



Debates

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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 Ministerial response

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

By **Mr Stanhope**, Minister for Land and Property Services, dated 7 September 2010, in response to a petition lodged by Ms Porter on 17 August 2010 concerning Hawker—Blocks 8 and 10, Section 34—Parking.

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

Planning—Hawker—petition No 109

The response read as follows:

I note that the petition is based on a premise that development of Blocks 8 and 10, Section 34 Hawker would adversely affect parking for the Hawker Group Centre. This premise is not soundly based and it is the Government's intention that any development of these blocks would not adversely affect parking for the Hawker Group Centre.

With changes in retailing, the Hawker Group Centre is in a position to capture an increased expenditure. The benefits of this to the community could include, but are not limited to, a larger more competitive centre, an improved range of leisure facilities, a new "lifestyle" dimension to the centre and more efficient car-parking arrangements.

Information on the two options proposed, including changes to parking arrangements is available through the Land Development Agency's website at www.lda.act.gov.au and the LDA has also placed a "Question and Answer" section on the Community Consultation page of its website responding to issues raised by the community to date on parking issues.

Leave of absence

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

That leave of absence be granted to Mr Hargreaves for this sitting for personal reasons.

Administration and Procedure—Standing Committee Membership

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

That Mr Hargreaves be discharged from the Standing Committee on Administration and Procedure and that Ms Porter be appointed in his place for Tuesday, 21 September 2010.

Justice and Community Safety—Standing Committee Scrutiny report 27

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 27, dated 20 September 2010, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 27 contains the committee's comments on eight bills, 20 pieces of subordinate legislation and seven government responses. The report was circulated to members when the Assembly was not sitting.

The committee also, pursuant to standing order 241, resolved that all correspondence between the committee and ministers and all responses to scrutiny reports be authorised for publication, unless otherwise ordered. This is to allow members to discuss correspondence received between meetings as they relate to legislation.

This is an issue that has arisen quite often, Mr Speaker, when responses to scrutiny reports only appear quite close to the time of debating and there are some irregularities with their being discussed without being published. This will make it simpler and easier for all members to participate in debates.

I commend the report to the Assembly.

MR SPEAKER: Mr Barr is not coming?

Mr Smyth: He missed it last time too, Mr Speaker. He is obviously not keen to make the statement.

MR SPEAKER: Then we will move on to executive business.

Road Transport (Third-Party Insurance) (Governance) Amendment Bill 2010

Debate resumed from 19 August 2010, on motion by **Ms Gallagher:**

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (10.05): Mr Speaker, the opposition will be supporting this bill. I find myself in agreement with the Treasurer for the second occasion on this day.

Ms Gallagher: Not again.

MR SMYTH: It is obviously too much for the Treasurer. Mr Speaker, one of the great pleasures of discussing third-party insurance is the briefing that you get. If members remember the last time we had this discussion, we were talking about the Beatles and Mr McDonald's haircut in the 60s, when he had a full head of hair and enjoyed a bit of a dance to Beatles music.

The briefing this time, of course, started with Tom confessing. He said, "I have to confess, Mr Smyth." I always like it when public servants come into my office and confess. What he did confess was that they had been progressing what they were doing. With that in mind, we will be supporting the bill. I do thank the Treasurer for arranging the briefing on the bill and, indeed, the progress on achieving increased competition in the third-party insurance market in the ACT.

Mr Speaker, this bill essentially deals with four matters. The first and second matters relate to the governance of the third-party regime in the ACT. The new section 5A sets out objectives of the third-party regime. A new section 14 formally establishes the position of the regulator for the regime. The new section 14A sets out the functions of the regulator of the third-party insurance regime.

These provisions appear reasonable. It was noted in our briefing that the framing of these objectives and functions has drawn on the practice, the legislation that is in place in New South Wales and Queensland, and the experience that has been gained already in the ACT following the enactment of third-party legislation a couple of years ago. It is particularly pleasing to learn that some of the key intentions of the new third-party regime in the ACT, such as enhancing the rehabilitation of people who have been injured and reducing the proportion of costs being absorbed by legal matters, are being achieved.

The third matter in the bill concerns the promulgation of information about the third-party regime. In particular, it will enable the regulator to publish the average premium risk for passenger vehicles. This information, while not contravening commercial confidential issues, will provide the community with a greater insight into how the scheme is performing in the ACT and what costs are being incurred as a result of claims being finalised.

Mr Speaker, the fourth matter concerns the Nominal Defendant. I am pleased to see that this bill provides for the preparation of appropriate accounts for the Nominal Defendant, particularly relating to the Nominal Defendant fund. I am also pleased that the bill requires an annual audit of the accounts of the Nominal Defendant.

In this regard, however, I would note some quite serious concerns about the way in which the accounts of the Nominal Defendant have been dealt with in recent times. These concerns are alluded to in the annual report for the ACT Insurance Authority for 2008-09. Unfortunately, there is not a full explanation either in the annual report or in any other document that I can find of what happened with the management of the Nominal Defendant. I think this situation is unacceptable, as it involves

considerable public funds and a most significant area of policy. It warrants further comment from the Treasurer and I trust the Treasurer will speak to this when she closes debate.

Briefly, the history, as I understand it, is that up until the end of the calendar year 2007—that is, 31 December 2007—the management of the Nominal Defendant matters was handled externally to the ACT government. Relevant reports are available on the Treasury website. According to the Insurance Authority’s annual report for 2008-09, the authority became the Nominal Defendant on 17 December 2008, although the assets and liabilities were not transferred until the beginning of January 2009.

This means that there is an interregnum of virtually 12 months for which there is no report on the activities of the Nominal Defendant. Indeed, in the audit report on the Insurance Authority for 2008-09, the Auditor-General provides a qualified report on the activities and financial affairs of the Nominal Defendant. The Auditor-General raises a number of concerns about the period prior to 1 January 2009, noting that it was not possible to be assured of the veracity of information relating to the Nominal Defendant prior to that date.

We need to be quite clear about this, Mr Speaker. The amounts involved, while not large in the context of the ACT budget, are certainly significant with assets and liabilities of nearly \$12 million and, of course, serious matters involving claims arising from motor vehicle crashes, including claims that are still under consideration and dating from before the transfer took place. I cannot find any explanation from the ACT government about this gap in the history of the Nominal Defendant.

There are many serious questions about this matter, including: when was the decision taken to transfer responsibility for the Nominal Defendant to the Insurance Authority; what arrangements were made to transfer this responsibility; what arrangements were made to ensure that any necessary transition arrangements were implemented; and why was there no report on the activities of the Nominal Defendant for the period 1 January 2008 until 31 December 2008? Mr Speaker, I will be pursuing this matter in the annual reports hearings in a few weeks.

I make a few final comments about some of the wording in the bill. In section 14A(f) there is a reference to motor accidents, while in section 14A(g) there is a reference to motor vehicle accidents. I took this matter up in the briefing and was assured that these different descriptions will not affect the way in which the regime will be applied, although action will be taken to make these descriptions consistent.

It does bring me to this point: the phrase “motor accident” as it is used in, for example, section 14A(f) is one issue that we spoke about in the briefing. It concerns changing the behaviour of road users. In this context, there are very strong arguments to change this word from “accidents” to “crashes” or to a similar word. “Accidents” suggests that events in which people are injured or killed are just that—accidents—when the reality is that typically these are not accidents at all. They are tragic events, crashes of whatever descriptions, in which sometimes quite awful outcomes result. We need to get away from the notion that we experience a motor vehicle accident.

We need to change the perception and the reality from accidents to crashes or some more serious description of what has happened and ultimately lead to a change in behaviour. If people are really concerned about this and want to speak to somebody who has a very strong opinion on this, Don Aitkin, as the head of the trust, has for years asked public figures not to use the word “accident”. They are not accidents. They are bought about by the behaviour of human beings and it is the behaviour that we need to change.

I had an undertaking from the officials that in one of the SLAB bills they would change the word so that it is either “motor accident”, “motor vehicle accident” or hopefully, more likely, come up with a better word—for instance, “motor vehicle crash”. There are implications for legislation. There are implications for ongoing court cases. Of course, there are inter-jurisdictional concerns. But it is something the ACT could take up and I look forward to that happening.

Mr Speaker, the last matter of concern is the phrase “average risk premium amount” in section 46A. It seems strange to use “premium” and “amount” together. These two words describe the same thing—a financial outcome of some sort. I would suggest that “amount” appears to be superfluous. We seem on many occasions to add an extra word thinking that it adds clarity when in fact in many cases it is simply duplication.

As always, I asked what consultation had been undertaken. I was told that the Law Society had been written to. In pondering this notion of consultation—given that these changes will have some effect on the insurance companies that collect premiums, which will then provide the detail to the government and the government will then anonymously, with the personal details taken out, publish this average risk premium amount—I thought it would have been a better thing had the government spoken to the insurance companies in particular.

At the time we had the briefing they had not had a response from the Law Society. I would be interested if the minister could clarify whether or not a response has since come. Again, we have got a government that speaks long and hard about consultation but on this case, on what is an important issue, yet again we did not seem to have as much consultation as would have been appropriate in this case.

That said, Mr Speaker, the opposition will be supporting this bill. Of course, the proof of the pudding is in the eating and when we will actually have another provider of third-party insurance in the ACT. Perhaps the minister could also enlighten us as to the process of how many of these insurance firms are knocking at the door bursting to get into the ACT market so that we can have a bit of choice in the ACT and whether or not the reforms have actually achieved what they set out to do.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.15): The Greens will be supporting the Road Transport (Third-Party Insurance) (Governance) Amendment Bill. The bill is a reasonable and sensible step forward for the compulsory third-party insurance framework in the ACT. The Greens agree that establishing a compulsory third-party regulator as a territory authority is a good idea and creates a sound means of regulating the CTP insurance market.

It is good governance to have an authority regulating the insurance provider market to ensure good outcomes for consumers who are at a natural disadvantage in insurance contract transactions, none more so than CTP insurance. The functions are proportionate and adapted to the ACT situation, and I am pleased to be able to support the proposed regulatory structure. I am also encouraged by the news that it is now very likely that we will have in the not-too-distant future new insurance providers in the ACT market and the price benefits that competition brings to consumers.

In regard to price benefits, the transparency provisions are particularly worth mentioning. The new disclosure requirement is, indeed, a positive step forward that will ensure that the community has a far better understanding of why CTP costs what it does and the various components that make up their registration costs each year. I am pleased that the act will now explicitly set out the functions of the regulator and that we have a better articulated framework to deal with issues in our CTP scheme.

One issue that I would briefly like to mention is costs orders for small claims. The current limitations on general damages and discretion on costs awards means that there is an argument that the current act discriminates against low income earners. This issue has been raised by the Law Society and the human rights commissioner. I think it is appropriate for me to say that, whilst we do recognise that we have to balance the need to process claims efficiently, this is an issue that the Greens are concerned about and eager to work with stakeholders on. I think it is a positive step forward that we now have a regulatory authority with a defined role which includes addressing issues such as this.

As I said, the Greens are pleased with the improvements that have been made to the scheme and are happy to support this step in the process towards an insurance framework that not only provides insurance at a reasonable cost for all Canberrans but also delivers the best possible outcomes for those who are injured in motor vehicle accidents.

The other minor issue to address is the small changes to the Nominal Defendant fund. Again, the Greens are happy to support these changes and agree they do improve the governance of transparency of the fund.

I would like to take the opportunity to thank the department, particularly Tom McDonald and Ellen Lukins, for the briefing provided to my staff and me. I am sure that no-one underestimates how complicated insurance regulation can be, and I thank them for their time and effort in explaining the application of and reasons for the proposed changes. The Greens are pleased to support the bill.

MS PORTER (Ginninderra) (10.18): This bill continues the reforms of the ACT compulsory third-party insurance scheme begun by the Road Transport (Third-Party Insurance) Act 2008. Members will see the definition of “risk premium” in the bill before us today. The risk premium in the ACT is around \$367, which is the baseline risk of any insurer based in insuring a vehicle for CTP here, yet the premium is \$487.50. Why? There are a number of reasons, and the usual suspect—insurer profit—is not one of them.

NRMA's profit margin has been controlled by Treasury at the same level for five years. Treasury has not permitted NRMA to enjoy the fruits of its monopoly. In view of the innate inefficiencies built into the old CTP scheme and the complacency of monopoly, claims processing costs were high. Treasury intervened. NRMA's Canberra office has been completely restructured to prepare it for competition. Let us explore the reasons.

The former CTP scheme was 60 years old when the government legislated to replace it in 2008. In other words, it dated from 1948, better known to motorists as the year in which the very first all-Australian Holden car made its debut. The 1948 Holden was exactly what motorists wanted at the time, but of course no-one here would want to buy one today except as a museum piece. Yes, it had four wheels and, yes, it had four doors, but it did not come with a heater or turn indicators. In fact, you had to stick your arm out the window to give hand signals.

In the same way, it is fair to say that the old CTP scheme was well overdue for replacement. Like the clapped-out old car, it was simply no longer performing well. There were next to no knobs or levers that the government could operate to get it heading in the right direction or, indeed, to tell potential insurers where the scheme was heading.

In fact, because it is less than two years since the legislation commenced and because the changes made by it were not retrospective, many of the claims being dealt with by the courts are still claims from the old scheme, chugging along on their meandering, expensive course, leaving not a blue exhaust haze, but an ever stronger scent of money. The increase and volatility in settlement sizes of these old scheme claims is the main reason for the latest increase in premiums. Despite very sound performance by the new CTP scheme, this escalation in premiums and the uncertainty about where they are headed have also acted to discourage additional insurers from entering the ACT market.

Another factor acting to keep premiums higher than they should be is that the frequency of CTP claims per registered vehicle in the ACT is almost double that of New South Wales and Queensland. This is inevitably reflected in the premiums we pay. The ACT has well-built roads, so we should have many fewer crashes and injury claims than we do. The only way to guarantee that the CTP premiums paid by ACT motorists can be lowered in a sustainable way is for ACT motorists to be more aware of their surroundings on the road, extend courtesy and drive more safely.

Members will be conscious that 2010 has been a very bad year on Canberra's roads. So far no fewer than 18 lives have sadly been cut short. However, that is only the tip of the iceberg. For every fatality on the roads, there are about another 30 people who require hospitalisation as a result of these car crashes. It is an unpleasant reality, but compared to the cost of supporting someone with quadriplegia or a brain injury incurred in a car crash, the cost to the scheme of someone dying in a car crash is quite low. In fact, Australia-wide, costs associated with fatalities average only about four per cent of CTP scheme costs.

Let me repeat: to reduce the cost of CTP premiums, we need to do two things as a community. On the one hand, we obviously need to reduce the number of car crashes. On the other hand, since it is utopian to expect that we can abolish car crashes altogether, we need to reduce the severity of the remaining crashes. That means driving more safely. The Tuggeranong Parkway, Mr Speaker, is just that—the Tuggeranong Parkway. It is not the Tuggeranong raceway, as many road users seem to believe. As I said previously, we need to drive being aware of our surroundings on the road and with greater courtesy and certainly keep to the speed limits.

In some quarters the government has been accused of dropping the ball on the issues of premium costs and choice of insurer for motorists. Nothing could be further from the truth. Promoting competition and ensuring that premiums are kept at an affordable level are front and centre among the CTP scheme objectives proposed to be inserted in the CTP act by this bill. Yes, these are ambitious objectives; however, they are ones that the government is fully prepared to be judged by.

The government is backing up these aspirations with action. In this bill there are concrete steps of requiring the CTP regulator to publish the average risk premium for a passenger vehicle each financial year. The risk premium amount corresponds to the insurer's best estimate of the minimum projected cost of motor accident claims for passenger vehicles. This will, for the very first time, put in the hands of motorists the information they need to judge whether the premiums insurers are quoting them represent value for money. I support this bill, and I urge other Assembly members to do likewise.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.25), in reply: I thank members for their contributions to the debate this morning. This bill seeks to make amendments to the Road Transport (Third-Party Insurance) Act 2008. The purpose of these amendments is to specifically define the functions and role of the CTP regulator more clearly. In addition, the government has taken this opportunity to make a number of routine but nevertheless essential housekeeping amendments to the act.

As I said when I introduced this bill, the 60-year-old scheme in operation prior to the new 2008 legislation no longer served ACT motorists well. This was particularly evident in respect of CTP regulation. In fact, the Australian Prudential Regulatory Authority, APRA, advised the ACT Treasury that it could not consider the ACT government to be the regulator of the former CTP scheme under the old legislation, except for a very limited role in relation to premium setting.

In the 2008 legislation, the government set about remedying this deficiency by establishing the CTP regulator and allocating this role to the Department of Treasury, in the person of the Under Treasurer. However, given the extent of the other changes being made to the scheme, only the bare bones of the regulatory function were established by the 2008 act. What these further amendments now seek to do is make the role and functions of the regulator explicit and to consolidate the shift towards transparency, as was provided for generally in the 2008 reforms.

The bill will make the role and functions of the CTP regulator under the new scheme much clearer and formally establish the regulator as a fully functioning, independent arm of the new scheme.

In structural terms, this bill will formally establish the legal status of the CTP regulator as an entity within the Treasury portfolio, similar to the ACT Insurance Authority. The 2008 act set up the crucial foundations for an effective regulatory function. However, it was necessary at that time to vest the function initially in a single position. Now that competition is almost certainly at our doorstep, it is particularly appropriate that a long-term structure be established that reflects an independent regulatory function.

While the Under Treasurer will continue to be responsible for carrying out the CTP regulator's functions and powers, the CTP regulator will now be formally established as a territory authority subject to the provisions of the Financial Management Act 1996. In addition, this bill will amend the CTP act by setting out in detail the functions of the regulator.

These functions are closely based on the common governance provisions found in the corresponding New South Wales and Queensland CTP legislation. In short, these amendments will mean that for the first time the ACT government will be on a comparable footing with both New South Wales and Queensland as the regulator of our CTP scheme. Members will recall that these are the privately underwritten common law schemes on which the ACT's 2008 reforms were based.

The functions to be given to the CTP regulator are consistent with the objectives the government and the Assembly unanimously supported when we passed the 2008 reforms. They will underpin the ability of the regulator to monitor claims management and the provision and availability of effective rehabilitation and injury management services. They will also give the regulator the power to promote and support measures to reduce the number of motor crashes and improve road safety in cooperation with other jurisdictions.

Specifically, the regulator will be given general functions with respect to the licensing of CTP insurers: ensuring that the obligations of insurers under the CTP act are met; approving premiums filed by CTP insurers that maintain a balance between a fully funded scheme and ensuring premiums are not excessive; monitoring the scheme, in particular, injury management and rehabilitation services and the application of scheme costs; promoting public awareness of the economic, social and personal cost of injuries resulting from a motor crash and the causes of motor crashes; ensuring that the scheme overall is operating as intended; and monitoring the proportion of scheme moneys paid to claimants or applied for their direct benefit, for example, by being directed towards the treatment and rehabilitation of injuries incurred in motor accidents.

In summary, these amendments build upon the existing foundations of transparency and accountability that have been embedded in the new scheme and will play a vital role in ensuring that the government's commitment to a better value proposition for all ACT motorists will be met.

Members will note that the bill contains a new provision which sets out the objects of the CTP act. These objects encapsulate the expectations which ACT motorists who are required to take out compulsory statutory insurance and which persons who are injured in motor crashes in the ACT are legitimately entitled to have of their CTP scheme. They reflect the direction of the reforms already made under the 2008 legislation and a commitment to keeping the ACT CTP scheme relevant to the needs of both ACT motorists and injured persons.

In summary, the objects of the act are to continue to improve our CTP scheme; the licensing and supervision of insurers; the promotion of competition; ensuring premiums are affordable; encouraging the early resolution of claims; promoting the rehabilitation of those injured in a motor crash; establishing a register to monitor the performance of the scheme; and last but not least, promoting measures that reduce the incidence of motor crashes in the ACT and mitigate their consequences. These objectives are broadly consistent with the objectives of other CTP schemes across the country and, in particular, New South Wales and Queensland.

Finally, two other amendments have been included in this bill. Firstly, there is an amendment to enable the average CTP risk premium across insurers under the new scheme to be made public. Secondly, there is an amendment requiring the ACT Insurance Authority, as Nominal Defendant, to keep and produce separate accounts in relation to its responsibilities as the Nominal Defendant, and to have these accounts audited. I hasten to advise members that ACTIA is already doing these things as a matter of course, so this second amendment is merely part of the legislative housekeeping process.

The other amendment—the publication of the risk premium—is, however, an important step for the ACT as we head towards competition. It will help to hold insurers accountable to ACT motorists for the effectiveness and efficiency of their claims handling and injury management systems. This is because the risk premium represents the minimum risk that an insurer faces in the provision of CTP insurance in the ACT, reflecting their share of the market. Specifically, the average risk premium will be required to be published by the CTP regulator as part of its annual report. ACT motorists are entitled to know whether the premiums they are required to pay by law represent good value and this provision will assist them in making that judgement.

The amendments proposed by this bill reinforce the reforms instituted by the CTP legislation passed by this Assembly in 2008. This bill seeks to build upon those foundations by clearly setting out the objectives of the scheme and defining the functions and responsibilities of the CTP regulator. By doing so, the bill will help to make CTP insurance a better value proposition both for ACT motorists and all those people who are injured, through no fault of their own, in motor crashes in this territory.

I thank members for their contributions to the debate and for working with us to try and bring competition to the CTP market in the ACT. It is an important reform and this legislation positions us well on the eve of competition entering the market. But I guess the legislative forum can only create the capacity for competition to arrive. We cannot force anybody into the market, and one of the deterrents to competition is the

performance of the scheme as a whole. I hope these amendments go some way to addressing some of the concerns of motorists and the insurers around the performance of the scheme.

But I have to say, as Ms Porter said, some of the issues around the lack of enthusiasm to date for competition in this scheme have been around our poor performance in relation to driver behaviour and, to some extent, the quality of our roads, which allows people to drive so fast. When you compare us to other metropolitan areas around Australia, our performance looks like not the most positive business decision for an insurer. But we are working on that, and I would like to acknowledge the efforts that have gone in to this by the Department of Treasury, particularly in Tom McDonald's area, to continue the legislative reform around the CTP insurance area.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Tourism—Ernst & Young report

Statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing), by leave: I apologise for missing the call earlier. I must confess it would be the first time ever that Mrs Dunne has delivered a speech shorter than my expectations. I missed the call and I apologise for that.

I rise this morning to respond to the Standing Committee on Public Accounts report No 7 on the annual and financial reports of 2008-09. The committee recommended that I report to the Assembly on the government's response to the Ernst & Young report on tourism events funding. Australian Capital Tourism commissioned Ernst & Young in March 2009 to research and report on the events assistance program—or EAP—the UCI Mountain Bike and Trials World Championships and the proposed autumn event concept for 2011 onwards. The total cost of the report was \$128,700.

As part of the 2008-09 EAP, the independent assessment panel recommended that a portion of funds be allocated to professional, independent research on a selection of the events supported under the program. Ernst & Young undertook this work. A cross-section of sporting, arts and special interest events were identified for evaluation to better quantify the real tourism benefits derived from events funded under the EAP framework. The results of this research have been fed into work done by Australian Capital Tourism to improve the EAP and maximise tourism outcomes for the ACT.

Research was commissioned into the following EAP events funded in 2008-09: the 2009 National Folk Festival, the 2009 Canberra marathon, the 2009 Canberra

International Music Festival, the 2009 National Capital DanceSport Championships, and the 2009 Kanga Cup international youth football tournament. These events provided an important mix of spectator and participant-based activities, appealing to a range of demographics. Through this research, Australian Capital Tourism has sought to get a better idea of the types of events that provide maximum return on ACT government investment.

In developing this project, Australian Capital Tourism committed to sharing the results with the relevant event organiser, providing them with a valuable, ongoing reference and planning tool. Members should be aware that individual event results are commercial-in-confidence and, as such, cannot be released publicly. The results of this research have been extremely pleasing. The EAP-funded events that were studied were generally shown to provide strong economic returns for the ACT. This was the case regardless of whether the events were primarily spectator or participant-based, including those mainly catering for junior participants. High levels of interstate visitation were evident and, in most cases, the proportion of interstate attendees outweighed those from the local region.

It was also clear that hosting these events delivered significant flow-on benefits to the accommodation sector and the broader tourism and business communities. These results add weight to the EAP assessment process and justify ongoing support of tourism events through a program of this nature, particularly given the return on investment achieved. The five EAP-funded events included in this research were provided with total funding of \$152,000 in 2008-09. In return, the ACT economy benefited through an increase in direct expenditure of \$6.62 million and an increase in gross territory product of \$9.71 million.

The evaluation included the UCI Mountain Bike and Trials World Championships staged in September 2009. Whilst this event was not supported under the EAP framework, it was considered of high importance to evaluate the tourism impacts from this major event. The results of the MTB worlds evaluation were released publicly in March this year. The MTB worlds was the largest mountain biking event ever held in Canberra, generating additional direct expenditure of \$5.48 million and \$7.99 million in gross territory product. The event was an outstanding success, a credit to Neale Guthrie and his team at TVE.

Mr Smyth: Hear, hear! Well done, Colonel Guthrie.

MR BARR: Thank you, Mr Smyth. I would like to take this opportunity to congratulate Neale and his team as the event has just been nominated as a finalist in Australia's best sporting event category at this year's Australian Event Awards.

The final component of this research project was an analysis of the proposed autumn event concept for 2011 onwards. The modelling work for the proposed autumn event concept provided valuable information that helped inform planning for the event.

Tourism is an important industry for the territory. It injects about \$1.3 billion into our economy each year and employs about 13,000 Canberrans. That is why the government continues to invest heavily in the industry. That is why we look to partner

to deliver great events, such as the recent *Masterpieces from Paris* exhibition, the biggest blockbuster ever held in our country. That is why, of course, we will continue to invest in appropriate research to ensure our tourism industry and the broader community continue to get the best outcome for taxpayers' money.

MR SMYTH (Brindabella), by leave: I thank the minister for providing me with an advance copy of his statement on the day of the last sitting week when it was meant to be delivered. We have had three weeks notice, so that is fine. I need to set out some of the interesting background to this still secret report. It has arisen, in part, out of the fiasco that has become the “now you see it, now you don't” proposed new autumn event.

It is well documented that the Labor Party made a commitment in the lead-up to the 2008 election for a new autumn event and that after the election no-one in the government had any idea what to do about this commitment. Material released to me through an FOI clearly shows that staff in Australian Capital Tourism struggled to make any sense of this commitment. Indeed, the commitment, as we all know, was saved—if you could say that—by the National Gallery obtaining the artworks for the *Masterpieces from Paris* exhibition. The Labor Party contributed half a million dollars to the marketing of this exhibition.

Mr Corbell: The ACT government did.

MR SMYTH: The ACT government, the Labor Party—it is your commitment. This was announced as the first year of the new autumn event and was quite clearly set out in the brief to the minister of 7 August 2009. What we had was an event that turned up by accident for the ACT government and which became the proposed new autumn event. It is quite interesting that the FOI received states, “To brief you on the announcement of the NGA's landmarks exhibition and the ACT government's partnership for year one of ‘the autumn event’.”

The first year of the autumn event was in 2010. It started in 2009, apparently, but according to the minister it is now intended for 2011 onwards. I have complete sympathy for anyone who is confused about what this minister thinks he is doing. Indeed, we now know that the National Gallery exhibition that was held between December 2009 and April 2010 had nothing to do with the continuing new autumn event. Indeed, it was only an accident that it was held partly in autumn this year at all. Indeed, it started in the summer of 2009. So the summer 2009 event is now categorised as the autumn 2010 event. It is curious.

I will not go into any more detail about the chaos that has surrounded and which continues to surround what the proposed new autumn event might be. If people want to see some of the documents, they can come and see me later. I will now turn our focus to the role of Ernst & Young in this matter.

I start by emphasising that confusion reigns all around this mess. The minister said in his statement today that Australian Capital Tourism commissioned Ernst & Young in March 2009 to research and report on the events assistance program and the proposed autumn concept for 2011 onwards. I emphasise the timing: the consultant was

commissioned in March 2009. According to the material in the FOI papers released to me, however, Australian Capital Tourism were still finalising their brief for the project in August 2009. The consultants were commissioned in March 2009 and the brief to the minister was in August 2009.

In August last year, according to folio 578, dated 8 August 2009, Australian Capital Tourism was putting the finishing touches to the brief for Ernst & Young and the brief was described as an “economic modelling brief”. Surely the economic modelling had been done before the minister decided to go ahead with the new event. The minister can get up and answer that question. When was Ernst & Young commissioned to undertake this project? If it was in March 2009, what was the nature of that project? If it was in August 2009, why did the minister just say it was in March 2009? Did Australian Capital Tourism commission two projects from Ernst & Young? That is a question the minister can answer.

The minister, by his statement today, has simply compounded the confusion that surrounds everything to do with the proposed new autumn event. In doing so, he continues this government’s appalling approach to encouraging significant tourism activity in the ACT, as we saw with the sad demise of the former world-renowned autumn balloon fiesta.

The minister has created enormous confusion with the silly commitment that the Labor Party made in 2008. With his vindictive and petty-minded approach to the original and, indeed, excellent balloon fiesta, he has set back the ACT’s tourism event calendar and wasted valuable funds and other resources in trying to find a way out of the mess that he created.

I also need to make some comments about the other matters that the minister mentioned today. He says that research was intended to consider the 2009 Canberra marathon, among other events. We know the total confusion that has now surrounded the holding of this event. Again, it is another sad commentary on the capacity of this government to deliver these events.

I wonder what Ernst & Young had to say about the chaos that has characterised this event in recent times, or is the minister too frightened to reveal this to the community? Apparently, the Ernst & Young project also encompassed the almost ill-fated mountain bike championship. Again, we have not seen what Ernst & Young had to say about this event. While it certainly appears that it was very successful—indeed, I congratulate the nomination for the sports award—what about the way in which the ACT government had to find substantial additional funds to bail this event out of a major financial hole? ACT government employees had to step into the breach and make sure that the event was a success.

Along with the minister, I congratulate all of those who were involved. The final result was something of which the ACT should be proud. Unfortunately, the success of the mountain bike event and the *Masterpieces* exhibition cannot mask the absolute incompetence that characterises this minister’s efforts in the tourism portfolio.

The latest disaster was the way in which he handled the longstanding relationship with the owner of the concert organ concerning the appearance of the organ at Floriade

2010. The minister has a lot of work to do to restore that relationship. His efforts do little to inspire confidence within the local tourism industry, and they do not inspire any confidence in those who may be planning to bring activities and entertainment to Canberra.

I suggest to the minister that some of the confusion that he has created could be resolved by the minister releasing the report from Ernst & Young. Once he has done that, we will be able to determine what further action needs to be considered in relation to these matters.

Planning and Development (Concessional Leases) Amendment Bill 2010

Debate resumed from 1 July 2010, on motion by **Mr Barr**:

That this bill be agreed to in principle.

MR SESELJA (Molonglo—Leader of the Opposition) (10.47): The Canberra Liberals will support this bill. This bill is, according to the explanatory statement, designed to make it easier to identify whether a particular property lease is concessional. The bill achieves this by grouping leases into one of three categories. This categorisation of leases will improve the ability of purchasers, sellers, legal practitioners and others to determine whether a lease has any hidden surprises in the form of a concession.

These categories are concessional leases, market value leases and possibly concessional leases. As outlined in the explanatory statement, concessional leases are leases deemed to be concessional. Market value leases are leases which are deemed to be not concessional. And, possibly, concessional leases are leases that may or may not be concessional.

The concessional lease and market value lease categories give a definite answer as to whether a particular lease is concessional or not. For example, the market value lease category includes residential leases, rural leases and rental leases granted for commercial purposes after 1 January 1974. A lease that is a market value lease under the act cannot be concessional, and a concessional lease under the act cannot be a market value lease.

The possibly concessional lease category, however, is not as clear cut. The explanatory statement notes that the possibly concessional lease category will include leases which may or may not be concessional and that this category is intended to serve as a flag or warning that the lease might prove to be concessional if further research shows that the lease was, in fact, granted for less than market value.

I note that the bill also includes an amendment to confirm that a sale of a concessional lease that has been sold without ACTPLA consent will be valid, once registered with the Registrar of Land Titles. The Canberra Liberals also support this amendment.

The explanatory statement states that this amendment recognises existing provisions as to validity and paramountcy of title in the Land Titles Act 1925, as interpreted by

the courts. It also states that this amendment is necessary to make explicit and put beyond any doubt the effectiveness of the registration of such sales. The Canberra Liberals have consulted industry about this bill. We have spoken to groups such as the Property Council, the HIA, the MBA, planners, the Law Society and others.

Industry are generally supportive of this bill, although some have expressed concerns about its complicated nature. I understand that input from the Law Society has been included in this bill, and I note the society is broadly satisfied with its current form. I do note, however, that, as with all legislation, its effect will have to be monitored for unintended consequences.

As I mentioned earlier, the Canberra Liberals agree with the intent of this bill and will support its passage through the Assembly today. The bill will hopefully go some way to clarifying the status of leases to the benefit of buyers, sellers and industry more broadly, which should, hopefully, minimise the number of occasions on which concessional leases are unwittingly sold contrary to section 265. We will therefore support the bill.

MS LE COUTEUR (Molonglo) (10.50): The Greens will be supporting this bill concerning concessional leases today, and I am pleased that this bill was in fact first put out as an exposure draft, which allowed the various interest groups to have their input into the proposed provisions.

The bill is largely technical, and it deals with the definitions of a concessional lease. All leases which have been issued in the past 20 years which are concessional have been clearly marked with the word “concessional” on them. However, any previous lease may be unclear—that is my understanding.

Some of them show more clearly what the arrangements were at that time, but some just do not. It is confusing, as there are many ways that a lease could end up being concessional and many variations, depending on whether or not market value was paid, whether it was gifted, whether it was a Gorton gift, or whether it was part of the city area leases ordinance—and there is additional confusion, depending on whether or not the lease was subdivided.

The Law Society, in particular, has had many problems with this lack of clarity, and that is what initially prompted the bill, I understand. I know that ACTPLA has been correcting and clarifying leases wherever possible, but it has not always been easy to judge what should happen, based just on the old paperwork.

This bill is going to enable ACTPLA to make some judgements as to whether or not a lease is concessional, which will help the process along. The onus will be on ACTPLA to prove that a lease is concessional. ACTPLA will also be able to issue guidelines to assist people to understand whether a lease is concessional or not.

If a lease is deemed to be concessional then that will be non-appealable, but, if a lease is deemed to be non-concessional then the leaseholder is able to appeal to ACAT for an internal review. So, on the whole, this bill will make leases more comprehensible into the long term.

However, if a lease is deconcessionalised then we can be very confident that the owners are always going to be planning to change the use of the land. In many cases the land has had one use for a long period of time and this land has been owned by a community organisation. Often, given that, there is considerable community interest and concern about the planned change of use. So it is important that the process for determining what happens to the land in the future is as robust and transparent as possible.

There are two issues here: deconcessionalisation and change of use. The EIS exposure draft that Mr Barr introduced last sitting will, if passed, eventually remove the requirement for an EIS on deconcessionalisation, so it makes the need for a good process here even more important. The Greens agree that an EIS on deconcessionalisation is unnecessary, because the EIS is generally dealing with natural environment issues, whereas the issues for deconcessionalisation, given that you do not know the proposed use of the piece of land, are not going to be environmental issues, because we do not know what will happen environmentally. The issues are going to be social and economic. So we are actually thinking that it is the DA proposal that should be the trigger for an EIS process, if required.

However, we also note that, in the Planning and Development Regulation 2008, section 54(1)(e), relating to scoping for deconcessionalisation, includes consideration of social impacts. We propose that deconcessionalisation, instead of triggering an EIS, should trigger a social impact study—and that social impact study should include social, cultural and economic considerations, because these are the things it is clear that deconcessionalisation touches upon, rather than definitively upon something to do with the natural environment.

The other issue, of course, is change of use, because, as I said, after deconcessionalisation, there is always change of use. With change of use, we have been calling for some time for modelling to ensure that we and the rest of the community understand the effects of the proposed changes in change of use charges to densification strategies and to ensure that that does not end up causing more and more of our development to occur in greenfield areas. We want to know what the effect will be on existing landowners, on the supply of infill developments and on the profits of developers. We do not want it to be what the Liberals call it—a massive tax on housing. However, we do believe that the community deserves to get a return when the use of a block of land changes and it becomes more profitable for the owner.

We are waiting for the independent Piggott review to tell us more about these effects and about the real economic and planning advantages, if any, that we will get from changing the change of use system. Change of use is a very important part of the deconcessionalised system, and so, in the context of our discussion here about concessional leases—and thus deconcessionalising—we think it is very important to get this right, and we look forward to further work on this issue. In conclusion, the Greens support what seems like a useful technical simplification.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.56), in reply: I thank members for their support of the legislation. As has

been noted in the debate, the bill is about concessional leases and how they are identified. Concessional leases are leases granted by the government for less than market value. They are granted in the expectation that the lessee will provide a community or economic benefit to the territory in return for obtaining the lease at a discount.

Many leases granted in the 1940s and 1950s, for example, were granted at a lower value to attract new investment into the territory in the early stages of the city's development. They were particularly prominent following the Depression and war years. Since 1992 it has been unlawful to transfer any lease granted for less than market value without the required government consent. This rule applied to existing leases as well as to new leases. A concessional lease still cannot be sold without the permission of the government. It is therefore crucial for a prospective buyer to know whether the intended purchase is a concessional lease.

As I have said earlier, Mr Speaker, the concessional status of a lease goes to the heart of its transferability and therefore its market value. In past years, leases were often granted without an explicit statement as to their concessional status. Pleasingly, this is no longer the case. As a result of the old rule, buyers of land needed to examine the historical title and historical circumstances to determine the status of the lease. There is no doubt that this can be time consuming and difficult and that these difficulties run counter to the aim of the register of land titles which is for the status of leases to be readily apparent. These difficulties also run counter to the aim of having a property title system which permits the buyers and sellers to transfer property with ease and confidence.

The government started to review concessional lease policy in 2004, culminating in an analysis done by consultants KLA Australia. The report included a number of recommendations on the granting and administration of concessional leases. In response, the government agreed to a number of measures, including a new process for the identification of concessional leases. The new process permits a lessee to apply to ACTPLA for a declaration as to the status of their lease. That process is now mandated in the Planning and Development Act.

The Law Society and the Property Council have indicated that difficulties remain. In particular, there are difficulties for those who lack the knowledge, lack the time or lack the resources to apply to the ACT Planning and Land Authority for a declaration as to the concessional lease status, or who do not know when to apply.

As I indicated earlier, the government agrees with the Law Society on the need to allow easier identification of the concessional status of leases. This is vital not just for individual sellers and buyers but also for the integrity of the register of land titles and the property system as a whole. This bill meets this need by making it easier to identify whether a particular lease is concessional or at risk of being so. With the bill in place, buyers, sellers, conveyancing lawyers and others will be able to look at a lease in the register of land titles and tell immediately whether the lease is concessional or at risk of being concessional.

In order to achieve this, the bill groups all leases into the following three categories: concessional leases, market value leases and leases that are possibly concessional. The

first of these is concessional leases—that is, leases deemed under the bill to be concessional. The new definition of concessional leases is in new section 235A, clause 4. As I have said, it is not possible to transfer such leases without government consent.

The second category, market value leases, comprises leases deemed to be market value leases. A market value lease is not subject to the restrictions that apply to concessional leases. The new definition of market value leases is in new section 235B, clause 4. The new definition relies on the list of lease types in part 5.2 of the new schedule 5 inserted by clause 37. This list is based on the already existing list of leases exempted from the definition of concessional leases in the planning and development regulation.

The third category, possibly concessional leases, includes leases that might or might not be concessional. This new category is intended to serve as a warning that the lease might prove to be concessional if further research shows that the lease was in fact granted for less than market value and is therefore a concessional lease.

The new definition of “possibly concessional leases” is in new section 235C, clause 4. The new definition relies on the list of possibly concessional lease types in part 5.3 of the new schedule 5 inserted by clause 37. A prospective purchaser who looks at a lease and decides that the lease is a possibly concessional lease has two options. The purchaser could research, or ask the seller to research, whether the lease is in fact concessional. Alternatively, the purchaser could ask the seller to apply for an ACTPLA declaration as to the concessional status of the lease.

In addition to setting up these three categories, the bill establishes a number of key principles for their operation. These principles are made clear in the new sections 235A, 235B and 235C in clause 4. These categories and lists make it possible for purchasers of land and others to tell whether a lease is concessional or at risk of being concessional by looking at the lease itself.

Madam Deputy Speaker, in putting forward this bill I am mindful of the theoretical alternatives. Some might suggest it would be simpler and more effective to just get in there and examine all the relevant leases and label them concessional or not concessional. This option, while superficially attractive, is not really a practical option at all. I am advised that it would take several years to complete the required examination of the large number of relevant leases. Besides taking too long, there would be considerable expense involved in this process.

I believe this is an issue that needs to be addressed now, not in several years time. Some might suggest that we simply pick a date—for example, 1992—and deem all leases prior to this date to be not concessional. Again, this option, while superficially attractive, in reality is not a realistic option. It is not an option because such a blanket approach would inevitably cause a large number of currently concessional leases to be converted to market value leases with significant open-ended loss of community benefits. The bill before the Assembly therefore represents an appropriate balance between the need to preserve the concessional status of relevant leases and the need to put in place a reliable and simple means for identifying them.

I would like to take this opportunity to also underline a number of other key features of the bill. As has been previously noted, section 265 of the Planning and Development Act states that the purported sale of a concessional lease without the required consent is of no effect. This provision is at odds with the Land Titles Act 1925, which guarantees the legal validity of purchases registered in the register of land titles. This bill confirms recent judge-made law to the effect that a sale registered in the register of land titles is legally valid. This provision is important for the integrity of the land title system and necessary to ensure that landowners and investors can own, buy and sell with confidence.

The bill also includes provisions to ensure that people can rely on statements in a lease that the lease is a market value lease. If a lease is declared to be a market value lease either at the time of grant or later, then it is deemed to be so for all purposes. This is the effect of item 9 of new part 5.2 of schedule 5 in clause 37. In addition, new section 259B in clause 16 specifically prohibits ACTPLA from making any decision that would have the effect of changing this status.

This legal certainty as to the status of market value leases is also needed to permit buyers and sellers undertaking property transactions with confidence. As I have noted, if the concessional status of a lease is uncertain, the lessee can apply to ACTPLA for a declaration as to its status. The bill makes it clear that in assessing such applications, ACTPLA must declare the lease to be not concessional if the relevant historical evidence is missing, incomplete, unclear or equivocal. In other words, Madam Deputy Speaker, the onus of proof is on the government to establish that a lease in question is concessional. This is one of the features of new sections 258B and 258C in clause 16.

Concessional leases are not the only type of lease subject to sale restrictions. Leases granted by a direct grant process rather than going through market competitive processes are also restricted. Under section 251, such leases cannot be sold during the first five years of the lease without consent. The same issues of clarity and ease of identification apply. The bill makes amendments to address the identification of such leases similar to the provisions on concessional leases. This is the effect of amendments made to section 251 of the Planning and Development Act in clause 6.

Madam Deputy Speaker, in conclusion, this bill makes a number of important interrelated amendments that make it easier to identify whether a lease is concessional or whether the lease is subject to a section 251 sale restriction. These provisions are needed to permit buyers and sellers to transfer property with confidence.

I would like specifically to thank again the Law Society and the Property Council, who have both put considerable time into the review of the exposure draft. The bill is a much better product as a result of their input. The bill also reflects the good work ACTPLA's staff are doing and I would like to take this opportunity to thank them again for their work. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Children and Young People Amendment Bill 2010

Debate resumed from 1 July 2010, on motion by **Ms Burch**:

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (11.10): Mr Speaker, the opposition will be supporting this bill today. It makes four amendments stated by the minister in her presentation speech to be minor and technical in nature. The first amendment enables the daily carer of a child or young person to consent to dental treatment, including minor dental surgery, on the advice of a dental therapist. This extends the current provision, which is currently limited to dentists. A definition of “dental therapist” is inserted into the legislation.

The second amends one of the categories of “mandated reporter” in instances of child abuse. Currently, the relevant category, which relates to situations of home-based education, would ordinarily be the child’s parents. The amendment would provide, rather, that the category would be a person authorised to inspect education programs, materials or other records used for home education of a child or young person under the Education Act 2004. This would ordinarily be someone independent of the child’s parents.

The third amendment makes it clear that the chief executive must make a review report for a reviewable care and protection order for a child or young person one month before the anniversary of the order being made if the order is for more than one year.

The last of the four amendments provides that a court must not allow information, which includes documents, to be given to the parties to a proceeding unless the court is satisfied that the information is materially relevant to the proceedings and the best interests of the child or young person are protected. Currently the provision is limited to documents.

I would not necessarily describe all of these amendments as minor and technical. Some are more substantive in nature and are, once again, indicative of the sorts of problems that we have encountered and the issues that arise when 900 pages of legislation are introduced and dealt with as one document, as was the case when the Children and Young People Act was presented in this place in 2008.

I do note again that at the time the opposition pushed for a committee review of this legislation, some of these issues may have arisen in the context of that review. Nonetheless, the amendments are sensible and are supported on this occasion by the Canberra Liberals.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.12): I would like to thank the minister for bringing this bill to the Assembly. The Children and Young People Act 2008 is a very large and specific piece of legislation that covers the entire spectrum of life for a child or young person in the ACT from birth to 18 years of age. The purpose of the act is to maintain the wellbeing and safety of children and young people. As we know and have discussed regularly in this place, the protection and wellbeing of our children is of vital importance. It incorporates families, schools, childcare, health care and the wider community.

This bill, as other members have noted, has been presented to provide clarity about four sections of the Children and Young People Act 2008. The sections referred to mandated reporters regarding home education and decision making by persons with daily care responsibilities for children and young people on the advice of dental therapists and dentists. The changes also identify amendments to the provision of annual review reports for children and young people on reviewable care and protection orders and the provision of sensitive information to parties to a proceeding.

Since the enactment of the Children and Young People Act in 2008 there have been several amendments to the legislation. Given the size and scope of this document, it is not unreasonable to expect that the government will have to make changes to the legislation to aid in the implementation of the laws, always keeping in mind the best interests of the child. The daily care and responsibility for children and young people is an important job and one that we need to support. The changes to section 19(2)(c) will allow dental therapists and dentists to advise people with daily care responsibility for a child or young person under the act. This amendment also allows the people with daily care responsibilities to consent to the treatment as advised. In general, these people are foster carers, kinship carers and residential carers.

This amendment is similar to legislation in New South Wales which allows carers to give permission for dental care and minor dental surgery. This amendment will allow children and young people in the ACT access to dental treatment in a timely manner. Section 19(6) requires that the term “dental therapist” be defined and the parameters of the registration limitations they have within their role.

Mandatory reporting is a very important tool used in our community to help keep children and young people safe. Currently in the Children and Young People Act 2008, a person providing education to a child or young person who is registered or provisionally registered for home education under the Education Act 2004 is mandated to report to the chief executive any suspicions they may have if the person believes on reasonable grounds that a child or young person has experienced or is experiencing either sexual abuse or non-accidental physical injury. The Education Act 2004 states that the parents of a child apply in writing to the chief executive for registration for home education.

The issue here is that the parent who is providing home education is not necessarily the best person to have mandatory reporting requirements. Amending this section aims to provide increased protection to children and young people by giving those who are authorised under the Education Act 2004 to inspect home education programs,

materials and other records used for the home education of a child and the role of mandatory reporting.

As part of care and protection processes, the care and protection act requires that the chief executive prepare an annual report for children or young people on reviewable care orders. A reviewable care and protection order means a care and protection order that is enforced if the order has been enforced for longer than six months and includes a parental responsibility provision, giving parental responsibility for the child or young person to the chief executive or includes a supervision provision.

An annual review report outlines and informs us about the circumstances and living arrangements of a child or young person who is the subject of the care and protection order and whether the chief executive considers the existing arrangements for the care and protection of the child or young person to be in the best interests of that child or young person. This annual report is given to the child or young person, the carers who have daily responsibility for them, the Public Advocate and the Children's Court. The ACT Greens understand that this amendment clarifies the timing of these reviews to ensure they are completed within a year of the order being made.

The final amendment is looking to increase consistency within the legislation between the written documents and information given to the parties to the proceedings, which must be treated as protected information and ensure that any release of this information is in the best interests of the child. The amendment does this by requiring that the same requirement apply to oral or direct evidence. This allows the best interests of the child to remain paramount and provides the ability to protect reporters. I call on the minister and the department to monitor these amendments to the act and the act itself to ensure that the best interests of the child or young person remain paramount. The ACT Greens will support this bill.

MS PORTER (Ginninderra) (11.18): I am happy to be able to speak to this bill today, the Children and Young People Amendment Bill 2010. This bill encompasses four minor amendments, as other members have said, which, when considered holistically, improve the care and protection of children and young people in the territory and continue to strengthen the protection of persons who report their concerns, regarding the care and protection of children and young people in the ACT.

The amendments cover a broad range of issues, including mandatory reporting to protect children and young people receiving approved home education, the timely provision of annual reports for children and young people on reviewable care and protection orders, the provision of sensitive information given or produced to a court, and broadening the capacity for a person who exercises daily care and responsibility for children or young persons under the act to receive appropriate dental advice and treatment. I commend the minister for these amendments and the priority given to ensuring that the care and protection of children and young people for whom this act applies is attended to. There can be no more important objective than this.

The amendments to the mandatory reporting provision places the responsibility for reporting concerns for children and young people receiving approved education with the Department of Education and Training. These officers will monitor the home

education arrangements. This is already a requirement of all ACT public servants providing services to children, young people and their families, and, therefore, complements a well entrenched policy within the ACT.

This amendment appropriately removes the onus upon a parent to report on themselves, their spouse or partner. This course of action is unlikely and may provide no opportunity for children and young people at risk to be brought to the attention of appropriate authorities. The amendment to provide an annual review of reports for children and young people on reviewable care and protection orders provides clarity to those who are tasked with this statutory responsibility.

Currently, the Children and Young People Act 2008 states that the report must be provided each year, an interpretation that is not clear and which creates confusion. The proposed amendment clearly states that a report will be required to be provided up to one month before the completion of each year in the life of the order, providing clarity to the responsible authority as well as the Public Advocate, who independently monitors that the care and best interests of the children and young people are being addressed.

The third amendment proposed is the requirement for a court to apply the same criteria to information given or produced to it. Following its considerations, the court may determine what sensitive information is provided to parties to a proceeding. In the court proceedings, a court may order the provision of documents, which may include sensitive information as defined by the Children and Young People Act 2008. Sensitive information includes details of a child protection report and other information which may include the name or allow the identity of the reporter to be determined.

The act requires that when this information is in documentation the court must consider that the information is materially relevant to the proceedings and, if the information is about a child or young person, the best interests of the child or young person are protected. The current act does not provide the same protection to information that is provided through direct evidence. The amendment proposes to maintain the intent of the legislation and ensure the same criteria are applied to information given or produced to the court.

An amendment is proposed to enable dental therapists to provide a person with daily care responsibilities under the act advice and treatment, following which dental treatment and minor dental surgery for a child or young person in care may be provided. The current act provides that only dentists may advise and provide dental treatment and minor surgery under these provisions. In keeping with the development and regulation of other health professions, the amendment proposes to include dental therapists and dentists as being able to advise and provide dental treatment and minor surgery with the consent of a person who holds daily care responsibility for children and young people under the act.

Dental therapists provide a significant service to the ACT community, and the inclusion of this registered profession will ensure access to appropriate professional interventions for children and young people in the care of the territory. It should be

noted that, while persons who have daily care responsibility for a child or young person under the act in the territory may provide consent, the act does not override the capacity of a young person to provide their own informed consent to a dental procedure on the advice of a relevant professional.

The minor amendments proposed by the minister to the Children and Young People Act 2008 continue to improve the applicability of this extensive and complex legislation. The amendments are important to children and young people in the territory and to those working towards improving the care and protection of our children and young people. As I said before, there can be no better objective, and I commend this bill to the Assembly.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (11.24): I wish to take the opportunity to speak briefly in support of this legislation and to commend Minister Burch for these important amendments. I remind members of the Assembly that the Children and Young People Act 2008 was passed unanimously by the Assembly in July of that year. It was a significant, complex and comprehensive piece of legislation about protecting and caring for the ACT's children and young people.

The Children and Young People Act 2008 seeks, together with the community, to address the needs of vulnerable and at-risk children and young people in the ACT. In addition to protecting vulnerable and at-risk children, the act regulates childcare licences, the employment of children and young people and provides for youth justice issues.

The Children and Young People Act 2008 is comprehensive. It has 888 sections, and is more than 770 pages long. Therefore, it is only to be expected that, as child protection teams, youth workers and the childcare sector work with this legislation on a day-to-day basis, minor amendments will be necessary. It is simply part of a high quality and ongoing policy review process.

There are four areas that have been reformed, as a result of this review and as a result of reflection on the operation of the act. One of the key amendments relates to mandatory reporting and home schooling. As the territory's education and training minister, I believe that we need a range of educational settings to suit the diverse needs of our students. Home schooling is one of these settings. But, just as we regulate and monitor our schools, both government and non-government, and just as we need to regulate our alternative education programs, such as those provided by the CIT and the apprenticeships and traineeships that are run by registered training providers, so, too, we must make sure appropriate checks and balances exist for home schooling.

So this amendment will transfer the mandatory reporting obligations from those who provide home schooling to those who are authorised under the Education Act 2004 to inspect home schooling arrangements. These amendments are beneficial, and they are necessary to support the important work undertaken by our care and protection staff.

There is also an amendment clarifying the time frames for providing annual review reports for children and young people on reviewable care and protection orders. For vulnerable children and young people in the care of the territory, the provision of an annual review report of their circumstances, within a set period of time, is important. It provides a record for the child and their family, and it provides further stability for families in the ACT.

The protection of children and young people is also relevant to the amendments concerning the provision of sensitive information by a court, including information that may identify a reporter to parties to a proceeding. This provision protects those persons who report their concerns for the safety and wellbeing of children and young people. The court must consider in their deliberations that the best interests of the children and young people are met, as well as considering the material relevance of this information to the proceedings, before making such information available to the parties.

The amendment to include both dental therapists and dentists who provide advice and treatment to carers or young people is ensuring we include relevant professional services in the ACT. Dental therapists are an important professional body and are thoroughly regulated and supervised. Broadening the range of professionals who provide advice and treatment to children and young people in care is of benefit to these children and their carers and is certainly to be commended.

I support these amendments, as they add clarity to and strengthen the Children and Young People Act 2008, a critical piece of legislation for the care and protection of children and young people in the territory.

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) (11.28), in reply: On 1 July 2010, I tabled amendments to the Children and Young People Act 2008. This piece of legislation was passed in the Assembly in July and was fully implemented in July 2009. The legislation is broad and far reaching, encompassing child protection, youth justice, the regulation of childcare licences and the employment of children in the territory. Since the implementation, minor issues have arisen through practice, and those needed amendment, to ensure children and young people and families are appropriately served by this legislation. The amendments I have tabled are needed to ensure the clear interpretation or strengthening of the act and to ensure the ongoing care and protection of children and young people in the territory.

The Children and Young People Amendment Bill 2010 proposes minor amendments to the four sections of the Children and Young People Act 2008. In summary, these are: an amendment replacing the mandatory reporting obligations upon those registered to provide home schooling with an obligation upon those persons authorised under the Education Act 2004 to inspect home schooling arrangements; an amendment clarifying the timely provision of annual review reports for children and young people on reviewable care and protection orders; and an amendment requiring the courts to apply the same criteria regarding the release of sensitive information to

parties to a proceedings, including the reporter's identity, to information given or produced to the court; and an amendment enabling dental therapists, as well as dentists, to provide advice regarding dental treatment and minor dental surgery to persons who are to exercise daily care responsibilities for a child or young person in care.

Mandatory reporting is an important provision of this and previous acts in the ACT. The legislation requires a broad range of professionals and persons working with children and young people and families to report their concerns where children and young people in the ACT may be the subject of non-accidental physical injury or sexual abuse. This group of professionals has not significantly changed since the introduction of legislation in the ACT, although clarity of application has been provided in subsequent changes.

In 2008, the new act included a provision requiring a person providing education to a child or young person who is registered for home education under the Education Act 2004 to be a mandated reporter. In essence, this provision requires that a parent, as the only person able to be registered to conduct home education, must report on themselves, their partner or their children.

Given the secrecy of abuse, it is unlikely such a situation may arise. Yet those children and young people who receive home education and who may be the subject of physical or sexual abuse within the home may need to be reported and appropriate action taken.

The amendment proposed seeks to replace the mandatory reporting obligations upon the parents and place the mandatory reporting obligations upon those persons authorised under the Education Act 2004 to inspect the home schooling arrangements. This amendment provides necessary clarity and an opportunity for the children and young people who may be subject to physical or sexual abuse to have their concerns identified in reporting.

The Children and Young People Act 2008 requires that a child or young person on a reviewable care and protection order have a report prepared about their circumstances and living arrangements during a preceding period. A reviewable order is any order that has been in place for more than six months and that has parental responsibilities or supervision provisions involving the chief executive or his or her staff.

These reports, when finalised, must be provided to the child or young person, to the parents, to carers, to the ACT Children's Court and to the Public Advocate. These reports are an important record for each child or young person, their parent and their carer. The Public Advocate, as an oversight agency, reviews these reports and ensures that the best interests of the children and the young people are independently considered.

The act currently states that the annual review report is to be prepared each year. This could be interpreted to mean each year in the life of the order or in each calendar year. The amendment seeks to provide the necessary clarity that an annual review report must be prepared and provided to the child, young person, parent, carer, the court and

the Public Advocate each year in the life of the order. In addition, the amendment processes that the report may be prepared for up to at least one month before the anniversary of the order, allowing for periods when the anniversary date may occur during a weekend or a public holiday.

Section 866 of the act enables the court to order that direct evidence or documents be provided to the court, including sensitive information. Sensitive information is defined at section 845 of the act as information. This is included in a care and protection report, a care and protection appraisal, interstate care and protection information, family group conference information, a contravention report for childcare purposes, and any information prescribed by regulation. Sensitive information includes information concerning the identity of a reporter.

The act requires, when considering sensitive information in a document, that the court not allow the document to be given to the parties to the proceedings, unless the information is materially relevant to the proceedings and, if the information is about a child or young person, the best interests of the child or young person are protected. The act does not require the application of these criteria on the receipt of the information given through direct evidence. The amendment proposes to ensure that the same requirements apply to information given or produced in the court. This will ensure protection of the identity of the reporters and consistency when the court considers the provision of sensitive information to parties to a proceeding.

When a child or young person is placed in the care of the chief executive or an approved carer, they may have daily care responsibilities for the child or the young person in their care. Daily care responsibility decisions include decisions about whom the child lives with, whom the child may or may not have contact with, healthcare assessments and treatment, other than surgery and dental treatment and minor dental surgery.

References in the act regarding dental advice and treatment are confined to the advice and treatment received from a dentist. Dental therapists are registered professionals under the Health Practitioner Regulation National Law (ACT) 2010 who conduct dental assessment, oral health plans, preventative and restorative treatment and emergency dental treatment. The registration conditions of dental therapists for either provisional or limited registration would only enable them to perform functions to the extent the person is allowed to do the activity under the person's registrations.

Dental services are provided by dental therapists and including them within the act enables this professional group to advise and provide treatment and minor surgery and would make dental services more accessible and responsive to the needs of the children and the young people in care.

The support, care and protection of children and young people in the Australian Capital Territory is a community priority and these minor amendments strengthen the aspects of the legislation that achieve this outcome. A robust and effective Children and Young People Act 2008 is desirable for us, as members of the Assembly, as community members, as adults and as parents and carers.

I fully support the Children and Young People Amendment Bill 2010, and I can provide assurance to the Assembly that I and my department will monitor not only these amendments but the act more broadly, to ensure that children and young people in the ACT have the best possible legislative framework within which to provide them care and protection.

I thank the Assembly for their comments on and their support for this amendment bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 11.38 am to 2 pm.

Questions without notice

Schools—truancy

MR SESELJA: My question is to the Attorney-General. Recently, the principal of Lanyon high school asked local retailers to deny service to school-age students during school hours. In response, the Human Rights and Discrimination Commissioner made public statements that such an action might be in breach of the Discrimination Act. The Education Act 2004 makes it mandatory for children between six and 17 years to attend school, and the central theme of the Children and Young People Act is that the best interest of children and young people is of “paramount consideration”. Attorney, do you support the statements made by the Human Rights and Discrimination Commissioner? If yes, why? If no, what do you say in response to the commissioner?

MR CORBELL: I support statutory officers advising the community what their obligations are under the law. It was entirely appropriate for the human rights commissioner to highlight that it was discriminatory and unlawful to discriminate against someone when it came to the provision of a service on the basis of their age—a service which it would otherwise be lawful to provide to a young person. It was entirely appropriate for the statutory officer charged with the responsibility of promoting and upholding human rights to advise residents, the Canberra community, as to the status of the law. If Mr Seselja believes that it should be lawful to discriminate against young people on the basis of their age, then Mr Seselja can come into this place and amend the Discrimination Act. But it is not for statutory officers—

Members interjecting—

MR SPEAKER: Order! Mr Corbell, a moment, please. Members, this is not a debate. We are not shouting across the chamber in a debate. Let us hear from the minister.

MR CORBELL: Thank you, Mr Speaker. It is not for statutory officers to say what the law should be; it is for statutory officers to say what the law is and to remind the

community of what the lawful obligations are. Of course, the Liberal Party try to contrive this as being about condoning kids wagging school. That is not what it is whatsoever. Indeed, Dr Watchirs, in her own comments, has made very clear that she does not condone students—

Mr Hanson: Mr Speaker, a point of order. The specific question is whether the attorney supports the statements made by the Human Rights and Discrimination Commissioner. He has had two minutes of preamble. I ask that he get to the nub of the question: does he support the statements made by the human rights commissioner?

MR SPEAKER: There is no point of order. The attorney is answering the question.

MR CORBELL: Thank you, Mr Speaker. This is not about condoning kids wagging school. Kids should be in school, and schools have a legal obligation to ensure that kids remain at school when they are in the care of teachers at a school. But it is one thing to say that kids should not be out of school; it is another to say that if kids are not present at school, service should be denied them on the basis of their age. It is unlawful to discriminate on that basis. It is entirely appropriate for the human rights commissioner to advise the community as to what the law says. If you have a problem with the law, Mr Seselja, change the law, but do not criticise a statutory officer who is quite rightly and quite properly doing her job.

MR SPEAKER: A supplementary question, Mr Seselja?

MR SESELJA: Attorney, to what extent does the principle of giving paramount consideration to the best interests of children or young people surpass the requirement not to discriminate against them?

MR CORBELL: I would have thought it was quite obvious that all officers, including teachers, have to abide by the law. They have to abide by the law. As I am sure Mr Seselja would appreciate, the Discrimination Act and the Children and Young People Act must interoperate and regard must be had to the lawful requirements of both acts, not the one that you prefer to select.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, which laws apply to shopkeepers who refuse to serve school children because they consider it might be in the best interests of those children to attend school rather than go shopping?

MR CORBELL: I think I have answered that question, Mr Speaker. I do not believe that the Children and Young People Act places any legal obligation on the part of shopkeepers, but it does in relation to those who have the lawful care of children when they are present at school.

MRS DUNNE: I have a supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what is your response to the Human Rights and Discrimination Commissioner's public statement that "the community made this law", implying that the community must therefore live by it?

MR CORBELL: It is a highly appropriate observation for the human rights commissioner to make. As I said in my previous answer, the human rights commissioner and the human rights commission do not establish what is lawful or what is unlawful when it comes to discrimination. This place does. Therefore, if Mr Seselja—or Mrs Dunne or others—believes that it should be lawful to discriminate against young people because of their age, then they should come to this place and seek to amend the law. They should not criticise Dr Watchirs for upholding her statutory obligations to explain the law and to educate the community about the law that this place puts in place.

Parliamentary triangle—pay parking

MS HUNTER: My question is to the Chief Minister and it concerns pay parking in the parliamentary triangle. Chief Minister, what are you doing to progress the introduction of widespread pay parking in the parliamentary triangle and how soon can this commence?

MR STANHOPE: I thank Ms Hunter for her question. As I think Ms Hunter and other members of this place would be aware, I have for a number of years urged on the commonwealth the importance to Canberra of pay parking being introduced in the parliamentary triangle. It is an issue that I have spoken on and a position for which I have advocated for a number of years now. In the last year, for the first time, the commonwealth, through the NCA, has engaged in a formal way. Previously there have been expressions of support, most particularly from Gary Rake and the NCA, around the issue of pay parking. The issue has now been agreed to have been progressed by the establishment of a joint working party, chaired by the NCA, into the issue. I have to say at this stage I am not quite sure how active the work of that particular group has been, but I am encouraged that the commonwealth has now agreed to engage seriously with the ACT government in advancing the prospect of pay parking within the parliamentary triangle. I think it is very necessary, for a whole range of reasons.

I am, of course, conscious—and I believe other members of this place are aware—of the fact that the commonwealth recently sold a large piece of land within the triangle to two local developers. Those developers, the Domazet Group and the Morris Group, have resolved to provide commercial parking on that site in the short term. As I understand it, they prepared their proposals for the development of that block, and that also has implications for the parking landscape within the parliamentary triangle, to the extent that all the advice to me suggests that the decision by the Domazet and Morris groups to charge for parking, to provide a commercial parking arrangement, will certainly attract the fringe benefits tax arrangements, and that, of course, has implications most particularly for the commonwealth as an employer.

It is an issue that I have pursued quite actively. There is a joint working party. There is an agreement now by the commonwealth to engage with the territory. It is a matter

for the commonwealth. It is their land and they have responsibility, but we are prepared to work with them, and accept that any change to the parking arrangements in the triangle will have implications, hopefully, for public transport, in that there would be a significant uptake and that would assist us in making ACTION more attractive, most particularly to people who work in the triangle.

MR SPEAKER: Ms Hunter, a supplementary?

MS HUNTER: Yes, Mr Speaker. Chief Minister, what level of income could the ACT Treasury expect if widespread pay parking is introduced?

MR STANHOPE: It is not an issue that I have taken advice on. Indeed, Ms Hunter, it is quite possible that it is none. It is quite possible that the commonwealth would wish to manage any pay parking regime in the parliamentary triangle on their own behalf. That would not be consistent with our understanding of the commonwealth's approach to these sorts of issues, but I have not had it computed and I have not asked for or received advice on any financial implications in terms of receipts from pay parking in the triangle. At this stage no decisions have been made by the commonwealth to agree to introduce pay parking. I hope they do, but no decision has been made. It could very well be that they would wish to manage those arrangements themselves.

A further aspect of the pay parking landscape is, as has previously been announced, that the ACT government has proposed, and does propose, to make available for purchase land that it owns within the triangle for the purposes of establishing a multistorey commercial car park. That is another piece of the jigsaw in relation to parking within the triangle. That is on the land release program, I believe, for this financial year. I would have to check that, but I believe that that is land that has been identified for sale this financial year.

MS LE COUTEUR: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, are the bus services to work locations in the parliamentary triangle capable of handling an increase in commuters should pay parking mean that more workers choose to bus to and from work in the parliamentary triangle?

MR STANHOPE: Thank you, Ms Le Couteur. I think the short answer to your question is yes. I think there is no area of Canberra better or more regularly served than the parliamentary triangle. I am not sure of the exact number but I am advised that there are somewhere in the order of 700 buses moving through the parliamentary triangle each day; that is, somewhere in the order of 700 buses crossing Commonwealth Avenue and Kings Avenue bridges every day.

It would be possible to catch a bus somewhere within the triangle at least every—

Mr Hanson: How many stop there, though, Jon?

MR STANHOPE: There are more buses, more services available, in the parliamentary triangle. Of course, to the extent that we can respond to demand, were demand to increase, we would respond. We are aware of that. We would respond. I made that point in answer to an earlier question.

There is no area of Canberra better served than the parliamentary triangle in terms of number of services and regularity of service. The major instances, of course, of a public transport service or a bus network are reliability, dependability and regularity. And all of those factors apply to anybody wishing to use or catch a bus anywhere in the parliamentary triangle.

MR SMYTH: I have a supplementary question, Mr Speaker.

MR SPEAKER: Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, does the ACT government invest in pay parking companies and would that be considered an ethical investment?

MR STANHOPE: I am not aware that we do, but I would regard it as a highly ethical investment. But it as an interesting issue and an interesting question, of course, and it depends on one's particular perspective.

Taxation—change of use

MR SMYTH: My question is to the Treasurer. Treasurer, I refer to recent claims by Mr Paul Powderly of Colliers International that the ACT is already 1,000 units behind where it should be, due to uncertainty over your great big tax on homes. Mr Powderly said, "What does that mean? Whatever is available sells for more money, it means there are less units to rent and so rents go through the roof." Minister, has uncertainty over your great big tax on homes led to the ACT having 1,000 units fewer than it should do and has it led to rents going through the roof?

MS GALLAGHER: Thank you, Mr Speaker. No, we do not believe so at all. The change that Mr Powderly is talking about is, of course, the move to codification of the change of use charge. This charge has been a charge in place in one form or another since the early 1970s. As much as the Liberals would like to paint it as a great big new tax, it is not a great big new tax; it is a tax that has been in place for many, many years, and now, since an anomaly has been identified, the correct amount of change of use charge is being paid for developments, particularly residential units and dual occupancy development.

As Mr Smyth would know, there is a range of pieces of work, or a range of work, at the moment being done, including, as requested by this Assembly and agreed by the government, around cost-benefit analyses, the economic impact of the proposed changes and the final report being provided to the government—it has not been provided at this point in time—for the information of members, prior to codification commencing. I think it is at that point that all the information will be available to all members to make up their own minds about this.

If the Liberals oppose the change of use charge and the appropriate collection of that charge then it is up to them to implement changes to the legislation, to address the concerns that they might have. But, on this side, the government believes the community is entitled to a fair share of the profit that is being delivered by the granting of extra development rights to a developer for the benefit of building new residential opportunities across the city. If you were to believe that the change of use charge is the key determining factor of the price of housing in this city—and I am not sure if Mr Smyth believes that—then you would imagine, when people were paying two and a half thousand dollars for the change of use charge, that you would have seen big decreases in the price of units. Funnily enough, we did not see that.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Yes. Thank you, Mr Speaker. Treasurer, will Mr Quinlan's committee look at the change of use charge in the review of taxation? If so, will the aim be to squeeze people until they bleed but not until they die?

MS GALLAGHER: You still haven't got over this tax review, have you, Brendan?

I do not see any reason why you would exclude the change of use charge. I have certainly not taken the view to exclude or include particular charges and taxes from the review. That is open to the review panel. I think the amount of work that is being done around the change of use charge and the level of expert analysis that is being done, which will be shortly provided to the Assembly, once I receive it, will be available to the review panel as well.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Treasurer, will you have a phase-in period for the big tax on homes? If so, how long will it be?

MS GALLAGHER: That is certainly being considered by the government. We are waiting on some work being finished by Professor John Piggott, who is doing the review of the draft schedules and feeding in with the economic analysis which will be provided to the Assembly.

I understand from discussions with Treasury that transition arrangements are part of those discussions and have been put on the table. The government has not considered all those pieces of work yet, but I understand that one of the options being put forward will include a transition to the new arrangements.

Domestic Animal Services—dogs

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services and concerns a repeat outbreak of the parvovirus at the Domestic Animal Services facility. Minister, are you aware that since the last sittings a parvo-infected dog was released from DAS—the Domestic Animal Services facility—to a foster carer and had to be put down within two days? How do you explain DAS's inability

to contain the outbreak when the RSPCA successfully contained an outbreak within seven days?

MR STANHOPE: Thank you, Ms Le Couteur. No, I was not aware of that particular incident. I must say that I regret it and I can understand how distressing it must have been for those involved. As for your assumptions around comparative competence as between the RSPCA and DAS, I have utter faith in DAS. I have to say, in the absence of a briefing on the issue, I am not prepared to accept your underlying assumption and the implicit criticism of dedicated ACT public servants working at DAS. I will take advice on the matter and I will respond to you in full when I have it.

MR SPEAKER: A supplementary, Ms Le Couteur?

MS LE COUTEUR: Minister, I understand the pound was closed last week after the recent outbreak. Is the pound now open?

MR STANHOPE: Thank you, Ms Le Couteur. I believe I signed a letter to you as recently as the end of last week in which I provided you with all of the information available to me at the time. I think it was a letter I sent to you last Friday. I have not received an update or further advice from TAMS on the Domestic Animal Services pound since last Friday when I wrote to you and provided you with details of the incident in relation to the outbreak of parvo disease. I am more than happy to provide weekly briefs to you on the issue if that would be of assistance.

MS HUNTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, what action is DAS taking to investigate how this reinfection occurred and what further steps are being taken to prevent more infections or outbreaks?

MR STANHOPE: I will have to take the question on notice, Ms Hunter. As I have just indicated, I was not aware of the incident so I cannot respond to you, but I am more than happy to take it on notice. It is a very serious issue. I think in that regard—

Mrs Dunne: And I think you should ensure that every stray is immunised.

MR STANHOPE: It is an interesting suggestion that we should immunise all strays. I was going to go to a particular issue relating to an essential difference between the work of the RSPCA and the Domestic Animal Services pound. The dogs that are retrieved by rangers are invariably strays or dogs that have other issues in relation to their behaviour. They go to the Domestic Animal Services pound rather than the RSPCA—in other words, they are violent dogs, dogs that have attacked other dogs or animals or dogs that have attacked people—as well as, of course, the vast majority of strays. The vast majority of strays are roaming dogs, wild dogs, dogs in the street.

Dogs that attack people are essentially relocated or housed at the pound, not at the RSPCA. It is a very different cohort. It is a very different service that Domestic

Animal Services provides through the pound than the RSPCA provides. I would have thought that the antecedents of the majority of dogs that the Domestic Animal Services rangers deal with would be part of the explanation in relation to the difference in relation to disease, the behaviour of disease and the spread of disease as between the RSPCA and the pound. I think we need to show some respect for DAS. They are dealing with dogs that have escaped from home, that have been excluded from home, that run wild on the street or otherwise behave in dangerous ways.

MS BRESNAN: Supplementary question, Mr Speaker?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Given that the parvovirus remains in the environment for 12 months after contamination, can the minister assure the community that the car park and walking tracks near the pound are not contaminated and do not pose a risk?

MR STANHOPE: I will take the question on notice and seek those assurances.

Schools—truancy

MRS DUNNE: My question is to the Minister for Education and Training. Recently, the principal of Lanyon high school, concerned about truancy at the school, asked local retailers to deny service to school-age children during school hours—in fact, he actually seemed to have asked them not to serve people who were wearing Lanyon high school uniforms. In response, the Human Rights and Discrimination Commissioner made public statements about the operation of the Discrimination Act. Minister, did you or your department know about the intention of the Lanyon high school principal to take these actions? If yes, what discussion did you or your department have with the principal before he took these actions? If no, have you had subsequent discussions with the principal—either you directly or through the department?

MR BARR: My understanding—speaking on my own behalf, no, I have had no discussions with the principal. In relation to the department—not initially, but subsequently, yes.

MR SPEAKER: Mrs Dunne, a supplementary?

MRS DUNNE: Minister, could you outline for the Assembly the nature of those conversations? Do you support the right of truant students to demand service from retailers? If yes, what message does this send to students who have a tendency to absent themselves from school?

MR BARR: As members would be aware, school principals have a range of responsibilities, including the primary responsibility for ensuring the safety of their students. As has obviously been canvassed in this debate, under the Education Act attendance at school is compulsory during designated school hours.

The principal's actions in this instance were intended to ensure that students were attending school during those hours. Under the department's policy, principals have a responsibility to ensure that their schools are organised in a way that appropriately manages the duty of care and accounts for students' absence from the classroom, from school buildings and from school grounds.

Obviously this matter has raised an important issue and I can say that I certainly support the intention, if not the strategy, of the principal in addressing the issues of truancy at his school and indicate that the department will work with him to develop appropriate strategies. I can advise the Assembly that the principal will not be pursuing the strategy of having signs displayed at the local shops refusing students service.

MR SPEAKER: A supplementary question, Mr Doszpot?

MR DOSZPOT: Thank you, Mr Speaker. Minister, what is the incidence of school truancy in the ACT and what is your government doing to stem that incidence?

MR BARR: Without any specified period to which the member refers, it is difficult to answer his question, other than to say that overall there are not any particularly alarming, high levels of truancy in the ACT. As I understand the situation compared with other jurisdictions, there is a very high level of school attendance in the territory, this is recorded in nationally comparable statistics for all jurisdictions, and that would be available for the shadow minister if he decided to do a little bit of research on that matter. If he is interested in some more specific data about, say, this school year as it compares with others, I would invite him to submit a question on notice.

MR SPEAKER: Supplementary, Mr Doszpot.

MR DOSZPOT: Thank you, Mr Speaker. Minister, will you now expand your education policy so that it might be summarised as "learn, earn or shop"?

MR SPEAKER: Minister.

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

MR SPEAKER: Mr Corbell.

Opposition members interjecting—

MR SPEAKER: Order! The next member who intervenes while I am trying to take a point of order will be warned.

Mr Corbell: I cannot recall the number, but the standing orders do not permit questions that are ironic in nature. Clearly, Mr Doszpot's question was and I ask that you rule it out of order.

MRS DUNNE: On the point of order, Mr Speaker—

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: On Tuesday of the last sitting week, you made a ruling in relation to expressions of opinion being within order and so I think that this question is clearly in order: it is a question about the government's education policy, which the minister is quite happy to talk about on any number of occasions. Mr Doszpot is asking whether there has been an expansion of that policy.

Opposition members interjecting—

MR SPEAKER: Mr Hanson and Mr Coe, you are both warned. I asked for some quiet while we were dealing with the point of order. It is only the first day back in the sitting week, and you are constantly interjecting. I am seeking to raise the standard of question time, and you are both on a warning. And I intend to carry the warnings through question time this week, just to be perfectly clear. There is no point of order. Whilst I think the wording of Mr Doszpot's question was close, I think the question is clear. I call the Minister for Education.

MR BARR: Thank you, Mr Speaker.

Mr Smyth: I am sorry, Mr Speaker. While you were deliberating, the time has run out. Is it possible to set the clock and start again?

MR SPEAKER: Yes, thank you, Mr Smyth, it has taken a long time. We will give Mr Barr a minute of time to answer this.

MR BARR: Thank you, Mr Speaker. I will not need a minute. I think that the question reflects very poorly on the questioner. It largely reflects the paucity of policy development on the Liberal Party benches, and, Mr Speaker, it is indeed a very sad reflection on the state of debate in this chamber today.

Canberra Hospital—neurosurgery suite

MS PORTER: My question is to the Minister for Health. Can the minister outline the benefits to the ACT of the new neurosurgical interoperative magnetic resonance imaging suite opened at the Canberra Hospital on Friday?

MS GALLAGHER: I thank Ms Porter for the question. This is certainly a development and improvement for services at the Canberra Hospital which will benefit the ACT community and surrounding region. It is a development and a project that has been delivered on time and on budget, which this community should be, and will be, very proud of. This is the latest technology being available in our hospital for our community and for surrounding New South Wales. There are only 37 hospitals worldwide that have this sort of technology. We are now one of just four hospitals in the Asia-Pacific region to have the IMRIS neuro available for our community for those very difficult neurosurgery operations.

The benefit of the neuro suite is that a patient undergoing complex neurosurgery at Canberra Hospital with one of our very skilled neurosurgeons can be operated on and

can have an MRI performed on their brain while the operation is still ongoing. It means that surgeons do not have to close the wound and then do an MRI several days later and then make a decision about whether further surgery is warranted or whether radiotherapy or chemotherapy is another treatment option. This means that surgeons are able to get the latest images on the screen while they are operating and make those decisions in real time during the operation.

The first patient received their procedure on 7 September. By last Friday, there had been five procedures performed in the new facilities. I spoke to a number of staff—both medical and nursing staff—at the hospital last Friday. They were very excited about the new technology. I think in terms of being able to attract staff to the ACT, this new service will pull professionals in. I must say that there has been a real boost to the training that has been provided to this unit. I think that 61 staff have already undergone specialised training. It is a very complex work environment to work in.

It is very exciting. There have been five operations performed already. The feedback from the doctors is excellent; it has changed their own decision making during just that small number of operations that have been performed so far and it will have real impact for the lives of the people who have undergone that surgery. That is all in the first week of operation.

This is something that the Assembly should be very proud of. I know that staff at the hospital are very proud of it. I think that again it will reinforce to the rest of Australia that Canberra Hospital and the ACT health system are a premier health system across Australia.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Thank you, Mr Speaker. Minister, how does the completion of this neuro suite fit in with other developments on the Canberra Hospital site?

MS GALLAGHER: The actual project management of a project like this was very complex. The project team, GE Shaw, had to build a neurosurgery operating theatre in a gap that existed between the functioning hospital. Underneath the neuro suite, an additional ward has been built which will become the new surgical assessment and planning unit. But the neurosurgery suite sits on top of that. It was a void in the building. So, in a sense, this project was developed inside the hospital, the structure was built and then a five-tonne magnet was dropped into the new facility through the existing building. It was, as someone who went out and witnessed it at different stages of development, the most complex project that I think you could imagine being done while a hospital is operating 24 hours a day, seven days a week.

GE Shaw have done a fantastic job—also, too, the ACT Health redevelopment team and ThinkHealth, who are helping us with our redevelopment. Certainly, the government extends congratulations to them on the successful completion of this project—as I said, on budget and on time. The extra training that has gone in for staff will, again, reinforce the quality of service that we are able to provide at the Canberra

Hospital. But they were able to deliver this project while building a ward underneath, while a car park was under construction, while the women's and children's hospital was under construction, and while the early works have started for the acute mental health in-patient unit. And it was done without any major disruption to patients or staff. I think that is really a testament to the skill and dedication of all those involved in the project.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, have you received any correspondence or advice from any neurosurgeons indicating that the new imagery machine within the neurosurgery suite was not a prudent purchase by ACT Health?

MS GALLAGHER: From any neurosurgeons? No, I do not believe I have received any correspondence. I will check that, but to date—

Mr Hanson: Or verbal advice, minister.

MS GALLAGHER: I certainly have not received any. The neurosurgeons have been very positive about this. I have not received any criticism around the cost of the facility, if that is the question. I think it was raised by the media at the opening about whether it was worth while to spend \$10½ million on a very specialised operating theatre. I guess you can look at health expenditure in a variety of ways. I am not sure it is just a straight mathematical equation: "You have done so many patients. It costs this much, therefore, it equals that." I think one of the other benefits of the neuro suite is that it frees up an operating theatre that was used for neurosurgery lists. It will not free it up entirely, but it will create capacity within our existing elective surgery program to increase our throughput.

For the individuals that have already been operated on—and indeed the feedback that I have got to date around a particular patient whose surgery changed quite dramatically because of the technology that was available—I am not sure you can put a price on that. We are trying to build up the Canberra Hospital as a major teaching hospital with a connection with ANU. I think the fact that we are the only place in Australia that has this technology will greatly enhance our teaching and training opportunities, which has to be good for the ACT community and the surrounding region, and good for the health system overall.

Schools—distribution of political material

MR COE: My question is to the Minister for Children and Young People. Minister, on 2 September, you, Ms Hunter and I were present at a student forum with students at Campbell high school. At that meeting, a white plastic bag featuring ALP branding was on each of the students' chairs upon their arrival in the classroom. Minister, were you or someone from your office responsible for the distribution of the bags? What did the bags contain? Can you advise which policy or procedure authorises you to hand out such material?

MS BURCH: Indeed, three members of the Assembly attended an advanced civics course at Campbell high. You were there, Mr Coe, as was Ms Hunter. We were invited by the school as members of this Assembly to discuss differences in policies and different issues that affected children and young people.

In the discussion between Campbell and my office it was agreed that we would bring some material to support that, which I did. I see nothing wrong, however, in providing information that was consistent with the intent of what we were there for, which was an advanced civics course to discuss the difference in policy platforms and positions between the three parties.

Did I take the bags? Yes, I did take the bags. The students were there. The teachers were in the room at the same time.

MR SPEAKER: Supplementary question, Mr Coe?

MR COE: Thank you, Mr Speaker. Minister did you or a member of your office consult with the minister for education or his department about this material prior to your distribution of the bags?

MS BURCH: I think a statement has been issued, and I ask if Mr Coe, indeed, made contact with the minister's officers before his attendance.

Mr Hanson: On a point of order, Mr Speaker, Mr Coe asked a question about whether there was any engagement between her office and the minister's office. To refer to a statement from the minister for education's office is certainly not answering the question. I would ask that you direct Ms Burch to answer the question, which was quite specific, rather than referring Mr Coe to a statement made by the education minister.

MR SPEAKER: Mr Hanson, you raised a point of order. Whilst I am not going to comment on the calibre of the minister's answer, I do not believe it is out of order. You are welcome to ask a supplementary question, but there is no point of order.

A supplementary, Mr Doszpot?

MR DOSZPOT: Yes, Mr Speaker. Minister, other than the generic letter that was sent to all MLAs by the minister for education, has the minister for education written to you or otherwise contacted you about this breach of policy?

MS BURCH: I received the letter, the same as all MLAs, but as a collegiate friend, as a member of this Assembly, yes, we have had a discussion about it.

MR SPEAKER: Supplementary, Mr Doszpot?

MR DOSZPOT: Yes. Minister, why didn't you ask the Strategy and Parliamentary Education Office to provide you with appropriate material about the Assembly?

MS BURCH: Indeed, I took the material available from the education unit here, and that was also with the bag.

Health—mental health crisis assessment and treatment team

MS BRESNAN: My question is to the Minister for Health and is about the mental health crisis assessment and treatment team, otherwise known as CATT. Minister, through a recent question on notice I submitted, you confirmed that the ACT government is considering renaming CATT by removing the word “crisis”. On what basis has this recommendation been made and what other titles are being considered?

MS GALLAGHER: I am sorry, I missed the last sentence after “on what”. Could you repeat the last bit of the question?

MS BRESNAN: On what basis has this recommendation, which is in regard to taking the word “crisis” from CATT, been made and what other titles are being considered?

MS GALLAGHER: I thank Ms Bresnan for the question. I am not sure I have got the title that is being considered for renaming the crisis and assessment team. It is, as I understand it, out for discussion at the moment. A final decision has not been made. As I understand it—and I am happy to get a briefing for you on this—there has been a review of the community-based teams and the crisis and assessment team. There has been a review done into the services and the allocation of work through the community and the crisis teams. I think that over time there has been pressure placed on the crisis and assessment team to respond over and above what their original scope of work was. I think this is an attempt to address that. It is around managing expectations of what CATT is there to do and pulling together the community and the crisis teams. I am happy to get you further information. I have not had a recent briefing on where all those discussions are up to, but I certainly undertake to do that now.

MR SPEAKER: A supplementary, Ms Bresnan?

MS BRESNAN: Will the ACT government ensure that any new name for CATT continues to apply to consumers and carers and that the service is one for people in crisis situations?

MS GALLAGHER: There is no seeking to change the work that the crisis team actually does; so, yes, in that sense. But I think there is, at times, pressure put on the crisis and assessment team to go further than their original scope of practice or their commission. We are discussing it. A final decision, as I understand it, has not been taken, and I will get an up-to-date briefing and provide that to you if that helps.

MR HANSON: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, have you received any representations from the mental health sector regarding the inadequacy of the CATT in performing its role, due to its low staffing numbers?

MS GALLAGHER: No, this has not been raised—not recently. I chair the Ministerial Council on Mental Health, and we just had our last meeting; this was not raised then. It does come up from time to time in individual correspondence that I get from consumers and carers around the adequacy of the response. I am not sure that that can necessarily be linked to adequacy of staffing. Again, this goes a bit to around expectations. But, certainly, not that I can recall, Mr Hanson, but, again, I will check my records to make sure that that statement is accurate.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: What are the other recommendations that the government is considering with regard to CATT, and could you please table these recommendations?

MS GALLAGHER: I am happy to come back and provide the Assembly with the consultations that are ongoing at the moment. I have been out to the city mental health team, for example, recently to talk with them around some of the changes that they have undergone in their workplace. There are certainly discussions and consultations occurring across the government system, and I am very happy to bring back further information around the scope of those discussions, the feedback we have had to date and how we are going to move forward.

Schools—distribution of political material

MR DOSZPOT: My question is to the minister for education. Minister, on 2 September, Ms Hunter, Ms Burch and Mr Coe attended a student forum at Campbell high school. At the event, each student was given a white plastic bag featuring ALP branding, containing what appeared to be forms of promotional material; in other words, a big show-bag of ALP propaganda. Who was responsible for the distribution of this material, in clear breach of protocol?

MR BARR: From the outset, I think it is fair to observe that there were a number of breaches of protocol in relation to this particular exercise, not least of which was the attendance of three members of the Assembly without formally advising me as minister for education that they were attending the school. So Mr Coe, Ms Hunter and Ms Burch were in breach of that element of the protocol which has been in place, as I understand it, for more than a decade. It extends back over multiple governments in this place. It is established for a very good reason. I think the line of questioning we are seeing today would indeed indicate why it is important to have this protocol in place.

Equally, as members would be aware, there was a particular incident last year with a religious organisation presenting allegedly quite concerning material to another public school. As a result of that particular incident, further protocols were put in place in relation to material—

Mr Hanson: On a point of order: relevance. This specific question is about the plastic bag featuring ALP branding and who authorised that materials distribution. I would ask that the minister come to the question and be directly relevant.

MR SPEAKER: There is no point of order. The question also asked about the protocols. The minister is elaborating on the protocols.

MR BARR: Thank you, Mr Speaker. There is in place now a series of protocols for all external presenters at ACT public schools, be they members of this place, the chamber of commerce, members of a range of other organisations that may from time to time present in ACT public schools for particular courses of study. There is an obligation on the schools, the school principal and the teachers who are inviting those external presenters, to review any material that is brought into the classroom in the context of an external presentation. This particular incident serves as a reminder to this Assembly, to members of the Assembly, ministers, party leaders, shadow ministers, backbenchers that they have a series of obligations when it comes to their attendance at ACT public schools.

In relation to this particular matter, the material that was distributed was indeed consistent with the particular extracurricular activity that was occurring—

Mr Coe: It wasn't extracurricular.

MR BARR: the particular curricular activity that was occurring at that time. It would have been equally appropriate for Mr Coe and Ms Hunter to have brought material representing their political parties. But what should have happened is that each piece of material that was presented, that was brought into that unit, should have been cleared by the teacher. That is the only expectation that I have in relation to civics courses, around discussions of political parties.

Let us be realistic about this. It was an invitation. There were representatives from each party in this place. It was not a recruitment exercise by the Australian Labor Party. It was a discussion on political parties and politics. So it is reasonable for material to have been brought in. Mr Coe and Ms Hunter should, equally, have been given the right to bring in material as well.

MR SPEAKER: Supplementary, Mr Doszpot?

MR DOSZPOT: Thank you, Mr Speaker. Minister, did Ms Burch or a member of her office contact you or a member of your office prior to the distribution of this material?

MR BARR: No.

MR COE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, the organisation which you referred to which allegedly distributed information in public schools last year I believe was told that the organisation is responsible for the information which is distributed, yet in your circular a couple of weeks ago you said that it was the school that was responsible for the information which is distributed to students in that school. Which is true?

MR BARR: The policy that I put in place in response to the particular incident at Canberra high school last year is the policy that is in place now.

MR COE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, what action have you taken to counsel Ms Burch for the breach of protocol?

MR BARR: I have written to all members of the Assembly and I counsel you, too, Mr Coe, that you also should abide by the protocols. You were in breach of those protocols by being in a school in the first instance without seeking my permission. That applies to all members of the Assembly.

Mr Seselja: It is not your personal plaything, Andrew. Did the Labor Party get permission from you to show up?

MR BARR: No. I have written to all members of the Assembly advising them of the protocol in relation to their attendance at ACT government schools. The simple requirement is to advise my office of your attendance at an ACT public school. That applies to every member, be it a minister, a leader of a political party or a backbencher in the opposition. All must meet that requirement. I have written to you all indicating that, and I expect you all to abide by that.

Alexander Maconochie Centre—drugs

MR HANSON: My question is to the Attorney-General. Attorney-General, the Chief Minister was recently reported as stating that drugs were readily available in the Alexander Maconochie Centre. Minister, what are the types of drugs readily available within the facility and how frequently are the drugs detected?

MR CORBELL: I thank Mr Hanson for the question. I note that he has a motion on the notice paper, which will be published tomorrow, where he is seeking a range of information in relation to this matter. I will provide a more complete answer in that debate tomorrow.

But for the purposes of his question today, the fact of the matter is that contraband gets into prisons. The ACT prison is not unique in that respect. Contraband gets into prisons. The ACT has more measures in place to prevent contraband getting into our prison than do many other prisons in Australia. The ACT's prison currently has sniffer detector dogs who conduct routine tests, for lack of a better word, on both visitors and prisoners—people visiting the facility. Those sniffer detector dogs are trained to detect drugs in particular, amongst other types of contraband. We also have ion scanning of prisoners to detect the presence of contraband. Unlike any other prison in the country, we have X-ray scanning equipment also available to scan prisoners.

Mr Smyth: Well, it hasn't stopped it.

MR CORBELL: Indeed, Mr Smyth, it has not stopped it. That is exactly the point, I think, that the Chief Minister was seeking to make—that you can pretend that you can construct a prison which will see no contraband enter into it. You can live in that fantasy land, Mr Smyth, that there will be no contraband entering a prison, or you can take every reasonable step to try and prevent contraband entering the prison, which is what we have done. Indeed, we have deployed technology that is not used in any other prison in the country in an attempt to prevent contraband from entering the prison.

Mr Speaker, if you are serious about looking at this issue, you cannot simply pretend that there are not sufficient measures in place. The measures in place go beyond those which are in place in most other prisons. Indeed, in respect of X-ray scanning, they are not in place in any other prison in Australia.

Mr Smyth interjecting—

MR CORBELL: The X-ray scanner is used, Mr Smyth.

Mr Smyth: Is it certified?

MR CORBELL: Yes, it is certified and it is operational. The X-ray scanner has been operational now for many months. It has been used regularly to scan prisoners in accordance with the policy that has been agreed by the relevant regulatory authorities for X-ray equipment.

The government takes considerable steps to tackle the issue of contraband, to detect contraband that is brought into prison, but there is, unfortunately, a wide range of contraband that still enters the prison. The types of contraband that still enter the prison and which we know are present, because they have been detected, include drug-related substances, drug-related implements, unauthorised prescription medicines, unauthorised kitchen implements, unauthorised food, unauthorised recreational items, unauthorised tobacco-related items, alcohol, sharp items, including razor blades and sharpened toothbrushes, unauthorised technology items and miscellaneous items—for example, money. This highlights the difficulty in preventing contraband entering the prison and why the government continues in its efforts to prevent contraband from entering the prison to the greatest extent possible.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Attorney-General, what drug testing regimes are in place at the Alexander Maconochie Centre and do they include mandatory random drug testing of detainees?

MR CORBELL: I will provide further and more detail to the member by taking that question on notice, but the short answer is, yes, those measures are in place in the prison.

MS BRESNAN: A supplementary?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, would possible necessary measures to reduce drugs in the AMC include solitary confinement for prisoners, no contact visits for prisoners from family, invasive body searches of all people entering the AMC, including visitors, health centre staff and corrections officers?

MR CORBELL: Mr Speaker, I thank Ms Bresnan for the question. The short answer is yes. If you wanted to prevent contraband from entering the prison, you would have to search, with a full body search, every person entering the facility, every time they entered it—including all prison staff, including all health staff, as well as all prisoners and all family and other people visiting prisoners during the visit sessions at the prison.

That is what you would have to do. You would have to have non-contact visits. There would be a complete and absolute prohibition on any form of contact visit. That means placing all prisoners behind glass, where they are not able to physically touch their husband or their wife or their girlfriend or their son or their grandmother or their mother or their father at any time, for whatever reason.

Those are the types of draconian measures that you would need to put in place to have an even higher level of assurance that you were doing your utmost to prevent contraband from entering the prison.

But no prison in the country does that, and there are good reasons for it. One of the best reasons for it is the maintenance of good order in the facility. You would simply not have prisoners' compliance and prisoners cooperating in the conduct of the prison, if you imposed those conditions on them. Regardless of their behaviour, you would impose a draconian regime that simply could not be tolerated and would lead to disorder in the facility.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, what screening measures are undertaken for visitors to the centre?

MR CORBELL: The types of measures that are taken for visitors who visit the facility include passive alert drug detection dog searches. They include ion scanning, and they also can include physical searches, but not invasive internal body searches or strip searches.

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

Papers

Mr Speaker presented the following papers:

Standing order 191—Amendments to:

Construction Occupations Legislation Amendment Bill 2010, dated 26 and 27 August 2010.

Justice and Community Safety Legislation Amendment Bill 2010 (No 2), dated 26 and 27 August 2010.

Liquor Bill 2010, dated 2 September 2010.

Litter (Shopping Trolleys) Amendment Bill 2010, dated 31 August 2010.

Estimates 2010-2011—Select Committee—

Answers to question on notice and question taken on notice—Received after 17 August 2010, as at 21 September 2010.

Outstanding question on notice, as at 21 September 2010.

Answers to questions on notice

Question No 973

MRS DUNNE: Mr Speaker, I would like to seek an explanation from the Treasurer as to the reason for an outstanding question on notice, No 973. The 30 days expired on 3 June 2010.

MS GALLAGHER: I was just looking to see if it was in this pile that I have got here with me, and I do not think it is. I will undertake to get back to Mrs Dunne about where that question is.

Question No 1038

MS HUNTER: Mr Speaker, I seek an explanation from the Minister for Education and Training in relation to unanswered question No 1038 about suspensions of Aboriginal and Torres Strait Islander students.

MR BARR: I have signed off that question on notice. I did so yesterday, so it should be with the member today.

Executive contracts

Papers and statement by minister

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): For the information of members, I present the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

Glenn Bain, dated 3 August 2010.

Marsha Guthrie, dated 3 August 2010.

Stuart Friend, dated 4 August 2010.

Short-term contracts:

Alan Neil Harwood, dated 9 July 2010.

Andrew Whale, dated 23 June 2010.

Anne Ellis, dated 11 June 2010.

Anthony Polinelli, dated 28 June 2010.

Daniel Walters, dated 29 July 2010.

Danielle Krajina, dated 30 June and 5 July 2010.

David Metcalf, dated 5 August 2010.

Frank Duggan, dated 23 June 2010.

Helen Shephard, dated 27 August 2010.

Jenny Priest, dated 31 August 2010.

John Bissell, dated 12 and 16 August 2010.

Julie Field, dated 5 August 2010.

Loretta Zamprogno, dated 5 August 2010.

Maree Mannion, dated 23 June 2010.

Mark Huxley, dated 20 August 2010.

Megan Young, dated 20 August 2010.

Paul Ogden, dated 12 July 2010.

Paul Wyles, dated 23 June 2010.

Rebecca Kelley, dated 3 August 2010.

Richard Neves, dated 16 August 2010.

Simon Kinsmore, dated 20 August 2010.

Stephen Goggs, dated 5 August 2010.

Susanne Dever, dated 20 August 2010.

Contract variations:

Anthony Gill, dated 18 and 20 August 2010.

Carol Harris, dated 12 and 26 July 2010.

Carol Logan, dated 20 and 23 August 2010.

James Corrigan, dated 31 August 2010.

Katrina Bracher, dated 27 July 2010.

Margaret Bateson, dated 19 August 2010.

Shane Kay, dated 2 July 2010.

Stuart Friend, dated 13 August 2010.

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

Leave granted.

MR STANHOPE: Thank you. This is another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which requires the tabling of all chief executive and executive contracts and contract variations. Contracts were previously tabled on 17 August 2010. Today I present three long-term contracts, 23 short-term contracts and eight contract variations. The details of the contracts will be circulated to members.

Standing Committee on Public Accounts Paper and statement by minister

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): For the information of members, I present the following paper:

Public Accounts—Standing Committee—Inquiry—Auditor-General's Report No 2/2009—*Follow up Audit: Implementation of Audit Recommendations on Road Safety*—Government submission.

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

Leave granted.

MR STANHOPE: Thank you. I am pleased to table the government's submission to the Auditor-General's report No 2 of 2009, *Follow-up audit: implementation of audit recommendations on road safety*. I would like to provide some context for road safety issues in the territory.

It firstly needs to be recognised that the ACT has a very good road safety record in comparison to other parts of Australia, and indeed the world. The ACT has the benefit of an established and well-designed road system, a general urban environment and a small, well-defined geographic area. Despite this, there is, of course, no room for complacency. Each year about 14 people are killed and 500 people are injured on ACT roads.

This overall level of death and injury is a tragedy for, and a significant burden on, a great number of ACT families. The economic cost to the community of ACT road crashes has been conservatively estimated to amount to \$221 million a year. Accordingly, the ACT government is treating road safety as a key priority.

Assembly members would already be aware of the government's proposed changes to the ACT's drink-driving laws, which are the most substantial since self-government, and proposals to bring forward legislation covering the complex issue of drug-driving.

This work is part of a range of initiatives under the road safety strategy. They will complement other components of the strategy, such as broad public awareness

campaigns, engineering and education measures, and continued focus on traffic enforcement and speed management.

The current ACT road safety strategy covers 2007 to 2010, and a new strategy is being developed for 2011 to 2020, to complement related efforts at the national level. Three roundtables have been held with key stakeholders to determine how the ACT could move towards a stronger “vision zero” philosophy in the years ahead.

Auditor-General’s report No 4, a performance audit of road safety, was presented to the Assembly in June 2006. Overall, the 2006 report was positive and reinforced the government’s commitment to road safety at that time. Specific recommendations were made in relation to evaluation of road safety measures, coordination of the TAMS road safety function, the need for timely and accurate road safety data, consideration of interstate crashes, processes for the auditing of accredited driving instructors, motorcycle licensing and potential measures to improve driver attitude and awareness.

The objective of the Auditor-General’s report of 2009 was to report to the Assembly on the extent to which TAMS has addressed the issues raised in the audit report. The follow-up audit notes that six of the seven recommendations have been either fully implemented—four recommendations—or partially implemented—two recommendations. One recommendation was not implemented, as a review of the motorcycle licensing regime had yet to commence. These outstanding recommendations relate to the continuation of the road safety action plan projects.

The follow-up audit report has four recommendations. One is in relation to the TAMS audit committee charter. That has been completed. The other three recommend that further work be undertaken in respect of evaluation of road safety measures, improvements to crash data processing and motorcycle safety issues. TAMS has agreed with these recommendations and will be implementing them as part of continuing work under the road safety strategy and action plan.

Undertaking a program of evaluation of road safety engineering treatments and policy initiatives is an item under the road safety action plan for 2009-10. In this context, a program of evaluation of black spot treatments has been established, with evaluation reports from many projects completed. A process for the evaluation of awareness measures has commenced, with an initial community attitude survey being undertaken.

Evaluation of road safety programs will continue to be progressed as a priority under the road safety strategy. This will include establishment of stronger performance measures and targets to assess the effectiveness of initiatives.

Implementation of a computerised smart form for reporting vehicle crashes is continuing. The project has a particular focus on reducing the resource requirements at police stations and improving customer service compared with the current paper-based process. A smart form for police use is now in production. A public smart form was implemented on a trial basis in January 2010, with full rollout expected this year.

In terms of motorcycle safety, many road safety countermeasures apply to both drivers and riders. The ACT also has existing programs covering specific motorcycle

safety issues, including rider training. Specific suggestions by the Auditor-General in relation to on-road testing need to be considered in the context of an appropriate training structure.

The 2006 audit report was prepared prior to new arrangements being established by TAMS under the road safety strategy 2007-10. To some extent, the recommendations of that report and the follow-up recommendations of the 2009 audit report have been overtaken by the broader priorities and key initiatives established under the road safety strategy and action plan.

I commend the government's submission on road safety to the Assembly.

Heritage Act review Paper

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): For the information of members, I present the following paper:

Heritage Act, pursuant to subsection 123(3)—Report on the five-year review of the operation of the Act, prepared by Duncan Marshall, Heritage Consultant, for the Minister for the Arts and Heritage.

This report was circulated to members when the Assembly was not sitting.

Financial Management Act—instrument Paper and statement by minister

MADAM ASSISTANT SPEAKER (Mrs Dunne): Ms Gallagher, the Treasurer.

MS GALLAGHER: (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): Thank you, Madam Assistant Speaker—

Ms Le Couteur: Madam Assistant Speaker, I seek leave to make a brief comment on the Heritage Act review.

MADAM ASSISTANT SPEAKER: Sorry, Ms Le Couteur; Ms Gallagher already had the call. I am sorry; I did not see you. I was not expecting you to stand. Perhaps you could seek leave at the end of the presentation of papers. It might be a more expedient way of doing it. Ms Gallagher.

MS GALLAGHER: Thank you, Madam Assistant Speaker. For the information of members, I present the following paper:

Financial Management Act, pursuant to section 18A—Authorisation of Expenditure from the Treasurer's Advance to the Chief Minister's Department, including a statement of reasons, dated 10 September 2010.

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

Leave granted.

MS GALLAGHER: Thank you. As required by the Financial Management Act 1996, I table a copy of the authorisation in relation to the Treasurer's advance to the Chief Minister's Department. Section 18 of the act allows the Treasurer to authorise expenditure from the Treasurer's advance, and section 18A of the act requires:

Within 3 sitting days after the day when the authorisation is given, the Treasurer must present to the Legislative Assembly—

- (a) a copy of the authorisation; and
- (b) a statement of the reasons for giving it; and
- (c) a summary of the total expenditure authorised under section 18 for the financial year ...

Under this instrument, \$100,000 has been provided to the Chief Minister's Department to make a donation on behalf of the ACT community to the United Nations Children's Fund. The donation will provide for flood relief work in Pakistan. I commend the paper to the Assembly.

Chief Health Officer's report 2010 Paper and statement by minister

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): For the information of members, I present the following paper:

Public Health Act, pursuant to subsection 10(3)—ACT Chief Health Officer's Report 2010, dated 30 August 2010.

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

Leave granted.

MS GALLAGHER: I am very pleased to table the 2010 Chief Health Officer's report. The Chief Health Officer's report is a biennial publication required by legislation under section 10 of the Public Health Act 1997. The 2010 report covers the period 1 July 2006 to 30 June 2008. The report provides information on the health and wellbeing of the ACT population, including trends and indicators in health status, potential public health risks, morbidity and mortality, notifiable conditions, health promotion activities, harm minimisation activities, access and equity indicators relevant to health, health service performance against minimum standards of care and the intersectoral activities relevant to health.

The report provides a wealth of information to support and inform government in the development of relevant policies and programs to address the trends and issues

identified. The format of the ACT Chief Health Officer's report 2010 has changed from previous years in response to readers' comments. The report is more concise and will have a stronger web presence with links to relevant information.

The ACT population has high life expectancy in comparison to other jurisdictions, and this is expected to continue to increase. Mortality rates are declining for many of our leading health concerns, such as cancer, cardiovascular disease, asthma and diabetes, and the infant mortality rate in the ACT continues to decline.

The ACT has experienced a declining age-standardised incidence rate of lung cancer in males and cervical cancer in females. These decreases are largely a result of public health interventions, such as the reduction in risk factors—for example, smoking—and early detection and treatment—screening. I am pleased to report that there has been a significant increase in breast cancer survival in the ACT. This is most likely due to early detection and treatment of breast cancer.

Communicable diseases are well controlled in the ACT. The ACT has prevention and management plans in place to effectively detect and manage outbreaks of communicable diseases. In 2006-08, immunisation coverage was well above the national average.

The ACT is showing some encouraging trends for some known risk factors for ill health. Smoking rates in ACT secondary school students between the ages of 12 and 17 are decreasing. There has been an overall decline in illicit drug use amongst ACT secondary students, and levels of risky alcohol consumption in both adult males and females has reduced to below national rates.

While these trends are encouraging, the report identifies areas of focus that will require further attention and effort. The report shows that the demographic profile of the ACT population is shifting towards an older profile. This shift will result in an increase in the number of people with age-related chronic conditions in our community. This in turn will result in heavier demand for health services. In preparation for this trend, the ACT government has strengthened efforts in primary disease prevention and management through the implementation of a number of strategies and programs that aim to reduce the prevalence of chronic diseases.

The clinical services plan 2005-11 provides the strategic framework for the delivery of ACT public hospital and community services, based on predicted changes to the ACT population. ACT Health planning has identified infrastructure requirements to meet future clinical service development to 2022. The social factors that influence health continue to yield favourable results for the ACT compared to Australia in general. ACT residents have generally higher weekly earnings and education attainment levels than the national average. However, this social and economic advantage often masks pockets of disadvantage. Ensuring that marginalised groups have equitable access to health services and opportunity for health gain is imperative.

Strategies such as the development of service models that encourage ease of access and the building and strengthening of cross-sectoral partnerships to assist greater continuity and coordinated care are examples of how these issues are being addressed.

Overall, chronic conditions accounted for approximately 80 per cent of the total burden of disease and injury. Anxiety and depression was the leading specific cause of burden of disease in the ACT, with one in 10 ACT residents reporting psychological distress at high to very high levels.

Awareness and detection of chlamydial infections have increased, resulting in increased notification of chlamydial infections. Since 2006, several programs, services and campaigns targeting chlamydia have been conducted that focus on outreach screening and testing, and facilitate diagnosis and treatment of chlamydia infections.

Cancer continues to be the leading cause of morbidity and mortality and a major contributor to the total burden of disease in the ACT. Challenges for the government will include ensuring adequate health services are available to manage the growing burden of cancer in the community and improving screening and treatment services to ensure early effective treatment and management. The cancer services plan 2008-12 provides the framework for the delivery of a comprehensive multidisciplinary and integrated model of care to the people of the ACT and south-east New South Wales.

The government acknowledges the health issues and opportunities for health gain identified in the report and will use this information to inform future healthcare policy and planning in the ACT. I commend the 2010 Chief Health Officer's report to the Assembly.

In closing, I would like to put on the record my thanks to the population health division within ACT Health, to the Chief Health Officer, Dr Charles Guest, the acting chief health officers and all those who work with the chief health officers in serving this community, which I think they do very well.

Papers

Mr Corbell presented the following papers:

Pursuant to the resolution of the Assembly of 17 March 2010, a report on wood smoke in the Tuggeranong Valley.

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Legal Aid Act—Legal Aid (Commissioner—ACTCOSS Nominee) Appointment 2010—Disallowable Instrument DI2010-191 (LR, 26 August 2010).

Nature Conservation Act—Nature Conservation (Species and Ecological Communities) Declaration 2010—Disallowable Instrument DI2010-194 (LR, 23 August 2010).

Planning and Development Act—Planning and Development (Namadgi National Park) Plan of Management 2010—Disallowable Instrument DI2010-192 (LR, 19 August 2010).

Public Place Names Act—Public Place Names (Hall) Determination 2010 (No 2)—Disallowable Instrument DI2010-195 (LR, 26 August 2010).

Public Sector Management Act—Public Sector Management Amendment Standards 2010 (No 4)—Disallowable Instrument DI2010-193 (LR, 20 August 2010).

Mr Barr presented the following paper:

Auditor-General's Act—Auditor-General's Report No 2/2010—Student Support Services for Public High Schools—Government response.

Exercise of call-in powers—block 6 section 21, City Paper and statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing): For the information of members, I present the following paper:

Planning and Development Act, pursuant to subsection 161(2)—Statement regarding exercise of call-in powers—Development application No 201017931—Block 6 Section 21 City.

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

Leave granted.

MR BARR: On 23 August 2010 I directed under section 158 of the Planning and Development Act 2007 that the ACT Planning and Land Authority refer to me development application No 201017931. The DA sought approval for demolition of existing buildings, construction of a five to seven-storey building to provide accommodation for approximately 552 students; associated retail, commercial and community facilities; a new two-level basement for parking; a new shared way running parallel to Marcus Clarke Street; and a new temporary surface car park for approximately 120 cars on the eastern side of the site.

On 25 August 2010, I decided to consider the development application and, on 26 August 2010, I approved the application using my powers under section 162 of the Planning and Development Act. In deciding the application, I gave careful consideration to the requirements of the territory plan, the advice of the Environment Protection Authority, the Department of Territory and Municipal Services, ActewAGL, the Conservator of Flora and Fauna, the ACT Emergency Services Agency, ACT Health, the ACT Heritage Council and, as required by the legislation, the ACT Planning and Land Authority. I also gave consideration to the representations received by ACTPLA during the public notification period for the DA that occurred in July and August 2010.

I have imposed conditions on the approval of the DA which require, amongst other things, that the heritage and cultural significance of the ROCKS area be recognised and commemorated in the new development; that vehicle access and circulation in and around the new development be improved by revisions to the design; that the sewer main be relocated to a more appropriate alignment as agreed to by ActewAGL;

and that appropriate leasing arrangements be put in place to ensure that the future lease of the land will facilitate the new development.

The Planning and Development Act provides for specific criteria in relation to the exercise of the call-in power. I have used my call-in powers in this instance because I consider that the proposal will provide a substantial public benefit to the Canberra community through the enhanced physical linkage between the ANU and the city and the contribution the student accommodation will make in creating a vibrant mixed-use area and active pedestrian area.

Furthermore, it provides an address to and makes provision for the delivery of a proposed busway on the southern boundary of the site between Kingsley Street and Rudd Street. The use of my call-in powers in this instance will also enable the timely construction of the proposed development by the proponent. The proposal also contributes to the provision of car parking in two basement levels across the whole site and provides more than 300 replacement public parking spaces. This is in addition to the two large parking structures located in close proximity to the site that provide approximately 1,400 spaces available for public use.

Section 161(2) of the Planning and Development Act specifies that, if I decide an application, I must table a statement in the Legislative Assembly not later than three sitting days after the day of the decision. As required by the Planning and Development Act and for the benefit of members, I table the statement providing a description of the development, details of the land where the development is proposed to take place, the name of the applicant, the details of my decision for the application and the reasons for the decision.

MS LE COUTEUR (Molonglo), by leave: I would like to comment very briefly on this. It is a matter of some sadness among a considerable number of members of the public who use McGregor Hall, which was the previous structure on that site. Given that this has happened, I think one of the things the government needs to take on is the fact that McGregor Hall was very well used. It was used every Friday and Saturday night for the last year or two. I think there is a need for a suitable space for live events in the city area. This is something that the government should take on, given the situation with McGregor Hall.

The other thing that I am very concerned about is that there was a large old tree that I have seen for many years. Of course, the site was previously the site of the Conservation Council and the environment centre. That tree was on the interim tree preservation list. It was just removed from the list a couple of days before the demolition. I guess that is the other thing I am particularly concerned about—the fate of this tree and how it is that the tree preservation provisions did not work for it. I would just like to place on the record the Greens' continuing concern about the use of call-in powers.

Heritage Act review

Statement by member

MS LE COUTEUR (Molonglo), by leave: I thank the Assembly for the opportunity to comment very briefly on the review. The Greens welcome this review of the

Heritage Act which shows that the ACT needs to improve our systems for protecting and promoting our heritage. The review is long overdue, because we have been hearing of considerable issues regarding heritage management in the ACT for some time now. It is surely an embarrassment to the government that we have a 10-year backlog in processing heritage applications.

As development is proceeding apace, it is vitally important that we improve these processes so that applications and protection procedures are put in place long before the development applications are upon us. We have had a few recent examples. I just referred to McGregor Hall, but Griffith oval is another one. The two have come fairly close together.

In relation to the particular recommendations, the Greens believe that we need to provide enough resources to deal with the 211 properties which are stuck in the backlog waiting to be heritage listed or, of course, possibly not listed. The National Trust's Hill Station homestead has been waiting to be registered for 12 years and Tharwa for eight years. This is a very large, ridiculous backlog. The Greens support the recommendation to develop a nomination management process and guidelines.

We strongly support the key recommendation that the ACT needs to take a proactive approach to heritage rather than a reactive one. We need a long-term strategic program to identify the gaps in our heritage register and to encourage nominations so that heritage is recognised from the outset. We hope that the government will move to implement this recommendation. I think everyone here in the Assembly is aware of the community concern about their suburbs changing. A plan to engage with the community and decide with the community what parts of our heritage we as a community decide we want to protect is long overdue.

We are also concerned by the report's finding that there is a lack of understanding about heritage both across government departments and in the wider community. We need to do more to make the ACT heritage process more transparent so the community and government departments understand the system that they have to work with. One area that we clearly need to improve is the heritage database. Duncan Marshall, the review's author, has deemed it to be a very much inferior platform to inform, educate, promote and celebrate ACT heritage. The Greens would welcome the upgrade of this database and the introduction of a new heritage website so that the community can engage with the great heritage the ACT has in fact got to offer.

The review has identified compliance and enforcement as one of the key weaknesses of the Heritage Act. We support the recommendations to strengthen this enforcement by employing staff and conducting audits. I would also like to draw attention to the key point made in the review that registration is fundamentally a recognition of heritage value. As such, we support the recommendation by the minister that the minister not be granted a call-in power or veto to decide if a place has heritage value. That is a decision that should be made by the heritage experts, as it is at present.

While on the subject of heritage, I would also like to draw attention to the subject of the Yarralumla brickworks. The need for decisions to preserve the heritage of the ACT, such as the Yarralumla brickworks, should be made on the basis of the worth of

that heritage. They should be separated from any discussions and developments which may or may not occur in nearby suburbs. I look forward to seeing the results of the full review and the government's response to the review of the Heritage Act.

Children and young people—consultation

Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Speaker has received letters from Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, 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 Ms Le Couteur be submitted to the Assembly, namely:

The importance of consulting with children and young people.

MS LE COUTEUR (Molonglo) (3.30): Across the world, there is work being done to ensure that the voices and ideas of children and young people are heard in the area of urban and social planning. This ranges from understanding the security needs of young people in shopping malls to getting a better insight into the types of play equipment children and young people find challenging and rewarding and to the design and impact of urban density and infill. When we get it right, we allow everybody, including children and young people, the right to have space and a place within our community.

Imagine being a child or a young person and negotiating a world that says you should be seen but not heard. Those days are supposed to be long gone for children and young people, yet we still find that many parts of our community do not value or respect the contribution children and young people have to make and the fact that they are an integral part of our society.

Creating cities that are friendly and inviting for children and young people involves a complex set of challenges and issues that cross sectoral and policy boundaries. This level of inclusiveness should not be regarded as a narrow professional or policy speciality but as a goal that demands integrated cross-sectoral and, in our case, whole-of-government responses. Cross-sectoral collaboration should involve the NGO sector, researchers, communities, business and industry and various levels of government.

There is a need to initiate more concentrated focus on the importance and wellbeing of children and young people in urban areas. There has been too little attention on children's needs in urban policy and too little work on understanding how the built environment shapes children's wellbeing.

The key dimensions and measures for child and youth-friendly communities need to be documented. Responsibility for assessing and improving practices can only be sharpened when there is greater clarity of the objectives and the way we measure our efforts. Key issues certainly vary between cities, rural towns and remote communities. They also differ within large suburban areas; for example between outer, middle and

inner suburban locations. However, there are common concerns which should be acknowledged.

The mentality that adults know best is still prevalent in many of our regulatory and service provision organisations and professional bodies. This should be a priority area for cross-portfolio collaboration, which includes work on child safety, inclusion and urban management. Consistent policy is clearly essential and can only be enhanced when we involve children and young people by consulting with them, listening and acting on their advice.

There is strong potential and a strong need for professionals and policy makers involved with children to collaborate with the urban development industry. Discussion of goals and measures should involve participation by young people themselves, recognising that different approaches to engaging children and young people are required across the age spectrum. Within Canberra, we need agreed objectives and measures for child and youth-friendly communities across a range of issues and data collected on relevant indicators. This work needs to be integrated into the growing body of population level and community level data on wellbeing that is being driven by the ABS and various state governments.

A key question for us all is: how are urban services, policies and practices broadly conceived—not just urban planning processes—shaping the wellbeing of children and young people in Canberra? Relevant service systems and policy settings should include transport, infrastructure, health, housing, education, community care, recreation and property law.

A focus on younger children needs to be complemented by a focus on adolescents and young adults, who, in turn, need to be involved in consideration of issues within the Canberra community. The distinctly different approaches to working with younger children in comparison with adolescents and young adults require more rigorous attention. Parents and caregivers are also critical, and their perspectives need to be included.

The general lack of consultation with children and young people cuts across all portfolio areas, not just planning and urban design, although that is a particular focus of mine. Consulting with our younger population is also highly relevant for issues like public transport planning—finding out how young people travel, how they get home at night; for arts planning—what kinds of arts activities do young people need or want or enjoy and for designing multicultural or Indigenous services and so on.

In the ACT we have a school system of high school until year 10 and then college to help children become young adults and to take on responsibilities, but this needs to be accompanied by the provision of appropriate activities for teenagers to participate in. We know that we, along with many other suburban-based cities, need to have more activities and appropriate spaces for teenagers in suburbs, activities which are more fun than trying to sneak into clubs underage.

When we look at the changes occurring in Canberra and the urban design issues, we must also consider other key questions. What are the implications of urban

consolidation for our children? How is it possible to produce and maintain child and youth-friendly conditions in high density or densifying areas? In order to find out the answers to these questions and many more, we need to meaningfully engage children, youth people, parents, carers and the broader community. There are numerous resources that already exist within Australia which could provide valuable assistance in helping the ACT analyse how we enhance the agenda of including children and young people in consultation in the ACT.

As well as improving our consultation, the aims of child-friendly planning include providing spaces and facilities for the use of children, young people, disabled and the aged and creating neighbourhoods which are child friendly. Ensuring that children are consulted and involved in urban design planning is fundamental to a child-friendly city. The ACT government is already slowly pursuing a process for making Canberra a child-friendly city, and recently produced its ACT children's plan for 2010-2014. I was fortunate enough to go to the launch of that, which did include a lot of very engaged young people.

I am very interested in the agency coordination across the range of departments and the wider community which will be required to fully and successfully implement these agreement items. One issue we are particularly following through is ensuring that the new suburb of Molonglo is developed to be child friendly.

Being child friendly generally incorporates being a sustainable city, creating processes which involve children in planning and decision making and, of course, ensuring that designs and developments are clean, safe, relaxing and nourishing. This means creating places to live which provide the right facilities for living, travelling, exploring, being creative, supporting families and family activities and helping to give a sense of connection with the community and the neighbourhood. In summary, it means providing both safe and stimulating social and physical places and putting children first.

A child-friendly city is actively engaged in ensuring that every young citizen can walk safely in the streets on their own, meet friends and play and have green spaces for plants and animals. Children are the best experts on local environmental conditions as they relate to their own lives. Some studies of community life have shown children to be the heaviest users of outdoor space, as they often venture into areas that adults rarely use. Therefore, planning can benefit from children's local knowledge.

Several experiments on children's participation in urban planning in Finland, Norway, Switzerland and Italy have demonstrated that young people are sharp analysts of their settings and creative producers of ideas for their local areas. Unfortunately, planning authorities are usually reluctant to expand their top-down, expert-based mode of urban planning to include new groups, such as young people.

Some key urban design components of child-friendly cities include walking links for play areas and services, ensuring that the suburb is designed so that children can walk to school and other activities; for example, street design which is planned so that children can walk to the end of their cul-de-sac and then walk across the open green space to school without having to cross roads; youth-friendly recreation areas with

facilities such as shade, shelter, seating, toilets, drinking fountains, children's playgrounds, picnic areas, facilities and equipment, and activity spaces for youth, such as basketball hoops; adaptable and flexible buildings so that use can change to meet changing community needs and expectations; ensuring that traffic movements are slow and safe; building in passive surveillance; and making street shapes interesting and welcoming and shady in summer.

There are a number of simple guides on various websites which outline clearly essential steps in becoming a child-friendly city, and some focus specifically on medium and high density housing. The HCS has already done much of this work in preparing its children and young people plan.

In terms of transport and mobility issues, it is also worth noting that the needs of elderly and disabled people are very similar to those of people with young children, so it is not as if the time and effort that are being expended on a small part of our population are at the expense of another part. If we make our city pram accessible, we are simultaneously making it wheelchair and walking frame accessible. As our population ages, this is surely a good aim for Canberra. As we provide more toilet facilities for our young people and as we provide more seats for our young people, these are facilities which our older and disabled people will also use. A child-friendly city is also a city which is going to be much more friendly to the aged and disabled members of our community.

Meaningful, respectful and inclusive consultation of children and young people in the territory is about having more than one youth advisory body, one youth interact conference each year and one youth and children's week per year. It is about fully integrating policies, programs and services which are more relevant and more likely to meet the needs of children and young people and improve their wellbeing. This is about improved outcomes for organisations, government and business to be achieved in a more efficient and cost-effective way to allow the development of a better community now and for the future by engaging with the energy and creativity of a relatively silent but potentially important group in our community.

We must ensure that children and young people feel connected and that they belong so that they experience a better quality of life and achievement in the ACT. We need to embrace young people as social agents of change and urban architects in order to develop Canberra into a resilient city, a secure city, a capable city and a liveable city. I challenge us all today to find a way to integrate consultation with children and young people into our everyday work, not only because it is the right of every child and young person, but because they are, in fact, the greatest experts on their environment and a powerful resource for positive change.

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) (3.43): As the Minister for Children and Young people, I am pleased to inform the Assembly that the government has been vigorous in its commitment to engaging young people in participation and involvement at both a government and a community level. This is in line with the commitments made in the Canberra social plan to invest in children and young people

and increase education participation, engagement and achievement of children and young people.

The children and young people of today are the leaders and the community of tomorrow. They will be the ones who are here to enjoy the benefits of the services and frameworks that we put in place and they know what they want. Engaging with them and hearing their views is a critical part of planning for Canberra's future. I thank Ms Le Couteur for the opportunity to discuss this by bringing the MPI to us today.

The importance of consultation was recognised in the ACT young people's plan 2009-14. That plan was developed in close collaboration with young people, expressed in over 450 submissions and 10 consultation forums. Five key priorities were identified: health, wellbeing and support; families and communities; participation and access; transitions and pathways; and environment and sustainability. We know from listening to young people what they value, what issues they are interested in and what concerns them.

This government has also developed a robust plan to regularly engage with young people. It is called the Youth InterACT strategy. This strategy comprises components including the Youth Advisory Council, the Young Canberra Citizen of the Year awards, the Youth InterACT consultation register, the Youth InterACT website, the Youth InterACT conference and the Youth InterACT scholarships and grants program. Youth InterACT demonstrates the ACT government's commitment to involving and consulting with young people from a diverse range of backgrounds and experience. It encourages them to have their say about youth issues in Canberra and to be actively involved in their communities and with government.

The Youth Advisory Council comprises up to 15 young people aged 12 to 25 years from diverse backgrounds and experiences. As a result of a recent recruitment process, I will shortly be appointing nine new members to that council. I look forward to listening to them and hearing the rest of the council's views about the issues that matter for young people in our community.

The role of council members includes providing me with advice on matters relating to young people. The council consults widely with young people in the ACT through community-based forums, open meetings in the community, the online youth website, the annual youth InterACT conference and the Youth InterACT consultation register. The council has held a number of forums where it has engaged with young people on topical issues, such as youth homelessness, youth debt and young people and the law. They have also held open meetings in the city, Belconnen and Tuggeranong regions.

The Youth Advisory Council also has a key role in the annual Youth InterACT conference, which was held in April this year. The council identifies issues to be discussed at the conference and co-facilitates forums. The conference strongly promotes youth participation. There has been a steady increase in participation over the last three years, with over 200 young people attending this year. The theme of this year's conference was "live it loud". The focus was on generating discussion about issues that impact on young people and which foster inclusion and participation of all young people in our community. Forum topics included "drive alive", "inclusive

communities”, “environment—a climate for change”, “body image” and “transition out”.

As I have already emphasised, the government greatly values the views of children and young people. Another way we engage with young people is through the Youth InterACT consultation register. This register provides an opportunity for young people in the ACT aged from 12 to 25 to engage with each other and to find out about ways to get involved in the community. Through this interactive involvement, young people can participate in forums, apply for scholarships and grants and contact the Youth Advisory Council through the “have your say” section. Over 700 people are registered on the Youth InterACT consultation register. This register allows young people to express their interest in participating in consultation activities. Members of the register are notified about consultation opportunities and receive regular information about youth issues and events.

Another way in which we actively and effectively engage with young people is through highlighting young people’s achievements and building on their own personal and professional developments. Youth InterACT accomplishes this through the Young Canberra Citizen of the Year awards and through Youth InterACT scholarships and grants.

Consultation with children was also a key element in the development of the ACT children’s plan 2010-14, which was launched in June this year. My department received and analysed feedback from over 850 children and families which informed the direction of the new plan. The plan creates a vision for Canberra to be a child and youth-friendly city that supports all children and young people to reach their potential, make a contribution and share the benefits of our community. It provides opportunities for children to influence decisions about their lives and their community, and to actively participate in their communities. It also encourages advocacy, promotion and protection of children’s rights.

At the launch of the children’s plan and through our plan development, the messages we received from children and young people could not have been stronger about what they needed, such as the need for safe and green places to play, the need for friends and the need to be listened to. They have a view and an opinion and an understanding of what is needed and this must be listened to. Their ideas are vital for shaping the future, and part of good government is about good consultation to help us plan the way.

Under the children and young people’s plans, the ACT government is committed to building a child and youth-friendly city under the UNICEF principles. As part of this commitment, we have been actively consulting with children and young people on the buildings and facilities that matter to them. The government has consulted on the colour schemes of the new child and family centre in west Belconnen, as well as the services delivered through that centre.

The ACT government has also engaged in significant consultations on its neighbourhood playgrounds upgrade program, calling for responses and involvement from children via an online questionnaire and phone call or email comments. Local school children have also been engaged through their school in providing comment.

TAMS is also currently developing a strategic planning document—“Play spaces in the ACT: a strategic plan”—in order to improve the delivery and management of playground assets to better meet the changing needs for public play in the ACT. The plan will incorporate the whole-of-government commitment to build a child-friendly city. The office of children and young people will provide input into the best ways to engage with children and young people in future play space consultations.

Another demonstration of the government’s genuine commitment to consult with young people was the design of the Edison Park youth recreation facility. Meetings with community stakeholders, including young people, were held with the design team. The main outcomes of these gatherings were the selection of an appropriate site for the youth plaza and a long list of what it could include. In order to engage children and young people, TAMS created a blog for the project and posted the list of requests coming out of the park consultation online.

TAMS again consulted with young people in the skating community regarding the design of an enhanced Belconnen skate park. Consultation with young people is also underway for a \$250,000 teenage play area in Belconnen. A consultation session was held this month on site and colleges and community councils were invited to participate.

Children and young people are our future and we are actively talking with them through the “time to talk” programs. “Time to talk” provides an opportunity for children and young people to provide their perspectives on the future look of Canberra and to have their aspirations for the future of Canberra recorded. A number of mediums are being used to encourage young people to participate in the project, recognising it is their future we are planning. I encourage all children and young people to get involved and to have a say about the future of the city.

A key measure of success of the government’s engagement with children and young people is true participation. This involves listening to what children and young people have to say, actioning their ideas, supporting children and young people and truly valuing them as equal members of our society. The ACT government recognises the importance of consulting with children and young people in our community. As Minister for Children and Young People, I am committed to this. I thank the children and young people of the ACT for their active participation, interest and engagement in the ongoing development of the ACT community.

As I have mentioned, there are two plans—the young people’s plan and the children’s plan—which have been dedicated to providing opportunities for their input. They have been driven by their comments to us and both are being implemented. As we speak, there is a task force overseeing the implementation of the young people’s plan and, similarly, one for the children’s plan. Again, I thank Ms Le Couteur for bringing this MPI to the Assembly. Sometimes we may seem, as a government, to go over the interests of children, but rest assured that this government has set structures in place across the whole of government to ensure that children and young people have a voice into this government. We are a government that listens to that voice.

MS HUNTER (Ginninderra-Parliamentary Convenor, ACT Greens) (3.54): The rhetoric that exists within Canberra is striking when we hear all the time that children are our future. The truth is that children and young people are here and now and involved in the community on many levels. Not consulting with children and young people suggests that they should be seen but not heard, a draconian view of children in our community.

We are not talking about consulting children and young people on the colour of the paint and the placement of clocks. We are talking about meaningful processes where children and young people get to give us ideas about policies and things that could improve their life—urban design, planning issues and education initiatives—to help them navigate positive pathways, and ideas about more ways they can participate in the community they live in.

Children and young people use health services, education, housing and employment. They use public transport, urban environments like parks, shopping centres, cycle paths and much, much more. So why are we so frightened about what they might say, how they might influence a process and what they are looking to gain from the world?

The environments in which children grow up in send many messages to them about how they are valued in our community. So when the Chief Minister chooses to omit the participation of children and young people in the development of a safe routes to school project and the Leader of the Opposition comments, “I think our focus as parents is to get them to keep their rooms tidy and do their homework,” we end up sending a very clear message that we are being patronising and dismissive of their involvement in our community.

Or is it a mixed message? For example, one of the key goals of the ACT young people’s plan 2009-14 is to “encourage and support young people to participate in building our community”, with the plan also “ensuring that young people have a say about issues that affect them”. It is concerning, then, that there are many instances where children and young people are supposed to be engaged in Canberra—the development of the children’s plan, the young people’s plan and the ministerial Youth Advisory Council—their opinion and thoughts were valued then, so what is different about urban and social planning and meaningful consultation with children and young people? We are happy to pull young people and children out of the box and tout them as our successors when it suits us, but when it comes time for them to make a claim and have input we can run scared. The question is: why?

Part of Canberra’s commitment to being a child-friendly city as defined by UNICEF is providing children and young people with opportunities to influence decisions about their city, express their opinion on the city they want and participate in family, community and social life, amongst other things. Canberra has adopted this program during a time when many societies and communities are reconstructing young people as “intruders” and a “threat” in public spaces.

There is a need to determine the issues and the impact of aggressive social interventions and exclusionary practices on young people’s experiences of urban life.

To do that, we need to engage them in conversations about how they would like to see issues within policy that affects them—the public space they use, the schools and jobs they attend, the healthcare services they access, where they call home and the many other aspects of their lives.

So why is participation important? Participation connects children and young people to their environment and community. It provides them with a voice to contribute. It allows young people the opportunity to understand more about the ways in which they can contribute to the community for today and into the future.

Participation is important because children and young people know the most about what is important to them. It is children and young people who often have the best ideas, the newest ideas, about ways of integrating old and new, about how to change things and make things better for them and their peers. To ignore this voice in the ACT is to be disrespectful and negligent because we have so much to gain from raising the volume of this voice.

The ACT government has many opportunities to include children and young people in planning and the development of our city. For instance, a recent announcement heralded a \$4.2 million investment by the ACT government and the federal government for a new skate park near the Eastern Valley Way inlet in Belconnen, with upgrades to the foreshore. It is wonderful news for the Ginninderra community, but in order to make it magnificent news, it is important that the community is consulted to ensure that we design and develop a community facility that meets the needs of children, young people, families and adults alike now and into the future.

It is not a difficult task. It requires some thinking, planning and investment up front. We see the ongoing benefits when the time is taken to consider the needs and hear the voices of those in the community who use the facilities. What we end up with is full use, a sense of community and ownership of these facilities by those engaged in the process.

There is a real risk of a lack of authentic participation in planning, design and development of urban spaces. While at times the ACT government has endeavoured to consult with young people about their use of public spaces, for the most part this has been about getting them involved rather than acknowledging their distinct needs. Participation is not about consulting children and young people about what colour to paint the youth centre or planting trees in the playground. It is about finding out how children and young people use public spaces differently and how they would most like these spaces to reflect them and their specific needs.

The capacity of children and young people to contribute to public space planning is often undervalued. Inclusive, leading practice approaches to participatory planning ensure that processes designed to engage with communities provide opportunities for children and young people to participate directly in planning, building and evaluation of the design construction and modification of urban environments, arrange feedback from children and young people to ensure that their suggestions are incorporated in ongoing planning and design decisions, find ways to incorporate children and young people's assessment via projects in local schools, engage children and young people

directly in assessment and evaluation processes, ensure they are advised of the results of their work and encourage children and young people's participation in any redesign or repair work to reduce incidents of vandalism and wilful damage.

The insight and level of detail that often emerge from participatory processes involving children and young people surprise some adults. These processes are always great fun and very rewarding, and this is a way of getting a fresh perspective on a project. The Greens believe that for processes to be both efficient and interesting for young people and provide valuable information for planners and designers, four factors must be taken into account. First, the process must be specifically designed for the age group of participants. Second, objectives must be clear and facilitators must be selected and briefed to achieve these objectives. Third, the process must be well resourced, especially in terms of materials, equipment and personnel. Finally, the results of the process must be carefully analysed and integrated into the results of other participatory processes. This ensures that all information is shared and that the children and young people's participation is not treated as token.

The success of children and young people's participatory planning or design processes depends largely on the goodwill and driving leadership for their involvement. It must have people who are committed to the outcomes on all levels supporting the facilitating and engaging of the children and young people and the implementation of the outcomes that they envisage. We know how young people would like to be involved, as there is a large body of work that tells us. As gatekeepers to many opportunities, we need to let go of archaic beliefs of "seen but not heard" and open our minds to hear and work to implement a different point of view. Chances are that we will then achieve a great outcome.

The ACT Greens challenge the ACT government to ensure that children and young people are involved in the future planning and directions of the city in which they live. As citizens and users of services, they are the ones who can make sure services, facilities, agencies and organisations are relevant to them. Their participation ensures what is provided is what is needed. Children and young people are more likely to support the outcome if they have been involved in developing it. We need to look at better practice in this area from around Australia and learn from their experiences and replicate where appropriate but, more importantly, get children and young people involved in setting the agenda to ensure Canberra is the best it can be.

MR SESELJA (Molonglo—Leader of the Opposition) (4.03): Mr Speaker, I think that it is worth putting on record the difference in approach that is needed when it comes to consulting with children and/or young people. I do not think there is any doubt that, as children grow into young adults—when they become teenagers, getting into their 14th, 15th and 16th years—they get greater responsibilities and a greater ability to make a contribution in their community and to have their say in various ways.

I think though that it is worth touching on some of the problems that I see with the Greens' approach, which is effectively to turn young children into urban planners, amongst other things. I think that it is worth just reflecting on some of the practical realities of that—and perhaps also on some of the underlying messages that are coming from the Greens in relation to this issue.

We see, for instance, in the Greens' Molonglo document, that it states that ensuring that children are consulted and involved in urban design and planning is fundamental to being a child-friendly city. We are talking about children who are, presumably, eight-year-olds to 10-year-olds—that kind of age. It is implicit, I think, in this policy that the Greens do not trust parents to do their job. When the parents of an eight-year-old or a 10-year-old attend a community consultation about neighbourhood planning in their area, the Greens are effectively suggesting that the parents will not have the best interests of their children at heart—that, unless we can speak directly to that eight-year-old or that 10-year-old, we will not have urban design principles that actually are child friendly.

I reject that. I reject that as a parent. I reject that as a representative. I think that in the vast bulk of cases parents always seek to act in the best interests of their children. And they are tasked with the role of also making decisions on their behalf whilst they are very young. As I stated earlier, there is no doubt that, as children grow into young people and young adults, that gradually changes. There are certain decisions that young people, as they get older—as they move through their teenage years—are able to make, culminating in things such as drivers licences and then, of course, becoming an adult at the age of 18.

But the idea—which is implicit in the Greens' policies and was reaffirmed by Ms Hunter in particular in her contribution—that parents are not going to do it, so we need to make sure that we go directly to the eight-year-olds and the 10-year-olds and the 12-year-olds on urban design, on health and on public transport, is one that I do not think is practical. I do think, more than that, implicit in it is the idea that parents will not do it. I have a better view of the parents of the ACT than the Greens do, it seems. I believe that they will, in conducting themselves and in engaging with these processes, act in the best interests of their children. Indeed, that is the task of parents, until their children are old enough to make decisions for themselves.

Ms Hunter criticised me for my comments, and I am happy to wear that, because I have a fundamental difference in approach. I do not accept this overall sort of “state as parent” type approach to things, which underlies what the Greens are saying.

I think it is also worth considering that the Greens are all very happy to claim that they want to consult with children and young people, but the children and young people of Flynn and Cook and Hall and Tharwa were pretty clear—in fact, they did contribute. They did contribute to those consultations. I saw the banners that some children were holding, saying, “Please do not close my school.” Of course, the Greens had the opportunity to respond to that. We gave them the opportunity. The votes were here in the Assembly, were they not, Mr Doszpot? The votes were here in the Assembly for the Greens to join us and to actually give those children back their schools and to give those communities back their schools. But the Greens chose to ignore that.

I wonder also whether the Greens consulted with the children and young people of non-government schools before they developed their policy to rip \$60 million out of the ACT non-government system. I wonder what level of consultation there was with

the children and young people at those schools by the Greens when they announced their policy that they would rip \$60 million out of non-government schools. I doubt there was any. But if they had consulted with the parents or indeed the children and young people there, I think the Greens know what kind of feedback they would have got.

But, of course, they ignored the pleas of the children and young people of Flynn, Cook, Hall and Tharwa. They ignored them. They had the opportunity to actually redress that wrong. They claimed to stand for it before the election, but, when they had the power to do something about it, they shirked it. They squibbed it. They were not prepared to actually stand with those families, to stand with those parents, to stand with those young people, who simply could not believe that the government had come and ripped their well-functioning school out of their community. So I think it is worth putting a few facts on the table, Mr Speaker, in relation to this and in relation to the Greens' claims about what they stand for.

I go back to where I started: there is no doubt that there are principles in law in relation to all sorts of decisions that can be made as children get older, as they progress through adolescence, without always having to have the approval of their parents, but, whilst they are young children, parents are given that task. They are given that task at law, and I believe it is reasonable that they be given that task. I believe it is also reasonable that we trust them to do that job.

I believe that parents acting in the best interests of their children will get the best results. Parents acting in the best interests of their young children will also, of course, be contributing to all of the policy issues that affect families, parents, grandparents and children and young people. The suggestion that this is not the case, which is almost more than implicit in what is said by the Greens, both by Ms Le Couteur and by Ms Hunter—and, indeed, is reflected in Greens documents—I think effectively says to the parents of the ACT: “We do not trust you. We do not believe that you will actually act in the best interests of your children. We do not believe that you will actually talk to your children about some of these issues and advocate on their behalf. We have to go around you, because you cannot be trusted.”

That is not a position that we accept. It is not a philosophical position that we accept, and it is one that the Greens may well jump up and down about, but we are putting our trust in parents to do the job of parents whilst their children are very young and to make those decisions on behalf of their kids.

MR BARR (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (4.12): I thank Ms Le Couteur for raising this matter this afternoon. Consultation has long been a key principle of planning in the territory. Various consultation mechanisms are routinely used within our planning process. These range from public workshops that might be held as part of strategic planning initiatives, such as creating concept plans for new greenfield suburbs, through to the notification of development applications. This consultation seeks to engage members of the community, including children and young people, in government decision making on important matters.

Social planners and others have long recognised that giving people the formal opportunity to participate in consultation processes does not always ensure that their views are heard. With many groups, including children and young people, everyone from proponents to statutory authorities must make an additional effort. Planning in the ACT has accepted this challenge. Perhaps the first condition for participation in planning processes is education on what planning is and what it seeks to achieve. To this end, the ACT Planning and Land Authority engages with local schools through a dedicated schools liaison and education officer.

A key initiative is ACTPLA's highly successful suburban challenge: how to build a suburb program, offered in all upper primary and secondary schools in the ACT. To date, over 1,000 students have undertaken the challenge, with another 300 booked in for the final 2010 semester. The program is specifically designed to help students understand the built environment in which they live. Over a five-week period, students, teachers and parents are taken through all stages of the planning process. This includes everything from spatial planning, environmental assessments and sustainable building, through to how streets and suburbs are named.

The program concludes with students building three-dimensional scale models of their sustainable suburb. A key component of the program provides students with the opportunity to participate in community engagement role playing through every stage of the program. Students are given roles either as planners or as community representatives—probably even as MLAs, Mr Speaker. Participating students then present their sustainable suburb models to the student community representatives. Students aim to strike the very delicate balance between competing interests and opinions. As you can imagine, Mr Speaker, the students find this part of the program very exciting and there is some particularly passionate debate that arises.

The final stage of the program is the changing suburb. This is where students learn about the changing nature of suburbs and how different possible scenarios impact on their suburb. Examples of changes include how climate change, combined with an ageing and increasing population, leads to high density demands. This can also be done using community engagement role-play. In October this year 80 students, teachers and parents of Fadden primary school are taking the suburban challenge. They are gearing up for a large public exhibition of their work at the end of the program in November.

As well as the suburban challenge, ACTPLA also provides a variety of educational materials and support to community and youth organisations, schools, individual teachers and students. These include customised maps, specialty publications and guest speakers for special events. Building on these foundations, ACTPLA has recently taken steps to routinely include the voice of young people on strategic planning matters. For example, the Youth Advisory Council participates in the planning and development forum, a quarterly meeting between ACTPLA and community stakeholders.

Individual planning projects also regularly seek to address children's and young people's concerns. The Tuggeranong town centre and Erindale planning project will

engage children and young people through a partnership between ACTPLA's education officer and the community engagement consultants. ACTPLA's sustainable futures program recently included a competition for students from years 5 to 12.

The competition attracted over 45 entries, including full-scale models, poems, essays, songs and websites. The students were asked to provide a vision for Canberra 2030. Topics included how land is used efficiently for housing, green space, commercial and industrial uses. It includes the sustainable use of resources, and it includes what suburbs should look like and how people might better travel around our city. The entries are currently being exhibited in ACTPLA's customer service centre in Dickson, with the winners due to be announced in coming weeks.

In new greenfield areas such as Molonglo and Gungahlin, the ACT government is committed to achieving excellence in sustainable development outcomes. As such, ACTPLA will incorporate child-friendly planning principles into the development of Wright, Coombs and Molonglo stage 2. This will be done through a commitment to best practice standards for future development in the Molonglo valley. Changes to the territory plan have ensured that the concept plans for Coombs and Wright adhere to the principles of a child-friendly city promoted by UNICEF. These principles are outlined in the ACT children's plan 2010-14 and will set the standard for future concept plans for Molonglo.

Estate development plans, which are development applications for the detailed subdivisions of suburbs, will be required to be assessed against these concept plans. ACTPLA also participates in an interagency committee that will consider ways of incorporating child-friendly cities principles into government policy and decision making. ACTPLA will also audit the ACT government's performance against the UNICEF building blocks for developing a child-friendly city.

The government recognises the need to actively engage with children and young people throughout the planning process. In doing so, it continues a long local tradition of innovative social planning, and gives substance to its broader commitment to social inclusion. Children and young people, indeed, have interests, needs and wishes distinct from those of other groups within the Canberra community. Hearing and understanding these views can require different approaches to those used with adults. However, the extra efforts are clearly crucial to the effective planning of a socially sustainable Australian Capital Territory, so I thank Ms Le Couteur for bringing on this matter of great public importance this afternoon. It has allowed me to speak to the real and practical commitment this government has to child-friendly planning.

MR SPEAKER: The discussion on the matter of public importance is concluded.

Adjournment

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

That the Assembly do now adjourn.

**ACT Policing—facilities
St Clare's college**

MR SESELJA (Molonglo—Leader of the Opposition) (4.19): I want to talk about a couple of issues this evening. Mr Hanson, Ms Hunter and I recently had the opportunity afforded us by the Chief Police Officer, Roman Quaedvlieg, to visit a number of police facilities around the city. I would like to just put on record my thanks and the thanks of the opposition for the opportunity to do this. We went out on a Saturday night and had the opportunity to go to the Winchester centre and see some of the central operations and the CCTV cameras. We attended Woden police station and spoke to officers there, we visited an RBT on Athllon Drive, we went to the city watch-house and then we finished with a walk through the city in and around various nightspots. It certainly gave us a small appreciation of the outstanding work that is performed by our police service here in the ACT.

ACT Policing do a sensational job. I have been very impressed with the Chief Police Officer in the dealings I have had with him, both in committees and at a personal level, including on this evening when we toured the city with him. I was also impressed with the officers I got to speak to, and there were a number of officers we got to speak to about the operations of the RBT, the centralised call service and dispatch area and the CCTV.

I have got to say that, speaking to the people at the city watch-house and hearing about some of the terrible challenges they face on a Saturday night, I think it is one of the tougher jobs in the territory dealing with people under the influence, some violent people, who come into the city watch-house, and I take my hat off for the work that they do and the amazing contribution they make. I do not think there are many of us in Canberra who would like to swap places with them on a Saturday night when there are a lot of people in the watch-house. I think it is an outstanding service they provide to our community. So I would just like to thank ACT Policing and the Chief Police Officer, in particular, for that opportunity.

I would also like to pay tribute to St Clare's Catholic college in Canberra. Last week I got the opportunity to witness about 900 St Clare's students seeking to break the *Guinness Book of Records* record for the most people patting their heads and rubbing their stomachs simultaneously for one minute or more. This was something that was done by St Clare's. Now there are some people who cannot do that very well, so it did take a bit of practice. Some people end up patting both or rubbing both.

There is a lighter side to it, but I was particularly impressed with a number of things: (1), it was a fundraiser for the victims of the Pakistan floods—I understand they raised a significant amount of money—(2), all these events are a great thing for a school community coming together and doing something together. Angela Winter, who organised it all, did an outstanding job in gathering the troops and ensuring everything was done.

There are strict conditions for Guinness world records. There were something like 48 adults supervising. There were a number of independent individuals there—one

from the New South Wales Fire Brigade, a university student and a public servant—who were there to count people as they came in, and there were official witnesses—me and Megan Clowry, who was with the Canberra Darters and who is also an old girl from St Clare's. They do have to go through quite a process, so I take my hat off to Angela Winter, the organiser, to Alison Jeffries the principal, and also to all of the roughly 900 St Clare's girls who participated. Well done to each and every one of them, and well done to St Clare's.

St Clare's is a school that I have had some family links with. I obviously did not attend there myself, but I have had some family links, including my wife and my sister and some other family and friends. Well done, again, to St Clare's, and can I just say what a fantastic contribution St Clare's generally makes to our community in providing a fine educational experience for thousands of girls here in the ACT.

Canberra Raiders

MR COE (Ginninderra) (4.24): I rise this afternoon to give credit to everyone involved with the Canberra Raiders. The team had a great year and proved that they are one of the sides to watch next year and beyond. I had the privilege of going to around 10 of their games this year and saw the team go from strength to strength. The highlight was certainly going up to Penrith for the first week of the finals to see a very gutsy win.

As the leader of the Canberra Liberals said in a release last week:

I have been impressed with the team's cohesion and the way the Raiders have presented themselves as a group. When there is a strong team ethos, the structure in place produces better performances on the field. It is a credit to the team, coaches and officials for presenting a positive message to the community.

I joined the more than 26,000 people who went out to Canberra Stadium on Friday night to see the Raiders take on the Tigers. The 26-24 loss gutted us all. Whilst there is little consolation in finals footy, the Raiders can look forward to an exciting 2011.

I would like to commend David Shillington on winning the Meninga Medal, Daniel Vidot for winning the CFMEU NRL coaching award, Sam Mataora for winning the Local Liquor rookie of the year, Dane Tilse for winning the Fred Daly memorial clubman of the year, Jack Wighton for winning the Gordon McLucas memorial award for junior representative player of the year, Mark Nicholls for winning the Goodyear Autocare Phillip Toyota Cup player's player, Sam Williams for winning the Canberra Milk Toyota Cup coaches award, and Mark Appleton for winning the Geoff Caldwell encouragement award for education.

The Raiders are the pride of the national capital and have served our city and the region well over the last 30 or so years. I commend all involved with the club—Alan Tongue, Terry Campese and the entire on-field team and their families; David Furner and the coaching staff; Don Furner and all those involved with the administration of the club; the board, including John McIntyre, the chairman, Jim Murphy, Dennis Richardson, Allan Hawke, Michael Lightowler, John Mackay, David Thom and Paul

Whalan; the medical staff, match day staff, Raiderettes and everyone else who makes the Raiders the team they are.

I also acknowledge the many sponsors, including the following major sponsors: CFMEU, CITEA, Local Liquor, Canberra Milk, Good Sports Territory, the Tradies, Victoria Bitter, Coca Cola, and Powerade. I hope the team's exceptional run home this year will convert to more memberships in 2011 and even more corporate interest. I encourage all Canberrans to get behind the team and to visit www.raiders.com.au and sign up to support the Raiders. Finally, I wish the Toyota Cup Raiders all the best for their preliminary final bout against the Rabbitohs on Saturday and also for a speedy recovery for Terry Campese.

Mary MacKillop—feast day Eid-ul-Fitr festival

MR DOSZPOT (Brindabella) (4.27): In my capacity as shadow minister for education and training, I had the pleasure of accepting an invitation from Mr Michael Lee, the principal of MacKillop Catholic college, last Friday, 17 September, to join with over 1,800 students, staff, parents and invited guests for mass at the Tuggeranong basketball stadium to celebrate the feast day of Mary MacKillop, who is soon to be canonised as Australia's first saint.

The mass was concelebrated by Bishop Pat Power, Father Constantine Osuchukwu, Father Mick McAndrew and Deacon Vince Barclay. Invited guests included the foundation principal of the College and congregational leader of the Sisters of St Joseph, Sister Noelene Quinane, and members of her order of sisters as well as the ACT primary and secondary principals from nearby schools and their student representatives. Other special guests included staff and students from St Joseph's, Eden and Bombala, schools that were founded by Mary MacKillop. They made their pilgrimage to Canberra travelling by bus from Eden and Bombala to be present for the feast day mass and the feast day's other special activities.

The feast day mass itself had a vibrant liturgy underpinned with the story and charisma of Mary MacKillop and was met with dignified participation and reverence by college students. A special feature of the feast day mass, was a blessing from Bishop Pat Power to those who were soon travelling to Rome to represent the college at the canonisation of Mary MacKillop on 17 October. These pilgrims to Rome include the college principal, Michael Lee, deputy principal, Michelle Marks, assistant principal, Lois White and student leaders Oliver Oakman, Danika Taggaza, Andre Wilkes and Isabelle Schmidt.

The mass was followed by feast day celebrations at the Isabella campus where 1,650 students, including the visiting students from Bombala and Eden, gathered to enjoy a fun-filled day of activities and stalls which included hot dog stands, jumping castles, sausage sizzles, face painting stalls, student bands and a special athletics event called the MacKillop gift.

I was again impressed with the visible enthusiasm and commitment of staff and students. This is indeed a college of great vibrancy, life and love, and it is in the

heartbeat of this great college and the whole college community that the spirit and example of Mary MacKillop lives on. This great Australian and her dedication to the homeless, the new immigrants, the lonely and the unwanted, her legacy through the Brown Joeys is still delivering today, her message of reverence for and recognition of human dignity, and this recognition of her life and example in Rome in a few weeks time will hopefully keep inspiring all of us, not only within Australia and Canberra and in our Tuggeranong and Canberra communities but worldwide.

I offer my sincere congratulations to Mr Michael Lee, the principal of MacKillop Catholic college and Ms Sandra Darley, the acting principal in Mr Lee's absence, as well as the school executive, Mrs Michelle Marks, Mr Paul O'Callaghan, Mrs Lois White and all the staff at the college for a very well organised and inspirational event last Friday.

Also, in my capacity as shadow minister of multicultural affairs, I was privileged to receive an invitation from the acting chair of the Canberra multicultural forum, Mrs Diana Abdul-Rahman, to attend on Sunday the celebration of Canberra's inaugural Eid-ul-Fitr festival. The Eid-ul-Fitr is a festival celebrated in Muslim communities around the world to mark the end of the month of Ramadan, during which Muslims fast from sunrise to sunset. Chief Police Officer for the ACT, Roman Quaedvlieg, is to be commended for the initiative in the sponsoring of this event by the Australian Federal Police.

In his speech at the opening of the festival, he commented that the festival, which is celebrated by Muslim communities around the world, is also an opportunity to bring together people of many faiths here in Canberra, and this inaugural event was certainly very successful in bringing this to fruition, with over 3,000 Canberrans from all walks of life joining with the Muslim community to celebrate the end of the Muslim holy month of Ramadan on Sunday.

I would like to thank Mrs Diana Abdul-Rahman, Mr Ahmed Youssef and other leaders within the Muslim community for their hospitality and for their great work with the Australian Federal Police to make this inaugural event such a success.

International affairs—Pakistan

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) (4.32): I rise to speak about the recent catastrophe in Pakistan. I would like to offer my condolence to the local communities which have lost family and friends in this tragedy. As the ACT Minister for Multicultural Affairs, I come into regular contact with leaders of the Pakistani community. The Pakistani community in Canberra is a close-knit one, and one that participates in all aspects of Canberra life.

We are all aware of the terrible floods that continue to affect Pakistan. Unprecedented heavy monsoonal rains began on 26 July, which is almost two months ago, and the flooding continues to overwhelm the region. At least 160,000 square kilometres of land now lie under water. More than 2,000 people have lost their lives, with that

number set to rise as disease flourishes in these conditions. One million homes have been swept away, and nearly 20 million people require food, shelter and emergency care—almost the entire population of Australia.

The scale of this catastrophe is so immense that it is difficult to comprehend. The number of people devastated by the floods in Pakistan is greater than the number of those affected by the Indian Ocean tsunami, Cyclone Nargis, the Kashmir earthquake and the earthquake in Haiti combined. There has been enormous damage to Pakistan's infrastructure. Roads, bridges, homes, schools, hospitals, communications networks and irrigation channels have been destroyed and must be rebuilt. The suffering that the people of Pakistan have experienced will live with them and in their hearts for years to come, but the stories of resilience and determination to survive and to build new lives give us hope and renew our belief in the tenacity of the human spirit.

As I have said in my opening remarks, I know that many in the Canberra community have friends and relatives in Pakistan. Canberra is also home to more than 1,000 people of Pakistani descent, who make a valuable contribution to our vibrant and culturally diverse city. Many Canberrans have been active in raising money and resources to support victims of the floods. There have been numerous personal contributions, as well as large-scale organised efforts.

There have been many concerned Canberrans, but I would like to acknowledge the tireless efforts of Mohammed Ali, a local community leader and very proud Canberran, who has raised awareness at the grassroots level of the ongoing disaster in Pakistan. Mr Ali initiated an appeal for donations in kind in conjunction with the Canberra Islamic Centre and the Pakistan association of the ACT. In just over 10 days, Canberrans of all faiths and walks of life donated enough food, shelter, medicines, clothing and other vital resources to fill a five-tonne truck twice over, an amazing effort and testament to the generosity of Canberrans. Mr Ali has been active in charity events for several years and is selfless in his efforts.

Last week the Chief Minister announced that the ACT government would be donating \$100,000 to UNICEF to support the victims of this natural disaster. I know that this gesture of support on behalf of our city will make a real difference to the lives of the people of Pakistan, and I am sure that collectively our thoughts remain with them.

Leukaemia Foundation
ACT Policing—facilities
Battle of Britain—70th anniversary
Inner South Community Council
Canberra Times fun run
International affairs—Pakistan

MR HANSON (Molonglo) (4.35): On Friday night, I attended the Light the Night event hosted by the Leukaemia Foundation at Glebe Park. It is supporting people with blood cancer. At the outset I would like to thank Marie Hutley Jackson from the Leukaemia Foundation for putting the event on and hosting it.

For those who are not aware, leukaemia is a very prevalent disease—that and the other blood cancers, including myelomas and lymphomas. The Light the Night

function gives an opportunity for those who are suffering from blood cancers, those who are supporting the Leukaemia Foundation and people with blood cancers, or those there in memory of someone, to go and light a balloon in memory and in support of the Leukaemia Foundation and individual suffering.

If you look at the statistics, certainly a lot of people are suffering. In Australia, the statistics tell us that every hour of every day someone is diagnosed with a blood cancer. Every two hours someone in Australia will lose their life to a blood cancer. In Canberra, about 200 people are diagnosed every year.

The event was an important one for the people that are involved with the Leukaemia Foundation. I would like to thank not only the people that attended but also the people who tirelessly toil in our health system—the medical staff, the nurses, the doctors and the other professionals, and the researchers. Dr Anna Johnson was there on the night. Government can only do so much. Without organisations like the Leukaemia Foundation, there is no doubt that there would be individuals and families who would miss out on much-needed support. The Leukaemia Foundation is currently supporting over 350 people from our local region. I would like to congratulate them on all that they do.

The money raised on the night will make a real difference in people's lives—for people who are suffering from blood diseases or caring for someone. It will also help the foundation in the much-needed research work that they do.

The night culminated in a walk, where everyone with their balloons walked around Glebe Park. It was very moving. I had the opportunity to speak to people carrying gold balloons, who were there in memory of someone; people carrying white balloons, who were suffering from a disease; and fellow supporters, as I was, with blue balloons. It was a great night. I thank the Leukaemia Foundation. I am yet to confirm that I will be shaving my head next year. I am in some sort of conflict about that one, I have to say. It would not be a pretty sight.

I would like to move to some other items. I would like to echo Mr Seselja's comments about the tour that was conducted with ACT Policing and echo what he said about what a difficult job police do and what a magnificent job ACT police do.

In the last week I went to two events for the Battle of Britain. For those that do not know, it is the 70th anniversary of the Battle of Britain this week—a momentous battle that turned the course of history, one might say. There was an event at the War Memorial, and there was also a service on Sunday, which I attended. I would like to thank Air Marshal David Evans and Air Commodore Peter McDermott for their involvement and for putting on those events.

I would like to thank the Inner South Community Council. They had an event last week, a meeting, which was their first proper public meeting. It was very well attended. I would like to pay special tribute to a couple of people that attended—Neil Savery and Gary Rake, one representing the NCA and one the ACT government. They faced a lot of questions, and they did so very well. People do get emotional; people do get particularly concerned about developments that are occurring in their areas. They both handled it very well.

Finally, the *Canberra Times* fun run was held recently. I commend everyone involved in that and say well done to everybody who ran. I ran in it. I was a bit slower than I was at the Mother's Day classic, I would have to say. Winter had not been kind to me; I was five minutes slower. I was sad to see that Mr Seselja was not there. I looked for him. Normally I look behind me, over my shoulder, to see if he is there. But no.

Mr Barr interjecting—

MR HANSON: No. He was not to be seen, Mr Barr. I was very disappointed. I was once again looking for him, but he was not there.

Finally, I would like to commend Ms Burch for her words on Pakistan. It is not often that I agree with what she says in this chamber, but I agreed with everything she said tonight and I would like to echo her sentiments.

ArtSound FM

MRS DUNNE (Ginninderra) (4.40): As a member of community radio station ArtSound FM, I am pleased to advise the Assembly that ArtSound has been awarded this year's ACT community media award. This award is sponsored jointly by the Public Relations Institute of Australia and the Chief Minister, and it marks continued cooperation between PR professionals and the media in Canberra.

ArtSound's award recognises its many years of support for music and arts in the Canberra region. The citation reads "ArtSound FM's many years of high quality music broadcasting by its dedicated volunteers and its encouragement of local musicians has enriched the life of the Canberra region". Importantly, this award is not something that an organisation can apply for. Winners are chosen because they demonstrate best practice. The award is part of the PRIA's national Golden Target Awards competition. ArtSound has become a contender for the PRIA's national award for excellence, to be announced in Darwin in October.

ArtSound has been operating in Canberra since 1983 and has a strong focus on promoting local music and arts. ArtSound's work in the community is not limited to radio broadcasting. ArtSound has been actively recording performances and now has the largest collection in the ACT of recordings of local concerts, recitals, book and poetry readings, plays and debates. This is testament to their commitment to Canberra's flourishing arts community.

In addition, ArtSound offers sound preservation services to the public so that vinyl and tape recordings can be cleaned up and transferred to CD. Family sound heirlooms can thus be preserved for future generations. ArtSound's professional recording studio is state of the art and boasts recording many commercial release CDs.

ArtSound's activities do not stop there. It also offers training courses for anyone with a hankering to become a radio presenter. The courses are highly professional, run by experienced ArtSound presenters who between them have well over 100 years of broadcasting experience. A number of ArtSound presenters are now pursuing professional radio and television careers.

Of course, ArtSound's main game is broadcasting. That is what it has been doing full time, 24/7, for over 10 years. All the broadcasting is presented by an army of over 100 volunteers. ArtSound could not do all of this without the support of the community and sponsors. Over 1,000 members support ArtSound and a large number of sponsors have seen fit to throw their support behind the organisation. The ACT government has been a very strong supporter of ArtSound, as has Actew Corporation. The Canberra Southern Cross Club is also a longstanding major sponsor, and it is good to be able to acknowledge that support as well as that of many other sponsors of ArtSound here today.

Recently, ArtSound announced a program called "ambassadors circle". This program enables supporters of ArtSound to act as ambassadors for the station and its many activities. The organisation's patron, His Excellency Michael Bryce, was proud to make the announcement of the Ambassadors Circle recently at Government House.

I congratulate ArtSound and I wish it well for its future success, particularly in the run-up to its major fundraising activity, its radiothon in November. There will be opportunities for members to visit the ArtSound facilities and see first hand just how excellent they are—but also, more importantly, see the excellence of the work that is done by many volunteers. I encourage members to put their hands in their pockets and become a financial supporter of ArtSound during the radiothon in November.

Education—special needs

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.44): Recently, I joined the ACT education department, the Catholic Education Office and the Association of Independent Schools at Old Parliament House to publicly launch a new plan and partnership to improve educational outcomes for students with disabilities in all ACT schools. The excellence in disability education strategic plan 2010-13 will guide us as we take on the most important of challenges, making sure that every young Canberran gets an education that helps them reach their potential.

If an education system is working properly, every student will find education a challenge. But some kids face special challenges when it comes to education—and none more so than those with disabilities. Just as these students face extra challenges and have to work harder, so must all of us involved in education. That is why I am very pleased that the Catholic Education Office and the Association of Independent Schools are joining with the ACT Labor government to work more closely together for the benefit of students with a disability in the ACT.

Members will recall that last year I commissioned Professor Tony Shaddock to conduct an in-depth review into disability education in the territory. The Shaddock review now forms a sound basis for long-term planning for disability education. The contribution made by the Catholic Education Office and the Association of Independent Schools to the Shaddock review and the development of the strategic plans we launched has set a firm foundation for cooperation in the area of special education.

As I have said many times before, the old public versus private debate in education is over, at least for those on this side of the chamber. That is why I am pleased that one of the key findings of Professor Shaddock's review was a greater emphasis on cross-sectoral collaboration. It is another way of saying that we can learn from each other's schools and work more closely together to turn possible failures into outstanding successes.

This is important because we all face the same challenge in disability education—how to get better results for students with the resources available. In the last five years, the number of students accessing disability programs in ACT public schools rose by over 12 per cent, and I am sure there are similar patterns in non-government schools. Unfortunately, the resources available for disability education are not, as we all know, unlimited. That is why a strong partnership between government and non-government schools is so important. That is why I have established the new cross-sectoral disability education steering group to draw on the experiences of all schools and apply the lessons for the benefit of all students.

In consulting on this strategy, a draft plan was written and consultation regarding the draft occurred with the Disability Education Reference Group. The reference group includes parents and carers of students with a disability, the Australian Education Union, community-based disability support agencies, Disability ACT, Therapy ACT and school principals. The ACT Human Rights Commission and the chief executive officers of the Department of Disability, Housing and Community Services and ACT Health were also asked to comment on the strategy.

I would like to take this opportunity to thank all of those involved, especially the Association of Independent Schools, the Catholic Education Office and the Department of Education and Training, for all of their hard work and dedication to students with a disability in all ACT schools.

Question resolved in the affirmative.

The Assembly adjourned at 4.48 pm.