the niche issues of specialisation we will be able to reduce duplication, increase efficiency and provide a comprehensive health system for all Canberrans. We will also seek to clarify the control and ownership issues between the ACT government and the Little Company of Mary Health Care for services delivered at Calvary.

Mr Speaker, we have to balance investing in growth and managing for efficiency so that we can live within our means. The 2006-07 Stanhope government budget contains all the urgency, strategy and investment needed to improve the performance of our public hospitals. I commend the motion to the Assembly.

Question put:

That **Mr Gentleman's** motion be agreed to.

The Assembly voted—

Ayes 8

Mr Barr	Mr Gentleman
Mr Berry	Mr Hargreaves
Mr Corbell	Ms MacDonald
Ms Gallagher	Ms Porter

Noes 6

Mrs Dunne	Mr Smyth
Mr Mulcahy	Mr Stefaniak
Mr Pratt	
Mr Seselja	

Question so resolved in the affirmative.

Motion agreed to.

Public hospitals—performance

MR SMYTH: (Brindabella) (5.42): I move:

That this Assembly:

- (1) notes that, despite the dedication and hard work of our nurses, doctors and allied health workers in the public hospital system:
 - (a) the recent report from the Australian Institute of Health and Welfare found that the ACT rated very poorly across a range of health indications;
 - (b) the rate of by-pass occasions at The Canberra Hospital has increased substantially during May 2006; and
 - (c) the elective surgery waiting lists show continuing increases in people waiting for surgery; and
- (2) calls on the ACT Government to take urgent action to improve the performance of the ACT's public hospitals.

Mr Speaker, I will start where Mr Gentleman closed the last debate by seeking some clarification from the minister about the veiled threat that Mr Gentleman just delivered to Calvary over what the government seeks to define in its roles. I thought Calvary had a lease re-signed by Mr Corbell some two or three years ago, which would mean that it has something like 95 or 96 years to run on its lease. I think that finishing a debate with veiled threats to the most productive part of the health system is most unnecessary.

I want people to note that the motion commences with the words “despite the dedication and hard work of our nurses, doctors and allied health workers in the public health system”. I start by praising those who work in a system that does not work for them. Reform after reform, report after report, and change after change have been foisted upon our nurses, our doctors and our allied health workers in a hospital system where the senior executives of the hospital sent a memo out saying not to take tea breaks and to come back early from meal breaks because the system does not work. That is the state of the public hospital system, that is what our staff are putting up with, and that is what no amount of money will fix—the attitude of the government. If the government thinks that it can continue to get away with it by just throwing money and rolling out new programs, it is wrong.

Much was made in the last debate about the access improvement program of \$1.2 million put in place last year. What has been the result of having the access improvement program and how has it affected hospital bypass? Let us look at the status of the ACT emergency departments and the number of occasions when they, except for emergency patients, do not accept new patients. The recent record of occasions of bypass at our public hospital system can only be described as pathetic for a major regional hospital. In fact, the most recent statistics for the Canberra Hospital are downright disturbing.

Let's look at the month that has just gone, May. The government will try to change the situation by use the new term "load sharing" like it is some sort of agreement and we are all getting on. The problem with load sharing is that it does not address the fundamental problem that when you cannot get into the hospital, when you are sent on bypass, you are not getting the service that you deserve.

May 2006 was a watershed month for this government because in that month the hospital recorded a total of 36 hours of bypass. I understand from sources that there were 17 separate occasions of bypass, that is, almost two-thirds of the number of days in the month. That is just not acceptable. After another round of reform—we had reform in August 2004 under Mr Wood, we had a couple more under Mr Corbell, and then we had the AIP last year and put in more money—let's compare May this year to May last year, because they are the most recent statistics we have access to.

The result for May 2005 was quite different, with on occasion bypass for a total of 10 hours and there were only four occasions of bypass for the whole month. There was a new program to fix the bypass situation, more money was thrown at the problem, and what is happening? It is getting worse because the ethos is not changing. We are not supporting the nurses, the doctors and the allied health workers and making sure that they have a system and the tools that they need, beds, to do their job properly. Let's take a look at the figures again. In May 2006, there were 17 separate occasions and 36 hours of bypass. In May 2005, there were 10 hours of bypass on four separate occasions. That is appalling. That, minister, is an indictment of the hospital system that you run.

Let's go for a longer period. Let's look at the five months from January to May this year and compare them with the performance last year. The record for the five months from January to May 2006 is most revealing. The analysis of bypass shows that so far for this year there has been a total of 74 hours of bypass, whereas between January and May last year there was only a total of 44 hours of bypass, almost a 100 per cent increase. More money, more reform, more bypass. The government has got it wrong. Who pays? The ordinary individual looking for care and the workers in the system who are getting more and more stressed and leaving the system in droves.

The performance of the ACT emergency department already in 2006 means that we are looking at potentially a very poor outcome for this financial year. Indeed, I am told that the performance for just the first few days of June shows that the problem appears to be continuing. June has hardly started and already there have been nine hours of bypass on four different occasions—four days out of six when I had this data given to me, two-thirds. That is in stark contrast with June 2005. Remember, there have been nine hours already in just four or five days, whereas there was a total of 12 hours of bypass for the whole month of June last year. So the portents for the balance of 2006 with respect to occasions of bypass do not look good at all.

It is the responsibility of the Stanhope government and the new health minister to take appropriate action to correct the situation that, unfortunately, the minister inherited from the Chief Minister and Mr Corbell, who could not get out of health fast enough. What you have inherited from two failed health ministers, you are now going to have to fix and improve the performance of the emergency department at the ACT public hospital system. We have had this debate before. I remember that when the access improvement

program was launched, we got onto a web site and found a report from a nurse who was involved in the process. Initially, they did the right thing. They said to the staff, "How do we fix this problem?" The staff put forward numerous solutions. My understanding is that the morale in the emergency department actually went up because the staff there said, "At last they are looking at us."

One of the comments on the web was "Gee, I hope I am not putting the mocker on this by mentioning it, but I will believe it when I see it." That individual came back and said, "Yes, I knew it, they blew it," because they did not take on board the suggestions of the staff. They watered them down, they modified them, they changed them and they twisted them, and the result we got was that we went from bypass in May 2005 of a total of 10 hours to bypass in May 2006 of 36 hours, a 360 percent increase. That is absolutely appalling, and that is why money is not the solution.

Mr Gentleman can get up here and read speeches like a glove puppet any time he wants, but he has to confront the reality of the situation; it is not working. Minister, it is now over to you. The minister said during the call of the previous vote that she is going to explain how the references to a \$41 million increase and a \$61 million increase to health funding can both be right. If that is new maths, I am glad you are not the education minister any longer, because 41 does not equal 61 in anybody's figures. The sum is \$61 million in the book. I do not know where the \$41 million comes from. It is the same as saying that we are going to lose 82 heads. Off with their heads! They will sit and will knit while the guillotine falls on 82 staff, but they are going to improve the staff numbers at the same time. That does not work, and you are not fooling anyone. The problem is that we are not making the situation better.

What this motion does, and it is interesting that it comes in the aftermath of the 2006-07 budget, is that it looks at the latest indicators of what is wrong with the system. We have the recent report from the Australian Institute of Health and Welfare, we have the figures for bypass and we have figures for elective surgery in the ACT. We are calling on the ACT government to take urgent and appropriate action to improve the performance of the ACT public hospital system, look after Canberrans when they get ill, and look after the staff to make sure that we do not keep bleeding our trained nurses and our trained doctors into other occupations because they do not work in an organisation that does not let them excel. They used to excel. We used to have the best system in the country. We used to have shorter waiting lists, we used to have shorter waiting times, but the last five years, three ministers and millions of dollars of money have simply made the position worse.

I have discussed the number of instances in the budget where the numbers just do not add up. Another reflection on the health system is that the government has had to make up for \$11 million in lost revenue. It is cutely described as revised revenue adjustments. If that is not tautology, I do not know what is. But why is it, minister, that you are going to underachieve in your revenue targets for the next couple of years? It is quite interesting that, due to revised revenue adjustments, the figure is down \$10,865,000 in the coming year, \$14 million the year after that, \$18 million the year after that, and \$21 million the year after that. Why isn't the hospital performing? Why isn't the hospital able to earn this revenue? It is because it is not being run effectively. As a consequence, we are putting more money in to cover what should have been made from a perfectly

functioning hospital. We have to make sure that we get the numbers right and then we have to make sure that we deliver.

From looking at the Institute of Health and Welfare report, there is no doubt that the ACT is funding its public health system at a rate significantly above the national average. That is clearly acknowledged by the Chief Minister. But what we are not getting for that money is the service. In five years of Labor it has got worse. The institute released its latest report assessing the performance of Australia's public hospital system at the end of May, I am not able to deal with all the matters raised by the report, but I will draw out some of the important findings of the Institute. It is worth noting that this is the twelfth such report that the institute has done. So, when they make statements, they are based on longitudinal data. I think we can have good confidence in the quality of the analysis and in its findings. I remind the Assembly that this is the report for the year ended 30 June 2005 but, as I pointed out in the earlier debate, some of the numbers have got worse since we got this data.

There is one high point in the report. It is that nearly 10 per cent of all separations, or more than 650,000 separations across the country, were of potentially preventable hospitalisations. About a third of the patients going to the hospital could have been prevented going there, chronic sufferers of things such as asthma, diabetes and heart conditions. The national rate is 31.5 per cent per 1,000. The ACT rate, the lowest in the country, is 19.3 per cent per 1,000. Well done, minister. The highest was the Northern Territory at 45 per cent per 1,000. But that was the only good news. I wonder whether that is a reflection of our younger, healthier population rather than the effect of good health policy from this government.

Let's take people waiting for elective surgery, one of the most important health indicators. In 2004-05 in the ACT one person in 10 waited for longer than 12 months for elective surgery in our public hospitals, waited longer than one year. That is simply not acceptable. It is the worst outcome of any jurisdiction in Australia. This sort of data is collected. Someone said in the previous debate that this sort of data is not collected, but it is. The outcome was simply the worst for any jurisdiction in Australia. The Australian average was that one in 20 waited longer than one year. The next worst state was Tasmania, and you have to remember the age profile for that state.

So, within specific categories of surgery, there have been some disturbing outcomes for the ACT. Around one person in six waited for more than 12 months for ear, nose and throat surgery. If you have a small child, you now how important ENT is. Almost one person in 10 waited more than 12 months for neurosurgery. How can you wait for more than 12 months for neurosurgery? Almost one in three waited for more than 12 months for ophthalmic surgery and around one in eight waited for more than 12 months for orthopaedic surgery.

Moreover, the median waiting time for patients admitted from the waiting list ranged from 22 days in Queensland—you may think about the doctor in Bundaberg and the closure of the Nambour hospital, but Queensland has got it, with 22 days being the median waiting time—to 45 days, double, in the ACT and that compares very poorly with the median waiting time for Australia of 29 days. It just shows that the ACT performed very poorly against this indicator. The evidence is there for all to see. I refer to tables 6.2, 6.4 and 6.5, among others, in the report.

Let's take a different indicator, people waiting for attention in the emergency departments of our public hospitals. Again, the ACT, despite the access improvement program, performs very poorly. Of all the people presenting at emergency departments round Australia, 40 per cent—four in 10—in the ACT are not seen on time. The Australian average is 30 per cent, so we are a third worse than the Australian average. Using a different indicator, the median time that people wait to be seen in an emergency department, the ACT also performs poorly. In the ACT, people waited for 40 minutes, much longer than the median of 25 minutes, and no other state was worse than 33 minutes. I can go on and on. The waiting lists clearly have blown out. The figure has gone from 3,488 when we left office to being 30 per cent worse. At the end of March it was 4,545. That is what Mr Gentleman and Ms Gallagher think is acceptable; they think that the system is working.

This motion is important. It is important in the light of the budget, where there are figures that cannot be trusted or are just unbelievable. The budget is not even a day old and the minister will now have to explain them. Is the sum mentioned \$41 million or \$61 million? Are there or aren't there job cuts? Is the work force growing or not growing? This motion is important because we deserve, we need and we have to support a great work force. We should be supporting our nurses, our doctors and our allied health workers. I do not believe that they are getting the support that they deserve from this government. This government must tell us as an Assembly and as a community how they it is going to fix this problem because I am that sure none of us wants to end up with a system like the New South Wales system.

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

Adjournment

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

That the Assembly do now adjourn.

Mr Tony Campbell

MR STEFANIAK (Leader of the Opposition) (Ginninderra) (5.58): I rise tonight to put on the record my appreciation of a Canberra resident who, sadly, passed away recently, that is, Tony Campbell, a well-known racing identity, a magnificent man who came to Canberra in the 1970s, a talented fellow who used to have a band during the 1960s. I had the pleasure of meeting him in 1979, not long after he took up a job at Channel 10. He was not only a premier race caller and one of the ornaments of ACT racing over close on three decades but also a great supporter of all sport. I remember the time when I was back in Canberra from Muswellbrook and I was trying to form a junior rugby club for the Tuggeranong Rugby Club, which I had had one season with as a player in about 1975.

I was with Royals at the time, but I went across to try to help them out with forming junior teams and Tony was a great help. He allowed me to go on Channel 10 with Col Perman, who used to play five-eighth for the ACT and was also a Royals first grader at the time, and pump a few registration days. It was great going round the schools. Col

was a bit of a king of the kids and we got 50 players to our first registration day and managed to field teams in the 7s, 8s and 9s and in what we loosely called the under-13s, who were anything from about 11 to 14 years of age. Tony was instrumental in helping that club form and, of course, it has gone from strength to strength since then.

He was also well known for his brilliant phantom race calls. He was a regular at the track. I do not know whether I would call him a colourful racing identity, but I suppose he was. He was just a magnificent proponent of sport generally in Canberra, but particularly of the sport of kings, racing. His funeral was attended by so many friends, showing the high regard in which he was held in our community. I thank Tony for all he did for racing in particular but sport generally and a sense of belonging in Canberra. Tony was a real Canberra identity. He will be sadly missed. He died after a tragic illness. I just want to put on record my appreciation of the life and times of Tony Campbell and all he has done for our community.

Industrial relations

MR GENTLEMAN (Brindabella) (6.00): I rise tonight to talk about a series of exciting events that will be occurring at the end of this month. As we are all aware, Mr Howard and his federal Liberal Party colleagues have passed the WorkChoices legislation and it is now in force. The International Labour Organisation, ILO, has listed Australia's IR laws for an immediate hearing alongside cases from Libya, Uganda, Zimbabwe, Guatemala and other countries that are known as the world's worst violators of labour rights. Yes, the so-called lucky country has been listed by the ILO as being among the world's worst violators of labour rights.

To assist in giving the workers of Australia a voice, the ACTU has been active in introducing several opportunities to show the Howard government what they think of these barbaric laws. Last year, on 15 November, there was the national day of action that saw states and territories of Australia meet in groups and voice their opinions. During the week beginning Saturday, 25 June and going through to Saturday, 1 July there will be organised meetings in almost all of Australia's capital cities so as workers can have their say without fear of persecution.

Canberra is beginning the week of action with all workers being invited to come along to the Raiders' home game against the Sydney Roosters and join others in having their say. The family and community rally will commence at half-time in the match and will encourage all concerned members of our community—men, women and children—to join members of the ACTU and other unions by marching around the field at Canberra Stadium.

I can see that Mr Mulcahy is very interested in attending this event to support workers' rights, so I will let him know the details as to how he can attend. To get tickets to the game he can email UnionsACT and confirm his attendance. Just in case you are busy working on Sunday and unable to attend this important family event, there will be another event during the week. On Wednesday, 28 June there will be an "orange day" and all employees and employers will be encouraged to wear orange to work. There will also be a chance to decorate workplaces in orange so staff can express their disapproval of the Howard government's violation of our labour rights.

I hope that all workers from Spotlight stores will have the chance to wear orange and decorate their workplace. For those members of the Assembly who are unaware of what I am referring to, I will enlighten them. A few weeks ago, the proprietors of Spotlight stores across Australia asked all their new employees to sign an Australian workplace agreement, an AWA, that was advertised on their web site for all to see. I have heard all members of the opposition sitting there cheering about the pros of AWAs, but let us see whether they would work for the conditions expected by Spotlight employers.

Firstly, there is the opening paragraph in the agreement, which states that if you did not sign the agreement there would be no employment offered. How is that for choice? Sign it or no employment will be offered. Then there was the offer of having all penalty rates removed. That is right, no overtime for working on weekends and taking time away from their families. Their pay will be undercut by up to \$90 a week. The AWA will also remove paid rest breaks, breaks between shifts, maximum and minimum shift lengths and a cap on the number of consecutive days worked. That is being removed. And all of this for an increase of how much? Of two cents above the award wage.

Mr Corbell: How much?

MR GENTLEMAN: Two cents above the award wage. This is a clear attack on workers' rights and families across Australia, especially in our own backyard. Bringing an end to the week of action, I would hope that on our journey to work or travelling round Canberra with our families we will be encouraged to keep an eye out for the sea of orange and I encourage all members to attend any or all of the events being held during the week of action and help support workers' rights and their battle against these draconian laws. Even the federal government has been quoted as saying that these new laws will be used to force down wages and conditions for working families.

Mr John Perrin
Archbishop Francis Carroll

MR MULCAHY (Molonglo) (6.04): Mr Speaker, I rise tonight to take time out from the hectic and rather crazy budget period to recognise in the Assembly the lives and contributions of two people who have resided in the ACT.

Firstly, it is with sadness that I reflect on the life of Mr John Perrin, who passed away recently. John Perrin served as Prime Minister Howard's senior adviser on social policy issues, helping over the last nine years to shape the Howard government's social policy agenda. He played a pivotal role in driving many of the major social policy reform programs of the Howard government, including ones related to being tough on drugs, welfare and Medicare improvements, stronger families and communities, family relationship centres, and community-business partnerships.

Recently, he was pivotal also in putting mental health at the forefront of the government's policy agenda. He was committed to social policy, particularly targeting public expenditure most effectively towards people in need. He was a warm and compassionate individual, but could not countenance waste or seeing welfare programs wasted on those who did not really need support.

Just as important as his contribution to the federal government was his involvement in the local Canberra community through organisations such as the Radford College Parents and Friends Association and the Uniting Church, and he served as the treasurer of the Wesley Uniting Church.

I knew John Perrin in my previous working role and also he was a constituent and I dealt with him from time to time on a range of issues. He was an interesting person. He was a fluent French speaker and had a fascination, partly through his heritage, of things that related to that country. He and his wife went to France several times, living in various regions as locals would do and absorbing the culture.

He was, in fact, trained as an economist originally at Monash University and came to Canberra, starting off his career in the Australian public service by joining the bureau of statistics. He later moved to the federal Treasury and, indeed, spread the Treasury approach to his voluntary work. He was highly respected for the contribution he made to the Wesley Uniting Church in his role as treasurer.

The large number of people that paid their respects at his funeral on Monday, May 29 is testament to the man that John Perrin was. He will be missed and I wanted to take time in the Assembly today to pay my respects and extend again my sympathies to his wife Debbie and his son Richard.

Secondly, on a happier note, on 1 June I was fortunate enough to attend the tribute dinner to mark the retirement of Archbishop Francis Carroll DD, Archbishop of the Catholic Archdiocese of Canberra and Goulburn. Francis Carroll was ordained in the priesthood in 1954 and served the church in various roles from that time through to 1983 in the Riverina area. He was appointed Archbishop of Canberra and Goulburn in 1983 and has served in that role since. He has also held numerous positions within the Catholic church, including serving as president of the Australian Catholic Bishops Conference since 2000.

The tribute dinner held at the federal parliament was attended by people from all walks of life, including both sides of politics. The fact that senior members from both sides, including the federal Leader of the Opposition, Mr Beazley, and Minister Abbott representing the Prime Minister, spoke so warmly of the archbishop is a tribute to the impact that his leadership and guidance has had on the Canberra community and to the quality of person that we have had as the archbishop in Canberra.

Over the last 23 years, Archbishop Carroll has served the Canberra area with wisdom and spiritual guidance. He is universally respected for his spiritual integrity. I take this opportunity to recognise in the Assembly Archbishop Carroll's contribution to the Canberra community. His impact has been significant and I wish him well in his retirement.

Nuclear power

DR FOSKEY (Molonglo) (6.09): Mr Speaker, perhaps you share with me the strange feeling that instead of living in Australia we live in a country that is trying to set up a whole series of Springfields. Every time I hear the Prime Minister speak about the potential for nuclear power plants in Australia, I check the mirror to see if my hair has

turned blue already or if I have got a child running round with a dummy. I say this because I think it is at the height of absurdity to be jumping from, as the federal government has, a situation where first of all it denied the signs on climate change to one where it now admits, apparently coinciding with Mr Howard's latest visit to his friend in Washington, that there is a climate change problem and saying that the only way we can fix it is with nuclear power.

When I saw the headline in the *Australian* this morning I thought initially, at first glance, that it sounds like the federal government is adopting some of the recommendations of the Australian Conservation Foundation and bodies such as the business roundtable on climate change, but then I saw that our Prime Minister is talking about a carbon tax on coal, not to fund renewable energy or anything that might add to reduce our climate change greenhouse emissions, but to fund the development of nuclear power.

We all know that nuclear power will require very heavy subsidies, I think at about a third of the cost of building and producing the energy that will come from nuclear power. Of course, we are no closer to solving the problem of what to do with nuclear waste and we now have the problems of terrorism, so that we will have to secure that waste and guard it for millennia. I think it is also of interest to know that pretty much the same people as the ones who were keeping the government's head down about climate change are now saying that climate change is a problem. That is because they not only benefit from the mining of coal but also benefit from the mining of uranium.

But there are some businesses that do take a more responsible approach and I was pleased to host a forum last week at which the Hon. Greg Hunt, who is the federal parliamentary secretary on environment and heritage, did speak very fluently on the government's position. He was on the same podium as Bruce Thomas, the sustainability manager for Swiss Reinsurance, one of the major advocates in the business roundtable on climate change, which is indeed advocating that the government adopt a carbon tax because it has presented through its work, through reports commissioned by Allen Consulting and reports from the CSIRO, that to act now would be a better outcome for business in Australia than to delay action and to have to make very deep cuts in a very short time, which would be the case.

We can start off now, as environmentalists have been saying for a long time, and build businesses around renewables and energy efficiency. However, for some reason or other, the government has chosen to totally ignore the renewables sector, even ignoring the ethanol industry, which one would think it would have an interest in, to jump straight to nuclear power. I think that the debate is a furphy. I think that the debate is about legitimising the mining and export of uranium and perhaps an enrichment of uranium industry. Nuclear power plants are in no way a solution to climate change problems. There will be greenhouse gases in the production of them. They would not come on board for 10 years at least if we started building them now and we do not have an infinite amount of uranium. The only thing we have an infinite amount of is sunshine and it is about time to get on with it.

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

Hospitals—pay parking

MRS DUNNE (Ginninderra) (6.14): I want to speak tonight about the crazy impact that the introduction of pay parking at hospitals will have on my constituents and other people who use Calvary Hospital. Members over the last little while will have been bombarded by emails from students of the medical school who will be adversely affected. To look just at their case, they will be paying roughly \$800 a year out of their allowance of roughly \$8,000 a year to park at Canberra Hospital and Calvary Hospital, where they must park to do their studies. These students are members of one of the few groups that will not receive some sort of exemption even though they are regular users of car parks at both of the hospitals. The system there is absolutely inequitable and it is a huge slug out of the allowance of a student.

If we are talking about fair working conditions, as Mr Gentleman always wants to do, we should take a leaf out of Mr Gentleman's book and think about the fair working conditions and the unreasonable imposts of this government upon medical students. First of all, it tries to encourage them to come here and then it says that it is going to slog them fairly significantly on this matter. The rationale is that the government is going put the money that it takes from parking fees back into the hospitals. The amount of money that we are talking about is chump change, Mr Speaker.

I want to deal particularly with Calvary Hospital. Parking at Calvary Hospital is absolutely and utterly chaotic at the moment and has been for a long time. Extra building on the site has removed a large number of parking spaces from Calvary Hospital. Most of the people wishing to park at Calvary at this stage cannot get a parking space, most of the people using it. One of the people who contacted me said that she works for an obstetrician at a private clinic and she is, in her words, sick to death of seeing her heavily pregnant patients having to slog through the bush and turn up late and stressed for their obstetrics appointments. Their blood pressure is already up and it is a great problem for their health.

Other people who have spoken to me are people who have orthopaedic patients or heart patients and there is no place to park at Calvary. People are parking in the bush and various places like that. The NRMA has been called out on a number of occasions to get cars out of ditches and off fallen limbs and things like that where they have been stuck inadvertently. People who are sick are having to walk long distances over unpaved areas and are becoming stressed about the lack of parking. This government wants to charge people to park at Calvary Hospital but does not do them the basic courtesy of providing them with somewhere to park.

I noticed in the budget that there is \$2 million for extra parking at Canberra Hospital but there is no such provision for Calvary Hospital. I have written to the Minister for Health asking her to pull off her hare-brained scheme—it was actually Mr Corbell's hare-brained scheme and I thought that, now that we had a change of minister, we might have someone who sees some sense—and not to introduce pay parking at Calvary while ever there is such a paucity of parking there and to reconsider the proposal in the light of the great need at Calvary for extra parking. Of course, I got the standard answer that almost everybody else has gotten, that is, that this is government policy and the government is going ahead with it.

There are real problems in the proposal for pay parking. I understand that we are going to have, as usual in the ACT where we have government car parks, voucher parking, which means that people will be fined horrendously for overstaying. The number of people who will overstay inadvertently at a hospital will be quite significant and there will be substantial income for the government from people who inadvertently overstay and have to pay obscene amounts of money. Those terms are going to rise because of decisions made in yesterday's budget. Parking fines will go up 34 per cent, so that the \$70 fine will become a \$98 fine or something like that. This is an unjust treatment of people, usually people who are sick or dealing with people who are sick. If the government is serious about parking—I do not mind; it may be reasonable to charge people to park—it should charge them a reasonable amount. Do not have ridiculous exemptions. Provide proper spaces for them, only charge them for what they use and do not fine them for inadvertently overstaying.

Question resolved in the affirmative.

The Assembly adjourned at 6.20 pm.