



Debates

WEEKLY HANSARD
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

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Tuesday, 16 March 2010

MR SPEAKER (Mr Rattenbury) took the chair at 10 am, made a formal recognition that the Assembly was meeting on the lands of the traditional custodians, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Petition

Clare Holland House—petition No 106—ministerial response

The Clerk: The following response to a petition has been lodged by a minister:

By Ms Gallagher, Minister for Health, dated 4 March 2010, in response to a petition lodged by Mr Stanhope on 9 February 2010 concerning the transfer of ownership and control of Clare Holland House.

The terms of the response will be recorded in *Hansard*.

The response read as follows:

In response I can advise that the organisation involved in negotiations with the ACT Government in relation to the proposal to transfer ownership and control of Calvary Public Hospital and Clare Holland House has withdrawn from discussions regarding the proposal.

Leave of absence

Motion (by **Ms Bresnan**) agreed to:

That leave of absence be granted to Ms Hunter for this sitting due to ill health.

Attorney-General

Motion of censure

MR SESELJA (Molonglo—Leader of the Opposition) (10.01), by leave: I move:

That this Assembly censures the Attorney-General for persistently and wilfully misleading the Assembly in relation to the Home Insulation Scheme by denying:

- (1) the existence of any documents relating to the scheme only to subsequently release hundreds of documents upon being forced to through a motion in the Assembly;
- (2) that the ACT Government had received complaints about ‘dodgy’ installation of insulation; and
- (3) that the ACT Government had received complaints about poor installation of insulation.

I am moving this motion today because Simon Corbell persistently and wilfully misled the Assembly in relation to the ACT Labor government’s involvement in,

knowledge of and actions in relation to the commonwealth home insulation scheme. Why he did this will be something for the minister to explain. We can only speculate on the motivation. Was it laziness? Was it an attempt to distance himself from the Rudd government scheme, or perhaps to cover up the shameful lack of information provided to the community by this minister and this government on the dangers and problems associated with the insulation scheme? Whatever the reason, it is clear that Mr Corbell misled the Assembly on several occasions.

Let us look at the facts in relation to this matter. First, Simon Corbell claimed that he knew nothing. He came into this place claiming that there were no documents. He said:

The government does not have documents in relation to the home insulation program because we do run the home insulation program.

That was his first mislead. He said there were no documents. He was wrong. In fact, when we pointed out that Peter Garrett had mentioned an MOU, I believe on that very day, and therefore there must have been documents, he wrote a letter to Assembly members to clarify. And I think there has never been a more disingenuous clarification letter, Madam Assistant Speaker. In the letter, he makes two incorrect claims, one implicit and one explicit. First, in the letter, he says this:

At the time I answered the question correctly ...

No, you did not answer the question correctly. You gave misleading information to the Assembly. That is not a correct answer; that is an incorrect answer. That is a misleading answer, and he misleads again in this letter to members when he claims that what he said was actually correct. Whether he knew it was incorrect or not is something we will debate, and it is becoming increasingly clear that his case for knowing nothing is a very weak one. But he did not answer it correctly. So, having misled the Assembly the first time, having claimed there were no documents, he comes back to Assembly members and says, "Well, at the time I answered the question correctly." Well, no, you did not. The letter then goes on to deal only with this MOU:

I was not informed by officials that they possessed any documents relating to the Commonwealth insulation installation program. The information provided by me to the Assembly on 11 February 2010 was based on the information provided to me by my Department.

He blames the public servants. As we will see as we go through these documents, this minister should have known. This minister signed letters which we will get to. This minister must have known. Any claim that he was not briefed talks to his incompetence as a minister in not asking the question and goes to his honesty as a minister, because we know that he was personally aware of a number of documents in relation to this scheme.

Let us again look at the facts in relation to this case. Mr Corbell comes in and says that there are no documents. He is caught out on day one: there is an MOU. He comes back with a disingenuous letter which does not clarify; it actually further misleads, claiming things were correct when they were not. We then had a motion to table the

documents, and hundreds of pages turn up. He says, "How was I to know about everything?" That was his response in the paper. He said, "If you think that I'm going to know about every email, well, you've got rocks in your head." Those were his words.

You do not come into the Assembly and give information when either you know it is incorrect or you do not know whether it is correct or not. You do not come in and give information and not care about whether you are telling the truth. You have a responsibility to get to the bottom of it. You have a responsibility to seek briefings. You have a responsibility to ask questions.

But it goes further than that, Madam Assistant Speaker, because it is not just about some emails, some other correspondence and an MOU that he did not know about. This minister sought a briefing in relation to the scheme. On the back of that briefing which he received, he wrote a letter to Peter Garrett in relation to the scheme. He received a letter back from Mr Garrett in relation to the scheme. He then came into this place and said, "There are no documents." And when he got caught out, he said, "Well, I wasn't to know about some emails or some file notes in some bottom drawer somewhere that some junior officer within some department had pulled out."

First and foremost, he had a responsibility to find out. Second, he signed documents; he received a briefing. So he sought a briefing, he received a briefing, he wrote a letter to Peter Garrett, he received a letter from Peter Garrett, but he came in here and said: "I know nothing. The scheme, we don't administer it. We don't have any documents in relation to it." That was wrong; that was a mislead; that was a persistent mislead of this place.

We in the Canberra Liberals believe that the integrity of our process relies on honest answers, on up-front answers from ministers. We have to be able to rely on the information which is given to us in this place, particularly at times such as question time where we seek information on behalf of the community from ministers.

This minister failed to tell the truth on a number of occasions, and his defence has been blown out of the water. His defence, firstly, was that there were no documents and he claimed, "Well, I shouldn't have known about them." Well, you had to ask. Secondly, we know that he personally signed and received some of these documents.

This is a minister who has misled the Assembly. This is a clear case of misleading the Assembly. We will get to some of his other defences, but I will go to the other part of this motion. It goes to whether there were complaints, because we have heard a lot of shifting of the position from Mr Corbell on this issue on a number of occasions. Mr Corbell on several occasions said: "There are no complaints about dodgy installation. There are no complaints about poor installation."

We asked him for a simple answer to this: have there been complaints? Have there been complaints about poor installation? This is what he said. These are quotes from the Assembly:

There have not been any matters brought to the attention of ACT regulatory authorities about poor installation. Mr Speaker, I have already answered that question.

That is not right. We have, indeed, a departmental document—one of the documents which Mr Corbell said did not exist; one of the documents that we were told did not exist—which was actually created on 11 February which said, “Actually, there were a number of complaints.” The document states:

There were a number of complaints in relation to the home insulation scheme. We have seen a number in relation to potential M&D conduct following the change in the amount of the rebate. This issue made up 4 of the complaints. 1 complaint related to an occasion where allegedly they had been denied the rebate. 2 complaints relate to inadequate quality of installation.

We ask a question. He answers and says, “There are no complaints about poor installation.” And we have a document which he claimed did not exist which shows otherwise, which contradicts what he told this place. And he expects us to accept that this is just semantics. It is semantics for a minister to come in and say, “There are no documents.” When he is caught out on that he says, “Well, I didn’t know about any of them and I shouldn’t have known about any of them.”

Then when he is caught out again, in that he has signed documents, that he received documents, he says on Ross Solly’s program today: “I didn’t think they meant those documents. I didn’t think they meant correspondence in relation to the scheme.” I mean, you guys didn’t mean that, did you?

Mr Hanson: No.

MR SESELJA: No, “You only meant these types of documents which I had in my hand.” It is a ridiculous response. It is a ridiculous defence. The documents that he wanted to hide, the documents that he claimed did not exist, contradict what he told this place on several occasions. He went on to say:

I have ... indicated to this place that the government has received no complaints about dodgy installation since the commonwealth program commenced ... We have not seen any reports of dodgy installation to the regulatory authorities.

“There have been no complaints received by our regulatory agencies in relation to dodgy practice.” No complaints about dodgy practice, no complaints about poor installation. The document which he claimed did not exist clearly and unambiguously contradicts what he told this Assembly.

Why is this important? It is important from a number of perspectives. We have, first and foremost, a principle that in this place you tell the truth, that in this place you come in and give honest answers. And if you ever get it wrong, you correct it at the first opportunity. He did not do that. In fact, his correction misled again. His apparent correction actually muddied the waters more, actually misled again and actually omitted to mention the documents that he himself had signed—the documents that he himself had received.

But we know that this is not a trivial issue. We have a situation where ACT regulatory authorities, the ACT government, were concerned. At some level there was serious concern about this scheme. There was concern about the fact, as was put in that April

meeting, that in fact the way it was being rolled out meant that you could not actually properly regulate it.

The people of the ACT told us. The minister said today: “There were warnings given in November. There were warnings to consumers given in November.” He said, “We talked to installers before that.” What did they tell the community? The warnings were so strong that when this first arose neither Minister Corbell nor Minister Barr was actually aware of it. But, apparently, according to them, the people of the ACT should have been. They should have been aware of something ministers apparently had no idea about.

They had these concerns, they expressed them internally, they expressed them to the commonwealth government, but they did not bother to tell the community. No wonder he wanted to cover up. No wonder he did not want to answer, honestly and openly, questions about his involvement in this scheme. No wonder he sought to mislead the Assembly. No wonder he gave us such misleading answers when the response was so inadequate.

It is our understanding—although we hope that the Greens will reconsider their position, particularly given the clarity of some of those documents and what they show—that the Greens will be endorsing this mislead, that the Greens will be saying: “It’s okay to come into this place and mislead the Assembly. It’s okay to come into this place and mislead the Assembly on several occasions.” The Greens will apologise for the minister rather than hold him to account.

We all have an important role to play in this Assembly. The role of those not in government is, first and foremost, to advocate on behalf of their community and to hold ministers and the government to account. That is what we are doing today. This minister tried to stop us getting to the bottom of what he knew, what he did and what the government did in relation to this scheme. He did it by clearly misleading. There has rarely been such a clear case of a minister misleading the Assembly on several occasions. There is no defence. And we have seen from the minister’s shifting defences that he barely believes it. Even when he had the opportunity to correct, he gave further misleading information.

This is a minister who deserves to be censured by this place because he persistently and wilfully misled the Assembly. He misled it in relation to a serious issue. He misled it in relation to a scheme that is potentially linked to house fires in the ACT and has been linked nationally to deaths and house fires. This minister deserves to be condemned by this place. Anyone who does not vote for this motion is endorsing misleading the Assembly and is endorsing this kind of behaviour by Mr Corbell. We will not endorse it. We will hold him to account even if the Greens and the Labor Party will not.

MRS DUNNE (Ginninderra) (10.17): So Mr Corbell does not want to defend himself and the Greens will not speak. That is usual. Madam Assistant Speaker, we have already heard the words that were spoken by Mr Corbell and reported in the *Hansard* of 11 February 2010. He said:

The government does not have documents in relation to the home insulation program because we do not run the home insulation program.

That is the case: the government did not run the commonwealth's bungled and now defunct home insulation program, a program so badly bungled by the Rudd government that it will cost Australians hundreds of millions of dollars in taxpayers' funds, the loss of over 100 homes and, more importantly, the loss of four young Australians.

I am sure the ACT government is glad that it did not have to add the bungled and now defunct home insulation program to its list of bumbles over the last nine years, but there is a bungle for this government. The bungle is Minister Corbell and his persistent and continuous misleading of the Assembly in relation to this program.

The minister, as we have heard and as is clear now, did have documents when he said in the Assembly on 11 November that there were no documents. I point out to members that these are the documents that became available to members as a result of the motion in the Legislative Assembly late in February and that came to the members of the Assembly in early March. These are the documents. These are all copied back to back. There are about 1,000 pages of non-existent documents!

That, more than anything else, is the evidence that Simon Corbell lied to this Assembly. He said there were no documents. He said there were no documents, and there are clearly documents. When he said there were no documents, he knew that, in the past year, he himself had received a brief, he had written to the minister and the commonwealth minister had written back to him in relation to this matter. If he knew nothing else—if he was so ignorant about everything else—he knew that. He should have therefore known not to say in this place in such a misleading way that there are no documents. There clearly are documents. The evidence of this pile of documents before us today is enough to censure this minister for misleading the Assembly.

The minister could have done a whole lot of things. He could have said, "I do not think there are any documents because it is not our program, but I will check," or, "I will check to see what the documents are and I will get back to the Assembly." But he made a definite statement: "There are no documents." This pile shows that Simon Corbell misled the Assembly on 11 February.

He came back a few days later with a letter that Mr Seselja has adverted to, but that letter makes the situation worse. When he wrote that letter and then came into the Assembly later in February and essentially recommitted what was in this letter as a clarification in the Assembly, he further misled the Assembly because he went on to say essentially that the only documents that we had were in relation to an MOU and "I did not know about the MOU at the time I gave my answer".

Again, with the job of a minister, the code of practice requires that the minister gives truthful answers. If he does not know what the answer is, he is not entitled to make it up. His job is to say, "I do not know what the answer is and I will get back to the member."

By making it up, Simon Corbell misled the Assembly. By coming in, recapitulating the contents of his letter in this place and saying that it was really about the MOU, he again misled the Assembly because he knew—he knew—that he had written to Peter

Garrett about this scheme. He knew that he had received briefings about this scheme and he knew that Peter Garrett had written back to him.

While we are on this subject, I will ask the minister to address this issue when he deigns to speak: is this pile of documents the complete list? It is quite clear to me, as someone who has worked as a ministerial adviser, that there are obvious lacunae. This minister attends ministerial councils for environment protection and other things. There are no briefings in here in relation to anything that may have come up in relation to the home insulation scheme or any of the other energy efficiency schemes as part of his ministerial council responsibilities. I want the minister to assure this place that no such documents exist. If he cannot assure this place that no such documents exist, I want him to assure this place that he will search to see if any such documents exist and report back here. It seems to me that there are documents missing.

In addition to those missing documents, there are documents that are clearly missing from correspondence between the Chief Minister and Senator Birmingham in relation to the Senate inquiry into energy efficiency. There are in this pile a letter from Senator Birmingham asking the ACT government, through the Chief Minister, to contribute to that Senate inquiry and a letter back from Mr Stanhope to Senator Birmingham saying, "Thanks, but no thanks." Anyone who has ever worked in ministerial liaison knows that there are more documents that are associated with that. A request like that from a senator to participate in an inquiry would not go to the Chief Minister without briefing material attached to it. Where is the briefing material? Is this the complete list? I think not.

The minister has said there were no complaints. Then he qualified. He said there were no documents, and then he said there were no complaints of a particular sort. He said on 11 February that the ACT fair trading authorities had received seven complaints in the last seven months about high-pressure sales tactics from people trying to sell insulation. That is not true. The minister said this; he also said it in the media. But what he was actually told—the email that Mr Seselja referred to makes it quite clear—was this: they had received seven complaints, but they were not solely about high-pressure sales tactics. The email says:

Predominantly these ... related to ... M&D conduct ...

"M&D" is "misleading and deceptive". The email goes on:

... this issue made up 4 of the complaints.

1 complaint related to an occasion where allegedly they have been denied the rebate—

that is, it was not about misleading and deceptive comments—

2 complaint relates to inadequate quality of installation.

When the minister in this place said that he had received seven complaints about high-pressure sales tactics, that itself was untrue. There is an email to support that which was circulated about 2½ hours before he answered that question in the

Assembly. Obviously he had that information, because he gave a version of it in the Assembly. He also gave a version of it to the media.

The other thing we have to know is that this minister's office was directly approached by Ms Porter's office, possibly in late December but definitely on 15 January. I seek leave to table a document.

Leave granted.

MRS DUNNE: I table the following document:

Commonwealth Home Insulation Scheme—Copy of email from Andrew Hunter, Senior Adviser, Office of Mary Porter, AM, MLA, to Andrew Butters and Ashley King, dated 15 January 2010.

I will read it for members. It is from Ms Porter's senior adviser and it is to various staff in Mr Corbell's office. It says:

I am following up on a constituent issue. I believe that Charles—

who is in Ms Porter's office—

has contacted a DLO in your office in regards to ...

Then there is a blank. It continues:

Charles is currently away ...

The adviser says that he is unsure of what has happened in relation to this inquiry. The email goes on:

The constituent is keen to receive a response.

It says that he "was contracted to replace the yellow batts in her ceiling under the Feds' Home Insulation Scheme" and "is extremely disappointed with the level of service provided". It goes on:

The relevant Federal office says that no contractor by that name on the Government's register.

By consequence, this may be an issue for Police? I'm not sure, so it would be great to get advice—

so that Ms Porter can get back to her constituency.

This was a matter that in January this year was taken directly to Mr Corbell's office. The complaint was about whether the person had bona fides and the quality of the insulation that was installed.

Again, the minister tried to minimise the facts. These issues came directly to his office from a member of his own party. He came into the Assembly and he lied when he said

that the complaints were completely about fair trading issues. That is not the case. Mr Corbell has misled this place, and it is up to this Assembly to censure him for that mislead.

MR RATTENBURY (Molonglo) (10.27): One of the Greens' key aims for this Assembly is to promote accountability and to improve the integrity, sometimes known as the fourth arm, of government. To this end, we have instituted a range of measures designed to build on the traditional accountability mechanisms to improve our democracy.

Opposition members interjecting—

MR RATTENBURY: It only took me four lines for you guys to start interjecting. These have included amendments to the Assembly's standing orders, the adoption of the Latimer House principles and the new process for resolving disputes over Assembly calls for documents.

Whilst the fringes remain hazy, the core doctrine of ministerial responsibility in Westminster government is fairly well established. Senior lecturer in law David Kinley outlines in the *University of New South Wales Law Journal* the longstanding view that "the executive's primary responsibility in its prosecution of government is owed to parliament".

Chief Justice Spigelman said in a speech to the World Jurist Association Congress in 2005:

In the case of personal integrity the focus of attention is on the conduct required of occupants of public office in terms of characteristics such as honesty, absence of corruption, ethical conducts and compliance with proper practice.

This brief expression captures the standard against which conduct must be measured. It is our job as the legislature to ensure accountability of the executive and particularly those who have been given the responsibility of being ministers of the government. This is a task which the Greens have taken on from the moment we first entered the chamber and it is something we will pursue for the full length of our terms.

The issues presented by this motion are: did the minister act honestly when he responded to questions by members of the Assembly? And if not, did the minister honestly and openly correct any misunderstandings at the first available opportunity?

On 11 February, in the wake of revelations about the federal government's problems with the home insulation program, the Attorney-General answered a series of questions here in the Assembly. The debate that was raging in the media at that time was about the dangerous nature of some ceiling insulation work that had been undertaken around the country and that had led to the tragic deaths of four installers. The federal government had, on 9 February, banned the installation of foil insulation as part of the home insulation program and the public were, understandably, quite disturbed about the possibility that there were more live ceilings and more risks of roof fires.

It is against this backdrop that today we need to make a decision about whether, in regard to complaints made by insulation consumers and potential consumers in the ACT, the minister persistently and wilfully misled the Assembly.

Essentially, the debate we are talking about here today does, I think, focus on the finer semantics of what the minister said in the chamber rather than the insulation debacle, or whether the ACT government upheld its duty in relation to the health and wellbeing of its citizens. Indeed, the debate on the latter we have already had in this chamber. At that time, I made it clear that I believed the ACT should have taken a more proactive approach to ensure safety standards were upheld than what was a rather hands-off approach to the issue of potential safety concerns. The ACT government should have been clearly aware that concerns were raised about the safety issues. Indeed, minutes from a meeting held between officials from state, territory and commonwealth governments indicate that they did know this, but that they did not specifically warn about the dangers of the rollout of the insulation program. Failing to disclose that risk to installers and the community as soon as is practicable should be acknowledged as a failure.

But it appears that against a backdrop of exceedingly serious allegations about poor workplace safety standards, poor occupational health and safety and massively dangerous situations occurring across the country, we are today reduced to a debate about what constitutes “dodgy” insulation here in the ACT.

Opposition members interjecting—

MR RATTENBURY: Now, I do not want to appear frivolous here, because this is not a frivolous issue.

Opposition members interjecting—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Members of the opposition, please let Mr Rattenbury speak in silence.

MR RATTENBURY: As I said, this is not a frivolous issue, but the word “dodgy” comes with many meanings—everything from evasive, shifty, unsound and unreliable, to risky, weird, deviant and dishonest. But, of course, while it could mean any of those things, it is clear that context affects meaning so much.

The question is: did the minister, in providing information to the Assembly about the nature of complaints that have been received here in the ACT, include all complaints in his use of the words “dodgy” and “poor” in the answers that he provided to the Assembly that day, and did he fail to inform the Assembly about documents that were available on the issue of insulation?

On the issue of complaints raised in question time, the minister’s statement in response to a question is clear—that there had been no complaints about unsafe installation of insulation. He said:

In relation to electrical safety and in relation to occupational health and safety, there have been no complaints from industry or unions representing workers in the industry of poor or dodgy installation practice.

Again, later in the same question time, the minister said:

There were no instances of unsafe practice in the ACT being reported to authorities and to date there have been no instances of unsafe practice reported to the regulatory authorities.

And again, in response to a supplementary question from Ms Bresnan, the minister said:

There have not been any matters brought to the attention of the ACT regulatory authorities about poor installation.

I agree that when you read the transcript, the answer that the minister provided there was not actually responding to the question that was asked, as often is the case in this place, but the context for the question was clearly about house fires as a result of installation of insulation.

I am concerned that the case being put by the Liberal Party is somewhat disingenuous in regard to the use of the words “dodgy” and “poor”. I think it is clear that the debate, both inside the Assembly and outside the Assembly, was primarily about safety, about roof fires and electrification of roof spaces and that the installation of unsafe insulation was what the minister and even I took to mean by “poor” and “dodgy”. I support that notion that ministers and, indeed, all of us, should be as clear as we can in this place and not use language that is confusing or that could be misunderstood. As I said earlier when I quoted Chief Justice Spigelman, honesty and adherence to proper practice are of the utmost importance in a minister’s execution of their duties, but in a public debate where the word “dodgy” is being used, I think there are clearly some issues around the sort of language that is being used.

I think there is a splitting of hairs here about what the minister was referring to that makes the criticisms being raised by Mr Seselja somewhat misleading in themselves. Again, we must ask: do the accusations of “persistently and wilfully misleading” apply here? Again, it goes back to your understanding of the context and what was meant by the words “dodgy” and “poor”. If your understanding is that “dodgy” and “poor” did not relate to safety-related complaints, as the context indicated, then perhaps the case could be made. But if your understanding of the debate sits in context, as I believe it does, then I do not think there is a case to be made. Yes, I agree the minister was persistent in his use of the word “dodgy”, but if he was using it in the way the context indicated then I do not think that a case can be made that he was misleading.

Let us turn to the seven cases where complaints were registered by the Office of Regulatory Services in regard to insulation. It appears that the minister was briefed on these cases prior to attending question time that day, though perhaps not briefed as thoroughly as he might have been. But while the information that was provided by the minister that day was light on detail in regard to the nature of the complaints that were

registered with ORS, I do not believe that it meets the claims being set by the Liberal Party here this morning as to “persistently and wilfully misleading the Assembly”.

However, at the same time, I think that his summation of them all as being about high-pressure sales tactics was an overgeneralisation. That, given the Assembly’s need for detail on this subject, has proven inadequate. I am assured that the seven cases were all about fair trading issues, such as misleading and deceptive conduct and breach of contract, and were not related to safety. But now would be a good time for the minister to put the details of those complaints, such as can be provided while respecting the privacy of those involved, to the Assembly. If we were to now discover that any of those complaints were related to safety then I think the minister has a case to answer.

The other aspect of Mr Seselja’s motion today is that the minister misled the Assembly in regard to documents held by the ACT government in regard to the insulation program, because he says that the truth is that there are nearly 1,000 pages within ACT departments. I think this is somewhat of an exaggeration. Mr Seselja and his staff know full well that the documents that were delivered to him in response to a motion on this issue in the last sitting week, which the Greens supported, were primarily made up of repeat copies of pages freely available on both the commonwealth and ACT government websites or pages and pages of repeat email strings sent between the ACT and commonwealth government officials or within the ACT government. It is unsurprising that the minister did not consider these to be the documents that the Liberals were referring to in their questions. It is reasonable to have raised a concern that the minister did not mention the memorandum of understanding between ORS and the commonwealth environment department but, again, it does not appear that the minister was wilfully misleading the Assembly, as he communicated the presence of this document both in a letter to all MLAs and in a statement to the Assembly on 23 February.

Having reviewed the documents that were provided to the Assembly as a result of the motion—and Mrs Dunne has demonstrated what a tremendous thud they make when they land on the table—there appear to be few other substantial internal documents about the home insulation program beyond the day-to-day internal communications between officials. Do not misunderstand me: I think it is perfectly reasonable for the Assembly to ask for and receive all of these documents. They do serve to tell part of the story of the home insulation program rollout, the compliance processes and information gathering that was put in place. But, again, I cannot see that Mr Seselja has made a case that the minister persistently and wilfully misled the Assembly in regard to documents. Aside from the MOU, on which the record was corrected, I think it would have been beyond any reasonable expectation that the minister would be aware of or report on the internal communications between officials.

Mr Seselja: What about his letter to Peter Garrett?

MR RATTENBURY: If you go to the letter to Mr Garrett that Mr Seselja is referring to, that was a letter about the conduct of the program. Again, let us go to the context of the debate, which was all about roof fires, safety and electrification of roofs. In reaching a judgement about persistently and wilfully misleading the Assembly, it is important, I believe, to outline what the minister did tell the Assembly that day and to

examine whether there appeared to be a systematic avoidance of answering and a failure to provide information. Having reviewed the transcript of question time and the letter sent by the minister in regard to the memorandum of understanding, I have come to the conclusion that, while I acknowledge that the minister could have used somewhat clearer language on occasions, the Greens cannot support Mr Seselja's motion that the minister persistently and wilfully misled the Assembly in regard to this matter. There appears to be no systematic avoidance of providing information, which is what this motion implies. Had the accusation been about providing a lack of detail in that question time debate or use of words that had a somewhat ambivalent meaning then perhaps there would be a case to answer.

I would briefly like to take the opportunity to raise an issue of government accountability, because I am sure Mr Seselja's colleagues are going to get up and have a bang-on about that and the Greens' lack of adherence to it. I note that Mr Seselja is running a line, in the media at least, where he puts the view that the Greens have no interest in holding the government to account.

I find that view rather interesting. I would put to Mr Seselja that holding the government to account comes in many forms, and that before he is so quick to criticise he might want to look at his own party's contribution on the current policy issues on the table. For example, I wonder where the Liberal Party's contribution to the energy debate in this town is. Did they make any kind of submission to critique the government's rather unambitious policy?

Mrs Dunne: On a point of order, Madam Assistant Speaker, this is a serious matter about a censure of the minister for misleading the Assembly—

MR RATTENBURY: Stop the clock, please, Clerk.

MADAM ASSISTANT SPEAKER: Yes, stop the clock, please.

Mrs Dunne: It does not relate to our approach to energy policy. If Mr Rattenbury wants to have a debate about the Liberal Party's approach to the energy policy, he is free to bring something in here on a Wednesday, but this is a censure motion, and he needs to be relevant to the censure motion.

MADAM ASSISTANT SPEAKER: Thank you, Mrs Dunne. There is no point of order. Mr Rattenbury.

MR RATTENBURY: I wonder where the Liberal Party's contribution is. Why did they not make a submission on such an ambitious policy, or would that kind of holding to account require too much work? Have the Liberal Party put forward any critique of the government's vision of the Molonglo Valley development? Have they put forward a view on the funding of mental health services in the ACT? It would seem to me that there are some major debates in the town where the Liberal Party are nowhere to be seen.

Opposition members interjecting—

MADAM ASSISTANT SPEAKER: Excuse me, stop the clock. Members of the opposition, I cannot hear a word Mr Rattenbury is saying.

Mr Seselja: Madam Assistant Speaker, could you just give some clarification of your ruling in relation to Mrs Dunne's point of order. It is not clear to me what part of the debate this relates to.

MR RATTENBURY: On the point of order, Madam Assistant Speaker, the debate clearly is about government accountability. I am taking the opportunity to elaborate my views on what is a possible interpretation of government accountability. The fact that the Liberal Party are uncomfortable about that is their problem, not a matter of order.

MADAM ASSISTANT SPEAKER: Thank you, Mr Rattenbury.

Mrs Dunne: On the point of order, Madam Assistant Speaker, the debate is about whether or not the Attorney-General should be censured for misleading this Assembly. That is what the debate is about. If Mr Rattenbury wants to extend it, it is a matter of relevance. Mr Rattenbury needs to be brought back to the matter before us today, which is whether or not this minister should be censured.

Opposition members interjecting—

MADAM ASSISTANT SPEAKER: Members of the opposition, please, can we hear the speakers in quiet? I cannot hear what anybody is saying. Mr Corbell.

Mr Corbell: Madam Assistant Speaker, it is the convention in this place when it comes to motions of censure and, indeed, motions of no confidence, when they are rarely debated, that the debate is necessarily wide ranging. Previous Speakers have ruled that members are entitled to be wide ranging in their comments, because it is one of the most serious motions that can be brought to the chamber, and that the relevance rule in those contexts is allowed a greater degree of flexibility because the debate is, of necessity, wide ranging.

Mr Hanson: Madam Assistant Speaker, on the point of order, if it was a wide ranging debate about the minister's performance then I think that would be within the context of the debate. But to form part of the debate and to discuss how the Liberals' input into an energy debate could be in any way construed as relevant to this matter, which is about the mislead of the Assembly by the minister, is beyond the realm of plausibility, Madam Assistant Speaker. Although the point of order about expanding the debate so that it fits within the broader message of the accountability of the government is relevant, to say that in any way the points that Mr Rattenbury raised were relevant to this debate is erroneous.

Ms Bresnan: On the point of order, Madam Assistant Speaker, the Liberal Party have quite clearly been raising issues of integrity and holding the government to account. Therefore, Mr Rattenbury has every right to address those allegations, those comments which they are raising, which he is doing in his speech, and which the Liberal Party have done in their speeches.

MADAM ASSISTANT SPEAKER: Thank you very much for your contributions. As I said before, there is no point of order. Mr Rattenbury, you have the floor.

MR RATTENBURY: Thank you, Madam Assistant Speaker. I will wrap this point up for the comfort of the Liberal Party because there are some major policy initiatives being planned by government where the Liberals are perhaps not fulfilling their potential to hold the government to account. Whilst I fully acknowledge that we cannot all do everything, there is much work to be done here. I think Mr Seselja should be wary of using such cheap throwaway lines.

In summary, the Greens will not be supporting this motion today. We believe that Mr Seselja and the Liberal Party have failed to make a strong enough case that the minister wilfully and persistently misled the Assembly in regard to information about the home insulation program here in the ACT. Their arguments failed to consider the context of the statements that the minister made or acknowledge the lack of specificity in the request for documents made in question time that day.

It is true that the minister could have been more specific and accurate in language but it is also clear when you read the transcript that the minister drew a clear distinction between safety issues and consumer cases. When you cut through the semantics and focus on the meaning, it is clear this censure motion does not stack up. Persistently and wilfully taking things out of context is not enough to justify a censure motion.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.46): The energy efficient homes package, the insulation installation scheme, was a commonwealth government run program. The scheme was funded and designed by the commonwealth government. The rules of partaking in the scheme were designed by the commonwealth government. The scheme was not of this government's creation. Like all state and territory governments, the ACT was consulted in relation to its deployment. Departmental officers provided feedback to the federal government but in the end any concerns that may have been expressed were not ours to action nor to control against.

This was a program of the commonwealth government. But this motion today is simply based on a Tony Abbott tactic from a lazy opposition. It is an issue and an argument about semantics. I did not mislead the Assembly when I said there had been no complaints in relation to unsafe installation of insulation. The context in which I answered the questions, the questions themselves, has been ignored by this opposition. I answered questions about dodgy work that may lead to fires or to electrocution—about dodgy, unsafe work. They were the questions I was asked. That was the context in which the questions were put. I was not asked about fair trading issues of door-to-door salespeople, of misleading and deceptive conduct or of breach of contract. These were, however, the fair trading type complaints that the Office of Regulatory Services received.

Prior to the commencement of the program the commonwealth government Department of the Environment, Water, Heritage and the Arts identified that consumers with concerns, disputes or disagreements with insulation installers were

likely to contact state or territory fair trading agencies for help, advice or redress. The ACT Office of Regulatory Services in my Department of Justice and Community Safety was approached by the commonwealth as the ACT agency best placed to assist consumers in resolving certain concerns.

As I explained last month, and as every member here now is aware, in July 2009 the Office of Regulatory Services entered into a memorandum of understanding with the commonwealth Department of the Environment, Water, Heritage and the Arts in relation to the sharing of information around complaints lodged with ORS about insulation installation under the homeowner insulation plan.

Officers within my department, as with all government departments, frequently engage with counterparts in other jurisdictions, including the commonwealth government, in relation to information-sharing arrangements. Such arrangements and MOUs are commonplace and are usually handled at an agency level, as was this one.

I have provided to the Assembly all documents that relate effectively to the chatter between ACT public servants about the program. The emails, the notes and the information about the scheme, I provided all of it—all of it. This in no way means that I have not answered correctly the questions I have been asked in this place. When asked about official documents between the federal government and the territory, I answered the question correctly at the time and as soon as I was made aware of the MOU I corrected the record.

This MOU was not, and was never intended to be, a contract for the provision of work by the ACT government under the homeowner insulation plan. It was not a document that contemplated the relationship between the consumer and the supplier. It was not a document that considered what was safe or appropriate installation of insulation, nor was it a document that provided for special consumer remedies in situations where there was a problem.

It was a document that provided for the sharing of information between jurisdictions about complaints lodged, in this case with ORS, about insulation installation under the commonwealth scheme. It was one way for the federal government to capture information about registered installers who were not meeting their obligations under the commonwealth scheme—an obligation to meet specified standards as a condition of being registered as an installer-provider for the purposes of the commonwealth scheme.

The ACT fair trading unit receives approximately 148 inquiries a week from consumers across a broad range of topics. Where the issues raised do not fall within the responsibility of the territory, consumers are referred on to the appropriate state or commonwealth government agency. The fair trading unit refers approximately 12 per cent of matters every week.

When the ACT entered into the MOU with the relevant commonwealth department, it did so to ensure that ACT consumers were protected and to ensure that information about any inappropriate practices in relation to the installation of insulation under the government program would be made available to the relevant commonwealth government department for appropriate action. Information was able to be passed to

the commonwealth government under the MOU only with the permission of the complainant.

Since the commonwealth government's insulation rebate scheme commenced on 1 July last year, the Office of Regulatory Services has received 12 formal complaints—12 complaints. There have been thousands of homes receiving insulation under this program and how many complaints have we had? What is this big issue that the opposition are so concerned about? Twelve complaints! This is four more formal complaints than when I last updated the Assembly in February and that is because more complaints have been received since that time. And I remind members that a formal complaint is one where the consumer has progressed from just seeking information and advice on a matter and an investigation has commenced.

As I advised the Assembly previously, until this last month there had been no complaints lodged with the Office of Regulatory Services in relation to unsafe installation of insulation. The advice I provided at the time was correct and I stand by it. And there is no evidence to the contrary.

The most recent of the complaints received are similar in nature to those lodged across a number of industries and are related to potential misleading and deceptive conduct. All of these complaints have been lodged with the ACT fair trading unit and they are being assessed and, where appropriate, either mediated or investigated.

Of the 11 complaints received up to 9 March 2010, all related to consumer affairs issues, not safety issues. A breakdown of the formal complaints is as follows:

- six complaints regarding misleading and deceptive conduct on the trader's part following the change in the amount of the commonwealth government's rebate. The complaints related to how much of the rebate could be claimed by consumers, not a safety complaint;
- one complaint regarding an occasion where the consumer was allegedly denied the rebate because the trader told them they were ineligible, not a safety complaint;
- three complaints regarding an inadequate quality of installation, but not in relation to the safety, not a safety complaint; and
- one complaint regarding delay in installation following the signing of a contractual agreement, not a safety complaint.

It is now the case that, subsequent to the questions being asked in the Assembly and documents being ordered, a 12th complaint has been received and is being investigated by both ACTPLA and ORS and this does relate to a potential safety issue.

All of these matters are being investigated by ORS and, where relevant to the commonwealth government's scheme, this information has been or will be passed on to the relevant commonwealth department under the MOU for their action in relation to installers registered under the insulation program. I repeat: none of the complaints received until March this year related to unsafe installation. I have not misled the Assembly and the claim made by the opposition is fundamentally flawed.

In November last year, the government became aware of a number of incidents in relation to insulation installations, including the deaths of four installers in other jurisdictions. My department has had no role in the registration of insulation installers under the commonwealth scheme but my department did actively engage with business, industry and the community to ensure that safety concerns about the installation of insulation were brought to light.

Following the increased risks identified with foil-type insulation last month, the government undertook to contact every household in the ACT that had foil-type insulation installed under the program. As I understand it, there are two, and we have offered inspections in relation to both of those homes. This was over and above the commonwealth government's commitment to inspect residences which were at potential risk.

Acting on the front foot again, and with consumer and industry safety in mind, in November last year the Office of Regulatory Services, in conjunction with the Work Safety Commissioner, Mr McCabe, issued a media release in relation to the hazards associated with the installation of insulation. Installers were reminded of the duty to their employees to provide a safe workplace environment, to ensure that installers were properly trained and supervised, to take account of inherent dangers in undertaking the work and to protect their employees. The urgent warning drew the attention of insulation installers specifically to the hazards of extreme temperature and potential electric shock.

In line with other jurisdictions, the Office of Regulatory Services also issued a hazard alert specifically on safety issues when installing ceiling insulation. This was also issued in November last year. A media statement was released by the Office of Regulatory Services advising of this hazard alert. This hazard alert was sent to all insulation installers registered on the commonwealth government register and all industry bodies.

This alert was comprehensive and covered the range of possible dangers and potential safety issues that could arise in installation situations. It went so far as including a photograph of an example of the electrical hazard that appears to have caused death in other jurisdictions. It showed a staple piercing a piece of wire and highlighted the dangers of that practice. The alert was also provided to the Master Builders Association to ensure this important information was disseminated to industry. This information has been available on the ORS website since November last year.

But as early as February last year, before the commonwealth scheme commenced, there were warnings being issued by ACT government agencies.

Opposition members interjecting—

MR CORBELL: In early February last year, the ACT Planning and Land Authority issued a public warning to industry bodies reminding them of the dangers in relation to insulation.

Opposition members interjecting—

MADAM DEPUTY SPEAKER: Members of the opposition, you will remain silent.

MR CORBELL: So the warnings were issued before and after the commonwealth scheme commenced—before and after—early last year, late last year.

Mr Hanson: But no documents. How could that be possible, though?

MADAM DEPUTY SPEAKER: Mr Hanson!

MR CORBELL: Following up on this, in early February this year the Office of Regulatory Services also ran an article in their monthly newsletter that is distributed electronically to over 3,000 subscribers across ACT business and industry, as well as to the members of this Assembly, I should note, which focused on the safety issue of installing ceiling insulation.

Further to these alerts, the Commissioner for Fair Trading issued a separate warning alerting consumers to dubious sales tactics and urging Canberra's consumers to be wary of door-to-door traders who may not comply with consumer law. It drew attention to an example of the tactics that had been used by a door-to-door trader specifically selling the installation of insulation.

So how often do I need to state that, as soon as information was brought to light in relation to the dangers associated with foil-type insulation, my department proactively liaised with the commonwealth department to ascertain how many residents in the ACT had sought the commonwealth government rebate in relation to this type of insulation? There were two, as I have previously said. One property has since been inspected and cleared by the ACT Planning and Land Authority. The owner of the other property has advised ACT government authorities they wish to await an inspector from the commonwealth government.

With regard to some recent house fires in the ACT, I have previously noted several times that there is a coronial inquiry currently being undertaken. For the information of those of you who may be unaware, the coroner does not just investigate deaths; the coroner traditionally and by legislation has a role in fire investigation. The coroner may choose to investigate fires that have resulted in property damage. This investigation is a fact-finding investigation. It is designed to establish the cause of the fire and the coroner can make recommendations to the government and to other authorities to improve fire safety and reduce the incidence and risk of fire. (*Extension of time granted*).

Whether these fires were related to the commonwealth government's insulation scheme is still a matter for the coroner to determine. I will emphasise this point again: it is inappropriate to speculate, as has been done in the past, as to what the cause may be. And no matter the findings of the coroner or the recommendations, the government will be listening to the coroner and taking all appropriate and necessary action recommended by the coroner, if there are outstanding issues that need to be addressed.

It is in part due to this engagement with the community and the industry that there have been no fatalities in the ACT. This is a credit to the large number of reputable operators in the industry, as much as it is to the ACT government's regulatory authorities that have at all times sought to provide timely warnings and education.

I have not misled anyone about the information that I have had. I have answered questions in the context in which they have been put to me and I note that, on repeated occasions in relation to requests for documents, I asked the opposition to be more specific about the types of documents they were seeking. They refused to do so.

Mr Seselja: Any and all.

Mr Hanson: Any and all.

MADAM DEPUTY SPEAKER: Mr Seselja, Mr Hanson!

MR CORBELL: The opposition's ignorance of the operations of government is extraordinary.

Mr Seselja: It is hard to specify—

MADAM DEPUTY SPEAKER: Mr Seselja, remain silent, please.

MR CORBELL: Do they seriously believe that ministers should be aware of email exchanges and file notes between public servants? For them to characterise the document release that occurred as a result of the order of this Assembly as a thousand pages of documents is disingenuous at best.

Mr Seselja: What about the letter?

MADAM DEPUTY SPEAKER: Mr Seselja, do you want me to warn you, because I will, next.

Mr Smyth: A lot of coordination then?

MADAM DEPUTY SPEAKER: Mr Smyth!

MR CORBELL: As Mr Rattenbury has highlighted, many of those documents are multiple copies of a single document held across agencies, and a large amount of those documents are publicly available documents from the Department of the Environment, Heritage, Water and the Arts website about how the home insulation scheme operated.

Mr Smyth: So there were documents?

MADAM DEPUTY SPEAKER: Mr Smyth!

MR CORBELL: Quite clearly, what we see from the opposition is an attempt to copy the tactics of Tony Abbott. They cannot think of any tactics of their own; they cannot

think of any political strategy of their own; so they simply use Tony Abbott's. Zed Seselja is just a miniature Tony Abbott trying to copy what Tony Abbott does in the federal parliament.

Mr Hanson: You are a miniature Peter Garrett.

MR CORBELL: But do they seriously believe that they can finger the ACT government or Simon Corbell on the issue of the problems with the home insulation scheme? Because, at the end of the day, that is what they are trying to do. That is what they are trying to do.

Mr Seselja: You misled the Assembly.

MADAM DEPUTY SPEAKER: Stop the clock, please, Clerk.

MR CORBELL: I would much rather be compared to Peter Garrett than Tony Abbott any day, I have got to say.

MADAM DEPUTY SPEAKER: Mr Corbell, could you sit down. Members of the opposition—

Mr Hanson: I think he has finished.

MADAM DEPUTY SPEAKER: Mr Corbell, have you finished?

MR CORBELL: No, I have not.

MADAM DEPUTY SPEAKER: No, he has not finished. Mr Smyth, sit. Remain seated, please. The reason I have asked for the clock to be stopped is that I have asked you several times to remain silent while Mr Corbell is speaking and you are ignoring me. Next time someone on this side opens their mouth, I am going to warn them. So you have been told. Please remain silent for just a few more minutes; that is all you have got to go. Can you contain yourselves, please. Thank you.

MR CORBELL: Thank you, Madam Deputy Speaker. And what is quite clear is that the Liberal opposition are trying to construct a political attack which is a straight mimicking of Tony Abbott and what is happening in the federal parliament. It is pathetic. It is lazy and it just shows they do not have an agenda of their own.

Mr Seselja is quite clearly trying to be a mini Tony Abbott. I do not believe in any way that I am anywhere like or as significant a public figure as Peter Garrett but, if they want to compare me to Peter Garrett, I am delighted. I am delighted because I think Peter Garrett has a lot more integrity than anyone on that side of this chamber.

But what I would say in conclusion is that this was not an ACT government program. You cannot try to finger the ACT government.

Mr Coe: What do you think about uranium?

MADAM DEPUTY SPEAKER: Mr Coe, you are warned.

MR CORBELL: You cannot try to finger Simon Corbell for problems with a commonwealth government program, but that is what this whole strategy from the Liberal opposition has been about from day one. It is lazy. It is lazy tactics from a lazy opposition. I have never denied the existence of documents.

Mrs Dunne: You did.

MADAM DEPUTY SPEAKER: Mrs Dunne!

Mrs Dunne: You did, in this place.

MADAM DEPUTY SPEAKER: Mrs Dunne, you are warned.

MR CORBELL: I have never denied that complaints have been received. I have answered the questions asked of me about unsafe installation of insulation under the federal government scheme. That is what I have done. I have been honest and complete in my answers at all times. But what we have from this opposition is the use of the half-story, statements out of context and semantics to try to score some cheap political points, and I will not be buying it.

MR SMYTH (Brindabella) (11.07): The minister, in his finish, completes the case. The minister's final comment was, "I have been complete with my answers." Well, you only have to go to the minister's answers to find out that he was not. The minister said in this place on 11 February:

Mr Speaker, the government does not have any documents about the home insulation program because we do not run the home insulation program.

He goes on to say:

The government does not have documents in relation to the home insulation program because we do not run the home insulation program.

And yet we do have documents. If you want to get into an argument about what a document is, go for your life. But the reality is that there are documents signed by the minister to the federal minister and documents in return, as well as the MOU, which he says do not exist. He misled the Assembly. He then persistently and wilfully continues to say, "These documents don't represent documents that I was talking about because the opposition question wasn't clear enough." Well, what was the opposition question? It is very, very interesting. The opposition's question from Mrs Dunne was:

A supplementary question, Mr Speaker. Minister, can you and your cabinet colleagues table any and all documents relating to—

this issue. Again: "any and all documents". That might include an MOU, which I would assume is not an insubstantial document. It actually might include letters that the minister signed, which he did. But he told this place they did not exist, and he has perpetuated that lie today. This is persistent; this is wilful behaviour of a minister who refuses to take responsibility for his actions. This is the persistent and wilful

behaviour of a minister who has just said that he now aspires to be as good a minister as Peter Garrett. Well, Peter Garrett just got sacked by his boss. He is demoted; he is the minister for environment with no portfolio responsibilities. He is an empty shell of a minister, as is this minister in this place.

Madam Deputy Speaker, the persistent and wilful misleading of this place continues this morning in this debate, where the minister gets up and tries to take any document that has been tabled and says, “Well, it’s not really a document.” In a dreadful affront to the ACT public service, he describes these emails and the documents between them as “chatter”. What is “chatter”? Is it sort of idle chatter? “It’s just chatter between public servants. They’re not documents. They don’t count.”

He is dismissive. It is misleading. It is wilful, and it is persistent, because what is in this idle chatter that the minister talks about? Well, let me see. One of the comments from the ACT Planning and Land Authority’s construction services director—not a junior officer, the director—Craig Simmons, was that he was concerned about the risk as early as May last year and he wrote:

They—

meaning the federal government—

have no answer for what happens when due to a poorly undertaken installation a house fire starts and there is significant loss of property or worse.

That, according to the minister, is idle chatter. Another federal warning: one of the department staff, ACTPLA officer Vanessa Morris, told colleagues on 27 November:

As the gate shuts, somewhere far in the distance a horse bolts onwards.

Now he thinks that is idle chatter. So the persistence and the wilfulness of this minister continues, as it has done for years. There are some new members in the Assembly and, let us remember, the minister has got form on this. In fact, on 24 June 2004, the Assembly passed the following censure motion of the minister:

That the Assembly expresses a lack of confidence in the Minister for Health and Planning—

at that time, Mr Corbell—

for persistently and wilfully misleading the Assembly on a number of issues.

The Assembly censured Mr Corbell on 23 September 2003 for his refusal to negotiate. On 18 November 2003, the Assembly had grave concerns about the minister’s conduct. This is a minister who does it, and does it continuously, and this is the third-party insurance that will allow him to continue to do what he does. That is the shame of the day. The case is quite clear simply on the minister’s own words on the day. Now, on the radio, in this place, in interviews, he has tried to explain it away as context. “It wasn’t the question I was asked. What I said was the truth.” Mr Corbell says:

In relation to my answers to the Assembly, Ross, the question was couched in terms of documents relating to the administration of the scheme. Well, we don't administer the scheme.

That is the second persistent and wilful misleading. It is a lie to say, "We don't have documents relating to the scheme." That is not what he was asked. He was asked:

Minister, can you or your colleagues table any and all documents relating to the commonwealth government's home insulation program ...

It does not talk about the regulation or the administration; it talks about all of the documents. The minister misled the Assembly when he said:

The government does not have any documents ...

He goes on to say:

I think the members opposite are going to need to be a bit more specific with their request.

Well, the question was quite specific—any and all. What Mr Corbell does is rely on the old Labor Party adage of never explain, never apologise, never resign. The Greens are now allowing him to get away with this. That is the shame of this day. We see the true colours out here today. We see the Greens-Labor alliance is stronger and much more important than the safety of the people of the ACT. We see the Greens-Labor alliance is more important than integrity in this place. You only have to go to the government's own code of conduct, where it says:

... ministers are to recognise the importance of full and true disclosure—

full and true—

and accountability to the Parliament.

What did the minister say? "We have no documents." Full and true. "We have no documents of any kind." That was the question: "What have you got?" "We have no documents." The code continues:

Being answerable to the Assembly requires Ministers to ensure that they do not wilfully mislead the Assembly in respect of their Ministerial responsibilities.

He did it on the day; he did it when he came back and made his abject apology; and he has done it again this morning. The ministerial code of conduct—which the Chief Minister might like to comment on about its application and how he sees it—goes on to say:

Ministers should take reasonable steps to ensure the factual content of statements they make in the Assembly are soundly based and that they correct any inadvertent error at the earliest opportunity.

Well, the question for the minister is: did he ask of his officials whether there were documents? But the problem for the minister in that is that that question is almost irrelevant, because the minister signed a document. He wrote to the federal minister on behalf of the industry about their concerns, and he got a response. The question is: what did he do with the response? Well, we are not to know that. But when Mr Corbell was caught out and he wrote to members after 11 February, this is his defence:

I was briefed by officials from the Office of Regulatory Services ... in relation to the Commonwealth insulation program on Thursday 11 February 2010. The advice that I received related to a meeting that occurred between officials from the Australian Government and states and territories.

I do not see in that paragraph that he asked whether there were documents. I do not hear in that paragraph that he asked whether or not there were complaints. But that is what he told this place—there were no complaints and there were no documents. But then he goes on:

I was informed that the meeting took place in ... April 2009 and was attended by a relatively junior officer from ORS.

It is interesting; we might work out who the ORS officer was and whether or not he is relatively junior. He continues:

I was not briefed ... prior to 11 February 2010. I was not informed by officials that they possessed any documents relating to the Commonwealth insulation ... program. The information provided by me to the Assembly on 11 February ... was based on the information provided ... by my Department.

So the question is: did an officer tell the minister there were no documents? You need to ask him that question. The Greens need to be satisfied of this, because they are swallowing this guff hook, line and sinker. He says:

I was not informed by officials that they possessed any documents relating to the Commonwealth insulation installation program. The information provided by me to the Assembly ... was based on the information provided ... by my Department.

So unless an official told him emphatically, “There are no documents, minister, and there are no complaints, minister,” then what he told the Assembly is a mislead, and it is wilfully misleading, because he made it up. The reality is that there are complaints. We know that there are documents; we have seen the documents. Whether you want to laugh and joke and go on with a semantic argument about them being repeats, it does not matter. The documents exist in so many forms. It is so clear that he had documents, and, at the end of the day, even if there was only one document, there are documents, and he signed one document, and he got a response to that document, and his government signed up to an MOU. (*Extension of time granted.*)

Then we go to complaints. Now, in an email released under the motion of the Assembly, it actually says there are two complaints relating to inadequate quality of

installation. Is that not what we asked? He denied it. He said there were no dodgy installations. But, yes, there are. His own department has at least two. But, worse than that, the document goes on to say:

There were 8 specific enquiries by phone—since 1 January 2010 prior to that data cannot be extracted for phone contacts re insulation as there was no specific insulation identifier in goods field for IBS phone contacts.

So we know there are eight specific phone inquiries, but we do not know how many before that, because we did not bother tracking it. The document continues:

2 related to M&D conduct—4 related to bona fides of the company—2 with enquiries re d2d. Please note this information is nonspecific due to the lack of an insulation category.

So the answer is: he did not know. He could not know about the phone inquiries because they were not tracking them, but this minister came into this place and was absolutely emphatic that there were no complaints. He said:

The problem with Mrs Dunne’s question is that there have been no complaints to authorities about any dodgy installation.

Well, hang on. Yes, there are two complaints relating to inadequate quality of installation. Again, he has misled. He persists with it today by using words like “context”, by using words like “not my responsibility”, by using words like “it’s a federal government scheme”. It does not matter. These are very simple issues when it comes to discussing whether you have misled the Assembly. You have to, according to Jon Stanhope’s code of conduct, take reasonable steps to ensure the factual content of statements made in the Assembly are soundly based. There is no sound basis to the statements that the minister made emphatically. It is a shame that the *Hansard* does not show the emphasis, because he said: “There are no documents. There have been no complaints.”

Then he persistently and wilfully comes back in this place and makes his statement where he regurgitates this letter to explain away the failings of the department, those who just make idle chatter. Again, he persistently and wilfully misleads this place.

The interesting thing about the FOI request is, in fact, the letter that Mr Corbell wrote to Minister Garrett. Because not only did Mr Corbell write to Mr Garrett, but it was suggested that the letter also be copied to the Hon Martin Ferguson MP “with whom you have already raised the matter”. So the minister was not only talking to one federal minister; he had been talking to two federal ministers and had correspondence with the federal government over this matter. Yet he came into this place on 11 February, and returned later in February and said, “I still stand by what I said.” Then today he comes in and stands here and tries to run the same line to say that he has not misled.

Misleading, in the end, is very simple: is what you told the Assembly at the time the truth? If it is not, did you come back in and then tell the Assembly the truth? Today when this is being debated, when you are called to account, have you told the truth? The answer is: this minister did not tell the truth. This is a minister who, over a

number of years, has persistently and wilfully not told the truth to this place and has been censured before. Based on the outcome of today—although the Greens will not be third-party insurance—I suspect he will be censured again for persistently and wilfully misleading the Assembly and, through the Assembly, the people of the ACT.

Madam Deputy Speaker, it is very serious. Forget the lines; forget the guff. The question is: when you told the Assembly something, was it true? Now, sometimes we inadvertently make mistakes and we come back and correct them. But this minister said, “No documents, no complaints.” He came back in and compounded that by making the same excuse in late February, and he comes back into this place today when being held to account by the opposition—not by the Greens, clearly—and he compounds it again by persistently and wilfully making the same case that he has not misled. In doing so, again he misleads the Assembly. The problem for the Assembly is that the Greens will not honour their agreement to hold the government to account. *(Time expired.)*

MR HANSON (Molonglo) (11.22): What is crystal clear is that Simon Corbell, as a minister, has come into this place and wilfully and persistently misled the Assembly. There can be no question of that. Mr Corbell and Mr Rattenbury are trying to distract from the issue by centring their debate on the conduct of the scheme. The conduct of the scheme in itself is indefensible but that is not the issue that is being discussed today before the Assembly. It is an important motion about a minister misleading the Assembly. Although you may wish to come in here and talk about the merits of the scheme or the failings of the scheme—and I think it is clear to everybody in Australia now that this is an incredibly flawed scheme—that is not the issue that is for debate today. It is a very clear issue: did Simon Corbell mislead the Assembly?

Let me quote again from the *Hansard* in relation to the question that was asked of the minister. It was clarified on a number of occasions, in this case by me. Mrs Dunne asked:

Minister, can you and your cabinet colleagues table any and all documents relating to the commonwealth government’s home insulation program ...

Mr Corbell, in answering that question, refused to acknowledge that question that had been asked by Mrs Dunne; he refused to acknowledge that he would table those documents. I then had to stand up on two points of order to clarify the issue. On the first occasion I said:

Mr Speaker, the question was very specific. It related to the tabling of a document—this document and all other documents.

That was the first point of order. In the second point of order I said:

... the question that was asked by the member was very specific, about the tabling of this and all other documents related to the home insulation program.

For the minister to say that the opposition were not clear enough—Mrs Dunne had asked it in her initial question and then on two points of order I had clarified the issue. It was about all and any documents. He had this question asked of him three times and the point of order had been clarified by the Speaker. There was no question about

what was being asked. There is also no question about the answer. The answer was equally specific. Mr Corbell said:

Mr Speaker, the government does not have any documents about the home insulation program because we do not run the home insulation program.

He went on and said again:

The government does not have documents in relation to the home insulation program because we do not run the home insulation program.

We know that was simply not true. The question could not have been more specific. It was asked three times. It was clarified in two points of order. The answer could not have been more clear. What do we find out through the course of events? Those documents as tabled by Mrs Dunne, which include correspondence from the federal government to the minister and documents signed by the minister, absolutely, in black and white, contradict the minister's assertions. How anybody in this Assembly, most particularly members of the crossbench, could be left with any doubt whatsoever that Mr Corbell has misled this Assembly is absolutely preposterous.

Madam Deputy Speaker, this is a very important issue. This is not a trivial matter that we are dealing with today. Short of a vote of no confidence, this is about as serious as it gets. I question why the Speaker has not been dealing with this in his role as the Speaker. This was an issue that was raised, the conflict of interest, by Mr Hargreaves when this issue was initially raised. Today we see Mr Rattenbury refusing to hold Mr Corbell to account. We see him vacating the chair so that he can run this issue from the floor. This is a very serious issue.

Mr Rattenbury is still taking his money as the Speaker. He takes that money because of the very serious responsibilities he has as the Speaker of this Assembly. But today we see that he has shirked his responsibilities as the Speaker. He has decided that he is going to sit on the crossbench so he can run this issue and not accept his responsibilities to run the issue as the Speaker. He has had a choice: "What is more important to me, Shane Rattenbury? Is it to sit on the crossbench and run a defence on behalf of Simon Corbell and run a Greens line? Or is it, on this very important issue of a minister being censured, to sit in the chair?" He has had that decision before him and what has he chosen? He has chosen to sit on the crossbench so he can defend his Labor mate. That is what we have seen today, Madam Deputy Speaker. This is a man who has put himself and his party ahead of the Assembly. That is what we have seen here today and it is disgraceful.

What is the Greens' position? We all remember the rhetoric throughout the election campaign, that of third-party insurance. What we see here today is third-party insurance fraud. What we see is a government that has come into this place, a minister of the government, and clearly misled the Assembly. The Greens once said they stood for accountability and for making sure that this government was held to account. That was their rhetoric. We see an abject failing on behalf of the government and, in particular, on behalf of Mr Rattenbury—Mr Rattenbury the radical. We remember his maiden speech. He said, if you remember: "I've been labelled as a radical. I'm glad to be a radical." What have we seen from Mr Rattenbury, other than kowtowing—

Mr Stanhope: We remember yours too, when you weren't going to actually endure discrimination against gays and lesbians. How long did that last? It lasted five minutes.

MR HANSON: Madam Deputy Speaker—

MADAM DEPUTY SPEAKER: Mr Stanhope!

MR HANSON: What we see is the most conformist of all of the members in this place and the member who is most likely to kowtow to the line fed to him by the government, by his ministerial mates. Madam Deputy Speaker, what we have seen today is someone who has failed in his role as the Speaker. He has not stepped up and fulfilled his full responsibilities in such an important issue before the Assembly.

Mr Rattenbury: On a point of order, Madam Deputy Speaker—

MADAM DEPUTY SPEAKER: On a point of order, Mr Rattenbury.

Mr Rattenbury: whilst I am happy for Mr Hanson to go on with whatever he cares about, we are at a point, under standing order 55, where Mr Hanson is giving imputations of improper motives on my part to participate in this debate.

MR HANSON: Can we stop the clocks please, Madam Deputy Speaker?

MADAM DEPUTY SPEAKER: Stop the clocks.

Mr Rattenbury: I think it has gone beyond the pale.

Mr Seselja: On the point of order, Madam Deputy Speaker, it is very difficult for members in this place. Mr Hanson is having a go, clearly, at Mr Rattenbury, but Mr Rattenbury is not sitting in the Speaker's chair. He cannot have it both ways—the second he vacates the Speaker's chair he cannot be touched because he is also the Speaker. He is there as a shadow. The point about whether or not he is a shadow and whether or not he is a Speaker is a reasonable one. Given the previous ruling, where Mr Rattenbury was able to speak on energy policy instead of dealing with the substance of the censure, I would ask you, Madam Deputy Speaker, to reject the point of order. Mr Rattenbury simply cannot have it both ways. He is not in the Speaker's chair now and any attack on him is not an attack on the Speaker.

Ms Le Couteur: On the point of order, Madam Deputy Speaker, standing order 55 does not refer to the Speaker at all. It refers to all personal reflections on members to be considered highly disorderly. This protection is available for all members, not just the Speaker, and Mr Rattenbury was speaking as a member.

Mr Seselja: Madam Deputy Speaker, we know that the Greens are very sensitive, but this has been a robust debate. If we were to apply that standing order to every criticism that is levelled at another member in this place we would have very little debate. The idea that that standing order should be used to prevent criticism of a member, to prevent criticism in this case of a Greens member, is ridiculous. If you were to rule that way, it would essentially shut down much of the debate that goes on in this place.

MADAM DEPUTY SPEAKER: If you want to reflect on and criticise the Speaker, Mr Hanson, you need to raise that in a separate motion. You will not do that within this motion, so the point of order is upheld. Do you want to continue now without—

MR HANSON: Madam Deputy Speaker, I get confused about who is the Speaker in this place, because clearly the man who should be here presiding over this very important motion is not.

MADAM DEPUTY SPEAKER: Just go back to the motion please, Mr Hanson.

MR HANSON: It gets confusing for me. Clearly, I cannot criticise him for his failings as a Speaker. Based on your ruling, I cannot say that he should be in this chair and that he has failed in his role as the Speaker. So I will not do that.

MADAM DEPUTY SPEAKER: Mr Hanson, if you wish to do that, you can do it at another time.

MR HANSON: What I will do is say that he has failed in his role as a Greens crossbencher. He has failed to hold a minister to account when it is in black and white in the *Hansard* repeatedly that this minister has misled the Assembly. For Mr Rattenbury, in his leadership of the Greens here today, with the absence of Meredith Hunter, to abjectly refuse to hold a minister to account is a failing of the crossbench.

What we see here today is a unity between the government and the Greens over important matters of accountability. I would expect that all of us in this place have differences when it comes to opinion on policy, but the only party in this place that is putting the probity of the Assembly before itself and before anything else is the Liberal Party. The Labor Party, through Mr Corbell's actions, and the Greens, through their support of Mr Corbell today, have put themselves before the Assembly and, most importantly, Madam Deputy Speaker, before the community.

I am disappointed in Mr Corbell's actions and I am disappointed in his response today, but I am not surprised. I do not think any of us are surprised. He has form. We know that he has somewhat of a track record and is willing to say pretty much anything he can get away with in this Assembly. What does disappoint me and will disappoint the community—and I think it would disappoint many of the grassroots membership of the Greens, if they believe in the accountability and scrutiny of government—is the fact that today Shane Rattenbury and his Greens colleagues have decided to put themselves ahead of accountability in this place. That is what we have seen. It is disgraceful. In summation, it is clear that we have been misled. It is clear that Mr Corbell continues to mislead us and it is clear that he has the ongoing support of his Greens mate, particularly Mr Rattenbury, and I question why. (*Time expired.*)

MR COE (Ginninderra) (11.35): What we have seen today from Mr Corbell, the government and also the crossbench is very much indicative of how this government is tiring and how this Assembly is not doing its job. What we have here is a government with extreme arrogance that will not put the people of Canberra first—people who have lost their homes and people who have perhaps lost family members

due to gross negligence. What we as an opposition were doing in February was trying to get to the bottom of what is an absolute tragedy. We tried to get the documents and the information so that we could stop this sort of thing happening again both in the short term and in the long term.

Yet here we have a minister who has resisted every single opportunity to cooperate—to cooperate with the opposition, to cooperate with the public and to even cooperate with his own department and departments of other state and federal governments around Australia. Mr Corbell has been totally negligent. To this day, his pride and his arrogance stop him admitting that he made a mistake and that we should try and rectify it. Mr Corbell repeatedly denied that he had received complaints. We heard about the problem with Mrs Dunne's question. He said:

The problem with Mrs Dunne's question is that there have been no complaints to authorities about any dodgy installation.

That is what he said—that no complaints had been received by our regulatory agencies in relation to dodgy practice. He also said:

I have clearly indicated to this place that the government has received no complaints about dodgy installation since the commonwealth program commenced.

He continued:

There have not been any matters brought to the attention of ACT regulatory authorities about poor installation.

I think it is quite clear that Mr Corbell did have documents. Mrs Dunne has presented them here, 1,000 pages, yet Mr Corbell did not seem to know they existed. This goes to a very serious problem about whether this minister is in control of his departments, whether this minister and, indeed, cabinet are in control of taxpayers' money and whether the ACT government can capably deliver a service which really is a matter of life and death. It is a pretty serious situation and it is a shame that Mr Corbell's pride is stopping us getting to the bottom of it.

We have seen a few interesting things today. Mr Rattenbury's speech was quite extraordinary. Here you have Mr Corbell, the defendant, and then you have his defence lawyer, Mr Rattenbury, desperately trying to get his man off the mark, trying to get his man out of death row—going for technicalities, going for absolutely anything he can possibly do, having a go at the collection of evidence, having a go at the police officers, having a go at every single step of the way, but failing to address the core issue, which is about his competence and his ability to be a minister in this government.

If Mr Corbell is incapable of telling the truth on this matter, how can he be trusted in the future? How can we possibly have confidence in this minister to deliver government services and government programs in the future? I think it is very unlikely that we can. The Greens have put themselves in a very tricky situation. Are they going to keep giving a blank cheque to the government to do what they want? Are they going to keep letting the government get away with what is gross

negligence? I hope they had a robust discussion in their party room about this, but I fear that maybe they did not. Maybe everyone just said, “Oh no, we couldn’t possibly censure someone from the government, one of our ALP mates.”

You would think the Greens would have the upper hand in this situation. After granting government to the Labor Party, you would think the Greens would have a bit of leverage. You would think the Greens would be able to say, “You know what, that’s not good enough.” Of course, they have not been able to do that pretty much with any of their other initiatives in their Labor-Greens agreement. Admittedly, it would cost billions of dollars. They have not been able to pull any weight with those issues. I guess I should not be surprised that they are not able to pull any weight when it comes to integrity either. It comes down to their integrity and whether they actually value integrity in ministers of this government.

This is a very serious issue. That is why we have moved a censure motion today and we hope that it gets up. Of course, the Greens have given their preference to prop up this terrible government, a government that will repeatedly and wilfully mislead this Assembly. Yet no-one from the crossbench or from the government will stand up and say it is wrong. It is a very sad day and I urge all those in the house to support this motion.

MADAM DEPUTY SPEAKER: Mr Doszpot.

Mr Stanhope: Who wrote your speech, Steve?

Mr Hanson: Where are all your mates to support you, Simon?

MADAM DEPUTY SPEAKER: Mr Hanson, when you are ready, we will hear from a member of your party.

Mr Hanson: My apologies, Madam Assistant Speaker. Mr Stanhope’s interjections were—

Mr Stanhope: Support against this limp lettuce leaf?

MADAM DEPUTY SPEAKER: When you are both ready—Mr Doszpot.

MR DOSZPOT (Brindabella) (11.41): Thank you, Madam Deputy Speaker. There is a strong case being presented here today to censure Mr Corbell for misleading members of the Assembly and the ACT community with regard to the failed insulation program. What is even worse is that his mislead continued unabated.

This is a minister with no credibility who should go the same way as his colleague on the hill, his role model Peter Garrett. What makes this situation particularly important is that, in the case of both Mr Corbell and Mr Garrett, human life was at risk. This was no time to avoid the situation, it was no time to not act in a diligent manner and it was most definitely not the time to mislead.

Mr Corbell said this morning that Mr Seselja was adopting the Tony Abbott line by moving this motion today. It can be said that Mr Corbell is adopting the Peter Garrett

line by ignoring the facts and misleading the community. The difference is that in Mr Garrett's case the Prime Minister had the ticker to act on a situation where he felt that a minister was not doing the job; he benched one of his own ministers. This Chief Minister has kept extremely quiet on this topic all morning. The first time we heard from him was through interjection—just interjection at this late stage of the debate. Yet again, there was no leadership—which we are not surprised about. And we should not be surprised about ministers acting in the way Mr Corbell has when leadership and the lack of adherence to the ministerial code of conduct that is laid down by the Chief Minister are ignored so badly.

Mr Corbell has stated, "How was I to know about every email?" Well, Mr Corbell, the question really is this: why did you not know more about all the emails? Why did you not go looking? Mr Rattenbury has alluded to the fact that this government has not been diligent enough. It is time that we, the opposition and the crossbench, took this government to task. This is what we are attempting to do. It would be very timely for the crossbench to support what the opposition is trying to do. What we are trying to do is to make this government, this minister and this Chief Minister accountable.

This Assembly deserves a far better performance from ministers of this government. The community has every right to expect a more responsible attitude from this minister—and indeed every minister on the government side, including the Chief Minister—to ensure that every effort is made to protect the community. What we were seeking was the introduction of documents that showed us what was being done to protect the community. Instead of getting answers to that, what we got was misleading statements from the very people who should be defending the community's stance and the community's safety in this instance.

"How was I to know about every email?" Well, Mr Corbell, you should have been seeking more information, as we said, not distancing yourself and setting up a series of excuses. This government has a history of taking no responsibility and not acting according to the ministerial code of conduct. Again, where is the Chief Minister while all this cover-up and non-performance is coming to light?

Mr Corbell has form on censure motions, as we have already heard this morning. As minister for health, he faced a censure motion in 2005 over the mismanagement of our hospital system. In 2006, he faced another one over his mismanagement of emergency services. What does this tell us about the due diligence adopted by this minister? And what does it say about the Chief Minister, who has not been able to stem the incompetence of this member of this cabinet? Now we have proof of his misleading in this instance—a litany of misleading misleads, in fact.

Mr Corbell has been quoted in this place on numerous occasions denying the existence of any documents relating to the home insulation program. On 11 February in this place, Mr Corbell stated:

The government does not have documents in relation to the home insulation program because we do not run the home insulation program.

That is from *Hansard* of 11 February 2010. On the same day, he said:

... there have been no complaints received by our regulatory agencies in relation to dodgy practice.

That is from *Hansard* of 11 February 2010. Yet again he reiterated:

There have not been any matters brought to the attention of ACT regulatory authorities about poor installation.

That is from *Hansard* of 11 February 2010. Yet we are now aware, through documentation received in an FOI, that there were documents and that there were grave concerns raised by departmental officers regarding the home insulation programs. We know that Mr Corbell wrote a letter to Peter Garrett and that Peter Garrett replied. We have heard Mr Corbell say that he did not believe that shoddy operators were a problem in the ACT. However, he did acknowledge that three house fires currently under coronial investigation could have been a result of dodgy insulation installation.

The minister and his friends the Greens will say that this is merely a case of semantics, a case of nitpicking over what constituted dodgy insulation installation. This is not the case. Simon Corbell has repeatedly misled the Assembly and the community about a program that had the potential to kill people and, at the very least, destroy property. The ministerial code of conduct clearly states that ministers should exercise due diligence. In fact, it states clearly:

Ministers should exercise due diligence, care and attention, and at all times seek to achieve the highest standards practicable in relation to their duties and responsibilities in their official capacity as a Government Minister.

The preamble of the ministerial code of conduct states:

The position of Government Minister is one of trust. A Minister has a great deal of discretionary power, being responsible for decisions which can markedly affect individuals, organisations, companies, and local communities.

Being a Minister demands the highest standards of probity, accountability, honesty, integrity and diligence in the exercise of their public duties and functions.

That the Assembly censures the Attorney-General for persistently and wilfully misleading the Assembly in relation to the home insulation scheme is not a frivolous matter. It is not a frivolous motion, Madam Deputy Speaker. This is a motion that goes to the heart of how we conduct business in this place. I am disappointed that yet again we see a lack of real substance from our colleagues the Greens. This wishy-washy attitude, staying away from the hard issues, is becoming a pattern with the Greens, our so-called third-party insurance—a pattern that does not go unnoticed in the electorate, I might add.

Mr Stanhope: Who is it you are censuring here, Steve? Mr Corbell or the Greens?

Ms Bresnan: It's us.

MR DOSZPOT: There is a case to censure Mr Corbell here today, Chief Minister. There is no need for dodgy ministers in this place.

Mr Stanhope: Who are you censuring? We are a bit confused.

MADAM DEPUTY SPEAKER: Mr Stanhope!

Mr Hanson: Madam Deputy Speaker, if you are going to hold the opposition members quiet and prevent them from interjecting then at least be—

Mr Seselja: Can we stop the clock?

MADAM DEPUTY SPEAKER: I have, on a number of occasions, Mr Hanson.

Mr Stanhope: Oh, petal. Oh, petal. Get back in your hole.

MADAM DEPUTY SPEAKER: Mr Stanhope!

Mr Stanhope: Little petal; oh dearie me.

MADAM DEPUTY SPEAKER: Mr Stanhope, cease interjecting, please. Mr Doszpot.

MR DOSZPOT: Madam Deputy Speaker, I had actually finished.

MADAM DEPUTY SPEAKER: Mr Stanhope.

Opposition members interjecting—

MADAM DEPUTY SPEAKER: Order! This is not a signal for you all to start talking.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (11.50): As the attorney has pointed out, and quite rightly, the energy efficient homes package insulation installation scheme is a federal government scheme and program; it has nothing to do with this government or with this minister. The scheme was designed and funded by the federal government; the rules for those participating in the scheme were designed by the federal government.

Last month this government was asked about its role in relation to the insulation program. As has already been explained to the Assembly, the ACT government was not a party to this scheme or to this initiative. The only role for the ACT was in ensuring consumer protection and worker safety; this, of course, is what this government does every day as a matter of course. It looked to protect consumers and workers. To this end, officers within ACT government departments did engage with the federal Department of the Environment, Water, Heritage and the Arts in order to

convey information about any impact the Australian government initiative may have in the territory and on the community.

Let us be clear that the insulation scheme was a worthy and worthwhile initiative, though ambitious in scale. The Australian government program was designed to encourage and support homeowners to install or retrofit insulation to reduce energy use, thus reducing greenhouse gas emissions, a laudable aim. This government supports the reduction in greenhouse gas emissions and to this end is actively working towards our target of zero net emissions by 2060.

When my colleague Mr Corbell was asked about documents relating to the Australian government scheme, he was completely open in his account that this government was not a party to this program and that his department held no documents other than an information-sharing memorandum of understanding, a document that required the ACT government to share information with the Australian government. It did not tie the ACT to the scheme in any other way or require any work to be done by the ACT on the Australian government's behalf.

You need to understand that. It was a federal scheme. Essentially, it shows just how confected this entire debate and motion are. We are talking here about a federal government scheme, a federal government initiative, federal government ideas, a federal government funded program—in relation to which, through an MOU, we had undertaken to share information. The Attorney-General had no administrative responsibility for this scheme, no responsibility for the management of this scheme—no responsibility in any way for this scheme or its management.

This really is the longest bow imaginable in relation to an attempt by an opposition to make a political issue out of anything. As the attorney, Simon Corbell, has said, it is a typical response of a lazy opposition and a lazy Leader of the Opposition with no ideas, with no policies to run, that do not want to do the hard yards, do not want to do the hard yakka, and that look for issues as spurious as this—a federal government program, federally initiated, federally managed, in relation to which they had all, total, administrative and other responsibility—in order to seek to tie or to make a link to an ACT government minister whose role as a fellow government was simply to provide information.

And then they confect this storm. It is actually not a storm; it really is quite pathetic. It is and will be seen by the people of Canberra as a pathetic attempt by a clueless opposition that is lazy, that struggles to get out of bed in the morning and come to work to do some real or genuine work on anything of substance. At the end of the day, that is all this is about. It is about a lazy opposition without any ideas or policies that is floundering, that does not know where to go, that is looking for a political issue and confecting an issue in relation to a commonwealth program.

It really is bizarre. It is absolutely bizarre. You have to ask why they are doing it. They are doing it for a headline. There is an easy headline in it—nothing more than that: a one-day wonder, a little bit of noise to remind people that they actually exist and that perhaps they do have a function. But there is nothing beyond that except an appalling waste of Assembly time, particularly on a day of executive business.

There are important bills to be debated today. Indeed, there are three very significant pieces of legislation that should be being debated at this very minute in relation most particularly to health. Here we have the entire morning of a day of executive business—the day set aside to debate legislation of the government for the people of Canberra—where the business is essentially put in second place, referred to second place, reduced to a lesser priority by an opposition that thinks this spurious, nonsensical notion that an ACT minister in some way can be held responsible for a federal program is more important than debating health legislation.

That is the opposition's priority in relation to this. "Let's talk about some spurious issue that might get us on TV or get us a headline in the paper"—rather than having to do the hard work of trying to assess and understand important legislation that the government was hoping to debate today. That is what we have.

This morning has just been the most ridiculous waste of time. It was quite clear that not a single member of the opposition, led by the Leader of the Opposition, believed for a minute anything they said. That is how confected it is. There was no energy in the place, no atmosphere, no feeling that this was genuine or that there was any substance to the motion. Indeed, it has to be said that the majority of the last two hours has been spent attacking the Greens for daring to have an opinion that did not match theirs. The entire morning has been consumed by each and every one of the Liberal Party members in this place standing up and attacking the Greens for daring, for having the temerity, to come to an independent view on a matter, for daring to disagree with the Liberal Party. We have had a two-hour attack on the Greens because they did not agree. As I said, it could almost have been a censure motion by the Liberal Party against the Greens for daring to think.

I do have a prepared speech here, Madam Assistant Speaker, but this is all so tawdry and boring that I cannot be bothered delivering it.

MR SESELJA (Molonglo—Leader of the Opposition) (11.58), in reply: We see that the Chief Minister again has run out of puff. The best they could put up in defence of this minister was a member of the Greens and a Chief Minister who could not be bothered. It is extraordinary, isn't it, to see the amount of passion and energy defending this minister?

We did not hear the Chief Minister address the issue once. We did not hear it, because it is indisputable. It is indisputable that he misled. It is as clear as day. Even Mr Rattenbury could not deny it. All he could say was, "Well, you have got to put it into context," and, "Well, I don't know if he really meant to say that." It is crystal clear. Even the defenders of Mr Corbell—such as they are, in the Greens and Mr Stanhope—could not dispute the substance of the issue.

We had a minister who persistently and wilfully misled. He did it on several occasions. He claimed more than once in this place that there were no documents, and there were hundreds of documents. He claimed that there were no documents. He said, "Well, there may have been some emails, some chatter." But he signed a letter to Minister Garrett. He received a letter. He received a briefing. That pathetic defence is blown out of the water.

We have seen the shifting defence from Simon Corbell. We have seen the shifting defence even today. Even on the radio today, he was misleading. He was not telling the truth. He said, “Look, Ross, in relation to my answer to the Assembly, Ross, the question was couched in terms of documents relating to the administration of the scheme; well, we do not administer the scheme.” What was the question? “Any and all documents relating to the scheme.” What he told Ross Solly, what he told the community again today, was wrong. It was a lie; it was not true.

It gives you a sense of how much this minister has dug himself in with his misleads that the defence shifts every day and that when he has the opportunity again to defend himself on the radio today, he says something that simply is not true. That is the only way. He assumed that he could just tell the community whatever because they are not going to go and read the *Hansard* and they are not going to know that what he is saying is untrue. We have read the *Hansard*, and what he said again on radio today was untrue. What he said several times in the Assembly was wrong. It was clearly wrong. It was not just a little bit wrong; it was way wrong. No documents to hundreds of documents. Then the defence is: “It is only some emails from staff.” Actually, it is a letter that he received—that he signed and received. It is a briefing that he received.

This is a minister who has been dishonest in this place. This is a minister who has not told the truth. He has had opportunities to correct it. He compounded this mislead. And this government—this Labor Party and this Greens party—defends this behaviour to the hilt. They say, “Oh well, you know, it was the vibe; it was the context”.

This is crystal clear. This minister misled. He has done it before; he has form in this place. We have had to bring him here in the past. In the past he has had motions against him of persistently and wilfully misleading the Assembly as a minister. He has done it again. The only reason that this motion is not going to pass is that the Greens and the Labor Party have done a deal. The Greens and the Labor Party see that it is more important to keep their dysfunctional alliance going than it is to hold the minister to account, to ensure that ministers tell the truth in this place, to ensure that ministers tell the truth to the community.

You can always tell from the case put up by the defence just how much they believe it and how strong it is. Jon Stanhope’s comments were that he could not be bothered—code for “I can’t defend this minister. I can’t talk about any of the substance because the minister has so clearly misled the Assembly”.

Madam Assistant Speaker, this minister deserves to be condemned by this Assembly; he deserves to be censured by this Assembly. He has misled the Assembly; he has misled the community. He should be condemned and held to account for those actions.

Question put:

That **Mr Seselja’s** motion be agreed to.

The Assembly voted—

Ayes 6

Noes 10

Mr Coe	Mr Smyth	Mr Barr	Mr Hargreaves
Mr Doszpot		Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
Mr Hanson		Mr Corbell	Mr Rattenbury
Mr Seselja		Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

Justice and Community Safety—Standing Committee Scrutiny report 20

MRS DUNNE (Ginninderra): I present the following report:

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 20, dated 15 March 2010, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 20 contains the committee's comments on five bills, 23 pieces of subordinate legislation, four government responses and a submission from the Human Rights and Discrimination Commissioner concerning the Crimes (Surveillance Devices) Bill 2010 and the Crimes (Serious Organised Crime) Amendment Bill 2010. The committee has made comments on these two bills and these are contained in the report. These, however, are not the committee's final comments; they are preliminary, and the committee is seeking a speedy response from the government before it makes its final comments on these bills. The report was circulated to members when the Assembly was not sitting and I commend the report to the Assembly.

Public Accounts—Standing Committee Statement by chair

MS LE COUTEUR (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to government submissions to Auditor-General's reports. On behalf of the public accounts committee, I would like to draw the Assembly's attention to a matter of great concern to the committee. As members would be aware, PAC is charged by the Assembly to examine all reports of the Auditor-General. An integral part of this process involves the committee receiving a submission from the government. This submission is the government's official response to the findings and recommendations of each Auditor-General's report.

Under the government's own guidelines they are required to provide this submission to PAC within three months of the tabling of the report. Unfortunately, in many

instances in recent times, the committee's examination of the Auditor-General's reports has been severely hampered by the failure of the government to provide timely submissions to the committee. Currently, there are four overdue government submissions.

I would like to elaborate on these examples for the benefit of the Assembly. On 29 May 2008 Auditor-General's report No 2 of 2008, *Management of Calvary Hospital agreements*, was presented to the Speaker. The government submission to the report was therefore due by 29 August 2008. It has still not been received. In order to provide the necessary context to this particular case, I should point out that on 12 February 2009, almost six months after the government submission was due, the committee informed the Assembly that it had resolved that the report did not warrant further inquiry. However, the committee noted that a formal, publicly available response from the government was still required. The committee wrote to the Minister for Health on 23 February 2009 requesting such a response.

The committee received a reply to this letter on 21 April 2009 in which the minister stated that she was of the understanding that "if the committee determines not to inquire into an Auditor-General's report then the government is not obligated to provide a government submission". The committee responded to this letter on 24 June 2009, and again on 19 February 2010, noting the three-month time frame for government submissions and the fact that the government's own guidelines do not provide for any circumstance where a government submission to an Auditor-General's report is not required.

The other three overdue submissions relate to Auditor-General's reports tabled last year. Auditor-General's report No 2 of 2009, *Follow-up audit: implementation of audit recommendations on road safety*, was tabled on 1 May 2009. The government submission was therefore due by 1 August 2009. Similarly, Auditor-General's report No 5 of 2009, *Administration of employment issues for staff of members of the ACT Legislative Assembly*, was tabled on 7 August 2009. The government submission to this report was therefore due by 7 November 2009. Finally, the government submission to Auditor-General's report No 6 of 2009, *Government office accommodation*, was due on 28 November 2009.

The committee wrote to Mr Stanhope in relation to these three reports on 19 February 2010, but the government submissions remain outstanding. The committee is very concerned about the government's failure to consistently respond to Auditor-General's reports in a timely manner. Not only does this hinder the work of the committee; it also raises the issue of whether the government is giving the very important work of the Auditor-General the attention it deserves.

Climate Change, Environment and Water—Standing Committee

Amendment to resolution

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

That the resolution of the Assembly of 11 December 2008, as amended 23 June and 15 September 2009, which referred the issue of ACT greenhouse gas

reduction targets to the Standing Committee on Climate Change, Environment and Water be amended by omitting the following words in paragraph (3):

“present a final report by the last sitting in March 2010;”
and substituting:

“present a final report by the last sitting in August 2010;”.

Public Accounts—Standing Committee Report 5—government response

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women), by leave: I rise today to inform the Assembly about the progress on the response to the Standing Committee on Public Accounts report No 5 of 2009 to the ACT Auditor-General’s report No 4 of 2008 into the maintenance of public housing.

The Standing Committee on Public Accounts tabled in the Assembly on 8 December 2009 its report on the Auditor-General’s report on maintenance of public housing. In accordance with standing orders, the ACT government’s response to the report must be tabled in the Assembly within three months of the tabling of the standing committee’s report. There has been considerable work undertaken to date to address the recommendations in the public accounts committee report, and I have asked the department to finalise the government’s response as soon as possible and to provide the report out of session to the standing committee.

One of the committee’s recommendations was that the government report back to the Assembly on the progress and effectiveness of the Auditor-General’s recommendations. There were 12 recommendations from the Auditor-General, many of which led to negotiation of changes to the contract with Housing ACT’s facilities manager, Spotless, and revisions to the performance and management system. Whilst the changes were initiated on receipt of the Auditor-General’s audit report, the evaluation of their effectiveness as requested by the committee has taken longer to complete than anticipated.

I intend to formally table the government response in the Assembly during the May sitting period. The ACT government welcomes both the ACT Auditor-General’s report and the public accounts committee report on the maintenance of public housing. The opportunities provided in these reports to improve the level of service to some of the most vulnerable in our community are excellent. Through a collaborative approach, the ACT government will continue to provide a positive outcome for public housing tenants and their families.

Health Practitioner Regulation National Law (ACT) Bill 2009

Debate resumed from 10 December 2009, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

MR HANSON (Molonglo) (12.15): The opposition will be supporting this legislation today. It is important legislation relating to health practitioner regulation. There is no doubt that this legislation is a significant step forward not only in relation to health practitioner regulation but also in terms of public safety and medical education and training accreditation standards.

As outlined by the health minister in her presentation speech, this bill is the ACT's commitment to a COAG-led reform initiative agreed to by all the states and territories in 2008. As stated in the intergovernmental agreement, the objective of the reform is to establish a single national registration and accreditation scheme for health professionals. I will say that again, because it is relevant to a number of the amendments that I will be putting forward later. It is to establish a single national registration and accreditation scheme for health professionals.

The reform will have a number of benefits, not only to the ACT but, I believe, to all health stakeholders right across the nation. As members may be aware, the genesis of this reform is the 2006 Productivity Commission report titled *Australia's health workforce*, which examines and reports on the significant demands and pressures our health workforce is likely to experience in the future. Importantly, the full Productivity Commission report made a number of excellent recommendations about some of the structural changes which would improve the quality and enhance the capacity of our health workforce. One of these recommendations was that a new national registration regime be established for the registration of health professionals.

Some of the issues identified by the Productivity Commission which led to this recommendation included that there are currently more than 20 bodies involved in accrediting health workforce education and training, and over 90 registration boards across Australia. This leads to duplication in administration, variations in regulation and registration requirements between jurisdictions, barriers to workforce mobility, fragmentation in responsibilities, ineffective coordination between various other bodies and poor public safety outcomes, amongst other outcomes.

Under the nationally agreed reform, the more than 90 registration bodies across Australia will be abolished and there will be 10 national boards representing the following professions: medicine, nursing and midwifery, chiropractic, dentistry, optometry, osteopathy, pharmacy, physiotherapy, podiatry and psychology. Other professions will be considered for inclusion in the national scheme following the establishment of the first 10 boards.

Whilst I note that the Productivity Commission report recommended that a single registration body for all health professionals be established, I do believe the model that was agreed to and adopted by COAG to be the best and most appropriate model for a national health professional registration regime.

The national scheme will be a welcome step forward in terms of public safety by ensuring that health practitioners across the nation will now be monitored by a single national agency. This means that when a complaint is made about a health practitioner, and that complaint is fully investigated or resolved, the results of action taken by a board will be effective in every jurisdiction in the nation. While the opposition are

very supportive of this national scheme, it is unfortunate that the ACT bill fails to be truly nationally consistent, as was intended. After considerable consultation, the Canberra Liberals have been left with no choice but to make some necessary amendments which we believe will improve this legislation.

The fundamental intent of this major reform initiative was to do away with duplication and differing registration criteria between states and territories for health professionals, as well as to ensure public safety by having a single, uniform complaint handling process. But when we look at what the government is proposing here, we see that the ACT bill most definitely fails the test on national consistency and will potentially hinder the workings of the national boards as well as delay the processing and ultimate resolution of complaints. In the worst case scenario, such delays could put public safety at risk.

Where the ACT bill deviates substantially from the national model is in relation to the complaints handling process. I do note that the minister briefly addressed this issue in her presentation speech. However, I do not think she did so in a very satisfactory manner, and I will address that in a moment.

Effectively, what is being proposed by the government is to give the health complaints entity in the ACT—that being the ACT Health Services Commissioner—additional powers, more than what the commissioner’s counterparts in the other states will be given. The bill, as presented, provides for instances where the ACT Health Services Commissioner will be permitted to participate in various stages of an investigation by a panel of a national board into the conduct of a health practitioner and will be given the power to be involved in the deliberations stage of an investigation.

This is at odds with what the other jurisdictions will be implementing or, in the case of Queensland and Victoria, already have implemented. Even New South Wales, which has completely departed from the national agenda on this issue, at least have made a clear and unambiguous distinction between the role of their Health Complaints Commission and the national boards.

Importantly, however, the New South Wales model will not have any impact on the workings of a national board, because the national boards will not have to deal at all with complaints made against New South Wales based practitioners, as this will remain the responsibility of the New South Wales Health Care Complaints Commission.

As a result, registration fees for health professionals will be lower in New South Wales to reflect that a large portion of the national board’s work in New South Wales will be actually carried out by the New South Wales Health Care Complaints Commission. It does beg the question: will the ACT government commit to also subsidising registration fees for ACT health practitioners if it is shown that the ACT government is funding a significant portion of the complaint handling?

What the government is proposing here, however, is a hybrid complaints handling system for the ACT which differs vastly from every other jurisdiction and which severely undermines the nationally consistent model that was negotiated and agreed to.

The amendments I am moving today will simply ensure that the ACT does not deviate from the nationally agreed and consistent model.

I will briefly go through my substantive amendments in the order in which they appear. I will do so now before we get to the detail stage because they are relevant to the whole debate. What I will be seeking to do is remove the proposed new section 35A relating to national board consideration of criminal history, as this places a greater impost on national boards to implement for ACT-based practitioners alone.

This modification to bill B is simply impractical and, as outlined in the explanatory statement, requires a national board to apply a specific set of criteria, including case law precedents, when considering an applicant's criminal history. One possible result of this will be that practitioners will apply for registration as ACT-based practitioners because of a perceived leniency in application criteria, and then they are free to practise their profession across Australia. This is hardly in the national interest.

On another note, I believe the government is refusing to make a technical amendment to reflect that this section should really be located in section 135 of the act and not section 35. Whilst there is nothing to prevent this from appearing in either section, I do believe it was a mistake, and an honest mistake by the government, but they are simply compounding that mistake.

The next amendment is to remove new section 150(4A). This provision closely resembles the public interest assessor—PIA—model which the minister outlined in her presentation speech. This section gives the ACT Health Services Commissioner the additional powers which the commissioner's counterparts in the other jurisdictions will not be given. I will discuss the removal of the PIA in a minute.

I will also be asking for the removal of modification 1.16 in section 177, which gives the ACT health services commission presumed authority to jointly consider a report by an assessor under division 9 of bill B. Again, this is above and beyond the powers to be given to the relevant health complaints entity in other jurisdictions.

For the same reasons as outlined before, I will also seek to remove the new section 178(1A), the new section 178(4), the new section 184(3), the new section 185(4) and the new section 186A, as these simply grant considerably more authority than health complaints entities in other jurisdictions will be given.

This initiative went through an extensive and exhaustive national consultation process and the reform package was considered in detail by the Senate committee inquiry last year. I do understand that there are a number of concerns still held by various stakeholders about elements of the national law. I have received a significant volume of correspondence from the various boards. But we are now at the point where this legislation has been passed or introduced in a number of other jurisdictions, and the ACT legislation proposes a model of complaint handling which deviates significantly from that nationally consistent model that has been either adopted or introduced.

I have met with the local health professional boards, all of which you will note are due to be abolished when this legislation commences. All of the boards are united in their commitment to the national scheme. That is all the boards including the medical board,

which is the largest and most complex of the boards, and the midwifery and the nurses. So this is not a simple matter of doctors. This is all of the boards, and I emphasise that point. It includes the nurses and midwifery boards.

Let me take a look at some of the very valid comments and concerns raised by the boards. I turn first to the ACT Pharmacy Board. This is a point that they have raised:

The National Scheme aims to facilitate mobility for health practitioners wishing to move between participating jurisdictions, or to practise in more than one participating jurisdiction. It would create confusion and potentially cause delay for health practitioners to have varying models and processes in relation to complaints processes.

The ACT Optometrists Board states:

I—

that is, the chair—

would like to see the Health Services Commissioner investigating administrative and systemic matters but not scope and standards.

The ACT Podiatrists Board said:

It is of concern that consumers of health services in the ACT would have differing processes and procedures and different organisations to negotiate with. The Board feels that this will reduce timeliness, accessibility and clarity for consumers around the process and which organisation is responsible and who to communicate with.

The ACT Medical Board said:

Whilst the Board is strongly supportive of the national approach to health professions regulation, it is most concerned about the trend of this bill which appears to set out to make the ACT “different” to the other States and Territories. The Board is most concerned that these differences will dilute the long-awaited national approach to health professions regulation and simply continue the current inefficient and costly state-based health professions regulation.

The Nursing and Midwifery Board said:

The ACT Nursing and Midwifery Board recommends that the ACT adopt a bill which reflects cooperation with other jurisdictions to produce nationally consistent legislation.

They are excerpts from what the boards have said. They are unanimous in their desire to see the bill that has been tabled by the government be amended based on the amendments that have been tabled by the opposition to reflect the nationally consistent model. That is all of the boards, Mr Speaker.

I do note that the public interest assessor model was discarded, as the minister outlined in her presentation speech. The PIA model was initially included in the

exposure draft of the national bill. However, it was ultimately taken out in the final version following the lengthy consultation that took place. The removal of the PIA appears to have been a failing of the Australian Health Workforce Ministerial Council, and it is disappointing.

I must say that the opposition has no particular problem with either the PIA model or the ACT bill in particular. That is not my objection to the bill that is being debated today. It is simply that it is not nationally consistent, and that was the original intent of this legislation. It remains a matter to clarify how this ACT legislation deviates from the nationally agreed and negotiated model. I believe that we risk this national model with this legislation.

If all of the Australian health ministers in the other states and territories agreed to either the PIA model or to enacting legislation similar to the ACT bill that we are debating today, I believe that this would be a positive outcome and, of course, I would be supportive of that. However, the fact remains that the PIA model, for better or worse, was not adopted by the Australian Health Workforce Ministerial Council.

I understand that the Greens will be proposing amendments which basically further compound the mistake that has been made by the government and which the Canberra Liberals are seeking to address. We obviously will not be supporting their amendment or amendments. I actually question how much consultation the Greens, or in fact the government, undertook with the boards and whether the Greens have actually developed an understanding of how the national boards will operate.

Ms Bresnan: Yes, we did. We got the same letters as you.

Ms Gallagher: They just have not accepted one position like you have.

Ms Bresnan: Did you talk to the health complaints commissioner?

MR HANSON: Yes, she had a meeting with me, actually.

Ms Gallagher: And you ignored everything she said?

Ms Bresnan: So you ignored her?

MR HANSON: No, there is a difference between ignoring and taking a balanced view to make sure that we adhere to the intent of the bill which is a nationally consistent model.

Ms Gallagher: A balanced view. Is that what you do? A balanced view, ignoring everything she says?

MR HANSON: Indeed, in all that I do, Ms Gallagher.

Ms Gallagher: I love that balanced view.

MR HANSON: Well, there you go. I also met with the Health Services Commissioner and heard about the issues she had with the bill. Ultimately, however,

we were not prepared to risk the effectiveness and the success of the national scheme. It is disappointing that the government is prepared to do so.

I believe that the health services commission is given adequate opportunity to jointly consider a notification with a national board and to determine a course of action. However, once that course of action is determined, it is only appropriate that each entity carry out their task independently of each other under the very different statutory frameworks relevant to each.

Moreover, reading the legislation in detail it is clear that the role of the health complaints entity in all jurisdictions is perfectly robust and their role is clearly enshrined in national legislation. Specifically, section 150(4) of the national law states:

If the National Board and the health complaints entity are not able to reach agreement on how a notification or complaint, or part of the notification or complaint, is to be dealt with, the most serious action proposed by either must be taken.

I firmly believe that the boards and the health services commission are both committed to the highest standards of clinical care and professional conduct with the health professions. I regret that, to an extent, despite the fact that they work closely together, there is a degree of mistrust or misunderstanding between the two bodies. My amendments today do not reflect any, I suppose, picking of sides or disagreement with the—

Ms Bresnan: Exactly what was in that medical board letter?

Ms Gallagher: You never want to make an enemy of anyone, do you?

MR SPEAKER: Order, members!

MR HANSON: I was prepared to make an enemy of you, Ms Gallagher.

Ms Gallagher: You have already done that, Jeremy.

MR HANSON: Well, there you go.

MR SPEAKER: Order! Mr Hanson, have you got far to go? I am conscious of the time.

MR HANSON: A couple of minutes, three minutes.

Ms Gallagher: I think we should adjourn. We are coming back to this later on.

MR HANSON: I am happy to adjourn.

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

Sitting suspended from 12.31 to 2 pm.

Questions without notice Hospitals—waiting times

MR SESELJA: My question is to the Minister for Health. I refer to comments made by the Chief Minister on 5 March 2010 about waiting times. The Chief Minister said:

At the end of the day, these perhaps are the least relevant of all of the indicators of the way in which our health system's operating.

He also appeared to suggest that complaints about waiting times were whinges. Were the Chief Minister's comments consistent with the government's position on waiting times?

MS GALLAGHER: The context in which those comments were made was about Mr Stanhope's experience as a parent in the emergency department at the Canberra Hospital. I, too, as a parent, have spent some time in the emergency department at the Canberra Hospital where I have experienced a considerable wait. But that is part of the public health system that responds to demand. At times people will have to wait, and they have to wait because more urgent people are being seen ahead of them.

In terms of whether the waiting times are an accurate reflection of the performance of the health system, I completely support the comments of the Chief Minister. I have been in this place a number of times saying that the median waiting time for elective surgery, in isolation, cannot be seen as the best way of assessing the performance or the quality of your public health system.

Mr Hanson interjecting—

MS GALLAGHER: It is one measure, but there are many other measures—

Mr Hanson interjecting—

MR SPEAKER: Order, Mr Hanson!

MS GALLAGHER: and it is the only measure that the opposition focus on. They prefer not to focus on all of the measures which show we have a very good public health system—

Mr Hanson: Bed occupancy, access block!

MR SPEAKER: Mr Hanson!

MS GALLAGHER: an excellent public health system. Mr Hanson interjects with "bed occupancy", for example. Bed occupancy, when we came to government, was not even measured because they were so embarrassed about it. It would have been running almost at 100 per cent.

Opposition members interjecting—

MR SPEAKER: Order!

MS GALLAGHER: No, you did not measure bed occupancy. Bed occupancy was not measured until about four or five years ago. So it was not measured, and it was not measured because it was running at pretty much 100 per cent capacity, because 114 beds had been stripped from the system. Bed occupancy now, in the latest data, is almost down to 85 per cent, which is the target we set ourselves. And the reason we are reaching that target is because of the beds that we have replaced—over 170 beds that we have replaced. So, if you look across all of the performance areas and indicators of the public health system, you will see that the ACT has a high quality public healthcare system run by dedicated professionals where efficiency is being improved all the time, despite demand growing at record levels and demand growing at levels that no other government in this place has ever seen before or ever dealt with.

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth!

MS GALLAGHER: So, in the context of waiting, and at times waiting for care, that is going to be part of our public health system, and it is part of every public health system. If you look at major metropolitan tertiary hospitals, you will see that the waits are not dissimilar to Canberra Hospital, where 53 per cent of everything that walks in our theatres every day, or rolls in our theatres every day—

Mr Smyth interjecting—

MS GALLAGHER: Just for a moment have a think about this: 53 per cent of everything that occurs in our theatres every day is unplanned; nobody knows it is going to turn up. That is 53 per cent every day, and that system copes. That system not only gets through emergency work—53 per cent; it also gets through the elective work. And the median waiting time for elective surgery is coming down all the time.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Minister, will you apologise to people who have waited for hours in the emergency department for the Chief Minister suggesting that they were whingers?

MS GALLAGHER: Again—

Mr Stanhope: I didn't suggest that. I do not know how we deal with these issues of misrepresentation and mislead like this at question time, Mr Speaker. I would welcome your advice and your ruling on what one does when one is quite deliberately misrepresented, where there is mislead such as the mislead we have just had—

Opposition members interjecting—

MR STANHOPE: I would welcome your ruling on whether or not I need now to actually move a censure motion against the Leader of the Opposition in order to have this misleading statement withdrawn.

MR SPEAKER: Mr Stanhope, my best advice at this point is that you could seek the Speaker's leave—I think at the end of question time; I will have to check—understanding order 46 to make a personal explanation. That is the mechanism, I believe.

MS GALLAGHER: When I get complaints about waiting times in the emergency department, I ask that Health investigate those complaints. They do. If it requires an apology from me, I apologise. I frame that apology in the sense “I am sorry you had to wait”, but I also put it in the context of what was being dealt with that day—for example, “Dear so-and-so, during the time that you were waiting, 171 people were seen that day, of whom three were category 1, 27 were category 2 and 50 were category 3. You were in category 4.” That is the context.

One of the issues with the emergency department is that when you are sitting in that room it is not often clear what is happening behind the windows in the clinical area. But people need to understand that in both our emergency departments—Calvary is experiencing exactly the same—demand continues to grow. What we ask for is an understanding that, when those places are busy and when, based on clinical need, more urgent cases come ahead of you, that will result in a wait.

I do not know that it is an unreasonable thing as a community to say that, when you have a baby under one year presenting in a critical condition, yes, they will be seen ahead of the person with the cut finger. That may mean that the person with the cut finger gets pushed down the line. And, for example, as happens on a regular basis, Snowy Hydro SouthCare may arrive with an accident from New South Wales. Again, that may push the person back.

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGREAVES: Thank you, Mr Speaker. Is the minister aware that a patient presented to accident and emergency on Sunday at 6.30 and was seen by the staff there?

MR SPEAKER: Preamble, Mr Hargreaves?

MR HARGREAVES: No. Is the minister aware that a patient presented at 6.30 on Sunday, was triaged, was treated, was strapped for a snapped Achilles tendon, was presented again to the accident and emergency section on the Monday, was operated on—

Opposition members interjecting—

MR HARGREAVES: Hang on. I have heard you in absolute silence.

MR SPEAKER: Mr Hargreaves, in the way you have framed it clearly you are pushing the boundaries.

MR HARGREAVES: It is a concertina game, Mr Speaker. They do not like it, Mr Speaker. That is hard luck; suck it up. Mr Speaker, I would like to know if the minister is aware that, in fact, that same patient received an operation yesterday, the

Monday following, and is home today. Is that not an example of the efficiency of accident and emergency and how outpatient services work in the hospital?

MS GALLAGHER: I thank Mr Hargreaves for the question. I am not aware of the individual Mr Hargreaves speaks about, but the point he raises is a good one, which is that our emergency department—

Members interjecting—

MS GALLAGHER: Again, if those opposite took the time to have a look at the treatment times from entering the emergency department to exit they would see that we run, I think, the most efficient hospital in the country in relation to the provision of emergency care once in the emergency department.

In all areas of emergency department categories, categories 1 to 5, we are seeing gradual and continued improvement in the numbers reaching our performance targets. Again, in category 1 the figure is 100 per cent. I do not think there is another jurisdiction that delivers 100 per cent timeliness for all category 1 patients. In category 2, 83 per cent of those are seen on time; in category 3, 61 per cent—a 13 per cent improvement on this time last year; in category 4, 56 per cent are seen on time—an eight per cent improvement on last year. In category 5, 78 per cent are seen on time. In three of those categories we are performing above the national benchmark and in categories 3 and 4 we are heading there very quickly.

Mr Smyth interjecting—

Mr Stanhope interjecting—

MR HARGREAVES: You guys had better start picking another campaign to run on because the emergency department improvements are continuing. They have been consistently improving over time and they will continue to improve. Do you know what? It is the staff in that emergency department that deserves the credit that those opposite do not ever give them.

Members interjecting—

MS GALLAGHER: They have got your number, Mr Hanson.

MR SPEAKER: Ms Gallagher, resume your seat, thank you. Mrs Dunne.

Mrs Dunne: Three times, I think, Mr Speaker, Mr Stanhope said to one member here—I do not know who—to stop lying. I would like him to withdraw.

MR SPEAKER: Mr Stanhope, it is unparliamentary language.

Mr Stanhope: I withdraw, Mr Speaker, but I did not say it and anybody that says I did is a liar.

MR HANSON: A supplementary, Mr Speaker. I am sure I will give him another opportunity now.

MR SPEAKER: Yes, Mr Hanson. A supplementary.

MR HANSON: Minister, will you apologise to the many people who are waiting for elective surgery—

Mr Hargreaves: On a point of order, Mr Speaker, I am not aware to which minister Mr Hanson is addressing his question.

MR HANSON: It is a supplementary.

MR SPEAKER: It is a supplementary, Mr Hargreaves.

Members interjecting—

MR SPEAKER: Order! Mr Hanson has the floor.

MR HANSON: I will start again, Mr Speaker. Just to clarify for Mr Hargreaves, who is asleep up there in the back, this is a supplementary, so it is addressed to the original minister, the Minister for Health. Minister, will you apologise to the many people who are waiting for elective surgery for the Chief Minister suggesting that they were whingers?

Mr Stanhope: On a point of order, Mr Speaker, this will become tedious because I am going to object every time somebody verbals me or every time somebody lies, as Mr Hanson has just lied.

Mr Smyth: On a point of order, that is unparliamentary.

MR SPEAKER: We will come to it.

Mr Stanhope: I will stand and take a point of order whilst they continue to lie. I am going to stand here—

MR SPEAKER: Thank you, Mr Stanhope.

Mr Stanhope: and raise a point of order every time somebody in this place rises and tells a lie about something that they allege I said. I will do it every time somebody stands in this place and lies about this.

Mr Hanson: Mr Speaker—

MR SPEAKER: Is it on the point of order?

Mr Hanson: Yes, on the point of order, what we have said is to suggest that Mr Stanhope had intimated that people have been whingeing. I could read the direct quote, if you wish, that makes it very clear that this was a suggestion from Mr Stanhope that people should stop whingeing. That is the assertion we are making and these are the questions we are asking. No-one has directly verballed him at all. If he can point to a quote where we have verballed him then he should do so. But what

we have said is that he has suggested, quite clearly, that people should not whinge, and that is a direct extrapolation from the comments he made on radio, and I can quote from those.

Mr Stanhope: On the point of order, there we have it: oh, it is an extrapolation! I said I did not whinge. I was not speaking for anybody else; I was speaking for myself. What I said was that I did not whinge.

Members interjecting—

Mr Stanhope: I said I did not whinge about it. The claims that I said other people are whingeing is a lie.

MR SPEAKER: Order, thank you! Mr Stanhope, resume your seat.

Mr Hanson: This was about the context, Mr Speaker.

MR SPEAKER: Order, Mr Hanson! Mr Stanhope, I have already indicated to you that the option available to you is a personal explanation to correct the record on this one. In the meantime, there is no point of order.

Mr Seselja: Mr Speaker, Mr Stanhope again ignored your ruling and several times said there were lies being told and that people in the chamber were lying. I would ask you to ask him again to withdraw.

MR SPEAKER: Mr Stanhope, it was provocative. Perhaps you could withdraw that.

Mr Stanhope: I will withdraw that, Mr Speaker, out of deference. But I stand by what I said. If anybody stands here and lies, as they have been, then I will raise a point of order.

Mrs Dunne: You can't withdraw and qualify it; it is not a withdrawal.

Mr Stanhope: I did; I withdrew it.

MR SPEAKER: We will resume questions without notice. Ms Le Couteur has the floor.

MS GALLAGHER: I have got to answer.

Mr Hanson: She's got to answer it.

MR SPEAKER: Sorry, I have lost track. Ms Gallagher, you have the floor.

MS GALLAGHER: Thank you, Mr Speaker. I cannot apologise for something that was not said. I think we have gone to that, and other members have contributed to that debate.

On the issue of elective surgery, again, people should get their minds around what this territory does as a regional provider of elective surgery, knowing that 24 or 25 per

cent of all our work is from New South Wales, 53 per cent of all the work done every day is unplanned admissions to the hospital, and we still deliver almost 10,000 procedures a year. We have every theatre operating at its maximum capacity at this point in time; we have extended hours of operation; we have opened more theatres; we have employed more staff; we have built new intensive care units; we have created critical care capacity—all to improve the efficiency of our elective surgery program. And we have been doing that in the context of more admissions on the list than ever before.

That is just by way of a bit of a reality check here that everything that can be done is being done. But, again, that will still mean that, for those with less urgent conditions, particularly in areas where there are not a number of surgeons performing that work, in the private sector or indeed in the public sector, there will be times when they have to wait for access to their surgery. I know people in the surgical bookings area at Canberra Hospital, and indeed at Calvary, work tirelessly to ensure that that system works as efficiently as possible and that people get access to surgery based on their clinical need. I think the constant criticism of it by the opposition is wearing people down—not me, not people in the department, but people in the hospital, who feel that their efforts go unnoticed by you. (*Time expired.*)

Planning—Latham

MS LE COUTEUR: My question is for the Minister for Planning and relates to a development proposal in Latham, on the old petrol station site. Minister, this DA was notified last year without including information on the redevelopment proposal. Following an ACAT appeal, the ACAT presidential member recommended that ACTPLA publicly renotify the DA. What is the government's response to this recommendation?

MR BARR: I thank Ms Le Couteur for the question. Of course ACTPLA will respond to the recommendation from ACAT. There are established practices and precedents in relation to ACAT or previous bodies' decisions in relation to planning matters and the Planning and Land Authority will respond accordingly.

MR SPEAKER: Ms Le Couteur, a supplementary?

MS LE COUTEUR: Will you direct ACTPLA to properly renotify the DA?

MR BARR: I do not believe it is a matter that requires ministerial direction.

MS BRESNAN: A supplementary?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, is it justifiable that DAs are approved when they have not been fully and correctly notified, as per usual requirements of the Planning and Development Act?

MR BARR: I would expect the Planning and Land Authority to operate within the Planning and Development Act.

MS BRESNAN: A supplementary?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Are there any plans to revitalise Latham by encouraging more mixed use in the commercial zone?

MR BARR: Of course the government aims, through its planning and development policies, to facilitate revitalisation of many areas of Canberra. I think it would be a fair observation, having seen the situation in many outer suburban shopping centres, that some revitalisation is required. Latham is, indeed, no different from a number of other suburban areas where changing demographics and changing consumer behaviour patterns require commercial responses that are different from what might have been in the minds of our predecessor planners under the National Capital Development Commission.

Prior to self-government, many of the planning policies and ideas that were put in place in that generation have served the territory well. Many, though, have manifestly failed to adapt to changing circumstances within this city. So, an example of suburban shopping centres in some parts of the city struggling commercially and struggling economically is not unique to Latham and, indeed, solutions to that are many and varied, depending of course on where in the city we are talking about.

Health—elective surgery

MR HANSON: Mr Speaker, my question is to the Minister for Health. Yesterday's *Canberra Times* told the story of four-year old Lachlan, who suffers from sleep apnoea and who is facing a lengthy delay in accessing much-needed elective surgery. In fact, he has been waiting for over a year. His family has been advised that he will require another referral to another surgeon in order to receive the care he needs. Minister, is it acceptable that this family will be forced to seek yet another referral to see another surgeon, because they were unlucky enough to be placed on the longest elective surgery waiting list?

MS GALLAGHER: Luckily the opposition has got the *Canberra Times* every day—the real opposition in this town, the *Canberra Times*—because it gives a few hints to the opposition about where it might get its next media release from.

Mr Smyth: Who thought that one up for you?

MS GALLAGHER: It is obvious. Go and have a look. The story comes in the paper; then the media release comes from a lazy opposition that has not got any issues of its own.

MR SPEAKER: Order! Minister, the question, thank you.

Opposition members interjecting—

MS GALLAGHER: I am surprised that the shadow minister for health has to ask me about how arrangements are put in place for access to elective surgery. The hospital does not put people on waiting lists; the doctors put people on waiting lists. I will not go to the individual case, but if a person gets a referral from a GP to a specialist, they see that specialist and that specialist says, “I need to put you on the elective surgery list in the public system,” that person goes on that list. That is the way it operates. The hospital does not do it. We do not choose the longest list to put people on. They are arrangements that are put in place between the patient and the doctor. The best that we have been able to do in dealing with this issue—and the issue actually goes to the pooling of lists—

Opposition members interjecting—

MS GALLAGHER: The issue goes to the pooling of lists. Mr Hanson just blindly goes through the Health portfolio thinking that everything is black and white and easy to introduce. The issue of pooling of lists has been a very contentious issue in this territory for a number of years.

Mr Hanson: Is this another one you can’t get done?

MS GALLAGHER: I cannot introduce pooling without the support of the surgeons. If I was to introduce pooling without the support of the surgeons, our elective surgery work, and indeed our emergency surgery work, would stop. Everything is so easy for the opposition because they do not have to consider the implications of taking unilateral action without the support of the major stakeholders within it.

I have discussed pooling with surgeons a number of times over the years. At the moment, those surgeons do not support pooling. I do not know, Mr Hanson, if you have had any discussions with anyone about pooling. I know you seem to think it is very easy, but think of the ramifications if we were to introduce something without the support of the major stakeholder in that decision. It would be catastrophic. The best thing that we can do in the meantime is to publish the surgeons’ lists on the website and alert people to that. Everybody can go to the ACT Health—

Mr Seselja: It’s always somebody else’s fault.

MS GALLAGHER: No, it is not. I am not saying that. Everyone can go to the ACT Health website and see the waiting times for surgeons in particular categories. We as the public health provider cannot promote one doctor ahead of another. What we have done is publish their waiting times online. Patients are informed of that.

MR SPEAKER: Mr Hanson, before you ask your question I would just remind members of the opposition that I made it very clear during the last sitting period that constant hectoring during the minister’s answers is not an acceptable conduct of question time. Some level of intervention is obviously part of the practice here, but not constant hectoring.

MR HANSON: Minister, like the Chief Minister, do you believe Lachlan’s parents should simply stop whingeing about the long wait they are facing?

Mr Stanhope: I raise a point of order, Mr Speaker. That's a lie. I ask that the member withdraw that lie.

MR SPEAKER: Mr Stanhope, you are actually reaching a point of vexatiously using points of order. I think we have covered this matter. You have an opportunity at the end of question time. If you do it again, I will have to warn you for vexatious points of order.

Mr Stanhope: Well, I withdraw again. But I just make this point now: this has reached the point where—

MR SPEAKER: Mr Stanhope, this is not an opportunity for you to speak.

MR HANSON: Shall I ask my question again, Mr Speaker?

MR SPEAKER: Yes, please.

MR HANSON: Minister, like the Chief Minister, do you believe Lachlan's parents should simply stop whingeing about the long wait that they are facing?

MS GALLAGHER: Mr Hanson, Mr Stanhope did not say that. Indeed, with the beauty of the electronic age, I am sitting here reading the transcript of what Mr Stanhope said—and he did not say anything like that. I think the focus on—

Mr Smyth: He did. ABC said he did.

Mr Hanson: It's the context.

MS GALLAGHER: Well, the editorialising around the quote—now we get to it: the editorialising around the direct—

Mr Smyth: “Stop whingeing about wait times: Stanhope”.

MS GALLAGHER: Yes, and you will notice that is not in quotation marks directly attributable to the Chief Minister. That is a headline, Mr Smyth—a headline, it appears, that somebody has written.

The issue always to focus on is to make sure that people get access to their surgery based on clinical need within the capacity of the system, and I understand that that individual family is being supported to ensure that we do provide the surgery in the shortest time possible—and that is my focus.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you. Minister, why have you failed to reach an agreement to streamline elective surgery waiting lists in the ACT?

MS GALLAGHER: Because the surgeons do not agree. If the surgeons do not agree—and perhaps it is useful to go to the reasons why the surgeons do not agree—then I cannot force that change, because if I force the change—

Mr Smyth: Have you considered any other options?

MS GALLAGHER: We are always looking at how to improve the efficiency of the elective surgery program, but if I forced the pooling, which is not accepted in this territory, and has never been achieved under any government of any political persuasion, I should point out, I would shut down all surgery at both hospitals. Mr Smyth, I have weighed it up and I do not think that is a good outcome.

My preferred way forward is to meet with the surgeons—as I do, and we have a surgical task force that meets—and talk with them about how to improve people’s access to elective surgery. We have done the extra theatres; we have done the extra staff; we have done the extra operating hours. We have done those things, and now we need to move to the next stage of how to keep improving the efficiency of the list. And there are issues such as pooling. There are issues such as putting work out to the private sector, particularly in those specialty areas where the services that we offer at the Canberra Hospital could be offered in the private system and, where we do not have the staff necessarily at the Canberra Hospital to do that, we rely on VMOs to do that work. So there are other areas which we continue to investigate.

I note in Mr Hanson’s little issues paper the idea that you put work out to the private sector. We do that from time to time. But, again, it is not something that is supported by the surgeons.

MR SPEAKER: Yes, Mr Smyth?

MR SMYTH: Thank you, Mr Speaker. Minister, what legacy on waiting lists and waiting times will you leave to your successor?

MS GALLAGHER: The legacy at the moment is that we will be doing thousands more procedures, thousands, every year than the Liberals were ever able to do. And do you know why? It was not just your elective surgery program; it was the fact that you cut 114 beds. For those that live in the black and white world of the Liberal Party, the lazy, black and white world—

Mr Hanson: Mr Speaker, a point of order.

MR SPEAKER: Stop the clock, please.

Mr Hanson: The question specifically related to waiting times, not to the number of procedures conducted. If the minister could address the substance of the question—

MR SPEAKER: I think the question was about Ms Gallagher’s legacy, Mr Hanson. Ms Gallagher, you have the floor. There is no point of order.

MS GALLAGHER: Thank you. The legacy that this government has already established is more operating theatres, more staff, more beds, more intensive care capacity at both hospitals, more demand, more people being seen every year—almost 10,000 people being removed—and the waiting times reducing, the waiting times for access to elective surgery reducing.

You will find cases from time to time where patients are frustrated but let us just for a moment think about what happens at that hospital—indeed, both hospitals—every day. Fifty-three per cent of the surgical work, unplanned, unannounced, nobody knows what it is going to be for, nobody knows what kind of capacity needs to be created, nobody knows whether we need intensive care work—53 per cent of the work is emergency surgery being done, unplanned, five of the 10 theatres every single day. Yet we still improve access to elective surgery.

I think that is something that this Assembly should be proud of and I think the constant criticism and whingeing that goes on in this place by Mr Hanson is affecting people's morale. He, as shadow minister for health, needs to think about that. (*Time expired.*)

Tourism—autumn events

MS PORTER: Mr Speaker, my question, through you, is to the minister for tourism. Can the minister advise the Assembly of the successful tourism outcomes for the ACT from recent events, including the *Masterpieces from Paris* exhibition, and how the government's policies contributed to this success?

MR BARR: I thank Ms Porter for the question and for her interest in the tourism industry. Last year, in response to an approach from the National Gallery of Australia, the ACT government committed the sum of half a million dollars to partner with the gallery to bring the *Masterpieces from Paris* exhibition to Canberra. This commitment also included the ACT's new autumn event, which has involved an enhanced Canberra Festival and a range of special night time openings of the gallery through the hugely successful, and indeed sold-out, starry nights program which has occurred over the last four Fridays and Saturdays. Attracting visitors to the territory creates jobs, it grows our economy and it keeps a diverse economic base. The same great events and promotions that make Canberra a great place to visit also make Canberra a great place to live.

I can confirm that the *Masterpieces from Paris* exhibition has been a great success in every way. At the time of securing the event, the National Gallery estimated that the exhibition would attract in excess of 250,000 attendees. The estimate was that three-quarters of those would come from interstate or overseas. The estimated economic impact of the exhibition for the territory economy was \$50 million. These estimates were based on the impact of previous blockbuster exhibitions at the gallery, including *Turner to Monet* and the *Degas* exhibition.

Members would be aware that the exhibition was originally scheduled to run from 3 December last year to 5 April this year. It was very good news for the territory's tourism industry when the National Gallery announced last week that, due to

unprecedented demand, the exhibition will be now extended by a further two weeks, to close on 18 April. I am happy to advise the Assembly that attendance at the exhibition now well exceeds 320,000 people. The exhibition broke the old attendance record for the gallery of 241,770 and it broke that record on 26 February, some seven weeks before the exhibition will now close. Some quick estimates suggest that the economic impact of the exhibition for the territory economy will now be somewhere in excess of \$60 million.

The ACT government is committed to ensuring that Australian Capital Tourism delivers concrete economic outcomes for the people of the ACT. From day one the territory government has worked closely with the National Gallery to maximise the tourism and economic benefits of this major international cultural event. The National Gallery of Australia has leveraged the ACT government's marketing investment of \$500,000 by securing national media partnerships worth more than \$2 million, bringing the total of the interstate marketing campaign for this exhibition to more than \$2.5 million.

I would like to take this opportunity to put on record the government's thanks to Australian Capital Tourism and the National Gallery of Australia for making such a success of this exhibition. I am sure all members of the Assembly, even the whingeing, carping shadow minister, would agree that it is fantastic that so many people from outside the territory are enjoying our beautiful city this autumn and enjoying our cultural treasures. I am sure we are all grateful that they are spending their money in our hotels, in our shops and in our restaurants.

MR SPEAKER: Ms Porter, a supplementary?

MS PORTER: Thank you, Mr Speaker. Can the minister tell the Assembly how the people of Canberra have responded to these events?

MR BARR: I am happy to report that the community has responded very well to the *Masterpieces* blockbuster exhibition at the gallery. The hospitality industry is clearly very happy that we have had an estimated additional 240,000 people visiting Canberra over the period of the exhibition. I quote from no more authoritative a source than Steven Fanner, from the Australian Hotels Association, who recently observed that the exhibition is:

... clearly having an impact on the economy of the ACT and it's excellent that this decision has been made and that there'll be two more weeks of people coming from all over Australia to take advantage of their last chance to see these paintings before they leave the country.

As I mentioned earlier, the estimates now are that about \$60 million will flow into the ACT economy during the period of the exhibition. As everyone knows, more tourists to the ACT means more jobs for Canberrans. I was delighted to read the editorial in the *Canberra Times* last Friday, which said:

The flow-on economic benefits of the exhibition—to other Canberra tourist attractions, hotels and restaurants—have been considerable. There is no doubting that *Masterpieces* has been skilfully marketed, but the publicity is well justified. More than 95 per cent of visitors, most from interstate, have rated it as “impressive” or “very impressive”.

Indeed, the *Masterpieces from Paris* exhibition and the autumn event are only small parts of the ACT's tourism efforts. Through this period, Canberrans and visitors have had the opportunity to enjoy Flip-Art, the balloon spectacular, symphony in the park, celebrate in the park—all part of the expanded Canberra Festival. I am happy to report that autumn in Canberra is an embarrassment of riches for all interstate visitors and, indeed, for all Canberrans.

I put in a plug now for something coming up at Easter—the National Folk Festival, an Australian tourism award winning event.

MR SMYTH: Supplementary question, please, Mr Speaker?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, what is the relationship between this event and the long-proposed but still unsighted new autumn event?

MR BARR: This year marks the first year of the new autumn event. The theme is special night time openings, a partnership with our national institutions. This year it commenced with the National Gallery of Australia. And next year—we have already gone out to the national institutions. I met with all of the heads of the institutions at a luncheon, hosted by Therese Rein at the Lodge only a matter of weeks ago, to outline the government's proposal for the autumn event for 2011. And I am pleased to advise that with the distribution of expressions of interest we have already had five national institutions confirm their interest in partnering for the autumn event for 2011. The further details in relation to those institutions and the event will of course be announced in due course.

But, again, wouldn't it be terrific if there was a degree of bipartisanship in relation to this and we heard something more than the carping and whingeing that you get from the shadow minister for tourism, who has had nothing positive to contribute to the tourism debate in this territory for some years now. The industry knows it; the people of Canberra know it.

This government will get on with delivering on our election commitments and delivering the new autumn event. It started this year. There were sell-outs for each of the nights it ran. It was sold out for each of the nights it ran this year, and we look forward to the event growing in the years ahead. As I said at the start, Floriade started very small. Our goal is that the new autumn event will, over the next 20 years, rival Floriade and again promote autumn as a fantastic time to visit the national capital.

MR SPEAKER: Supplementary question, Mr Smyth?

MR SMYTH: Yes, Mr Speaker. Minister, could you please detail how an event run at the National Gallery by the National Gallery is the new autumn event for the ACT?

MR BARR: I said that this year's event, *Starry Nights*, which was developed in partnership between the gallery and Australian Capital Tourism, with funding provided by the ACT government, represented the start of the autumn events. The

theme is along the lines of many successful Northern Hemisphere late night festivals that involve special offerings of openings from the national institutions, that involve partnerships, events, special activities—

Mr Smyth: But you said there would be new national events and there have not been.

MR BARR: You are such a moron, Brendan.

MR SPEAKER: Mr Barr, I invite you to withdraw that.

MR BARR: You are just such a pathetic moron.

Mr Hanson: Mr Speaker—

MR BARR: If the shadow minister stops interrupting, I will respond to his question. He fails to understand—

Mrs Dunne: Mr Speaker—

MR SPEAKER: Mr Barr, I think that was unparliamentary. I invite you to withdraw.

MR BARR: I withdraw, Mr Speaker. In the minute remaining, I will go through this again for the shadow minister for tourism, who seems to suffer from a significant mental block in relation to this issue. The partnership with national attractions for special late night openings and a range of other events and activities, including concerts, food and wine and a range of other activities, started in 2010, this year, with a partnership with the National Gallery around the biggest tourism event this city has ever seen. In 2011, it will expand. We have already had five national institutions wanting to partner with us for the 2011 event.

The theme is around late night openings and special offerings, working with the national institutions. They are our major tourism drivers and we will provide a range of activities around those national institutions, including concerts, including food and wine, including an event hub, including a range of activities. We continue to work closely with the tourism industry, which is something that the shadow minister fails to grasp. (*Time expired.*)

Government—election promises

MR SMYTH: My question is to the Treasurer. Treasurer, you flagged recently that the ACT government might have to delay some election promises due to the government's financial position. What commitments have greater priority for implementation: the promises made by the Stanhope-Gallagher government at the 2008 ACT election or the promises made to the Greens under the Greens-Labor agreement?

MS GALLAGHER: Indeed, the government has not taken any decisions around the budget at this point in time. But all of the commitments we made as election commitments and indeed the commitments we have made through the parliamentary agreement remain important for all parties involved in that. We have had a meeting

with the Green members of the Assembly to talk through the budget and priority items for this year, and indeed individual ministers are identifying priority items for this year's budget, and that will mean potentially that some of those things that we would have liked to have done this year will not be being done this year. That is just in the context of the envelope that we have got available to us for a new spend in this budget.

Discussions are underway. But I would not rate—I do not think there has been any talk of a ranking of who is more important than whom. It has just been a generally mature discussion at this point in time. You guys were not involved—that is why it is mature.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Thank you, Mr Speaker. Treasurer, how long will the promises that you delay be delayed for?

MS GALLAGHER: I cannot answer that at this point in time as none of those decisions have been made. But if we do make decisions about putting some commitments on hold, we will be very clear about when we believe we will be able to implement them. That would be part of the announcement.

MR HARGREAVES: A supplementary question.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thank you very much. In the context of the budget promises and outcomes, has the Treasurer invited the opposition to give a list of savings options they may consider appropriate?

MS GALLAGHER: Thank you, Mr Hargreaves. We certainly invited—and indeed in this place I have invited them a number of times—the opposition to be involved in the budget, in putting forward a budget submission or indeed in having any briefings they would like about the budget. But at this point in time the opposition have declined, or have not pursued, any of those offers to get involved. Every time we talk about savings, the Liberal Party go, “But we had all these savings identified before the election two years ago.” But the problem that they do not go on to state is that those savings were to pay for their outrageous spending in the election. It was not actually to pay for anything new; it was just to cover the drunken spending routine that went on as part of the Liberals' failed—remember that—election campaign.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Minister, given your track record of breaking election promises, what confidence can the people have in any promises that you might make in future?

MS GALLAGHER: I am not sure what election promises were broken but the people of Canberra have elected this government a number of times now. I believe some of that has to do with the fact that they believe in us more than they believe in you. And

they believe in our ability to deliver and to lead this community, particularly in difficult times, which we are in now in terms of our budget.

I should say that it is our budget that is having difficult times. Our economy, of course, is going very well; it is very strong. And that is good news for the ACT.

Opposition members interjecting—

MR SPEAKER: Order!

MS GALLAGHER: Mr Speaker, it is increasingly difficult, as the boys get more rowdy, to answer their questions. My mother taught me not to shout over the top of people, which I try very hard not to do. Occasionally I have to respond to others. But it is increasingly hard to answer a question when there are five—actually, six—booming voices coming at me constantly.

Akron

MS BRESNAN: My question is to the Minister for Territory and Municipal Services and relates to the collapsed company Akron. Minister, what changes will the government make to ensure that the problems associated with the collapse of Akron are not repeated?

MR STANHOPE: I thank Ms Bresnan for the question. The collapse of Akron certainly creates some very significant issues for subcontractors that were employed by Akron to deliver projects, some of which were projects in which the government, through the LDA, has an interest. The LDA did have rigorous processes in place in relation to payment. In relation to tendering for work, the LDA does of course ensure, through the procurement arrangements that apply in the ACT, the highest demands or standards of tenderers. From time to time—and this is one of those instances—despite a rigorous tendering process, despite tendering processes that represent best practice in relation to the identification and letting of contracts, it is the case, sadly so, that Akron, a major Australian company, a company that has been in existence for many decades and has its base in Victoria, at the time it experienced the difficulties it did with cash flow, had something in the order of 160 projects for which it was currently contracted, including two significant contracts in the ACT: one with the LDA at Bonner and one with the LDA in a joint partnership with CIC at Crace.

The contracts—and this is the case across the board—in which the LDA was directly involved were with Akron. Akron then subcontracted, as is the way. It is difficult for any contractor of services then to deal with perhaps some of the flow-on implications in relation to priority of payments of a company that is failing and unable to meet its debts. In the context of guaranteeing payment, it has to be understood and appreciated that in relation to Akron the LDA was seeking and receiving statutory declarations, formal legal instruments, in relation to which there is a legal consequence to not being honest in relation to payments. As a matter of course, the LDA was seeking and receiving statutory declarations. At this stage I have not had or received any advice in relation to whether or not any misleading statements or claims were made in any of those statutory declarations. That is perhaps another issue and not one that I would comment on here in any event.

In terms of our arrangements, at the heart of the issue, perhaps, are the tendering arrangements. They are rigorous, they are transparent and they are demanding. Through that process Akron was successful. To the extent that a company that is contracted to provide service for the ACT does go into receivership or voluntary administration, or indeed liquidation, the law provides a quite rigorous, stepped process in relation to the consequences of that receivership or liquidation. The ACT government, of course, abides by the law and abides by those nationally consistent standards. We seek to represent best practice. I believe that we do and I have no advice, evidence or suggestion that in relation to the Akron contracts the ACT government, through the LDA, at any stage has done anything that does not represent best practice.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Thank you, Mr Speaker. Minister, in relation to Akron, what evidence beyond a statutory declaration does the government require to ensure that a company is complying with their legal obligations?

MR STANHOPE: The issue with the statutory declaration relating to Akron was very much in relation to payments, and payments to subcontractors. It was a condition applied over and above the normal regulatory inspection of any business or company's operations, particularly as they involve the community. There are a whole range of inspections and regulatory requirements that anybody performing the sort of work that Akron performed needs to undertake and be subjected to. As to the detail or the extent of those, Ms Bresnan, I would have to take advice, but of course there is a whole regulatory regime and we, of course, apply and comply with those regimes.

In the context of a failing company, the ACT government, as a contractor, behaves in relation to issues around receivership or administration or liquidation in exactly the same way as every other organisation or entity does that enters into a contract with an organisation that fails, in relation to the indebtedness and the debts that are left unresolved. We behave in exactly the same way as every other company or any other organisation or every other entity does.

Ms Bresnan, if at the heart of your question is a suggestion that the government or governments could adopt a different attitude in relation to bad debts of subcontractors that are contracted and with whom they engage, why or how is it expected that the government accept a different level of liability obligation over and above that of the broader contracting community? In other words, why would you expect, in relation to the payment of those debts, that there would be a different regime for governments as against every other contractor who contracts for services with a company that actually falls—(*Time expired.*)

MR SESELJA: Supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Chief Minister, when did the ACT government or its agencies first become aware of financial difficulties being faced by Akron?

MR STANHOPE: I thank the Leader of the Opposition for the question. I will have to take that question on notice, which I am happy to do, and I will provide that information for the Leader of the Opposition.

MS LE COUTEUR: Supplementary question, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, what responsibilities does the government retain for safety, in particular, and payment of subcontractors and workers during government work once a principal contractor is hired?

MR SPEAKER: Chief Minister, did you hear that?

MR STANHOPE: Yes, but I do not fully understand. Actually, it might be of assistance if Ms Le Couteur repeated the question.

MS LE COUTEUR: I will repeat it: what responsibilities does the government retain for the safety and payment of subcontractors and workers doing government work once a principal contractor has been hired?

MR STANHOPE: In relation to safety, I would have to take advice on the detail of issues around site safety and occupational health and safety and the responsibility of a contractor for site safety. But, once again, the primary responsibility, I am sure, Ms Le Couteur, falls on the contractor, the person who actually subcontracts, and the person engaged. But I am more than happy to get the technical details around responsibility for occupational health and safety issues, for instance, on a building site, and the degree to which the government as the hirer of services might ultimately be held responsible.

There is, of course—and I think it perhaps goes to the heart of the concern reflected in the questions asked on this matter—a legal obligation. There is always on government a moral obligation, which we accept. We accept our moral obligation by insisting on best practice in relation to any project that we are involved in in any way. I have no reason to believe that at any stage of the issue with Akron the government's role and behaviour at any stage reflected anything other than best practice.

So, in relation to safety, I will take advice, Ms Le Couteur, on the technical and legal aspects of occupational health and safety, but I think, as always, there will be a legal obligation and a moral obligation—and we accept both in relation to safety. In relation to payment, of course we have an interest, and we have reflected that interest over and above perhaps what we would accept in other contracts that we are involved in by insisting on statutory declarations on these projects. That was a reflection of some concern around the nexus. Once again, there is the other issue of what happens with the defaulting company, and the law determines that.

Public service—staffing

MR COE: My question is to the Treasurer. I refer to a statement by you, reported in the *PSnews* published online on 9 March:

We've taken some decisions in relation to the staffing freeze that's been imposed on the ACT Public Service for non-essential frontline services.

It was further reported on ABC Online that you had announced a hiring freeze for non-essential public servants. Treasurer, what exactly is a non-essential front-line service and how many are there?

MS GALLAGHER: I am happy to provide the member with the details we have provided to agencies around that. It is quite an extensive piece of information to guide agencies around the difference between essential and non-essential staff. Really, the decision we took in this instance was to send the message very clearly to our agencies that the business-as-usual approach will no longer be followed, that we are heading into difficult times, that savings do need to be made and that some of that pain could be ameliorated if additional staff are not put on in the meantime. It was just, I think, a responsible response to the sudden withdrawal of 10 per cent of our GST revenue. You cannot lose 10 per cent of your GST revenue and not, I think, take some of those immediate, necessary and responsible steps.

But agencies have been provided with detailed advice around what is essential and what is not essential. It is very easy to say front line is those in a service delivery role but it is not as clear as that. For example, you could use nurses, you could use teachers, you could use child protection workers, disability staff—all of those staff that need to be replaced and the work cannot go on without them. Indeed, there is a whole range of other staff that support that work—for example, someone in the finance area of the health department that pursues private payments and things like that. It is not black and white but advice has been sent out to agencies.

MR SPEAKER: Supplementary question, Mr Coe?

MR COE: Thank you. Treasurer, further to my earlier request, would you please advise what exactly is a non-essential public servant and how many non-essential public servants we currently have on the books?

MS GALLAGHER: I think the context of those questions was essential front lines—essential in the sense of delivering a service to the community. There are positions. It is always easy to go to the administrative side and say, “They are obviously not actually delivering that service—they are not pressing the X-ray button, injecting the person with medication, instructing a class full of students or supporting a person with a disability in the bath—and therefore they are not essential.” That is not the view the government has taken. We have sent out detailed advice that we believe that, if there are positions that do not need to be backfilled where someone else could pick up some of the work or work is not proceeded with, that is the sensible way to go forward for the short term.

We will have difficulty. I would have thought that the Liberal Party of all parties would have supported this kind of approach. There will be some very difficult decisions for the government as we work through this budget. Sixty per cent of our budget is essentially wages and labour, so unless we tackle that it is hard to find additional savings. This is hard, gruelling work. Nobody is happy to go down this

path, but this is what we are required to do. In the short term, we have put in place this process. Agencies feel comfortable with it and in a way it is protecting our existing workforce so that we can secure their jobs into the future.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thanks, Mr Speaker. Treasurer, what impact will this staffing freeze have on those service delivery areas that will be affected?

MS GALLAGHER: At this point in time, and perhaps when we have provided you with the memo that has gone out around that you will be able to see that we are protecting direct services to the community through this decision. We are seeking the expertise of our chief executives to manage the recruitment freeze within their own areas so that there is no impact on service delivery to the community. But if there are things that can be put on hold, if there are pieces of work that are not urgent and that do not need to be pursued—and we do not have a large workforce, for a government of our size. With just over 17,000 staff doing a range of jobs, I do not think there is much fat in our workforce. I think we have chopped out fat that existed before. We have looked for efficiencies. We have done the work that has needed to be done to make sure we are a lean, mean machine. But when you essentially have a second global financial crisis, which is the loss on our budget that the GST revenue will do, we have to go back and relook at all the measures that we need to put in place to ensure that we can deliver key essential services to the community and protect jobs at the same time, as a good employer does. They are the things we will be focusing on. They are the things we have been having discussions on, in terms of the budget decisions that the cabinet will make in the near future.

MR SMYTH: Supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, how long will this staffing freeze last?

MS GALLAGHER: It is to the end of the financial year at this point in time.

Education—Shaddock review

MR DOSZPOT: My question is to the Minister for Education and Training, Mr Barr. Minister, last December the review of special education in the ACT was made public. The review includes 68 possible options for the future of special education in ACT schools. Which of these options will you implement?

MR BARR: The government will release its response to the Shaddock review in due course.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Minister, how many options have been developed by your department and what time frame is in place for full implementation of these options in ACT schools?

MR BARR: Mr Doszpot obviously did not listen to my response to the previous question. I will release the government's response in due course.

MR SPEAKER: A supplementary, Mr Coe?

MR COE: Minister, which stakeholders have you consulted and what did they say in response to the review?

MR BARR: I will release the government's response to the Shaddock review in due course.

MR COE: Supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, why are you being so coy about the subject?

MR BARR: Because I will release the government response to the Shaddock review in due course.

Canberra Hospital—radiation therapy

MRS DUNNE: My question is to the Minister for Health. Minister, I refer to a recent case reported in the media on 2 March where a breast cancer patient repeatedly tried to seek answers from the Canberra Hospital about receiving radiotherapy. One of the quotes from ABC Online reads:

That was eight ... calls every day and none of them returned till finally I was having to get very upset at some poor administrative staff to be able to have the call put to their manager who then told me 'well we have a staff shortage' ...

Minister, she was eventually told she would have to travel to Sydney to receive the radiotherapy that she needed. Minister, why was the standard of communication with this patient so poor? And will you apologise to the patient?

MS GALLAGHER: I have already acknowledged that there were communication problems in that department during what has been a very busy time. I can certainly apologise to the woman—I think I may have already done it—and I think a number of staff have as well, because it is not acceptable to have that kind of response in terms of needing advice around your treatment. Indeed, it should not be up to administrative staff to provide you with that response.

Changes have been put in place and were put in place immediately to correct that and to make sure that patients got access to a clinician around advice for them about their treatment. There were a number of issues going on at the same time. There were certainly staff shortages.

The activity in the Capital Region Cancer Service in radiation oncology over the last 12 months has increased by 14 per cent. This translates into a 19 per cent increase for urgent patients needing treatment within 24 to 48 hours, a 23 per cent increase in semi-urgent patients that commence treatment within four weeks, a seven per cent increase in non-urgent category A patients and a 21 per cent increase in non-urgent category B patients.

On top of that, there were a number of breakdowns of one of our lin accs, the linear accelerators, Nos 1 and 2 during January and February. Despite these breakdowns, all patients that were booked for treatment on those days were seen. And this was the result of a number of radiation therapists working overtime to make sure people were seen.

The staffing issues and the recruitment were well underway. I understand 11 positions were offered. I think six of those have been accepted at this point. I think three have declined; they have got jobs elsewhere. Those staff will be coming on board very soon. I think one locum already has. There were around 20 patients referred interstate. It may have been a bit more. But if you look at that in the context of what has happened in previous years, in 2006-07, 31 patients were referred interstate; in the 2007-08 year, 35 patients were referred; and in 2008, 15 patients were referred.

We have become much more self-sufficient in our delivery of radiation oncology. Again, that is due to the investments that have been made in additional staff and the new machines working. We need to get the fourth linear accelerator in place very soon, particularly if these increases of 14 per cent are going to be sustained.

The staffing issues, the machines breaking down have certainly contributed to some of the issues faced in that area. But I know, again, people are working very hard to support individual patients.

We will always need to send patients interstate. We are never going to be a service that can provide 100 per cent of the care in the territory. And that is because of the nature of some cancers where we do not have the specialist treatment here. It is certainly the case for burns. It is the case for paediatric intensive care.

Twenty-five per cent of the people coming through radiation oncology are coming from New South Wales. So we do our bit as a regional provider, supporting regional New South Wales people. But a more urgent New South Wales person will get access at Canberra Hospital before a less urgent Canberra person. And that is the way the system works.

MR SPEAKER: Mrs Dunne, a supplementary?

MRS DUNNE: Yes, a supplementary question, Mr Speaker. Minister, what have you done to ensure that this situation of people's calls not being returned is not repeated? What procedures are now in place so that radiotherapy patients know what their treatment will be and when it will be?

MS GALLAGHER: The steps that are being put in place immediately are that the clinicians are responsible for speaking directly with the patients if there is a delay or if there is any change to the treatment that they were offered. I think that is best, because the admin staff do not have the clinical knowledge or background to provide the information to patients if there is a change. That is the first thing.

The second thing, of course, is building up our integrated cancer centre service, which we are doing with a new building but also in the service that is offered, which is to pull together all cancer services that are currently run out of the Canberra Hospital, and indeed by the non-government sector, to ensure that we have a system where cancer services are wrapped around the patient, not the patient having to pursue different treatment options from different specialities.

At the moment if you need to go to haematology, you go to one area of the department of the hospital. If you need to go to oncology, you go to another area. If you need chemotherapy, you go to another area. That is the way that cancer services have developed over time, but it is no longer the preferred model for delivering cancer services. That is why we have successfully lobbied for the integrated cancer centre and all of our preparations are going into making sure that that service actually wraps the treatment required around the patient.

In relation to whether or not I can promise that no patient will be sent interstate, I cannot promise that. It is a judgement made by clinicians on consultation with their patients about access to care. If someone presents today and needs urgent treatment tomorrow then that may actually bump someone who does not need urgent treatment tomorrow, or that person may be offered a spot interstate. That is the way the system works. We get referrals from Victoria.

MR SPEAKER: Supplementary, Mr Hargreaves?

MR HARGREAVES: Thank you very much, Mr Speaker. Isn't it true, minister, that there is a chronic shortage of radiotherapists and isn't it true that in the term of the former Liberal government there was a shortage because they were headhunted by New South Wales Health to Wagga? And did the Liberal government of that day apologise to people in the ACT?

Mr Seselja: Mr Speaker, multipart supplementary questions—I seek your ruling.

MR SPEAKER: Mr Seselja, there is no point of order. Whilst it would seem likely—your point—and that is why I had to think about it, it actually requires precise and direct terms for the supplementary questions, and I think Mr Hargreaves was reasonably concise in his question.

MS GALLAGHER: I thank Mr Hargreaves for the question. The issue of the workforce is a critical one, and there are staff shortages in our unit. Indeed, radiation therapy staff are very highly sought after and in demand. In this case, two of our radiation therapists retired and another four junior radiation therapists got work interstate, as I understand it.

I should say, though, that the capacity that has been created by having our three linear accelerators on line—and remember that that was a \$30 million project that was built on time and under budget—and the extra staff that we have in place have meant that until January this year, for the 12 months prior to that, not one patient was referred interstate for reasons of waiting list delays. That shows that, with the capacity we have created and with the extra staff, we are moving to improve all of that. If you look at that, we have gone from 31 patients regularly being transferred interstate in 2006 to none for the 12 months to this year. Yes, we are undergoing a couple of months of pressure, but I understand, and I am advised, that, once the staff are in place and with three machines working, it will be much better on track in terms of looking for alternate venues for people to get their treatment if they are not able to be treated on time. I know that the unit down there is working very hard to minimise any disruption to people's lives and look at how we can support them.

MS BRESNAN: Supplementary question, Mr Speaker?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, will there be a risk management plan put in place around staffing so that if this situation does occur again we do not have the same outcome?

MS GALLAGHER: In short, yes. The recruitment process was well underway before the two planned resignations, which were the retirements. The thing that I think compounded the problem was that we had four sudden resignations that were not seen. If we had only had the two planned resignations, the rest of the workload could have been managed with the complement of staff that was left. But, when we lost an additional four—and they only had to give two weeks notice—that did compound the problems in February.

So, yes, we are looking at all of that and changing the systems as they need to be changed. But I am very thankful that a wide selection process was well underway because it has meant that we have been able to replace—and, as I said, I understand six staff have accepted offers to come and work at the Canberra Hospital. And we will continue to recruit for some additional positions on top of that.

Community services

MR HARGREAVES: My question is to the minister for community services. Can the minister please inform the Assembly about the schools as communities grants funding program?

MS BURCH: I thank Mr Hargreaves for his interest in schools as communities. The schools as communities program delivers individual, family and group work to children who are vulnerable in selected primary schools across the ACT. The program uses an outreach model with skilled professionals that are linked to identified primary schools.

The strategic projects funding program has been an integral part of the schools as communities program since 2001. The overall objectives of the strategic projects are

to improve social and educational outcomes for vulnerable children and their families. This work is done through the development of partnerships and collaboration between families, schools, health and community service agencies.

The strategic projects program has a focus on funding projects that can demonstrate their capacity to build family resilience and reduce risks to children. A total of \$55,000 is allocated to the funding programs each year. Applications are invited from all ACT government and non-government schools and community groups who are committed to the program's objectives.

Applications are assessed on their capacity to target vulnerable children and their families, seek to reduce risk and increase protective factors, focus on early intervention and prevention, promote schools as sites for strengthening families and communities, and develop partnerships and linkages.

Each individual project can be funded to a maximum of \$5,000. I am pleased to announce that the 2010-11 funding round opened this week, on 15 March, and closes on 30 April. I encourage schools and community groups to consider applying for funding.

MR SPEAKER: Mr Hargreaves, a supplementary?

MR HARGREAVES: Yes, thanks very much, Mr Speaker. My supplementary to the minister is: could the minister expand on what initiatives have emerged from the 2009-10 schools as communities grants round?

MS BURCH: I thank Mr Hargreaves for the additional question. Many impressive initiatives have emerged from this program. In particular, I would like to mention a few in my own electorate of Brindabella. An example of a program that was funded in the 2009-10 round is the butterfly effect program, which was led by Wanniasa and the Wanniasa Hills primary school. This program offered a series of workshops to year 5 and 6 girls, established to provide information and access to: art as therapy through the Princess Diaries; friendship groups and peer pressure through Forever Friends; relaxation, visualisation techniques, massage and managing stress through Chill Out, and negative stereotyping, sexism and media images through Love the Skin You're In. Seventy students attended with assistance from school staff and the schools as communities worker. Very positive feedback has been received from those students who attended.

Both schools were also successful in receiving funding to offer the boys a program entitled Boyz Group. This will be run in late March of 2010 and the Boyz Group will be a one-day workshop at each of the schools, addressing:

- self-esteem and self-concept;
- puberty;
- communication;
- anger awareness and personal strategy planning;
- peer group pressure;
- Who's the man? What does it mean to be a man? Who are our role models?

- body image and media stereotype;
- how to help a mate; and
- goal setting.

These are just a few of the successful initiatives that were granted in 2009-10 and I hope that the next round will prove just as fruitful.

MR SPEAKER: Ms Porter, a supplementary?

MS PORTER: Thank you, Mr Speaker. Can the minister tell the Assembly how the schools as communities program is going?

MS BURCH: I thank Ms Porter for her interest. The schools as communities program works out of the Gungahlin and the Tuggeranong child and family centres. The program works across 17 primary schools in the ACT. The workers work with schools and families to improve outcomes for children. They do this by identifying, developing and strengthening links and partnerships between family homes, schools and local services. The workers are all professionally trained to work with families and children.

The schools as communities program recognises that the early years of a child's life are critical for ensuring their long-term social, emotional and development wellbeing. The program understands that families have the greatest impact on a child's development and growth. This means that programs need to work with children and their families. The schools as communities program also recognises that parents and other caregivers need support to acquire skills and knowledge to help their children to reach their full potential, particularly where children are from socially and educationally disadvantaged backgrounds.

School-linked services increase the opportunities for families to access services that are not ordinarily accessed. Every community has strengths that can be mobilised and the program actively seeks to do this. What this means on the ground is that families can drop in to see a schools as communities worker at their school to talk about the parenting hurdles, and access a wide range of supports that assist them in their parenting role.

Schools as communities workers are able to work with individual children and their families on a one-to-one basis. In addition, schools as communities services develop community-based activities, such as homework clubs, breakfast clubs and targeted school holiday programs which bring together families, school and the community sector.

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

Personal explanation

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait

Islander Affairs and Minister for the Arts and Heritage): I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Yes. Before you start, I will clarify the rules around standing order 46. The matter must be personal to the member and the explanation confined to the matter that is personal to the member and should not be debated or should not be used to commence a debate. And for the benefit of all members, I would remind you that, if any member giving a personal explanation should wish to go beyond the terms of a personal explanation and enter into a debate on the matter or take issue with another member, the leave of the chair will be withdrawn.

MR STANHOPE: Thank you, Mr Speaker. I take note of what you said. I will comply strictly with the standing order and I will leave any further interventional statement to another occasion.

I have been misrepresented in question time today. A number of members of the opposition made claims about what I said on the ABC a week or two ago in relation to, they were claiming, waiting times for elective surgery. At no stage was the comment that I made related to elective surgery at all; it was made in relation to waiting in accident and emergency with one of my children.

I had said that I had personal experience of accident and emergency in public hospitals in the ACT. It did involve my youngest son who suffered a grievous cut to a finger, to the bone, and I took him to accident and emergency early in the evening and he was finally treated at around 4 am. And this is what I said on the ABC. But I did not complain and I did not object, because I knew my children, on those instances where I have sat in the waiting room, from 6 pm until 4 am, as I did one day—and I have no complaint; I did not whinge; I accepted it; and I expected it as part of a system—

Mrs Dunne: And the clear implication is that anyone who complains whinges: “You whinge.”

MR SPEAKER: Order! The Chief Minister is to be heard in silence.

MR STANHOPE: I was there with my son until 4 am. I did not whinge; I accepted it and I expected it as part of a system that is delivering incredibly good care to this community.

I might just say, by way of conclusion, the reason that my son kept getting shifted down the list was as a result—and the minister went to this—of other people coming into accident and emergency who were triaged as more urgent than my son and, in the majority of cases, I have to say they were babies with pneumonia and other very significant issues and the nursing staff and the doctors triaged them. That is why I say I accepted it and I expected it. I accepted it because there were others with a greater need. But at the end of the day, my heartfelt thanks as a parent were because I knew that my son was in good hands and even the discomfort of waiting eight to 10 hours was nothing in the knowledge of the excellent care that I knew my children received in accident and emergency in our public hospitals.

That is what I said, and I have been grievously misrepresented by members of the Liberal Party today in relation to this matter.

Papers

Mr Speaker presented the following papers:

Standing order 191—Amendments to:

Children and Young People Amendment Bill 2009 (No 2), dated 2 March 2010.

Construction Occupations Legislation Amendment Bill 2009, dated 2 March 2010.

Human Rights Commission Legislation Amendment Bill 2009, dated 1 March 2010.

Surveyors Amendment Bill 2009, dated 1 March 2010.

Commonwealth Home Insulation Program—

Letter to the Speaker from the Attorney-General, dated 3 March 2010.

Documents (various) held by the ACT Government.

Mr Stanhope presented the following papers:

Trans-Tasman Mutual Recognition Act, pursuant to section 7—

Trans-Tasman Mutual Recognition (Commonwealth Regulations) Endorsement 2010 (No 1)—Notifiable Instrument NI2010-71, dated 4 February 2010.

Trans-Tasman Mutual Recognition (Commonwealth Regulations) Endorsement 2010 (No 2)—Notifiable Instrument NI2010-122, dated 10 March 2010.

Ms Gallagher presented the following papers:

Gene Technology Act, pursuant to subsection 136A(3)—Operations of the Gene Technology Regulator—Quarterly report—1 July to 30 September 2009, dated 25 November 2009.

Long Service Leave (Portable Schemes) Act—Long Service Leave (Portable Schemes) Employers Levy Determination 2009—Disallowable Instrument DI2009-256—Revised explanatory statement.

Commissioner for Sustainability and the Environment Report and government response

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.28): For the information of members, I present the following paper:

Commissioner for the Environment Act—Commissioner for Sustainability and the Environment—Report on ACT Lowland Native Grassland Investigation—Government response.

I move:

That the Assembly takes note of the paper.

I am pleased today to table the ACT government response to the report on ACT lowland native grassland investigation undertaken by Dr Maxine Cooper, the ACT Commissioner for Sustainability and the Environment. The government commissioned the report because of concern that our native grasslands were deteriorating. In terms of size and the threatened animals they support, the ACT grasslands are amongst the most important remaining in Australia. They are a key component of the ACT's biodiversity and the government is committed to their protection.

Confirming our concerns, the commissioner found that, of the 50 remaining native grassland sites, 30 were either in a critical condition or approaching a critical condition. The key causes of deterioration were weed infestation, inappropriate mowing, and overgrazing by kangaroos, rabbits and stock. The commissioner recommended 41 on-the-ground, urgent actions at 26 sites. Five of these sites are on commonwealth land.

Both the ACT and commonwealth governments responded to these urgent recommendations as a matter of priority, and the condition at most sites is now improving. Thirty-four of the urgent recommendations have already been or are being implemented. The other seven actions were considered and will either be implemented in part or when funds are available, were found not to be necessary or, in one case, could not be implemented because of public safety concerns.

The commissioner recommended that, where possible, all 20 high-conservation or category 1 grassland sites should be reserved or placed under conservation management. Half the sites, comprising 44 per cent of all remaining lowland grassland in the ACT, are already part of the conservation network or are under conservation management. The future of a further five category 1 grassland sites, around a quarter of all remaining lowland grassland, is the responsibility of the commonwealth government.

In line with the recommendations of the commissioner, the government will be collaborating with the commonwealth to seek appropriate management of these grasslands. While we support in principle the conservation management of these lands, it is a commonwealth responsibility to implement and fund the conservation management of these areas.

The long-term future of four other category 1 sites, at Callum Brae, Majura West, Harmon Bonshaw North and Harmon Bonshaw South, is being addressed within the eastern broadacre planning project being undertaken by the Planning and Land Authority. Protection of significant grassland is a key matter of this investigation.

Category 1 grassland at Caswell Drive will remain as a rural lease, with an increased conservation focus within a revised land management agreement.

The report makes a further 29 recommendations on a range of areas, including ACT and commonwealth legislation, agreements between the commonwealth and ACT government agencies, management and operational plans, rural and agistment lease processes, clarifying land use, community involvement and resolving heritage status. These recommendations seek to ensure effective long-term management of our grassland and will generally be implemented.

Of the 29 long-term recommendations, 13 are fully supported. Seven are supported in principle and another four recommendations are supported in part. In particular, weed management and appropriate mowing practices will be given priority, while management will be informed by improved monitoring, be adaptive to changes and include ecological burns as a management tool. There will be a focus on implementing a strong culture and formal process of compliance, monitoring and enforcement of land management agreements. The government is also supportive of recommendations aimed at raising community awareness, such as the holding of a grassland forum and improved exchange of information.

The 11 recommendations relating the Belconnen naval transmission station are largely a matter for the commonwealth. Seven recommendations have been implemented, while the remaining four have been partially implemented. The ACT considers that the bulk of these lands should become a conservation reserve.

Finally, I would like to thank the Commissioner for Sustainability and the Environment, Maxine Cooper, for the thoroughness and clarity of her report. It is an important guide to the long-term sustainability of our native grasslands, and the government is committed to its direction and implementation. I commend the government response to the Assembly.

Debate (on motion by **Mr Rattenbury**) adjourned.

Independent Competition and Regulatory Commission Report 4 of 2010

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.33): For the information of members, I present the following paper:

Independent Competition and Regulatory Commission—Report 4 of 2010—
Final Report—Electricity Feed-in Renewable Energy Premium: Determination of
Premium Rate, dated March 2010.

I move:

That the Assembly takes note of the paper.

I am pleased to table in the Assembly today advice received from the Independent Competition and Regulatory Commission on the electricity feed-in renewable energy premium: determination of premium rate for 2010-11. The ACT electricity feed-in tariff scheme is aimed at supporting ACT households and small businesses and applies to generation facilities of no more than 30-kilowatt capacity.

The scheme commenced on 1 March last year and, since then, more than 1,500 Canberra households are now participating in the scheme. The scheme is open to all ACT electricity account holders, with the exception of most commonwealth and ACT government agencies, and pays a premium price for every unit of renewable energy produced from solar or wind technologies.

Under section 10 of the Electricity Feed-in (Renewable Energy Premium) Act 2008, I am required to seek the advice of the ICRC in determining the premium rate to be paid to generators of renewable energy under the feed-in tariff scheme. The premium rate is to be set by disallowable instrument each year not less than three months before the beginning of that year. That is a financial year. I am also required under the act to present the ICRC advice to members of the Assembly within three sitting days of its receipt by me.

I sought the advice of the ACRC in December 2009 on determining a premium rate for 2010-11 and for the development of an ongoing model for reviewing future prices. The ICRC released a draft report for public comment in February 2010. Following the comments received, the ICRC reviewed its recommendations regarding the premium and released their final report, which I have tabled today.

The report suggests a decrease in the premium price to 45.7c per kilowatt-hour, a reduction of about 8.7 per cent on the current level; that this price be set for a period of two years to create investor certainty; and that the existing 80 per cent premium price applied to generators over 10 kilowatts and up to 30 kilowatts be removed to further encourage small business participation in the scheme. I will be taking these recommendations into consideration when I make my determination of the premium rate later this month.

MR RATTENBURY (Molonglo): The Greens strongly support the ACT's feed-in tariff scheme as an effective mechanism for providing an incentive to encourage private investment in renewable energy generation by delivering certainty to investors in the form of a guaranteed price over a fixed time. We also consider the feed-in tariff a key driver in stimulating industry growth in renewable energy generation.

With regard to determining the future premium price, the Greens supported the general thrust of the draft report from the ICRC that the premium should be set at an "amount that is required to provide sufficient incentive to make the installation of renewable generation attractive against other similar risk-free investments". However, we encourage the return on investment to be slightly higher than the standard return on a cash investment. In essence, we would prefer that people invest their money in solar panels rather than simply putting it in the bank. We also support the premise that the premium price should be set at a level that does not excessively impact on the rest of the economy, nor provide excessive profits for those who do invest in renewable energy generation.

With regard to setting the level for systems under 10 kilowatts, the Greens were concerned that a dramatic cut in the premium rate only 12 months after the introduction of the scheme could have undermined public confidence in its operation and could precipitate an element of the boom-bust cycle that has so plagued the development of the renewable energy industry in Australia. We accepted that the level of adjustment of the tariff is warranted for smaller systems but the 37c per kilowatt-hour as was proposed in the draft report for the next premium period was potentially too dramatic and too disruptive for industry and consumer confidence.

In light of that, we are pleased that the commissioner's recommended adjustment to the premium rate was more moderate but also acknowledge that the increase in the federal government subsidy has left the return on investment for 1.5-kilowatt systems, as an example, in better shape than it was when the premium rate was at 50.05c.

With regard to systems between 10 kilowatts and 30 kilowatts, I think the good news in the commissioner's report is the acknowledgement that the rate of return for larger systems was adversely affected by the legislation, which means that systems between 10 and 30 kilowatts are receiving a significantly lower rate of return. The Greens were fearful that the recommended premium price in the draft report of 37c per kilowatt-hour would actually prevent the installation of larger scale systems of between 10 and 30 kilowatts. Indeed, we had already heard feedback that investments were being put on hold because the draft report indicated that 15 and 30-kilowatt systems were not financially viable.

The commissioner has acknowledged that the level of subsidies to smaller systems effectively skews the rate of return and has recommended that the minister revisit the percentage rate of 80 per cent for larger systems. Of course, that would be a legislative change that should be considered when the feed-in tariff is extended later in the year. Broadly, the Greens support establishing premium rates for different sized systems and technologies that effectively equalise the rate of return at a similar level for each of those sized systems and technologies.

It is of note that larger renewable energy companies are generally looking for a rate of return in the vicinity of nine to 12 per cent to cover operation costs, cover the risk on investment that comes with a larger scale project and to deliver a financial return. Currently the rate of return on 10 to 30-kilowatt systems falls well short of that, based on the modelling that the ICRC has provided.

For very large systems over 30 kilowatts, this is saying that the government will need to take that into account when we move forward in considering stage 2 of the feed-in tariff. As such, the Greens recommend that the government request modelling from the ICRC that makes clear the return on investment and proposes rates for different sized systems that attempt to equalise this return prior to establishing the premium rates for stage 2 of the feed-in tariff.

We are also pleased that the commissioner has recommended setting the price for two years to provide extra stability to the market. Again, we think that stage 2 might well necessitate locking in the premium rates for longer than a one-year period to ensure stability for industry and certainty.

We welcome the ICRC's report on the premium tariff rate and look forward to seeing the minister's decision in regard to the premium tariff for the year ahead.

Question resolved in the affirmative.

Catholic education

Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Speaker has received letters from Ms Bresnan, Mr Doszpot, me, Mr Hanson, Mr Hargreaves, Ms Le Couteur, Ms Porter, Mr Seselja and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Mr Smyth be submitted to the Assembly, namely:

The role of Catholic education in the ACT.

MR SMYTH (Brindabella) (3.42): It is an important issue, the role of Catholic education in the ACT, and we put forward this matter of public importance particularly this week because it is Catholic Schools Week.

Mr Barr: Indeed. Hear, hear!

MR SMYTH: And I acknowledge the "hear, hear" from the minister. It is good to see that he supports and believes in Catholic education and Catholic Schools Week.

The main aim of Catholic Schools Week is to raise awareness and celebrate the strength and distinctiveness of Catholic schools. The theme for Catholic Schools Week 2010 will be "Open your minds, open your hearts". And it is very important in a system like ours where there is choice in the system, and, given that we have fundamentally a good government education system that is complemented by the independent schools, that we do understand the size and the nature of that.

Given that we have not got the 2010 census yet—but I am sure it is not far away—the February 2009 census shows that there were 64,380 students attending ACT public and non-government schools. Of these, 38,280 were in government schools. There were 26,100 students attending the 44 non-government schools, which is about 41 per cent of our student population. Of those 26,000, something like 17,400 were in the Catholic system, both systemic and non-systemic, which is about 27 per cent of our students and a significant proportion. So it is important that we understand what goes on in the non-government sector, and in this case the largest part of the non-government sector, the Catholic system.

The theme this year for Catholic Schools Week is "open your minds, open your hearts". The website says:

Since the first Catholic schools were opened in Australia in the early nineteenth century, they have become known as places of both learning and outreach. This theme should allow schools to choose activities that highlight the wonderful

teachings and learning that takes place every day, while also drawing attention to the support given to the more vulnerable or disadvantaged members of our communities.

As a parent returning to the education market this year at the Catholic preschool at Holy Family school, Gowrie, it is of particularly big interest, as it always has been, to me.

I will give some of the examples of activities in Catholic Schools Week that happened in the ACT last year. Good Shepherd primary school in Amaroo had an awareness-raising session about the opening of the new school at Harrison, the Mother Teresa school. A challenge match was staged between representatives of the Brumbies, the Raiders and the Capitals and the students from Good Shepherd and Holy Spirit. The challenge involved some physical tasks followed by a quiz. St Francis Xavier College of Florey celebrated by members of that school writing a brief statement about the things they loved about being part of the Catholic school community, and these were read out during activities during the week.

What we can look forward to this year around various schools around the ACT are events like an open day at St Vincent's primary school at Aranda and a community breakfast at Aranda as well. We will see things like Catholic Schools Week liturgy and Harmony Day themes. There will be community days at places like St Francis. St Joseph's primary school is having a whole school trivia game and an open day. Some schools are even letting politicians visit, and I see listed on the website of St Thomas Aquinas primary school that Mr Doszpot visited yesterday, I understand. I am sure he will attempt to tell us what was achieved there.

Given that range of schools and that large population that we have in our Catholic schools, it is very important that we celebrate. With the entry last year of Catholic preschools into the ACT, it is possible now for a student to spend their entire education time in the Catholic system. My daughters, who are now well past school, spent their time at Saints Peter and Paul at Garran, at Holy Family at Gowrie and at St Clare's. My stepson went to Marist and went to Lake Tuggeranong college. That transition that some parents make in and out of the system is also very important and it is important that we understand that effect as well.

It is important to also understand some of the history of this. There are quite a number of Catholic schools not just in the ACT but, for instance, around New South Wales. Again from the website, around 690,000 students attend a Catholic school in Australia. This is an increase of more than 110,000 students since 1985. Currently, there are 615 Catholic schools in New South Wales and the ACT, educating around 24,000 students. It then goes on to list them by archdiocese, so for instance in the Canberra and Goulburn archdiocese there are 55 systemic schools and three congregational schools educating just under 25,000 students.

The website also mentions some of the history, and I think it is very important to understand the history, particularly given that in the 60s it was a Menzies government that commenced state aid. Some of the things that the website does discuss are:

Since the 1960s both the Federal and State governments have been important providers of funding for the education of students in NSW and ACT Catholic schools.

The Australian taxpayer and parental contributions fund Catholic systemic schools, with the State and Federal governments providing about 80 per cent. The remaining 20 per cent comes from parents in the form of school fees, building levies and other charges.

Even after fees paid by parents are taken into account, there is a significant 'resource gap' between Catholic and State schools.

Fees charged by Catholic schools vary according to the diocese and type of school.

It goes on to say a few other things. If you were from a big Catholic family like I am and you were one of 10 kids, if you were lucky enough to have four kids in the same school at the same time the fourth kid was free. I was very pleased not to be a burden on my parents as the fourth child! I say that with a bit of a chuckle, but it is important, and the website points out:

Discounts generally apply for the second and third child attending systemic schools. A family's fourth child and subsequent children are waived from annual fees.

So I was lucky enough to be that free kid—not a burden on my parents—for just a little while in primary school. But it does go to the heart of a very serious issue and I would just like to put on the record my appreciation for all the parents that are involved in the Catholic school community. Without them, that community would definitely struggle and perhaps even cease to exist. I look at the efforts that my parents went to for me as one of 10 children. Mum and dad forwent so many things so that each of us could go to a Catholic school, because they saw it as very important that we got, primarily, the Catholic education that was on offer there. Again, the website goes back to that:

Religious Education is an important component of the curriculum in Catholic schools. All Catholic schools are required by the Bishop of the diocese to implement a Religious Education program which is based on the teachings of the Catholic Church.

For those that seek that choice, for those that seek the reinforcement of what they believe in, we are very lucky in the ACT. The recent announcements concerning the Islamic school are an example of that. If you are of a faith and you wish to follow that faith and to assist your children in understanding that faith, the opportunities are there. That is certainly something that I am very grateful for and I would hope that my children will be very grateful for it as well, and indeed all the children who attend these schools.

The website makes quite clear the profile of the students in these schools. It is interesting and it should be read. It says:

The community profile of NSW and ACT Catholic schools is very similar to State schools in that they cater for students with special needs, indigenous students, students from diverse linguistic backgrounds, and students from rural and remote regions.

I think we would all be very supportive of that.

It is a very important part of our education system. I think it does need to be said, though, that the Catholic Education Office, through the Catholic Education Commission, have put forward a budget submission, as most of the independent groups do. At this stage the Catholic system still receives the lowest level of funding support from any government in the country. They are very grateful for the support that they get but I note in the submission to the ACT 2009-10 budget—I have not seen the submission to this year's budget—they do put to the government and the minister a number of gentle reminders under a heading "ACT Government Budget Commitments":

The Stanhope Government is reminded of the following commitments to non-government schools made in the lead up to the 2008 ACT Election:

An additional \$4.1m over four years will be invested in Catholic and low fee non-government schools to provide more support for students—

Mr Barr: It was in last year's budget.

MR SMYTH: If you would let me finish—be patient; you jumped too early, Minister Barr.

Mr Barr: Okay. You are going to say nice things about me. Sorry; you will have to forgive my—

MR SMYTH: You jumped too early, Mr Barr, as so often you do. I will not steal your thunder, but it is important to put these on the record:

An additional \$4.1m over four years will be invested in Catholic and low fee non-government schools to provide more support for students with a disability, from disadvantaged backgrounds and for those performing below national standards.

Funding of \$2.5m over the next three years as information technology grants for Catholic and non-government primary schools.

A one-off \$15,000 grant to each parent group or association to be spent on school-based projects.

Access to teachers for the proposed INSPIRE and NCL&L Centres.

Remember that this is last year's submission. It goes on to say:

The CEC recognises that all governments are facing trying financial times but a high quality, well-funded education system, government and non-government, is considered vital for the long term benefit of our country. It asks the Stanhope Government in the 2009/10 Budget to ...

I will leave it to the minister. He can detail which have been achieved and which are coming this year. I am sure he would love to tell us which will be completed, particularly in the coming year. It asks the government to:

honour its commitments ...

progressively increase the per capita grant funding pool for non-government schools ...

apply an appropriate ACT school standard cost as the index for per capita grant supplementation ...

So there is some work to be done. I am sure the minister will stand and tell us of his support for all schools in the ACT education system. It has been lacking in recent years; we have actually only ever had a minister for government education. So if we hear a commitment from the minister that he is actually the minister for all schools and all the students in the ACT that would indeed be refreshing.

It does go to the heart of the difference between the government and the non-government schools, and inside the non-government schools the independent schools and the Catholic system, and at the heart of it is the religious education. There are a number of suggestions and if people are interested they can go to the website and see some of the suggestions for liturgy that are on the website.

I was very pleased when my almost-four-year-old came home the other day and told me that he had visited church, he had not found God there but he was still looking; that was quite curious from an almost-four-year-old. But one of the things they do is take the children to church and include them in liturgy. Indeed, in every way they dedicate their days to the study of the Lord.

I might finish with a thing on the website called the "Catholic Schools Week Prayer", which I think summarises better than I could what is trying to be achieved in our Catholic education system here in the territory. The prayer simply goes like this:

Dear Lord,

You are the greatest of all teachers.

During this week, we give thanks for the wonderful teaching and learning that takes place every day in Catholic schools.

We thank you for

the wisdom and understanding of teachers ...

the enthusiasm and energy of students ...

the leadership of our school Principals and Executive staff ...

the support and partnership of parents, carers and local communities.

We pray that our learning journey be inspired by a search for your wisdom and truth.

We pray that we never take for granted the learning opportunities that we have been given, and that we use the gifts of learning wisely and responsibly.

We ask that we use what we have learnt to create a better world for all people, particularly the most vulnerable and disadvantaged.

We ask this through our Lord Jesus Christ, your Son, who lives and reigns with you and the Holy Spirit, one God, for ever and ever.

Amen.

Madam Assistant Speaker Dunne, I do not think I need to tell you this, but certainly we as an opposition are dedicated to improving the lot of the Catholic system, but we

are also dedicated to improving the lot of the other independent schools and all of the government schools. Proposing this MPI should not be seen as or taken to be to the detriment of the other sectors or as putting one sector over the other. It is just an important week that happens to be occurring this week while we are sitting and I would simply like to compliment all the staff, and particularly the teachers, in the Catholic education system, as indeed we would compliment all of the staff and all of the teachers that look after any student in the ACT, no matter what school they are in or where they go to school.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (3.56): I thank Mr Smyth for raising this matter today. The government's fundamental view on the role of Catholic education is simple—that is, to provide excellent education for all of the children who choose to learn in our Catholic schools. As I have said in this place many times, the old public versus private debate in education is over, and I reiterate that, as minister for education, I am the minister for all students in all schools.

This government's vision for our Catholic schools can be stated in four words: fair funding, full independence. That is it summed up. The British historian R H Tawney famously wrote:

Opportunities to rise are [no] substitute for a general diffusion of the means of civilisation.

I think it is fair to say that the unique virtue of education is that it abolishes this trade-off. Great education provides fairness for all and opportunity for those who take it. Catholic education in Australia has done this from its first days. The successful transition of Australia's Catholic community from an immigrant underclass to a leading role in our society is due, above all, to the success of Catholic education.

I am reliably informed that Australia's first Catholic saint, Mary MacKillop, was, indeed, a Catholic educator, and some say that the unofficial motto of her order of nuns is "To teach the poor and fight the bishops". So this is a most welcome opportunity to discuss what is a very real matter of public importance—the role of Catholic education in the ACT.

In the public and political debates about funding, safety, websites and work conditions, we must never lose site of the most important work of schools—that is, teaching and learning. I am delighted in the many ways in which the ACT government is able to support our Catholic schools in teaching and learning.

The most significant change to the way that we teach and learn in ACT schools in recent years has been the development and implementation of the new curriculum, every chance to learn. This profoundly important piece of work has changed what students learn in our schools. Under every chance to learn, we have ensured that all Canberra children, from preschool to year 10, have a consistent curriculum framework—that is, all children in all schools. This is a huge step forward and certainly could not have happened without the significant cooperation of all school sectors, including Catholic schools.

This was also a huge step in ending the old public-private divide and giving parents confidence and freedom to choose the school which suits their child best, knowing that there is consistency of curriculum no matter where they choose. Literacy and numeracy are absolutely fundamental in teaching and learning. So my department works closely with the Catholic Education Office in the development of literacy and numeracy programs.

Training of facilitators in the first steps and the count me in too endorsed programs is a joint project that has led to increased efficiency, the development of networks and has reduced costs for both sectors. Literacy and Numeracy Week is another example of our close cooperation to provide professional activities to build teacher capacity and to showcase the work done in our schools. The u-can read program at the University of Canberra provides strategies for parents to assist their children in literacy. Catholic Education Office schools are able and willingly to access this program.

ACT Catholic schools have also been involved in another significant education project that has benefited many students in Canberra. I speak of the ANU secondary college. The program allows students in college to gain university credit by attending the ANU in these years. Catholic school students attend the college and are taught by some of our outstanding college teachers.

The Department of Education and Training is also currently working with the Catholic Education Office in the development of an Aboriginal and Torres Strait Islander identification framework to assist in identifying students who might succeed in the ANU secondary college environment.

In Kevin Rudd's words, information and communications technology in schools are "the tool boxes of the 21st century". This is the future of teaching and learning in schools. The ACT Labor government is committed to ensuring all Canberra students are well equipped for life in the 21st century. Our record investment in ICT since being elected has placed the ACT as the national leader in this field. The broadband provisions, smart boards, laptop computers and wireless networks we have funded have significantly altered the way students learn and teachers teach. They have given parents new ways to be involved in their child's education.

But we know that in a rapidly changing world we need to continue to invest in new technology to ensure that every student has access to the best. That is why we have invested an extra \$1.9 million in ICT grants to our Catholic schools to ensure that they, too, have access to state-of-the-art equipment such as whiteboards and new computers. I am determined to ensure that all ACT students, wherever they go to school, will have access to the best of new technology for teaching and learning.

Our work at the territory level is supported by the progressive national education agenda that we are currently seeing being implemented through commonwealth, state and territory governments. The COAG agenda for education is large and it is significant. It has the ability to change education forever for all students across the country. That is why the ACT government, through the Department of Education and Training, has formed a joint cross-sectoral group to act as an authoritative forum for cooperative and collaborative advice.

This group supports the department, the Catholic Education Office and the Association of Independent Schools to address agreed COAG reform priorities. This ensures that we are aware of and can communicate ideas, concerns and views of the systemic and independent Catholic schools to the other states and to the commonwealth government so that I know that, when I speak at ministerial councils and when the Chief Minister speaks at COAG itself, we can speak for all students in all Canberra schools.

As part of the national agenda, Catholic schools have also been involved in the literacy and numeracy national partnership, which supports the ACT government's literacy and numeracy strategy 2009-13. This is aimed at improving the literacy and numeracy outcomes for all students in all sectors. Seven Catholic primary schools are taking part in this initiative.

Catholic schools will also benefit from the teacher quality national partnership, which is designed to drive reform and innovation to improve the quality of teaching and leadership in ACT schools and to sustain a quality teaching workforce.

In an historic move—and Mr Smyth referred in his speech to his personal participation—the Catholic system has received \$400,000 in funding to establish two preschools within the Catholic education system in the ACT, one that commenced in 2009 in Gowrie and another one this year. This funding has been provided under the early childhood universal access national partnership. Furthermore, a successful application to establish a trades training centre has been made by MacKillop Catholic college, which I understand is soon to have a new name.

The Canberra region pathways trade training centre will receive up to \$6 million in funding to construct industry standard building and construction facilities at MacKillop Catholic college and St Francis Xavier's college and to upgrade hospitality facilities to industry standards at St Clare's and Merici. The ACT department will discuss the successful proposal with MacKillop and explore the potential for shared use of the facilities for government schools in that region.

Finally, the single and biggest item under the building the education revolution program has seen significant capital upgrades in every ACT school, and local Catholic schools have received more than \$44 million under that program. Just in the past few weeks I have had the pleasure of attending the opening of St Edmund's new library, opened by Ms Annette Ellis, the federal member for Canberra. That was a fantastic event that morning.

This government has delivered record levels of funding for Canberra's Catholic schools. Since coming to office, the government has increased funding to non-government schools by a massive 62 per cent on a per capita basis. In other words, an extra \$75 million has flowed directly to Catholic schools because of the policies of this government. This funding assists with the everyday running of all Catholic schools in Canberra. We have also developed a variety of new and innovative measures to support our Catholic schools and to work with Catholic school communities, particularly in relation to support for parents groups.

The government recognises the importance of parents and friends groups in the running of Catholic schools, and all schools clearly benefit from greater levels of parental involvement and commitment. That is why in the 2008 election we did promise \$15,000 in grants to parent groups in all Canberra schools. That commitment was delivered on and more than \$450,000 as part of that commitment flowed to Catholic school P&Fs. During the 2008 election, we also committed to providing an increase of \$4.1 million in funding over four years to promote equity in Catholic and independent schools. This was delivered in last year's budget and has helped support a range of very positive projects, in particular helping students with a disability in Catholic schools.

Catholic schools are also represented on our safe schools task force, an important body that ensures open communication between schools, parents, students and a range of outside organisations, such as the police, on issues of school bullying and violence.

Catholic schools take part in the minister's physical activity foundation and challenge, a project I initiated to ensure students are physically active in our schools. Catholic schools have been great participants in this challenge, with nine schools participating and six winning prizes last year. Famously, or perhaps infamously, it was at St John the Apostle's in Florey that, playing touch football against year 5, I dislocated my finger as part of that challenge. I missed my media call with the Central Coast Mariners as I was rushed to Cavalry Hospital for some urgent medical assistance, because the finger would not go back in. But, after all of that, St John's won a gold award under the challenge. How they did that, I will never know.

Independent and systemic Catholic schools have also been involved with the Shaddock review, something that was raised in question time today, looking into services for students with a disability in schools. They will also be involved in the implementation of its recommendations, and I look forward to announcing the government response in the near future.

The cooperation between the government and the Catholic school system at the higher level is significant, and there are many examples also of individual schools working together. I think the best practical example of this cooperation in our city is the shared campus between Holy Spirit and Gold Creek primary schools in Gungahlin. These two schools, one Catholic and one public, share the library and resource centre, hall, canteen and playing areas. The schools take great pride in working together, sharing campus values, having joint sports teams and participating jointly in various activities throughout the year.

In fact, one of my favourite stories in relation to these two campuses is hearing of teachers at playground duties at these particular schools where, primary school kids being primary school kids, will be involved in some games, chasing each other around the playground. One breathless student from Gold Creek primary raced up to a teacher and went, "Miss, miss, the holy spirits are after me," as she was running around the playground trying to avoid being tagged in a game. I am very much looking forward to attending later this month to turn the sod on a new joint sports facility being provided for these two campuses.

So, in conclusion, I again thank Mr Smyth for raising this matter of public importance today and note the importance of Catholic Schools Week. I look forward tomorrow morning to attending, on behalf of the government and the Chief Minister, at St Michael's primary school the community breakfast and open day. I want to reiterate the government's view that Catholic education has a vital role to play in Canberra to provide excellent education for all the children who choose to learn in our Catholic schools.

It is why the ACT Labor government will continue to work with our Catholic schools to deliver great results for all students through support for teaching and learning, through implementing the progressive national agenda and through record funding and support. I end where I began: as minister for education I am the minister for all students in all schools. I hope that, through today's matter of public importance, we have seen that the old public versus private debate is over, and I certainly hope that a new debate can begin—that is, how we get the best education outcomes for all students in all schools.

MS LE COUTEUR (Molonglo) (4.11): The ACT Greens are pleased to speak to this MPI. I thank Mr Smyth for bringing it forward. I basically agree with most of the sentiments that have been expressed by the two previous speakers; so my contribution will be relatively brief.

The first thing I wanted to touch on was the motto of Catholic Schools Week: "open your minds, open your hearts". I think it is an absolutely wonderful motto and it is one which we should probably adopt more in this place. "Open your minds"; we often talk about the same things over and over again without actually letting any new ideas in. And "open your hearts"; as leaders in our community, this is something that it is essential that we do.

The Legislative Assembly and the government have a big part to play in the life of our community. All of us need to open our hearts to our fellow MLAs and to the rest of our community. I think that is a wonderful motto of Catholic Schools Week and I thank Mr Smyth for reminding us of it.

As Mr Smyth said, this is Catholic Schools Week. It is a very important week for the 27 Catholic schools in the ACT together with the other Catholic schools in Australia as they celebrate this week. The Greens would like very much to acknowledge the valuable contribution these schools make for the 27 per cent of ACT students who attend them. They do this through their well-qualified and professional teachers who help cater for the range of learning needs of our students.

Of course, the Catholic schools cover the same basic curriculum as government schools, although in some cases there are broader curriculums in terms of after-school activities which enable students to explore a different range of interests and abilities. One of the things that have happened in more recent years is that many students at Catholic schools are not Catholic. That is a tribute to the quality of the Catholic schools.

Another thing, of course, as Mr Barr mentioned, that has happened in more recent years is that government funds provide a large part of the funding for Catholic schools. Eighty per cent is government funded and 20 per cent is parent funded.

The Catholic schools place a great emphasis on quality teaching and base their teaching on the agreed vision of all Australian governments, as agreed at the Ministerial Council on Employment, Education, Training and Youth Affairs, for high quality schooling. It is pleasing to note that the Chief Executive Officer of the Catholic Education Office identified the New South Wales quality teaching framework as an approach to pedagogy that will underpin the implementation of the curriculum frameworks. This is aimed at assisting teachers to develop contemporary pedagogical knowledge and skills to teach—

Mr Barr: That was right. Pedagogy, yes.

MS LE COUTEUR: Yes. I think I got it right that time. I am not sure I got it right the first time. This is aimed at assisting teachers to develop contemporary pedagogical knowledge to teach students in the 21st century. In speaking to this MPI I want to stress that all schools, not just Catholic schools, have a vital role to play in ensuring that all students in the ACT, and in fact in Australia and the world, have a good education.

In the ACT and the rest of Australia we have three school groups delivering quality education. We have the government schools, we have the Catholic schools and we have the range of independent schools which includes schools of other denominations and cooperative schools. I am particularly knowledgeable of those; my granddaughter goes to, and soon I suppose my grandson will go to, a Steiner school in Germany. The bottom line and the essential requirement of all of these school groups is that no matter where the students attend school they must be given every opportunity to start life well by starting with a good education.

I would like to echo some of the minister's remarks about the shared facilities that we now have between Catholic schools and non-Catholic schools. It certainly was not like that when I was a child. I was brought up as an Anglican and there was a really distinct division between the Catholics and the non-Catholics. It is really great to see that today Catholic and non-Catholic schools are sharing libraries, they are sharing canteens, they are sharing ovals. It makes a lot more sense than how things used to be in the not-so-far-distant past. I think it is a great thing to reduce the barriers between different groups in our societies.

I would like to just take this opportunity to outline the Greens educational policies at a fairly high level. Firstly, we believe that free, high quality and equitable education is a cornerstone of a healthy democracy. Secondly, learning is a lifelong process fostered in both formal education and informal settings, from early childhood through adult life. Thirdly, everyone should have access to an education that meets their needs and aspirations and gives them the skills and capacity to participate in society. Fourthly, it is the responsibility of governments to ensure the provision of high quality, well-resourced and safe learning environments that are open to all students. Fifthly, a responsive and relevant education system is underpinned by community involvement

and recognises that parents and guardians play a critical role in the education of their children.

Moving on from that, I will speak briefly of my own personal experiences. When I lived in Nimbin in my younger years, I was involved in establishing both a preschool and a primary school. We lived in a community that was a reasonable distance away from the town of Nimbin. There was not, in fact, even a school bus. It was a very arduous task to take our kids to school. We, being an energetic lot of people, I guess, decided that we who had just built a community would build a preschool and a primary school. Both of them have been very successful and they are both still there and flourishing. In fact, they are receiving children from outside our immediate community.

I guess the point I am making with this is that schools are really important to parents. We as parents were a group who were prepared to set up schools. That is how Catholic school education started. It started because Catholic parents felt that Catholic schools were really important to their children. They were part of setting up the Catholic school system.

Schools are an important part of local communities and it is important to recognise the respective roles that government and non-government schools play, be they Catholic, other denomination or other independent schools. We need to support all schools so that parents and kids can find good local choices. We need to allow for diversity within schools so that all children, Catholic and non-Catholic, can fulfil their potential.

In recognising the roles that Catholic schools play in education of children and young adults in the ACT, I would like to emphasise the importance of diversity in education. Life is a broad church and it is important that a quality education is available from diverse schools of thought. On diversity, I would like to make the point that we have a tremendous range of schools in the ACT. Muslim schools, special needs schools and other schools such as Montessori, Blue Gum and Steiner, which I mentioned earlier, all play an important role in delivering educational opportunities for all children in the ACT.

The Greens believe that all schools are important and that we should focus equally or equitably on different schools and not single out particular groups of schools. We are fortunate to live in a diverse community. It is important that our schools represent this diversity rather than focus on a particular group, potentially at the expense of educational outcomes for all.

As Mr Barr said, we should be primarily focused on educational outcomes and support an environment where parents and students have a diversity of quality educational institutions to choose from. In saying this, we do recognise the significant contribution that the Catholic schools and all non-government schools make to the education of young Canberrans.

Given that it is Catholic Schools Week, I would again like to take the opportunity in the last seconds I have to recognise the positive achievements made by Catholic schools throughout the ACT. In fact I would like to take this opportunity to pay

tribute to all the teachers in all the schools across the ACT. They do a fantastic job and are well deserving of our praise and support.

MR DOSZPOT (Brindabella) (4.21): It is my pleasure to speak to the matter of public importance brought to us today by Mr Smyth. As Mr Smyth has said, this week is Catholic Schools Week, a week to celebrate and raise awareness of the strength and distinctiveness of Catholic schools. Across the ACT this week, Catholic schools will all be participating in their own individual ways.

I have already had the privilege of visiting St Thomas Aquinas primary school in Charnwood. Indeed, it was a privilege to have met with the principal, Mr John Bourke, and his staff, as well as students of St Thomas Aquinas. The school's captains, Olivia and Sam, showed me proudly around their school and told me about their "charny carny", the fete that will be held this Saturday afternoon at their school; so I encourage as many of you living over Belconnen way to visit their school that afternoon.

I also look forward to attending a number of other events this week, including the breakfast tomorrow at St Michael's in Kaleen. I am glad to hear that Mr Barr will be joining us there. I am also looking forward to attending the breakfast at Merici college on Thursday and the open day at Rosary primary at Watson on Friday.

Schools across the ACT and region are celebrating by holding a number of functions and activities, ranging from concerts and performances to fundraising activities and open days, which showcase what the Catholic schools have to offer. The theme this year is "open your hearts, open your minds", as many of our speakers have already said this afternoon. This is very appropriate given the support provided by Catholic schools to their local communities and the sense of community that abounds in the sector.

Mr Barr has touched upon Mary MacKillop and her role as an educator. I was in fact taught by the Sisters of St Joseph. That is the order that was founded by Mary MacKillop. I was taught by the Sisters of St Joseph at St Fiacre's school in Leichhardt. It is no secret that my wife is a principal of a Catholic school in the ACT and my daughter a teacher at a Catholic school in the ACT. However, I see myself, as shadow minister for education, representing all schools in the ACT, government and non-government.

I have been on a mission since joining this place and acquiring my shadow portfolio responsibilities—a mission to learn about all schools in the ACT, to observe and listen to the issues faced by all parents, educators and school communities. I am well on the way and have learnt a lot since commencing a program of visits to government and non-government schools. My existing knowledge of the Catholic sector, combined with my acquired knowledge, has strengthened my belief that to have effective education across the ACT all sectors must be strong and well supported. There cannot be an "us against them" attitude by any government and there cannot be reference to "blazer schools" nor any other assumptions made based upon religious bias.

It is a basic human right of every citizen to receive a quality education of choice. There is a myth that all students that attend non-government schools come from high

socioeconomic circumstances. This is not the case. Families struggle across the nation to educate their children in the schools of their choice. There are many factors which influence a family's decision when it comes to the choice of schools and we in this place have an obligation to ensure that this choice is not compromised by lack of affordability.

The 2009 school census tells us that Catholic systemic schools and independent schools account for 41.5 per cent of the total ACT student population. This number has increased steadily over the past five years. 13,122 students attend Catholic systemic schools alone with another 12,000-plus students making up the attendance at other Catholic and non-government schools. Yet we know that the level of financial support provided by the ACT government to Catholic school students is among the lowest in the country and well below the national average. When there is not an equitable contribution, it is inevitable that families bear the financial brunt.

ACT government funding support to Catholic schools is over \$200 per student less than the Australian average of state and territory funding support to Catholic schools and represents one of the lowest in the country. Many states fund non-government school students at 25 per cent or more of the cost of educating a government school student, yet we in the ACT provide only 18 per cent of that cost. I repeat that we provide only 18 per cent of that cost.

Demand, as seen by enrolments over a number of years, is steadily on the increase. Yet funding is on the decrease. Where will this leave families? It will leave them without their fundamental right, the right of choice. Last December, the review of special education in the ACT was made public. The review includes 68 possible options for the future of special education in ACT schools. This includes options for special education in Catholic and independent schools. The inclusion of Catholic and non-government schools in this review was not automatic and came about after a great deal of agitation from the opposition. Almost half of the student population in the ACT was about to be ignored by this government in a fundamental review which looked at the unmet needs of students with a disability.

It seems that Andrew Barr again learnt a valuable lesson from the Canberra Liberals by agreeing to include the significant number of ACT students with a disability that attend non-government schools in a review that specifically excluded them in the first instance. It took 2½ months of ongoing pressure by the opposition, followed by a strong stance by Catholic, independent school groups and the ACT Parents and Friends Association to persuade the minister that he was wrong. The minister was adamant at the time. Even during the estimates hearings last year, the minister for all schools remained steadfast, saying that he would not include the non-government sector in the review.

This is when we saw the true feelings of this minister come to the fore, when he referred to the non-government sector as "blazer schools". I am pleased to see that the minister is paying more attention to Catholic schools and the independent sector in recent times. Indeed, I believe that he is actually following my lead and seeking out opportunities to visit Catholic and non-government schools a bit more often.

More than just seeking another photo opportunity, I do hope that the minister will take heed of what Catholic schools and independent schools are telling him and observe closely the role they play in the provision of education in the ACT. In the context of equity and choice, I applaud Catholic schools this week and every week for the contribution they make to ACT education and the role they play in strengthening our ACT community. I thank Mr Smyth for bringing us this matter of public importance today.

MS PORTER (Ginninderra) (4.29): In relation to this matter of public importance, I would like to talk today about the government support of Catholic education in the ACT, in particular the schools of north Canberra. The ACT government values the role of Catholic schools in providing families with the option of a religious education in accord with the values of the Catholic faith. The ACT government is committed to providing Canberra families with high quality education that meets their needs. Public schools, Catholic schools and those from the independent sector all provide high quality schooling across the ACT. Catholic schools provide an education framed by the values and traditions of the Catholic faith and add to the flavour of our rich and diverse Canberra community.

The minister has already outlined the significant ways the ACT government has supported Catholic schools in the territory, and I would like to focus on some key projects that I know are making a positive impact on the schools in my electorate. In particular, I would like to focus on funding from the commonwealth which has allowed Canberra Catholic schools to make real improvements to their facilities. The funding has been provided to support students with disabilities and school parent councils.

I would also like to highlight a key collaboration between Catholic and public schools. Holy Spirit primary school in Nicholls is part of a unique relationship with Gold Creek primary school. The schools share the library and resource centre, the hall, the canteen and the playing areas. I officiated last year at an arts fiesta at the Gold Creek school, which was a collaboration between the two schools. Here we have a fine example of how schools from different systems can work together for the benefit of the local community.

The Catholic schools in northern Canberra have been recipients of significant levels of funding from the Australian government's building the education revolution project. This funding has provided for a range of improvements that would not have been possible otherwise. Significant levels of funding have been provided to build learning environments or refurbish school infrastructure to ensure schools meet the needs of the 21st century.

Whenever possible, all new buildings and refurbishments incorporate sustainable building principles. St Thomas More's school in Campbell has been allocated \$200,000 to enable the school to construct a multipurpose hall, and further funding for water tanks and shade structures.

Earlier I mentioned the Holy Spirit primary school. This school has, like so many schools, received funding for the construction of a purpose-built shade structure and

fencing. St Monica's school in Evatt has been able to refurbish school buildings and construct shade structure to protect children from the damaging effects of exposure to the sun. The Rosary school in Watson has also been able to refurbish classrooms. Other schools in north Canberra have similarly been able to make significant improvements to school facilities.

The Good Shepherd primary school in Amaroo has been funded for important refurbishment work, and St Francis Xavier school at Florey has been able to refurbish its fence and gymnasium. St Matthew school at Page, St Michael's school at Kaleen and St Joseph's school at O'Connor have been able to upgrade their facilities, including outdoor learning areas and playground equipment. St Matthew school has also been provided with funding for the construction of extensions to the library and an upgrade of the school hall. St Michael's school has also received funding for library and classroom refurbishments. St Thomas Aquinas school in Charnwood, St Vincent school in Aranda and St John the Apostle school in Florey have also received significant levels of funding for the refurbishment of their school libraries or upgrades to classrooms and facilities.

When Mr Doszpot was speaking about the school at Charnwood, he mentioned the "charny carny", which I look forward to every year. It is a collaboration between that school and the other community organisations in the area, including the Dunlop-Charnwood primary school. It is a pity that I will, due to committee work that is taking place in Brisbane for my planning committee, be unable to attend the "charny carny" this year.

These are just a few examples from the north of Canberra that show how this funding has supported Canberra Catholic primary schools to provide quality educational environments that meet the needs of students and teachers. I have enjoyed the opportunity to visit some of these schools during the planning stage of these improvements and have since seen some of the results of that work as it goes on.

Support for Catholic school students has been provided by the ACT government and links with our public school sector. There are significant and strong links between the ACT public school system and the Catholic systemic schools in the provision of support to students who have a disability. Catholic schools are part of the government's review of special education. The review highlighted the opportunity to enhance services and maximisation of resources through strong links between all sectors of schooling in the ACT.

In response to this, a cross-sectoral disability educational group is being established to foster greater reliance between the three sectors. I would like to outline for members of the Assembly three key areas where collaboration is currently occurring and producing quality outcomes. The first area is in the provision of learning for staff and parents about autism. The Catholic Education Office and the ACT Department of Education and Training are jointly implementing the project positive partnerships: supporting school aged students on the autism spectrum.

This project delivers two components of the helping children with autism package being implemented by the commonwealth. The two components are: professional development for teachers and other school staff who are working with students with

autism and workshop and information sessions for parents and carers of school-aged children with autism. The second area is the student-centred appraisal of need. This process is used to appraise the additional resources needed by students with a disability to access and participate in their learning program. Although initially developed for use in the public school system, the Catholic Education Office has adopted it for use across Catholic schools. Under this partnership, the department trains the moderators for the Catholic Education Office, and joint meetings help to improve processes. The third area of support and collaboration between these two systems is in the delivery of professional learning for public and Catholic school teachers and learning support assistance. These help to ensure the best outcomes for students with a disability.

Merici college is celebrating, along with other schools, Catholic Schools Week for 2010, and I will be visiting this college this week for the community breakfast. It is one of 27 Catholic systemic schools registered in the ACT. Formerly known as Catholic Girls High, Braddon, this college was established in 1959 to educate young women in the Canberra region. It prides itself on being a technology-rich school built on traditions of best practice in girls education, supporting student needs and extending gifted students.

The college provides an example of how Catholic schools participate in educational programs coordinated by the public school sector and is supported by the ACT government. The college implements and participates in the ACT and commonwealth educational programs and priorities, such as the ACT curriculum framework called every chance to learn.

Catholic schools like this college benefit from collaborative approaches to the development of important documents and processes such as the curriculum framework. Catholic school staff participate in professional development with their public school colleagues. Merici college implements the ACT year 12 certificate and, as such, college teachers participate with their public school teachers in the moderation activities each year, ensuring a consistent approach to the assessment of students across all sectors.

The college's parent council recently received funding from the ACT government as part of the parents and friends grants. This was to the tune of \$15,000 from the ACT government. As a direct result of this funding, the college was able to improve its communication with parents, develop a website and an electronic bulletin which is sent to parents on a fortnightly basis—a tangible example of the cooperation and support provided to Catholic schools in the ACT.

As I said, I shall be attending the breakfast on Thursday morning and am looking forward to looking at the new canteen and the value of healthy food choices which are promoted through the canteen. I note that the menu has been prepared by the students enrolled in the vocational courses for hospitality and business administration studies, using locally sourced seasonal products, and issues such as waste control are being handled sustainably. I look forward to learning more about the college's program and meeting the students and teachers. The college provides just one example of the excellent quality education provided by Catholic schools in Canberra. I congratulate them and am looking forward to joining them to celebrate Catholic Schools Week.

In conclusion, I would like to thank Mr Smyth for bringing this matter to us this afternoon as a matter of public importance. I, too, congratulate all teachers and students in the Catholic system as well as in our public system throughout the ACT and our independent schools.

MR SESELJA (Molonglo—Leader of the Opposition) (4.39): I was not planning on speaking on this because I did not think there was time. But I will take the opportunity to speak about the support that the Canberra Liberals have for the Catholic sector, along with other parts of the non-government sector and, indeed, the public sector in the territory. We are big believers in the importance of choice in education and we are very grateful for, I think, and we acknowledge on a regular basis, the important contribution that Catholic education makes to our community and to our education system.

I am the product of a Catholic education and will not hold that against the Catholic education system. But I think we did have very good opportunities in the Catholic schools that I attended. These were not wealthy schools. They were diocesan schools at St Thomas the Apostle school, Padua Catholic high school and St Peter's Catholic college. They were schools of aspiration. They were schools of hardworking teachers and principals. They were schools where parents sent their kids in the hope that they would get a good education, that they would get a good level of discipline and support, that they would hopefully learn a few other things on the way, whether it be sport or otherwise. I think, for the most part, we got a pretty well-rounded education.

There is no doubt that Catholic schools in the ACT and the non-government sector generally are underfunded. They are underfunded by the federal government and they are underfunded by the ACT government in comparison to other states and territories. If you go over the border to Queanbeyan, Catholic education is generally cheaper. A Catholic education in New South Wales is generally cheaper than a Catholic education in the ACT, with, of course, some exceptions, depending on the school. But for the mainstream CEO schools in New South Wales, because of the superior levels of funding from the New South Wales government, and indeed the commonwealth government, there is a real funding gap.

I thank Mr Smyth for bringing this forward. I think it is a reflection of the Liberal Party's commitment to Catholic education, to choice in education. The Canberra Liberals, I believe, are the only party in the ACT who genuinely support all sectors of our education system—Catholic, independent and government.

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Seselja, the time for discussion has now expired.

MS PORTER (Ginninderra), by leave: I just want to correct the record. I think I misquoted. When I was talking about the St Thomas More's school in Campbell, I mentioned a figure that was incorrect. I was trying to read what was written here. I believe the figure to be \$2 million in relation to the construction of the multipurpose hall and further funding of water tanks and a shade structure at that school.

Health Practitioner Regulation National Law (ACT) Bill 2009

Debate resumed.

MR HANSON (Molonglo) (4.43): Having outlined, before lunch, the position of the Canberra Liberals, can I summarise it by saying that it is not that the legislation brought forward by the government is bad legislation. The problem is that it is inconsistent with the national agenda and, as a result, it is going to have a negative effect in the ACT. It also defeats the intent of COAG and the benefits that would arise in all other jurisdictions across Australia if we were to have nationally consistent legislation. If you were listening to the debate before lunch, you will recall that I went through much of the argument for that, including all the submissions from the boards, which are unanimous in their concerns about the legislation that has been introduced by the government.

I firmly believe that the boards and the Health Services Commissioner are committed to the highest standards of clinical care and professional conduct within health professions. As I said before lunch, I regret that there is some degree of mistrust between them. My position on the bill and my amendment should not be seen as choosing one side over the other or as an endorsement of either's position, but simply as a matter of saying that we need nationally consistent legislation. That is why we are debating this today. That is why this whole framework has been introduced in every jurisdiction in Australia—to have national consistency. The government's bill deviates from that position.

I believe that both the boards and the Health Services Commissioner have different but complementary roles and that both play a vital role in achieving what they do in the ACT. I am sure that both would agree with the assessment that I have made. I do not think it is an unfair one. I believe that the national scheme as proposed to be introduced everywhere else in Australia is a good model. It contains adequate public safety protections. It clearly articulates the role of the Health Services Commissioner and will be a tremendous improvement on the status quo in relation to the registration of health practitioners.

In contrast, the bill as presented by the ACT government is a continuation of the status quo that we have in the ACT in that it gives the ACT health complaints entity disproportionately more power than the same entity in other jurisdictions. This will hinder and slow the process of notifications and complaints by the national boards against ACT-based health practitioners.

Should my amendments not be successful today, I would be greatly comforted if the minister committed to reviewing the operation of the ACT legislation to ensure that we are not diluting or risking the national scheme in any way and that the provisions in the ACT bill are achieving the objectives that the government intends to achieve. But I believe that that is not the case and I would recommend in the strongest terms that the government review the legislation being dealt with today.

In her presentation speech the minister indicated that the ACT, in introducing different legislation, was merely acting within the spirit of the intergovernmental

agreement. However, we know from the briefing that was provided by ACT Health that the ACT bill as presented was fought hard for. In any case, it is clear that the jurisdiction-specific provisions cited by the minister were in reference to the administrative arrangements for the complaints handling entity in each state and territory and not in relation to how these entities would interact with the national boards. It is in the national interest that we are not going alone as a jurisdiction which risks causing the ultimate failure of—(*Time expired.*)

MS BRESNAN (Brindabella) (4.46): The ACT Greens will be supporting the Health Practitioner Regulation National Law (ACT) Bill 2009. In doing so we recognise the significance of this bill and that it moves the registration and accreditation of health practitioners from a state and territory-based scheme to a national one.

There are a number of benefits to the establishment of a national scheme, including members of the health workforce being able to move more easily around Australia to places where their skills are needed, and health consumers being provided with greater assurance that the health practitioners they are receiving services from are suitably trained and qualified.

It has been a problem in the past that if a practitioner of some kind had a finding against them or their licence restricted in another state, that practitioner could move to the ACT, for example, and try to secure a full licence again without having all the previous findings against them known by the ACT health board responsible for registering them. This system placed consumers at greater risk than was necessary, and I am pleased to see we will be able to provide a safer service to health consumers.

It has been remarked that the process of establishing a national registration accreditation scheme has been undertaken quickly, with a lot of hard work occurring at a federal level. The manner in which the scheme has been improved with each consultation stage has been substantial. Mid last year a number of local health groups started approaching my office, concerned that the ACT was not going to have a decent level of representation on national health boards. I am very pleased to see that this issue has been addressed and the ACT's place at the table has been secured. I would like to think that the Greens helped trigger this change by asking the minister questions about this in the chamber and bringing attention to the issue. Quite some time ago I had started having discussions with various groups, including the Pharmacy Guild, the AMA and the Australian Nursing Federation.

The main issue for the Greens and other local bodies in examining the bill before us is that of the complaints process. In the ACT we have a progressive system that makes use of an independent health complaints commissioner. The Greens are pleased to see that this model is being retained. The reason why our commissioner is so important is that it recognises and represents the shift made in health policy in the 1990s towards a consumer-centred model of complaints handling rather than the old style, which was focused on peer review and health practitioners examining each other.

The shift provided a greater level of assurance to the consumer that their complaints would be thoroughly investigated and followed up. If the ACT took the approach that was initially suggested by COAG and left peer review style boards in charge of all complaints matters, we would be taking a step backwards. So I am glad to see the

ACT government has ultimately adopted an approach that seeks to retain the progressive health complaints system that we have had here for over the last 17 years.

I do have faith in the integrity of the ACT boards as they are constituted today, but I also recognise the significant concerns that have been raised in the past about the ability of health practitioners to hold their peers to account when serious matters are raised. It is incredibly important that our health complaints system is seen to be free from perceived bias. We should do all we can to ensure that consumers will not think that boards will protect their colleagues at the expense of patient safety.

And so today, while there is a role for the peer review model and for boards to look into complaints raised about health practitioners, their role needs to be balanced by the incorporation of an independent health services commissioner. There have been a number of significant cases over the years that give weight to our need for an independent commissioner and the role the commissioner takes. Take, for example, the Chelmsford hospital deep sleep controversy of the 1980s, where the New South Wales Medical Board was seen to be either powerless or unwilling to deal with the doctors concerned. The royal commission into the Chelmsford hospital found that 24 patients had died as a result of deep sleep therapy, a treatment where a cocktail of drugs was administered to keep patients unconscious for weeks at a time, only waking them up for electroconvulsive therapy. A number of other patients committed suicide and close to 1,000 suffered brain damage.

It was this tragedy that caused the New South Wales government to introduce, in 1993, an independent health complaints commissioner. The ACT followed suit that year. It may be the case that the awful story surrounding Dr Patel in Queensland gave COAG the impetus to set up a national registration and accreditation scheme. While nothing of such scale has occurred in the ACT, there have been cases from time to time that do contribute to the death of a patient. So I am relieved that here today we are passing legislation that will ensure the ACT continues to have the most progressive method for handling health complaints.

I understand that Mr Hanson, as he has already discussed, will be moving amendments to the bill to take the ACT essentially back to a peer review model of complaints. I can indicate now that the Greens will not be supporting his move, for the reasons I have outlined earlier. I will be moving a small amendment later, at the detail stage, which seeks to better reflect the reality of the relationship between the commissioner and the board. I will talk to that when I move the amendment. The Greens will be supporting the Health Practitioner Regulation National Law (ACT) Bill 2009. We are pleased to see that the ACT government is committed to seeing complaints about health practitioners handled in a progressive manner.

I will just make a few comments on the scrutiny of bills as there were a number of issues which we raised in a briefing with the department. Two issues in particular, which were key, related to the provision of legal representation and guidelines for interpreting the relevance of criminal convictions. We have since received information from the minister's office in relation to these questions and I thank the minister's office for that information.

Regarding legal representation, we have been informed that the provision that requires legal representation to be agreed relates to panel type processes, which are intended to be more of an informal nature, and that there is an intention also to avoid adversarial approaches with the panel. This seems to be a good approach to addressing the circumstances of the panels. With regard to the relevance of criminal convictions, we understand it is anticipated that, with the national boards and agencies being in place, proposed national guidelines will be developed and that they should be available prior to the commencement of the legislation on 1 July 2010.

I will just note again that we had quite considerable discussions over a year ago with some of the peak bodies and we have also had meetings and been in conversation with the various boards. I think there has been a certain level of misunderstanding, particularly around the complaints process. I will talk more about that later. What is being proposed in this bill is not inconsistent. New South Wales are taking a similar approach because they also have a very strong health complaints system in place. We are retaining the health complaints commissioner but also having that process of national registration accreditation. Essentially, we are getting two very good processes being connected and integrated together. We think it is of benefit to retain both of those processes for the ACT.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.55): I thank members for their contributions to the debate this afternoon and also for their in-principle support for this bill.

The object of the bill is to adopt a health practitioner regulation national law as a law of the ACT to implement the national registration and accreditation scheme for registered health professionals in the ACT and also to make consequential amendments to ACT legislation to support the introduction of the national scheme.

This bill gives the ACT the opportunity to implement a major health workforce reform that is focused on providing quality health services and protecting the safety of the ACT community and the broader population. The national scheme seeks to reduce multiple regulation systems across Australia and health professions by establishing one national system that sets standards and processes to apply Australia wide.

The scheme will help health professionals move around the country more easily, reduce red tape, provide greater safeguards for the public and promote a more flexible, responsive and sustainable health workforce. Enabling health practitioners to move between jurisdictions with minimal barriers is paramount for the ACT, particularly as we are landlocked by New South Wales. We rely on practitioners visiting the ACT to provide specialist and backup health services on a regular basis. The national scheme will enhance the mobility of the health workforce in this regard. The scheme is also designed to apply registration and accreditation standards that must be met in order to obtain registrations and that these standards apply across Australia.

There has been an extensive consultation process across Australia, including local stakeholders, in the development of the national law. Passage of this bill will see the ACT participate in a national initiative to implement a modern system of regulation

for health practitioners that will improve Australia's health system and protect the safety and wellbeing of the community in the delivery of health services.

In 2005, the commonwealth government requested that the Productivity Commission undertake research to examine issues impacting on the health workforce, including the supply of and demand for health workforce professionals and to propose solutions to ensure the continued delivery of quality health care over the next 10 years. The establishment of a national system of registration and accreditation for health professionals was a key recommendation of the final report.

In March 2006, all members of COAG signed an IGA to establish the national scheme by 1 July 2010. The IGA contains the fundamental objectives of the scheme. It protects the public by ensuring that only practitioners who are suitably trained and qualified to practise in a competent and ethical manner are registered; it facilitates workforce mobility across Australia and reduces red tape for practitioners; it facilitates the provision of high-quality education and training and rigorous and responsive assessment of overseas-trained practitioners; it supports the public by promoting access to health services; it supports the continuous development of a flexible, responsive and sustainable Australian health workforce; and it supports innovation in education and service delivery.

The principles that underpin our objective of establishing the new national scheme are plain. The scheme will operate in a transparent, accountable, efficient, effective and fair manner. It will ensure that fees and charges are reasonable and recognise that restrictions on the practice of a health practitioner should only occur where the benefits of the restriction to the community as a whole outweigh the costs. The scheme will also maintain the status quo in that the current ACT legislation is contemporary and provides for a high level of public safety.

The process for establishing the national registration and accreditation scheme is a complicated legislative process and requires three separate pieces of legislation, which have become known as bills A, B and C. Bill A, or the Health Practitioner Regulation (Administrative Arrangements) National Law Bill 2008, was passed by the Queensland parliament in November 2008. This bill sets out the overall governance arrangements of the national scheme. The second piece of legislation, bill B, the Health Practitioner Regulation National Law Bill 2009, was passed in the Queensland parliament on 29 October 2009. The ACT has now introduced legislation which will enable the adoption of bill B in the ACT.

In passing the Health Practitioner Regulation National Law (ACT) Bill, or bill C, the ACT will be on target to support the national introduction of the scheme by 1 July 2010. Bill C adopts bill B in the ACT with consequential amendments relating to other relevant ACT legislation and a slight change to the complaints handling arrangements in bill B. Bill B only allowed for limited collaboration between health complaints entities and the national boards. While the ACT is committed to the national scheme, we currently have a complaints handling model which closely links the ACT health professional boards with the ACT Health Services Commissioner.

This arrangement is similar to the public interest assessor model, which was strongly based on the current ACT laws as proposed in the exposure draft of bill B. What

happened then was somehow in August 2009—very late in the process—the role of the public interest assessor was removed from the final bill. That removed our ability to have that joint consideration model between the national boards and the ACT Health Services Commissioner.

The IGA, and certainly the communique from one of the health ministers meetings in June 2009, states:

If a jurisdiction chooses to handle complaints under State or Territory law, this arrangement will be set out in that jurisdiction's Bill C.

So to ensure the retention of a robust and fair complaints handling process for the protection of the ACT public, a number of modifications have had to be made to how bill C will operate in the ACT, and these have been included in the ACT's bill C.

Since the ACT, along with Victoria, is one of only two Australian jurisdictions with human rights legislation, some modifications have been required to bill B to ensure that it complies with the ACT Human Rights Act 2004. Matters of Human Rights Act compliance have also been raised by the scrutiny of bills committee in their scrutiny report of February 2010.

The national law engages human rights, including the presumption of innocence, to not incriminate oneself and to not have arbitrary or unlawful interference with one's privacy. Under the national law, a national board can decide whether a person is unsuitable to hold registration as a health professional on the basis of the individual's criminal history. To enable these criminal history provisions to be a reasonable limitation on the protection from discrimination and the presumption of innocence in the Human Rights Act 2004, bill C contains provisions that require the national boards to turn their minds to relevant factors when considering an individual's criminal history. These factors include the person's particular criminal record, the inherent requirements of the particular job and the need for a tight correlation between these elements.

The national law also engages the right not to incriminate oneself. Investigator and inspector powers in the national law require a person to provide information or risk being prosecuted for a criminal offence. To resolve this issue, bill C contains a qualification that provides immunity against the use of compelled evidence for criminal prosecution.

Bill C allows that evidence which could have been discovered without the testimony of the individual would still be admissible. If, for example, a person was asked to disclose where particular documents are in an office, the immunity would not apply as the documents could have been found through warrant. If, however, the person discloses a particular conversation that only the person and another participated in, the testimony would be protected.

The national law includes provisions that require a person to attend an assessment following a notice of such an assessment. This raises the issue of fair trial. As the board is a quasi-judicial body and has powers that can affect a person, to ensure natural justice, bill C requires that notice of assessment be in an approved form which

sets out any powers the board might exercise and any procedural rights the person has under law.

Lastly, the national law engages the right to privacy. Everyone has the right to not have arbitrary or unlawful interference with their privacy. The terms of the national law are not arbitrary. The precise circumstances in which persons are required to disclose their criminal history, for example, are specified in detail. These requirements also apply to all applicants for registration.

Furthermore, the interferences with the privacy that these provisions allow are proportionate to the national law's objective to provide for the protection of the public by ensuring that only health practitioners that are suitably trained and qualified to practise in a competent and ethical manner are registered.

On the basis of these modifications to the national law, bill C has been granted a compatibility certificate under the Human Rights Act 2004, and in my discussions with the boards, none of those amendments are contentious. I believe Mr Hanson's amendments might seek to wipe some of those out. I will listen to that in the detail stage.

The implementation of the national scheme in the ACT for registration and accreditation of health practitioners is expected to provide improved safeguards for the public, reduce red tape and deliver improved administrative efficiency and consistency by moving from the current, fragmented jurisdictional system to one national scheme which promotes a more flexible, responsive and sustainable health workforce. I commend the bill to the Assembly to provide for that more streamlined system.

I would say also that I intend—I am sorry, colleagues, I have not had a chance to speak with you about this—in the detail stage to move an amendment. The purpose of that amendment really was generated after listening to Mr Hanson's gloom-and-doom, "the sky will fall in" speech earlier around how devastating it will be to have joint consideration of the complaints. One way of addressing that concern and maybe easing some of those concerns is to have a review. I checked whether a capacity for a review of the complaints handling processes after 12 months was included in the bill, and it is not in there. So my amendment, when I move it later, is simply to build that into the legislation and to allow that to occur.

I also say that I have looked closely at the intergovernmental agreement. Indeed, when I prosecuted my case at the health ministers meeting around the amendments that we have moved to our bill C, it is fair to say that there were some ministers, particularly those in a one-house majority parliament, that did raise concerns about the fact that we were seeking to amend what was a national law. I understand—and I have not seen them yet—that WA may be considering moving amendments as well. So there was concern about moving any type of amendment rather than the amendments we talked about per se.

I explained the situation we were in; the fact that it was the disappearance of the role of the public interest assessor—it was in the exposure draft and was actually in all the discussions up to August 2009 when it mysteriously disappeared in one of the drafting

efforts—that created this problem for the ACT. Prior to that, we could have allowed the Health Services Commissioner to be the public interest assessor and fulfil that function under the law. So when that disappeared, yes, we had a problem. It was pretty late in the process, and we had to work very quickly to look at how we could stay within the IGA and deliver the system that we believe is the best for the ACT. Even though Mr Hanson does not expressly say it, the amendments that he will move will diminish the current complaints handling processes in the territory.

Mr Hanson: No.

MS GALLAGHER: They will.

Mr Hanson: No.

MS GALLAGHER: That is exactly the problem that we have been trying to fix. They will remove the role of the Health Services Commissioner in jointly considering all complaints that come. Even though she may have a focus on the systems issues as opposed to the standards issues, that is what the amendments do. Your amendments give all power to the boards and remove power from the Health Services Commissioner. That is essentially the problem that we have been trying to deal with here. The government have looked very closely at this, including our desire to implement the national law unamended, but we cannot do that without diminishing the role of the Health Services Commissioner, and we will not do that, either. That is why these amendments are so important today.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 10, by leave, taken together and agreed to.

Proposed new clause 10A.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (5.08): Pursuant to standing order 182A(b), I seek leave to move an amendment to this clause; it is minor and technical in nature.

Leave granted.

MS GALLAGHER: I move amendment No 1 circulated in my name [*see schedule 1 at page 934*].

I table a supplementary explanatory statement on the government amendment. I do apologise for not consulting over this amendment and for bringing it so late, but the issue arose only at lunch, when I checked through the bill. I thought there was a review clause in there. This just says:

(1) The Minister must as soon as practicable after 1 July 2011—

that is, one year after the full year of operation of the act—

(a) review the operation of this Act in relation to the relationship of the National Boards and the health complaints entity; and

(b) present a report of the review to the Legislative Assembly.

And it must do so before 1 July 2012.

MR HANSON (Molonglo) (5.10): The opposition will be supporting the government's amendment. I welcome it. I think that it is important that we do review this legislation after a period of time of being enacted. Obviously, we have disagreements between the Greens, the Liberals and the government on this one, which is sometimes not unusual. But I think it is important that the final form of the legislation is reviewed after a period of time. I welcome that and I encourage the minister, when that review does occur, to embrace it as a genuine review. I am sure she will and I look forward to the results of that review being tabled in the Assembly in accordance with her amendment.

MS BRESNAN (Brindabella) (5.11): The Greens will also agree to this amendment. As Mr Hanson says, I think it is a sensible approach to have this review process. It does address concerns which have been raised through various boards and through the commissioner as well. It does provide an opportunity to look at how the act is working, to see how that joint consideration process is working and, as it says, to table the review in the Assembly so that it gives each member here a chance to see how that process has been working.

Amendment agreed to.

Proposed new clause 10A agreed to.

Clauses 11 to 14, by leave, taken together and agreed to.

Schedule 1, modification 1.1.

MR HANSON (Molonglo) (5.12): I move amendment No 1 circulated in my name [*see schedule 2 at page 934*].

I will discuss all the amendments that I am putting on the table today in one go so that we do not have to go through it laboriously. The intent of the amendments is the same, and that is to amend the legislation as tabled by the government to reflect the model that has been introduced in the other parliaments, in the other states and territories, and to reflect the nationally consistent model. That is in accordance with the speech that I made at the in-principle stage. In essence—

MADAM DEPUTY SPEAKER: Just to clarify, Mr Hanson, you are going to move them all separately?

MR HANSON: Yes, we will. It is just that in my speech on the amendments I will cover off on them, because they are very similar, rather than repeating the same speech each time with the same intent.

The point of the amendments that I am making is to essentially revert from what is being put forward by the government, which is a unique ACT model, and make it a consistent model with the other state and territory jurisdictions. That involves removing new section 150, which resembles the public interest assessor model which the minister outlined in her speech and which I outlined in mine, and modification of the other elements, outlined in the amendment I have put forward, in terms of the schedules that would be omitted from this bill.

MS BRESNAN (Brindabella) (5.14): The Greens will not be supporting Mr Hanson's amendments, as I indicated earlier. These amendments would effectively take us back to having only a peer review process and we would lose the very strong independent health complaints system that has been established over a number of years in the ACT. This system is essential to maintaining integrity and consumer confidence in the system we have and will be implementing through this bill we are debating today.

I have to say that there seems to have been a great deal of misunderstanding about what is being proposed through this bill. While the health complaints commissioner will essentially be at the top of the hierarchy when it comes to investigations, boards can at any time or at any stage initiate an investigation. For example, concerns were raised with me about boards being able to investigate more practice or individual related issues with medical professionals and that this would not be able to happen if the health complaints commissioner was investigating a matter. This is not the case, as a board can initiate such an investigation while the commissioner is investigating a related matter.

This bill retains the independent complaints process we currently have in the ACT but it also brings us into line with the national registration and accreditation processes. The ACT is therefore able to have the benefits of both processes, which provides the most robust process for consumers, which is what should be the key outcome.

The Greens, as I will speak to, have proposed an amendment which makes the role of the health complaints commissioner explicit in the legislation.

As I have already said, I have corresponded and met with the ACT boards, including the midwives and medical board. When we met with them, the midwives did actually say that they were essentially happy with the status quo, so again I think there has been some misunderstanding about how the process is going to operate.

I think we will still have the national process, as the other states will, but we will retain the involvement of the health complaints commissioner. As I have already said, it is extremely important. It is also incorrect to state that our legislation will be vastly different from that of other states. We have already seen that New South Wales has retained its health complaints process, as I discussed earlier. And, as the minister said, Western Australia is considering amendments and I believe some other states may do the same.

We will have a slightly different process, but we will have essentially the same board process in place—just with the added assurance of the health complaints commissioner, which we already have here in the ACT.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (5.17): I am going to speak to the amendment, which is around the Human Rights Act. This amendment is around the national board's consideration of criminal history; it is not around the joint consideration or the complaints handling issue. This amendment seeks to remove the new section 35A which has been introduced as a key component for bill C to be compliant under the Human Rights Act.

I know that the Liberals never agreed with the Human Rights Act, but the fact is that the Human Rights Act is our law and if we did not have this, this law would be non-compliant with the Human Rights Act and would not get a Human Rights Act compatibility statement. This clause is essential for our jurisdiction and it is very important that Mr Hanson's amendment does not get up today.

Question put:

That **Mr Hanson's** amendment be agreed to.

The Assembly voted—

Ayes 6

Noes 10

Mr Coe	Mr Smyth	Mr Barr	Mr Hargreaves
Mr Doszpot		Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
Mr Hanson		Mr Corbell	Mr Rattenbury
Mr Seselja		Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

Amendment negatived.

Schedule 1, modification 1.1 agreed to.

Schedule 1, modification 1.2 agreed to.

Schedule 1, modification 1.3.

MS BRESNAN (Brindabella) (5.22), by leave: I move amendments Nos 1 and 2 circulated in my name together [*see schedule 3 at page 935*].

The amendments I am moving seek to allow the health commissioner to retain all of the investigatory powers that the commissioner currently has and to ensure that the status quo process continues.

The New South Wales government, as I have already talked about, did give serious consideration to the adoption of the national scheme and was able to get agreement from COAG, at an early stage, that it would go ahead with its own complaints system and retain the role of its health services commissioner. It does seem that the ACT human rights legislation and the ACT health complaints process, or commissioner, were not adequately considered in terms of how this would interact with the national legislation until the process had moved to bill C.

So we have before us a bill that tries to retain the status quo of the ACT health complaints system while still meeting the COAG agreement, but the results in some places are unclear.

Until now, the investigation of health complaints about health practitioners has always largely been in the domain of the Health Services Commissioner, as prescribed under the Human Rights Commission Act. Yet the explanatory statement says:

It is intended that the National Board will deal with matters relating to health practitioners and their conduct and the health complaints entity will deal with matters that are systemic or administrative in nature.

Yet the legislation does not provide for this.

As a crossbench member, I am unable to change the explanatory statement; it is up to the government to do that. But I can propose amendments to the legislation.

Clause 150 of bill B, which we are looking to adopt into our law, goes to the heart of how boards and health complaints entities must work together. The manner in which this clause is presented, however, and how the government plans to amend it via bill C, means that instead of the status quo continuing in full, the commissioner will have to jointly consider with the board whether or not investigations should go ahead and the investigations the commissioner is responsible for under human rights legislation. In every case now the commissioner will have to argue, through the joint consideration process, that they wish to pursue the investigation. And given that the health complaints commissioner's investigation of a case is more serious in hierarchy than a board investigating the matter, the commissioner will then continue with their investigation.

I am also proposing an amendment that allows the commissioner to refer a complaint to a board. This amendment was suggested by the health complaints commissioner. While I understand that such referral powers may already be possible under the legislation before us, the amendment would make the referral power more explicit and encourage greater trust between the boards and the commissioner.

It does have to be said that the process of implementation in the ACT could have been handled much better. Not adequately considering the current legislation and health complaints process we have in the ACT does seem to have led to a degree of misunderstanding about what has been proposed and resulting in a much more bureaucratic process than may have been necessary. And, as I already said, I think there has been a degree of misunderstanding about what has happened with the processes, and I believe this would clarify those.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (5.25): The government will not be supporting either amendment put forward by the ACT Greens.

The proposed ACT model is a joint consideration process whereby information is shared between the boards and the Health Services Commissioner. This is a more robust process than the standard bill B arrangements and it ensures that rogue practitioners do not slip through the net. It allows patterns of behaviour or gaps in the system to be picked up where otherwise they would be missed. In addition, the Health Services Commissioner operates as an independent monitor of complaints resolution in the ACT.

The ACT bill C mirrors the rigour of the current ACT complaints process and also seeks to ensure compliance with the ACT Human Rights Act. These amendments are necessary to allow any chance of the bill passing through the Assembly and being compliant with the act.

Under the proposed arrangements, the national boards and the Health Services Commissioner will both have a complaints handling and investigation role in the ACT. Since the Health Services Commissioner is entirely funded by the ACT government, this will be to the net benefit of the national scheme.

Amendment 1 moved by Ms Bresnan today would have the effect of removing the routine investigation role of the board in complaints matters. This is directly contrary to the spirit of the national law in which the boards have the key role in handling and investigating matters. The Greens' approach would be unacceptable to the boards and would also endanger ACT participation in the national scheme.

The proposed bill C seeks to reserve the role of the HSC as far as it is possible within the bounds of the national arrangements. Excluding the boards from investigations would overstep ACT compliance with the spirit of the national law. I know the law is made here, but that is the commitment that I have given as part of the national health ministers meeting when I was asked to explain the amendments we were moving. Whilst I would not say there was agreement necessarily, there was an acceptance of what we were doing. If I went and put these amendments on the table, there would be no acceptance of that as a position for the ACT and being part of the national scheme. Indeed, we would not be part of the national scheme.

The boards have indicated they do not support the Health Services Commissioner handling all complaints but they are happy for the Health Services Commissioner to handle system matters—indeed, we put that in the explanatory statement—while the boards handle practitioner matters and information sharing to take place.

If the proposed complaints handling arrangements are changed so that the HSC is doing all of the investigations, like in New South Wales, the ACT will be obliged to become a co-regulatory jurisdiction as per the current bill B. This will have major cost implications for the ACT. Funding for the Health Services Commissioner to handle all local complaints has been estimated at an approximate additional cost of \$700,000 per annum.

To help defray these costs, the ACT would be forced to follow in New South Wales's footsteps and ask for a financial return from the scheme by registrants' fees and this again would not be looked on favourably by other states or territories or by the national board, as it weakens the financial base of the scheme.

In addition, a health services commissioner-centric model would weaken the complaints handling process. The cross-checking and shared information would cease, potentially allowing patterns of behaviour or gaps in the system to go on unnoticed or missed.

The thrust of the second amendment put forward by Ms Bresnan is already covered in the bill. The reporting arrangements proposed in bill C are intended to ensure a free flow of information between the Health Services Commissioner and the boards and, as my office discussed with the Greens, the Health Services Commissioner can, and should under the proposed arrangements, notify the boards that she is not going to continue with any investigation. Consequently, it is our view that the proposed addition of (4B) is not necessary.

MR HANSON (Molonglo) (5.29): I find myself in a rare moment of agreement with the minister. We will not be supporting the amendments as put forward by the Greens. In essence, as the minister says, they deviate too far from the spirit of the national law. I believe that the government's bill as presented has actually already done that, but this is a step beyond what has already been presented by the government. In line with the philosophy that we have adopted that we should be as nationally consistent as we can be, the Liberal opposition will not be supporting the Greens' amendments.

Amendments negatived.

Schedule 1, modification 1.3 agreed to.

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

MR HANSON (Molonglo) (5.31), by leave: I move amendments Nos 3 to 11 circulated in my name together [*see schedule 2 at page 934*].

I think by now I have made my point about the intent of these amendments, so I will not labour the point. I understand the Greens and the government will not be supporting these, which is disappointing, obviously. But, in the interests of brevity—and we have got some other important business to attend to today—I again say that the intent is simply in the interests of national consistency, the spirit of national law, and is not in any way a criticism of the Health Services Commissioner or necessarily advocating on behalf of the boards; it is simply to make sure that our legislation is consistent, and these amendments would do that.

MS GALLAGHER: (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (5.32): The government will not be supporting Mr Hanson's amendments. I think we did go to this at the in-principle stage. Essentially, Mr Hanson's amendments seek to remove the hierarchy of actions which are in place as the mechanism for resolving an impasse in the joint

consideration process. That is the first amendment. But all of the amendments go really to how the complaints handling process should be dealt with and go back to, I guess, strengthening the role of the boards, although the boards remain very strong, but reducing the role of the health complaints commissioner.

I understand this is the preferred position of the boards. I have met with all the boards as well. I have read their letters. I have listened to their arguments. But the reality for the ACT is that we have a system in place which, if we adopted the national law, would diminish the current system and the current role of the Health Services Commissioner.

This is something that other jurisdictions do not have to deal with. New South Wales does. It has chosen to deal with it in a different way. We thought we could deal with it with the role of the public interest assessor. When that role was removed, we were unable to do that and had to look for some alternative amendments. We have tried to find a situation that everybody could live with.

I accept that the Health Services Commissioner is not entirely happy, I accept that the boards are not entirely happy, I accept that the Liberals are not entirely happy, the Greens are not entirely happy, I am not entirely happy, no health minister in the country is entirely happy with the ACT in relation to this. But, to me, the system that we have tried to negotiate tries to meet halfway everybody's needs and, indeed, the review, I think, will assist us as legislators to understand the practical reality of the complaints handling process once it is in operation. I think it is only then that we will be able to understand whether the concerns raised by the boards, or indeed the concerns raised by the Health Services Commissioner, actually come to fruition through the real application of the law once it is in place. At that point in time, all of us sitting here, trying to understand what it might be like under the new scheme, will be better educated and will understand what it has actually been like under the scheme. That work is potentially a year away, and I will make sure that we get on to that as soon as we can and that that review is provided to members as soon as it is finished.

We cannot support a position which essentially diminishes the role of the Health Services Commissioner and indeed diminishes the current complaints handling processes across the health system. In a way, I am—after the beatings I take from the opposition about complaints handling—a little, tiny, incy bit surprised that they are seeking to diminish the current complaints handling process in the health system in the way that they have with these amendments today.

MS BRESNAN (Brindabella) (5.36): As I have already stated, the Greens will not be supporting these amendments. Again, as I have outlined fairly considerably through my speeches, we do not want to see a process where we go back essentially to a system of peer review processes for health complaints. We have been able to build up a very strong system here in the ACT over a number of years. It has been recognised as being a very strong system; I think particularly by consumers it would be recognised as such. To back away from that system I think would be a great loss to the ACT and would severely reduce the sort of system we have now in the ACT.

As the bill stands, there has obviously been a lot of work put into trying to have an integrated process whereby we have the health complaints commissioner but we do

integrate what is set out under the national legislation. As the minister has already said, nobody is completely happy with what has been proposed. From my conversations with the various boards and peak bodies and also the health complaints commissioner, yes, they have some problems with it, but they essentially do want the system we now have and for the status quo to keep going ahead, and that is what this bill attempts to do.

Again, as I have said, I think there has been some misunderstanding about how the processes will work, because boards can initiate investigations in particular matters while the health complaints commissioner is also investigating matters, so they still do have that power. There also has to be that joint consideration process. A lot of consideration has to go into the matters, and I do think that the amendment the minister has proposed to have that review will show how it has been working in practice, and that will be of benefit.

Amendments negatived.

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

Bill, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

Schools—visits

MR DOSZPOT (Brindabella) (5.38): Over the past several months, I have had the great pleasure of visiting a number of ACT government schools. At my request, the minister's office, through the department of education, facilitated these visits. I note my thanks for the record. But I have to say that I do question the need for the draconian measures enforced by Minister Barr that I, as shadow minister for education, cannot visit any school without his express permission. All my requests have to be channelled through his office. Over the past few weeks, I have visited Kaleen high school, Black Mountain school, Theodore primary school, Melrose high school and Gordon primary school, while last year I also visited Kingsford Smith school, Cranleigh school, Duffy primary, Lake Tuggeranong college and Calwell high school.

There has been one consistent factor in each of my visits, and that is the enthusiasm with which ACT principals have showcased their schools. I have been most impressed with their dedication and pride in their schools and the school community. It is a shame that I was not able to visit these schools when students were there. This seemed to be the feeling of the principals as well, as it became quite apparent that they would like to present their schools in operational mode and all the principals seemed quite relieved to learn that these times were not of my choosing.

The fact that each visit that has been organised for me this year has been organised outside of school hours has not been a problem for me. I am aware of the time

constraints on school and staff, and I stress that my visits should in no way interfere with the operations of schools. However, it would be very nice to see the schools as they should be seen, filled with students.

The purpose of my visits is to get firsthand knowledge of one of my key portfolio areas, education. I have made a commitment to visit every school to gain a greater understanding of the issues facing our schools and principals and see firsthand the great work that is being done by our educators in the ACT. I congratulate the principals, teaching staff, families and extended communities of these schools that I have visited to date and I look forward to fulfilling my goal of visiting every school in the ACT during the next two years.

In closing, I would like to pose a question for the minister for education. I am still rather perplexed as to why all the visits this year have been scheduled for after normal school hours. I would hope there are no sinister reasons for this and that the minister will give directions to his staff to ensure that this issue is corrected for future visits. Or better still, I would like to see the minister dispense with this archaic protocol policy and allow my staff to talk directly to education department staff in order to better facilitate a school visitation program.

Canberra Citizen of the Year

MR HANSON (Molonglo) (5.42): Just recently, Rotary was announced as the 2010 Canberra Citizen of the Year. It is a little unusual that an organisation has been named as the Citizen of the Year but I certainly commend it. I think it is a very worthy announcement and I, indeed, commend the Chief Minister for having done so.

There are 17 Rotary clubs across the ACT and they all follow their motto “service above self”. The clubs are all engaged in local work in their local areas but also have an international focus, sending shelter boxes to areas of international tragedy where natural disasters have occurred. I am a very proud member of Rotary but I would have to say that I am probably in many ways one of the least deserving members of Rotary to participate.

Mrs Dunne: You are not claiming to be a Canberran of the Year, are you?

MR HANSON: No, I am certainly not. But with respect to participation in the Rotary clubs as an organisation, the wonderful organisation that they are, there are some people that put in hours and hours of selfless service to the community. I do not pretend for an instant to be one of them. I am very proud to participate in a very minor way with my club. Talking about my club, which is the Rotary Club of Weston Creek, there are members who have been members for countless years and who have been participating in projects within the Weston Creek area, in the ACT more broadly and in activities supporting international endeavours for many years.

What I would like to do is read out some of the names of those people from my Rotary club who do participate so fully in our community and are so deserving of this award: Cliff Armitage, Lionel Barrett, Jacqui Burke, Jim Benson, Bede Curtis, Tim Dalton, Peter Dinn, John Donnelly, David Edwards, Warwick Elliott, our president, Damian Farrell, Simon Felgate, Mal Ferguson, Greg Fisher, John Gibson,

Graham Giles, Ronit Goldberger, who sadly has had to leave our club recently and go back to Israel, John Green, Claude Hastir, John Kennedy, Anne Lomax, Jan MacNutt, Margaret McIver, Terry Mernagh, Ashley Pagett, Roy Pubal, Dennis Puniard, Janice Paull, Keith Richmond, Ken Riordan, Prasan Sharp, John Shinerock, Mark Spill, Barry Starr, John Sykes, Hugh Taylor, Warren Turton, Jack White, and Lionel Wood. If there are any names missing from my local Weston Creek Rotary Club, I am sure I will be fined most heavily at the next meeting.

International Social Work Day

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (5.44): I would like to bring to the attention of the Assembly that today is International Social Work Day, a day to celebrate the role that social workers play in our community. It is an important role and one that I have gained a greater appreciation of since I have become minister. Social Work Day has been growing in recognition since it was started 10 years ago by the Australian Association of Social Workers and this year groups of social workers will celebrate the day in different ways around Australia.

Across government departments such as the Department of Disability, Housing and Community Services and ACT Health, there are large numbers of social workers that are employed. In DHCS alone there are 649 front-line workers, many working in child protection and Therapy ACT. These are qualified youth workers, psychologists, occupational therapists, speech pathologists, physiotherapists and other social workers. In the non-government community section in the ACT we have many hundreds more. Regardless of where they work, all confront the challenges of working with our most disadvantaged and vulnerable citizens on a daily basis.

In supporting Social Work Day, organisations demonstrate their appreciation of the professional work social workers do. The day is not intended to promote any sort of professional rivalry or exclusivity and other staff may wish to celebrate Social Work Day with their social work colleagues.

Today my office has been wearing bleeding heart badges symbolising that compassion is not a vice. And my bleeding heart reflects my interest in gardening. We have had bricks and mortar, we have had the Finnish flag, we have had music and of course we have had the ALP logo. We also took time out for morning tea, which consisted of a chocolate cake in the shape of a bleeding heart. I am pleased to say there is not a skerrick of that chocolate cake left now.

How a society treats its most vulnerable is a reflection on its values. Without our social workers employed by government and the community sector, the social good we are committed to would not be possible. I am proud of this Labor government's role in assisting our most disadvantaged. I believe that people should be thanked for doing their job and today I thank social workers for what they do and hope that this day has raised awareness of the issues that are confronted by them in the course of their everyday work.

Lights! Canberra! Action!

MS PORTER (Ginninderra) (5.47): I rise this afternoon to speak about the recent event held in the city on Friday evening last. This was the screening of several films, all finalists in Lights! Canberra! Action! for 2010. I have attended and officiated at this event over a number of years and I was pleased to attend once again to help hand out the awards. I would like to commend all those who were in any way associated with these excellent short films, held this time in Garema Place and in conjunction with Flipart, which certainly added to the enjoyment of the evening.

I will go through the various awards and winners. I would like to particularly commend Benjamin Murphy, the student who was awarded for his film *That Flipping Assignment* for best student film. This young man is a student who took various themes and sites that have been included to give us an amusing and clever interpretation using the techniques of flipping adult roles with student roles, himself acting as a class teacher. I think that this young man has a huge future in front of him. He has demonstrated his talent through that short film. If he chooses to direct or be involved in making films in any way or acting, I am sure he has a tremendous future in that regard.

The winners are: best sound design, Andrew Mooney for *Broken*; best acting performance, Nikki Randall for *I Wish I Was a Lion*; best cinematography, Scott Wombey for *Broken*; best art direction, Kate Warnock and Sally Lowes for *Within a Dream*; best editing, Nicholas E Vevers for *Reverse Graffiti*; best screenplay, Christian Doran for *Broken*; best original music, Mitchell Berk for *Reverse Graffiti*; best director, Christian Doran for *Broken*; best use of an item—you would have to show several items; each of the films had to show each of these items in the production of their short film—was *Chester*—flipside killer, flipped out faces—and James Hunter, the producer. Best student film, as I said before, went to Benjamin Jack Murphy, the producer; best use of theme, *That Flipping Assignment*, again went to Benjamin Jack Murphy, and best film went to Christian Doran, producer, for *Broken*. That was a very chilling interpretation of the themes indeed.

The overall quality of this year's finalists was very clear. I believe each year the quality improves and the films are more polished. I congratulate everyone that was involved in those productions.

I would also join with those opposite to congratulate the Rotary clubs of the ACT on winning the Canberra Citizen of the Year and also to all the recipients of the gold awards—those many people who have lived in Canberra for 50 years or more, including your dear wife, Mr Assistant Speaker, who was awarded a gold award on that occasion. I congratulate each one of those people and thank them for the contribution that they have made to this place that we all now call home. I encourage people to go across the road to the Canberra Museum and Gallery and have a look at the gold exhibition over there, which, I believe, will be added to up until our centenary.

Catholic education

MRS DUNNE (Ginninderra) (5.50): As time did not allow me during the debate on the matter of public importance, I would like to add my words in honour of Catholic Schools Week. I want to do this mainly because I am a product of the Catholic school system, and I take the point that Ms Le Couteur made during her speech about the theme of open minds, open hearts. I would like to pay tribute to the multitude of people who contributed to my education.

I received all of my education at St Carthage's primary school in Lismore, at St Mary's college, and the final years in cooperation between St Mary's college and St Joseph's Marist Brothers high school in Lismore. I would like to pay tribute to some of the great religious who formed me in my formative years: Sister Stanislaus, Sister Carthage, Sister Jude, Sister Charles, Mother Berchmans, who taught me trigonometry and geometry for a very long time, Sister Assumpta, Sister Maria Goretti, Sister Margaret, Sister Chanel, Sister Damian, Sister Josephine, Brother Kenneth, Brother Coleman, Brother Paul and Brother Kevin. They all contributed significantly to my education and to the education of thousands of others in Lismore.

At the same time, I want to pay tribute to the Catholic schools in my electorate: St Michael's in Kaleen, which has a number of functions this week; the school that my older children attended, St Monica's in Evatt, whose fete it is on Saturday—and as the former convenor of the jam stall there, I have a particular fondness for their fete—St Thomas Aquinas in Charnwood, which, as other members have spoken about, is participating in the “charny carny” on Saturday; St John the Apostle's in Florey, St Vincent's, Aranda, St Matthew's in Page and the Holy Spirit school at Gold Creek, along with St Francis Xavier high school in Florey.

These schools have made a significant contribution to the lives of people in the ACT over many years and often through considerable adversity. My colleague Mr Doszpot touched on the issues of funding and the funding ratios for schools in the ACT. It has long been the case that non-government schools generally and Catholic schools in particular in the ACT do very badly in the funding formula with the combination of commonwealth funding and ACT funding. ACT parents do make substantial contributions out of their own pockets to the education of their children in these schools and other schools like it across the ACT.

I wish to pay tribute to all the teachers and principals of those schools and the parents who contribute so much through their fees and their support of the Catholic education system through their support of fetes and through volunteering for sport and other community activities around the schools. I also want to pay tribute to the children of those schools. I hope that they have as beneficial an education and appreciate their education as much as those of us who have gone before them had and do.

I commend the Catholic education system for the work that has been done for well over a century in this country to create a great education for millions of people and for contributing to erasing many social differences in this country through its great contribution to education.

National sheepdog trials

MR COE (Ginninderra) (5.54): On Sunday just past, I went to the championships of the national sheepdog trials in Hall. The championships are a wonderful celebration of rural and regional communities, farming, friends, family, the village of Hall and, of course, sheepdogs. The national trials began in 1942 to raise money for Legacy. The prestigious event has been visited by the Duke of Gloucester, Governors-General, Queen Elizabeth II, the Duke of Edinburgh and many other dignitaries. It is Australia's premier event and is very well regarded throughout the world.

The village of Hall punches above its weight. It is a defined and tight-knit community that evolves with the times whilst championing its rich heritage. The strength of the community is depicted by the huge community support the trials receive. The sponsors and supporters of the 2010 championships were Manuel Notaras, the owner of Parkwood; Peter Vest, the manager of Parkwood; Craig Starr, from the Gold Creek homestead; the Working Kelpie Council of Australia; Morris Bros Automotive in Dickson; Cusacks of Canberra; Ross Dodge; Sabine Muller-Glissman; Barbara Brown; and the Village of Hall Progress Association. In addition, I also thank Canberra Rural Stock Feeds, Greenwood Energy, Hall Premier Store, the Hall P&C, Hall Rotary, Hall vet surgery, Hazleton's Hall Village Motors, Hudson's at the Gardens, Jeir Creek Wines and the Wood Duck Inn.

I was very pleased to attend the dinner on Thursday night, which was also attended by the legendary Ian "Macca" McNamara from the ABC program *Australia All Over*. He led the crowd in a couple of classic Australian songs and provided much entertainment in what was already a very enjoyable evening.

I would also like to thank the Hall ladies sheepdog trial committee for their fantastic work in putting the event together. The ladies are Diane Aston, Marion Banyard, Garrie Greenwood, Angie Hazlehurst, Trish McIntyre, Margaret Morris, Margaret Monohan and Helen White.

Finally, if time permits, I would like to acknowledge the winners> For the 2010 national open championship, the judge was Mr Barry Paton of Koroit, Victoria; first place was Malcolm Taylor from Bridport, Tasmania, with Somerville Floss; No 2 was Daniel Stephens from Cobar, New South Wales, with Romlee Ray; third was Greg Prince from Dubbo, New South Wales, with Prince's Whitey; fourth was Bruce Lang of Whitton, New South Wales, with Collis Nessie; fifth was Charlie Cover from Yass, New South Wales, with Windeyer Trish; sixth was Pip Hudson from Dubbo with Romlee Rain; and seventh was Bill Davidson from Hallsville, New South Wales, with Nardoo George. The Queen's trophy and the Duke of Gloucester sash went to Malcolm Taylor from Bridport, Tasmania, with Somerville Floss.

The 2010 national improver championship: judge was Mr Barry Paton from Koroit, Victoria; No 1 was Graeme Henry from Ballimore, New South Wales, with Windeyer Suzie Q; No 2 was Bill Priest from Bunyan, New South Wales, with Riverside Blossom; No 3 was Leigh Foster from Tennyson, New South Wales, with Rockbarton Max; No 4 was Ray Polack from Dubbo, New South Wales, with Romlee Peggy Sue; No 5 was Jim Luce from Cowra, New South Wales, with Renow Ned; and No 6 was

Lew Noble from Lara, Victoria, with Noble Heir Shaq. The Governor-General's sash went to Graeme Henry from Ballimore, New South Wales, for Windeyer Suzie Q.

The 2009 national maiden championship: the judge was Mr Will Goggin from Bredbo, New South Wales; first was Jim Dodge, from Snake Valley, Victoria, with Viewfield Soldier; second was Laurie Slater from Murrumbateman, New South Wales, with Wynella Rollo; third was Tony Elliott from Gundagai, New South Wales, with Aubun Harvey; fourth was Tony Elliott from Gundagai, New South Wales, with Ryan's Whiske; fifth was Greg Prince from Dubbo, New South Wales, with Glenmar Hutch; and sixth was John Perry from Bredbo, New South Wales with Reidsville Dice. The New Zealand High Commission shield went to Jim Dodge from Snake Valley, Victoria, with Viewfield Soldier.

The champion of champions was Malcolm Taylor from Bridport, Tasmania, with Somerville Floss. The Ross Dodge trophy was won by Malcolm Taylor from Bridport, Tasmania, with Somerville Floss. The Cusacks of Canberra trophy was won by Greg Prince from Dubbo, New South Wales, with Prince's Whitey, and also Pip Hudson from Dubbo, New South Wales, with Romlee Rain. The Lawrie Tong memorial trophy was won by Graeme Henry from Ballimore, New South Wales, with Windeyer Suzie Q. The George Westcott trophy was won by Greg Prince from Dubbo, New South Wales, with Glenmar Hutch. The Working Kelpie Council of Australia Inc trophy was won by Jim Luce from Cowra, New South Wales, with Renow Ned. The Ladies trophy and sash was won by Leigh Foster from Tennyson, New South Wales, with Rockbarton Max. Finally, the national first time trophy and sash was won by Fred Cook from Scone, New South Wales, with Nardoo Chloe.

In conclusion, the National Sheep Dog Trial Championships is a wonderful event and one I am very proud to have take place in the electorate that I represent. We all look forward to the 2011 event.

Canberra Raiders Canberra Montessori school

MR SESELJA (Molonglo—Leader of the Opposition) (5.59): I want to pay tribute to the Canberra Raiders who had their season launch on 4 March at the West Belconnen Leagues Club. My wife and I were very pleased to be able to attend and to enjoy the hospitality that was offered by the Canberra Raiders.

I have got to say that I think there are some really impressive characters around the Raiders Club. I had the opportunity on the night to speak to John McIntyre, who never ceases to impress me with his wisdom. He has just been such a tireless advocate and worker for the Canberra Raiders. Of course, I mention also Don Furner and David Furner, the coach. I would like to pay tribute to the work that they are doing and, indeed, to the welcome that we were given, as well as, indeed, Simon Hawkins, who looked after us on the night as well. It was a good turnout, as always. It was good to see so many sponsors getting behind the Raiders.

I would also like to acknowledge some of those sponsors who are getting behind each of the individual players: the Lighthouse Waterfront Pub, Canberra Toyota, Mooseheads, Walter Turnbull, City Group, Lennox Motors, Monaro Screens,

Leighton Homes, Konica Minolta, allbids.com.au, Austbrokers, OPC IT, CountryLink, Crust Gourmet Pizza, My Kinda Cleaning, Jim Murphy Airport and Market Cellars, Slaven Mazda as well as Shooters Wholesale Warehouse, Jerseys Megastore and G & A Painters. We are very grateful to all of those businesses for getting behind the Canberra Raiders. Without those sponsors and without all the fans who turn up regularly, the Canberra Raiders would not exist.

I would just like to pay tribute to the management and coaching staff of the Canberra Raiders and say how impressed I was with them. I mention also some of the senior players, particularly Alan Tongue, now Terry Campese and others who I think always acquit themselves very well in public. I think they are great ambassadors for the Canberra Raiders within our community.

I also wanted briefly to make mention of the Canberra Montessori school. I had the opportunity, along with Steve Dospot and other colleagues, to attend the opening of a new multipurpose building in Holder. I was extraordinarily impressed with the students. I was impressed with their singing. I was impressed with their behaviour. I had the opportunity to speak to a number of the parent body, many of whom have been involved for many years going back with the Montessori school.

I think the school offers something very different. I think it offers something unique, but I think it offers something very important to our educational community and, indeed, to our broader community. I would like to pay tribute to the new principal, Jack Rice, who impressed me. I think he impressed everyone there with his humour in the speech that he gave. He has come from Canada and he has already, I think, made an impression on the community.

The student body sang a couple of songs, one of which was *Waltzing Matilda*. Afterwards Jack Rice, the Canadian principal, said to me, "I'm looking forward to finding out what that song means." I think it was an interesting and very endearing comment from someone who is new to Australia but who is already making a great impact. So, to Jack Rice and to all of the parents and staff at the Canberra Montessori school, I would like to thank them for their welcome. I would like to put on record how impressed I was with the school, with all of those associated with the school but, most particularly, with the students and the way they behaved and with the way they sang and entertained us all.

Obviously, I also acknowledge other members of parliament who attended. Annette Ellis and Senator Gary Humphries were also there for the opening.

Question resolved in the affirmative.

The Assembly adjourned at 6.04 pm.

Schedules of amendments

Schedule 1

Health Practitioner Regulation National Law (Act) Bill 2009

Amendment moved by the Minister for Health

1

Proposed new clause 10A

Page 5, line 20—

insert

10A Review of Act

- (1) The Minister must as soon as practicable after 1 July 2011—
 - (a) review the operation of this Act in relation to the relationship of the National Boards and the health complaints entity; and
 - (b) present a report of the review to the Legislative Assembly.
 - (2) This section expires on 1 July 2012.
-

Schedule 2

Health Practitioner Regulation National Law (Act) Bill 2009

Amendments moved by Mr Hanson

1

Schedule 1, modification 1.1

Page 8, line 5—

omit

3

Schedule 1, modification 1.5

Page 10, line 8—

omit

4

Schedule 1, modification 1.11

Proposed new section 167 (4)

Page 12, line 8—

omit

5

Schedule 1, modification 1.16

Page 13, line 6—

omit

6

Schedule 1, modification 1.17

Page 13, line 19—

omit

7
Schedule 1, modification 1.18
Page 14, line 1—

omit

8
Schedule 1, modification 1.19
Page 14, line 12—

omit

9
Schedule 1, modification 1.20
Page 14, line 20—

omit

10
Schedule 1, modification 1.21
Page 14, line 24—

omit

11
Schedule 1, modification 1.22
Page 15, line 1—

omit

Schedule 3

Health Practitioner Regulation National Law (Act) Bill 2009

Amendments moved by Ms Bresnan

1
Schedule 1, modification 1.3
Proposed new section 150 (4A) (d)
Page 9, line 14—

omit

2
Schedule 1, modification 1.3
Proposed new section 150 (4B)
Page 9, line 25—

insert

- (4B) If a notification or complaint is referred to the health complaints entity under subsection (4A) (c), the health complaints entity may refer the notification or complaint to a National Board to investigate under part 8, division 8 (Investigations).