



Debates

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Tuesday, 29 March 2011

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.

Justice and Community Safety—Standing Committee Scrutiny report 34

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 34, dated 24 March 2011, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 34 contains the committee's comments on two bills, 26 pieces of subordinate legislation and one government response. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Public Accounts—Standing Committee

MS LE COUTEUR (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts in relation to the term of the current Auditor-General coming to an end.

As members would be aware, the term of the current Auditor-General, Ms Tu Pham PSM, expired on 14 March 2011. Tu is the third person to hold the office of Auditor-General since the introduction of self-government for the ACT in 1989. Until recently, she was also Australia's only female Auditor-General.

On behalf of the committee, I would like to take the opportunity to acknowledge Tu Pham, who is here in the audience today, for her dedication and contribution to public administration in the Australian Capital Territory. The committee believes that it is important that the Legislative Assembly for the ACT notes the expiration of Tu Pham's term as Auditor-General, along with her dedication and contribution to public administration in the Australian Capital Territory.

I will briefly touch on some of Tu's career highlights and achievements. However, I note that in the short time I have here today I cannot do justice to her contribution and achievements.

Prior to her appointment as ACT Auditor-General in March 2004, Tu held a number of senior roles in the ACT public service, including Deputy Chief Executive of the Department of Treasury and the Commissioner for ACT Revenue. Before joining the ACT government, Tu worked with the Queensland government and the Commonwealth Grants Commission.

As many of you will know, Tu came to Australia from Vietnam under an Australian government scholarship program. Under this program she completed a Bachelor of Economics at the University of Queensland. Her career in public service has included a range of roles with the Queensland, commonwealth and ACT governments. Tu received an Australia Day honour in 1988—the Public Service Medal—for “outstanding services in public administration”. More recently, she was awarded the 2008 ACT Telstra Business Women’s Award in the government and community category.

Tu’s term as Auditor-General has spanned the Fifth, Sixth and Seventh Assemblies and three public accounts committees. The relationship between an Auditor-General and a parliament’s public accounts committee is an important one. Undoubtedly, the relationship is a two-way process and, to some extent, the public accounts committee and the Auditor-General can be seen as complementary bodies in parliament’s oversight functions.

The committee acknowledges the good working relationship it has had with Tu as Auditor-General, a relationship that has been, on the one hand, cooperative, open and frank, but, on the other hand, a relationship which has respected and maintained appropriate independence.

On behalf of the committee, I wish to acknowledge and thank Tu for her professionalism, dedication, hard work and commitment, not only during her term as Auditor-General but also in the other roles in which she has served public administration in the Australian Capital Territory. We wish her well in what lies ahead and for her future plans and endeavours.

MR SMYTH (Brindabella), by leave: The chairperson of the public accounts committee has given a nice formal statement about Ms Tu Pham and her efforts. I thought I would throw in some of my perspective. I am probably the only person here who actually worked with her in Treasury—Jon, maybe you worked with her in Treasury as well; yes, of course you would have.

It is interesting to see the two sides of Tu Pham—and there are not just two sides to Tu Pham. Certainly, as a public servant, I always found her to be fantastic to work with. If you needed something clarified, Tu Pham was the person to go to. I think her grasp of economics and how Treasury worked was an enormous asset, certainly to us as a government, at a time when the economy was not that crash hot. To have somebody in the Treasury actually explaining what was going on, in the form of Tu, was very good. As the Commissioner for Revenue, she actually understood where the revenue was coming from and how little of it there was. She was quite forthright in telling cabinet meetings—I do not think I am breaking a confidence—that we did not

have the revenue. I have great recollections of those times. While it was tough, at least the news was delivered by somebody who was very pleasant to be with.

As A-G, I think she has done an enormous job in lifting the integrity of the office; in lifting the professionalism of the office. And that is not a reflection on those who went before her; I think Tu understood that it was not just about the financial audits. The way that the performance audits have been delivered to this place over the last seven years is fantastic and it is an absolute credit to her and her staff. But it does start with the leader and it does start with leadership. I think in that way Tu Pham has truly led in the role of Auditor-General to the benefit of all of the people of the ACT.

You can see the way in which the office has grown. I think the integrity of the office is well and truly maintained but the professionalism of the office has grown, and whoever takes over after Tu will have big boots to fill.

They are two formal roles that we know Tu Pham in. I think it is the other sides of Tu Pham that people do not necessarily know about. I refer particularly to the young migrant woman with, let us face it, limited English skills who came to this country and made so much of herself in regard to getting her qualifications and working in the Queensland public service, in the Grants Commission and here in the ACT public service as the Auditor-General. That is an amazing record of achievement over the last 30 or so years for somebody to come to this country and achieve.

We are indeed a country of opportunity but you have got to have the drive, you have got to have the initiative and you have got to have the passion. And Tu has the drive, Tu has the initiative and Tu has the passion.

Tu is a fantastic example, particularly to all women, of what women can achieve—not because she is a woman but because she got off the couch and did the job. She actually got out there and said, “I will do this because I want to do it and I know I can do it.” Tu is one of those women who, when people say, “You need to have quotas,” I would point to and say, “Well, you don’t; you need to have people like Tu Pham.” Tu Pham is one of the great examples in this country in this day and age of what women can truly achieve when they seek to fulfil their potential.

For migrants who come to this country, no matter where you come from, no matter how you get here, people like Tu Pham are a tremendous example of the opportunity in this country. I think it is an example to all of those people, no matter where they come from and no matter how they got here. If you want to know what you can achieve, just look at the story of Tu Pham.

For people in the business community, and particularly public servants who, in a way, while not trying to compete, are in competition with the private sector, the fact that Tu has won the business women’s award shows the degree of professionalism that exists in the ACT public service and it is a great credit to her. Again, it sets another of those examples of how good you can be.

What I would like to concentrate on now is the thing that we do not see or hear about—Tu Pham’s dedication and devotion to her family. It is great to see that her

husband is with her today, because I know that Tu is eternally grateful for the assistance, time and support she was given to allow her to be the Auditor-General and all her other roles. Tu's devotion to her family is shown in her getting them from wherever they were, scattered across South-East Asia, to Australia. Not all the children are here, are they? I think one is in America. But her devotion to her parents, her siblings and her own children is such that everything, I suspect, that Tu Pham does is probably never for Tu Pham. I think at the top of her list would be her family and then certainly the people of the ACT.

That is the example—that you can be successful, that you can achieve, that you can lead, but that at the heart of it you do not have to surrender who and what you are. In the case of Tu Pham that is a daughter, a wife and a mother, and she has never relinquished that. I doubt that she ever would. I doubt that, in fact, she ever could, because to take that out of Tu Pham would be to take the essence of Tu Pham away from herself. I think it is a tremendous example to all of us, as you climb the corporate ladder or the rungs of the senior public service, that you do not have to lose those things that are incredibly important and, in most cases, are the things that spur you on in the activities that you undertake. For Tu, she has never lost that, and I know her family is immensely proud of her.

On behalf of those of us who have worked with you for a very long period of time, which in my case, Tu, is probably about 16 years, I say congratulations. I know it is not retirement, but I hope you enjoy whatever it is that the world now leads you to, because the world will be a better place for your presence. Thank you.

MR HARGREAVES (Brindabella), by leave: I have been in this place for a long time and I have met some characters along the way. Some of them have given me great amusement; some of them have given me great challenges. The retiring Auditor-General has given me both. I would like to add my seven million dong to the argument while I am here. I would like to make my comments in a couple of ways. One is the professional bit and the other is the personal bit.

Tu Pham said in her retirement speech that when she went from Treasury to the Auditor-General's Office, it was described as going from the dark side to the even darker side. How true is that? However, there was always the temptation, if you were in the darker side, not to see any light at all, and I do not think we saw that. It is important for us to know that having a grounding in Treasury work, having been a senior officer in the Treasury department, is that sort of extra piece of qualification that is essential in an Auditor-General. We can have people who are qualified in accounting and in audit work specifically, but they do not necessarily bring that particular understanding unless they have been through the work that only work in the Treasury department can give you.

As Mr Smyth said, this is not to take anything away from previous auditors-general, but I do sense that, over the last wee while, the accent on performance audits versus financial audits has been swinging, and it is swinging to the middle. I think that is an appropriate place for it to be.

When I first started in the public service an awfully long time ago, auditors were in two breeds. One of them had a green pen—they were the internal auditors—and then there were the purple pen wielding commonwealth auditors. Both of them were scary individuals. In fact, for Mr Smyth's benefit, one of them was also an AFL umpire. Now how bad is that? My God!

The thing was that they used to come in and check the figures and they would frighten the daylights out of everybody. But there was no way in which they were to offer assistance in ways forward. Nowadays we have changed. We certainly have to do that accounting check but we also have to have systems checks and performance checks and we are now an outcome driven society. So the whole mindset of audit has changed. I think there has been an evolution, and assistance in that evolution, over the time that I have known Tu Pham and the office going forward.

I would like at this point to also acknowledge Bernie and Rod in the gallery. They have been of great assistance to Tu. All three of them have brought an essence to audit that I did not really know existed until I met them—that is, they have a sense of humour. I thought that, once you became an auditor, you had to go to hospital and have your sense of humour taken away. But such is not the case. We have had quite a number of laughs along the way, and I thank them very much for that.

In terms of the success of a statutory officer, one of the measures is in fact the degree to which your staff hold you in great affection. I know that in some cases people are so professional that they lose sight of the human part of the organisation that they head up, and you can then measure whether that has been good or bad by the degree to which they are held in affection by their staff. I think that Tu Pham enjoys the very deep affection of her staff and that is a really pleasant thing to watch.

As Mr Smyth said, the family support needs to be acknowledged. The family support is two-way. When you get to a high-powered or high-pressure job that takes up a lot of time, the families put themselves out quite a lot just to support us. We in this place know only too well about that, so I think it is appropriate that we pay tribute to Tu's family. Also, I would like to mention the other street. Tu Pham's pride in her family, in the achievements of her children, is obvious. Her eyes actually get moist when she starts talking about the success of her children. Also, I know that she recognises and applauds the support that her husband has given her. And we do not see that until somebody leaves. So I would like to put on the record how much we appreciate the support that Tu's husband has given her along the way.

I have no sympathy for the Auditor-General in her retirement because she now has to learn how to cook properly. She has been watered and fed along the way by a very industrious husband and now the tables have turned. I have a Vietnamese cookbook that I got in Hanoi that I am quite happy to lend to the retiring Auditor-General, should she want to avail herself of it.

One of the biggest and most important contributions that Tu Pham has made has been to show the young women of this city just what can be achieved with a bit of hard work and some education. We have been trying to encourage young women to the

heights of business, the public service and, indeed, this place. I am pleased to see the gender equity bit starting to be achieved in this place. But seeing women at the top of the tree in the public sector is not all that regular a thing to observe. We need to have people that we can put on pedestals so that we can say to our young women, "With a bit of hard work and a bit of guts, you can do it." Tu Pham has given us that opportunity. We can look at her and say to young women: "There you go. There is your example; there is your role model."

As a former Minister for Multicultural Affairs, it gives me enormous pleasure to see someone who is not an Anglo-Celt at the top of the tree, even though that is where I come from. I like to see us being able to say to the young women in our multicultural community who are studying: "You can get to the top of the tree. It doesn't matter where you come from. Whether you come from overseas, whether you are Hungarian or Croatian—maybe not Irish—you can get to the top." I think it is important that we recognise that we now have available someone we can point to in that regard, as indeed other members of this place can, and I thank Tu Pham very sincerely for that.

Ladies and gentlemen, I would like to conclude by saying that auditors-general have to have qualifications to do the job, they have to have experience to do the job and they have to have a lot of courage to do the job. Sometimes you have to say something, you have to point the finger and people are not going to like it, and it can be daunting. It can be quite difficult to carry. I think Tu Pham has carried that part of her responsibility with an enormous degree of class.

MR SESELJA (Molonglo—Leader of the Opposition), by leave: Most of it has been said but I do want to put on the record my words of congratulations to Tu Pham. I give my apologies for not being able to attend your farewell. I was keen to get there but was not able to make it on the day.

I want to say a few words about the fact that, for me, having been in this place since 2004, Tu Pham is of course the only ACT Auditor-General I have dealt with. That said, I think that, for whoever takes over, it will be a very hard act to follow.

I want to comment on what a great story it is. Tu Pham's really is a great migrant story. It shows the wonderful ability of people to achieve in our nation, whatever their background, and I think that is a fantastic thing.

A couple of things have particularly impressed me about Tu Pham. One is her sense of decency and honour. When we met with Tu Pham, we could always trust that she was doing her job to the absolute best of her ability and that she was prepared to do it without fear or favour. She was not in it to be overly harsh on the government but at the same time she was not going to hold back where she felt that the government did not have its act together. She was very keen, as all good auditors should be, to point out where government could improve.

I think that one of the things that has marked the Auditor-General's reports which I have read over the last seven or so years is that they always provide a constructive approach. There are often revelations in them which are quite damaging for a government and we see the reaction sometimes from government when some of those

reports come out. I was reflecting on some of the reports we have seen; there have been so many over the last few years. Many of them have looked at the very significant issues of governance and efficiency. I refer to the ambulance report, the report into the gas-fired power station, the reports into FireLink, government accommodation, Rhodium and courts administration, just to name a few.

We were very grateful in opposition for each of those reports because they obviously highlighted deficiencies and we, of course, used those to criticise the government and critique the government. But the reports also give a way forward for the government, and I think that a good government should actually welcome the Auditor-General doing their job well. Whilst it can be embarrassing at the time, it can lead to much better administration and therefore the better delivery of services. That will be one of the legacies of Tu Pham: in doing your job in the very professional manner in which you have, with limited resources, as we know, you will have helped better administration and therefore better services for the people of Canberra. That will be one of your legacies.

I know that there has been criticism from time to time. I would pay tribute to the courage that Tu Pham has shown in the face of sometimes quite hostile attacks. We could have arguments about the resources but that is probably for another day.

I would like to conclude by wishing you well in your future endeavours. On behalf of the Canberra Liberals and the people of the ACT, I thank you for the contribution you have made, not just as Auditor-General but also in your previous role as a senior public servant, as a servant of the people of the ACT.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations), by leave: I would like to support the comments that have been made this morning by a number of Assembly members about Tu Pham and her role in the ACT government service both in ACT Treasury and in her last role for the last number of years as Auditor-General.

In supporting Mr Seselja's comments, I think Tu Pham's story is a wonderful one for our community. It is a story of someone born in another country, who came here and studied and then over time, due to hard work, persistence and a lot of her own skills and abilities, was able to rise to the top of her profession. Not only in the role of the Auditor-General but for women in the ACT public service, she certainly stood there as someone that would encourage other women to take up the challenges that certainly Tu would have faced in getting to that position.

I attended Tu Pham's farewell at the Assembly with a number of other members. We listened to Tu reflect on her own story of overcoming her arrival to a new country, overcoming language barriers and other cultural barriers. To get to where she has I think shows all the strengths and qualities that one would expect in an Auditor-General—toughness and commitment but fairness, a preparedness to listen and a preparedness to understand. I think those are all skills that Tu has brought to both her job as a public servant and then as a statutory office-holder as the Auditor-General.

I have been in the lucky position to have been here long enough to have worked with Tu when she was in senior levels in the Treasury, including as, I think, Acting Under Treasurer at one point and then through her work as the Auditor-General. I also stand here as the minister responsible for several critical Auditor-General reports. I can honestly say that in all of my dealings with Tu in both of those roles I have found her commitment to believing in the public service, the importance of the public service and in delivering high quality services to the people of the ACT right at the forefront of her focus.

There is no doubt that when you look at her career history she has a very strong belief in the importance of public administration. She is also acknowledged by the business community through the Telstra business women's awards and I think it is a credit to her that she has achieved that recognition. Also, when you look at Tu's community work, whether it be through supporting migrant women, through the YWCA or through her membership of a number of boards she has served on over the years—the Legal Aid Commission springs to mind—you can see that her reach was not just around public administration. It reached into the business community and, importantly, it reached into the non-government sector of our community where she found time for those pursuits as well.

On top of that there was her commitment to her family, which we all enjoyed in her own reflections of her career at her farewell—understanding that she never lost sight of the importance of her children, her husband and her parents.

On a personal level, Tu has been incredibly kind to me over the years. I do not want to demean it to a woman-to-woman kind of relationship but there are barriers and struggles that women face when they are in positions of prominence in the community and to some extent only women understand those barriers and challenges.

I think there have been a couple of times where I have really reached sort of the end of my patience or belief that I could do a certain job. I have to say, Tu, that you have been incredibly kind to me and encouraging to me to stay with it and that we can have it all at the end of the day—the career, the family and being a part of our local community as well.

You do stand there as a woman who is going to encourage others. It is important that we acknowledge that because, without women like you, other women might not feel that they have got the capacity or the ability to do what you have done. You stand there and show them that you can. Certainly on behalf of the government, Tu, thank you for everything you have done. I certainly hope that you get the time you deserve to enjoy your family and other pursuits in this next stage of your life. Thank you.

MS BRESNAN (Brindabella), by leave: Obviously, Ms Le Couteur in particular has noted and outlined Tu Pham's various awards and honours. I would like to state again the fact that Tu Pham was the first female Auditor-General in Australia. I understand now that there is a female Auditor-General in New Zealand. But with Tu Pham's departure, we lose our only female Auditor-General in Australia. Hopefully other states will have females in that role.

I also wanted to put on the record here that I nominated Tu Pham for the Canberra Citizen of the Year this year. There was obviously an extremely worthy winner in Maureen Cane but I have to say that I think Tu Pham would have been equally able to receive this award of Canberra Citizen of the Year.

I put her forward for the award because, as members have outlined today, Tu Pham's contribution has not just come through her role as Auditor-General and the contribution she has made to the community through that work. As Ms Gallagher outlined, Tu Pham has been involved with a number of other community organisations. She has also been involved with a number of boards. I think that contribution to the community has been absolutely outstanding.

As all speakers have also outlined today, Tu Pham's example to all women is one that is outstanding and is an absolute inspiration to all women from all backgrounds. Tu Pham is someone I greatly admire personally and will continue to admire. We always get asked that question as women: "Who are women that you admire and that you look up to?" Tu Pham is one of those women who I always add to that list.

I think she has been someone who I have learnt a lot from just from my involvement with her and her example to women. As we know, as women we are often reluctant to push ourselves forward for whatever reason that is. One of the things that really stuck with me that Tu Pham said when she spoke at a YWCA breakfast was, "Whenever I got asked to take on something I just said yes." I think that it is a really wonderful thing to remember. When we do get asked to do something, as women we should put ourselves forward and do it because we can do it. I think that Tu Pham is just an outstanding and shining example of that and the contributions which women can make to the community.

I, like everyone, would like to wish Tu Pham and her husband all the very best, including on their travels which they plan to do. I did see Tu Pham at the Multicultural Festival. She had a bundle of brochures there on all the places she was about to visit. I think it is wonderful that they will be doing that.

I also look forward to seeing Tu Pham in my Bollywood dancing classes. Tu Pham has said that she is interested in doing that; so I will be keeping an eye out for her in the future and hopefully we will be doing that together. Again, I would like to give my best regards and congratulations to Tu Pham on the wonderful job she has done. She is an inspiration to all women and someone I greatly admire.

Information and communications technology

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) (10.35): Mr Speaker, the clean ICT motion passed by this Assembly on 22 September 2010 called on the government to commit to a number of activities aimed at measuring and ultimately

reducing the environmental impact of information and communications technology, or ICT, across the ACT government. The motion also required that I report back to the Assembly on these issues by 30 March 2011 prior to the finalisation and tabling of the 2011-2012 budget. Today I am pleased to provide the Assembly with a progress report on the matters contained in that motion.

Mr Speaker, based on data in the 2007-08 ACT greenhouse gas inventory, ACT government activities comprise about four per cent of the ACT's total emissions. The government has been active in terms of managing and reducing these greenhouse emissions and establishing carbon neutrality targets and strategies. Much work is already being undertaken to more accurately monitor energy usage and assist in moving towards the ACT's target of carbon neutrality by 2060.

The government recognises that there is a clear role for whole-of-government initiatives and leadership through its operations. To this end, the draft sustainable energy policy released in December 2009 stated that the ACT government will aim to be carbon neutral by 2020. In addition, action 11 of the ACT climate change strategy 2007-25, *Weathering the change*, action plan 1, committed the ACT government to assist every Canberra public school to become carbon neutral.

A draft framework for carbon neutrality is being developed in consultation with all government agencies and will be released later this year. The framework will enable and coordinate a whole-of-government approach to achieving carbon neutrality. It will also guide decisions and actions that can be taken to improve energy efficiency and minimise gas emissions.

The draft framework is an opportunity to progress improved energy efficiency and lower greenhouse gas emissions from all government activities, including ICT for example, through resource management plans for agencies; setting minimum standards for energy ratings of office and kitchen appliances; engaging staff in energy efficient behaviour in the workplace; and continual investigation of opportunities from emerging technologies to reduce energy use and greenhouse gas emissions.

Agency annual reports already include information and trends, year to year, on energy use and greenhouse gas emissions. The current process for agencies reporting energy use is the online system for comprehensive activity reporting, OSCAR. OSCAR is a web-based data gathering and benchmarking tool designed to enable agencies to input energy and greenhouse emission data to obtain a clear carbon account for their operations. OSCAR standardises the calculation of greenhouse gas emissions to produce comparable annual data sets so that agencies can track trends in energy use. To complement OSCAR, a centralised utility data management system is currently under development to enhance and streamline whole-of-government energy use reporting.

Mr Speaker, a number of other practical initiatives are also worthy of noting here. The ACT government purchases approximately 159 gigawatt hours of electricity annually across 463 sites. Preparatory work is underway for a new whole-of-government electricity contract. This should be finalised by September this year. It is expected that

green energy will be purchased separately from the general electricity contract. This part of the contract is a key strategy that will lead to a reduction in emissions.

Already the ACT government purchases 32.5 per cent renewable energy including 17 per cent generated from the landfill gas sites at the tips which is not accredited GreenPower and therefore has no carbon offsets attached. A further 15.5 per cent of the electricity that is purchased is accredited GreenPower energy for which the government can claim carbon offsets. The government will consider the proportion of GreenPower accredited energy within the total energy purchase during the procurement process.

ACT Property Group has also managed energy audits on the major government office buildings to identify short and long-term strategies to reduce energy consumption. The energy assessment of the Dame Pattie Menzies building found it has a NABERS rating of 4.5 stars. However, due to the age of the other government buildings, coupled with the presence of high energy uses such as data centres and trades activities, their star ratings were relatively low.

As members will be aware, smart meters enable building owners and tenants to monitor real-time electricity use and more accurately measure changes in energy use due to tenant behaviour or building management. Smart meters have already been installed at the ACT Health building in Civic, Dame Pattie Menzies House, the Dickson motor vehicle registry and Macarthur House.

Their installation at the Magistrates Court has been commissioned and quotes sought for their installation at the Callam Offices, North Building and the offices and depot on Canberra Avenue at Fyshwick. ACT Property Group is also working with Shared Services ICT and a contractor to enable the data collected by these meters to be accessed by approved staff via the internet. These smart meters will also enable the government to isolate energy consumption attributable to the data centres and more accurately measure the overall building energy consumption.

ICT is an increasingly significant enabler of ACT government business. This will continue as we see greater use of ICT in areas such as health and education and the government's proactive use of ICT as part of its community engagement activities and its work in e-government. Balanced against this invaluable growth in ICT is the need to maintain our focus on the government's carbon footprint. In 2007 Gartner, the world's leading information technology research and advisory company, reported that ICT is responsible for approximately two per cent of annual global greenhouse gas emissions.

Mr Speaker, the motion calls on the government to commit to measuring the environmental impact of its ICT use and to deploy initiatives to reduce its overall environmental footprint. I have already given my support to these actions and do so again today. I make the comment that increasing use of ICT has the potential to reduce even worse environment impacts elsewhere. For example, teleconferencing has the potential to save considerable emissions by negating the need for staff to travel to meetings and publishing information on the internet reduces the need for paper-based publications.

With regard to achievements in ICT energy usage and sustainability to date, I can reinforce to the Assembly that a number of initiatives are already completed or underway. Shared Services, through its InTACT team, have replaced most of its older, power-hungry server-based systems with new systems, including virtualisation technology that delivers not only better performance but also dramatically reduces the number of servers, the electricity consumed and the heat produced.

Aggressive power management on desktop and laptop computers has also contributed to reducing the ACT government's carbon footprint. Energy consumption and power management capability for government computers is an important consideration in any tender evaluation process. The power management strategy introduced in 2008 now means that, when idle, most PCs are consuming less than seven per cent of the power they consume when they are active.

On 1 March 2011 the "at remote" technology initiative became live and is now gathering centralised information on paper consumption by printers across government. For the first time, Shared Services will be able to provide detailed consumption reports in relation to networked Ricoh printers and multifunction devices and higher level usage reports in relation to devices in each agency. This will give greater visibility of the usage of individual printers and will identify options to consolidate and rationalise the ACT government printer fleet. In addition, many printers and multifunction devices across government are now set at double-sided printing by default as a further effort to reduce paper usage.

Approximately 10 per cent of the ACT government's 55,000 active ICT devices are replaced annually. All assets are now disposed of in accordance with the ISO 14001 standard, which represents world's best practice in ICT asset disposal. A 10-year data management strategy has also been developed to underpin our forward planning. This includes the investigation of opportunities to use clean technologies for our future data storage strategies.

As the central provider of ICT to the ACT government, Shared Services has prepared a detailed methodology and approach to the government to measure the ICT carbon footprint, which includes systematic collection of data and regular reporting on environmental impacts. The proposed measurement and reporting regime forms part of a draft ACT government ICT sustainability plan that has been prepared by Shared Services in consultation with the Department of the Environment, Climate Change, Energy and Water. The plan proposes an environmental measurement methodology that acknowledges that the impact of ICT extends well beyond the operational life of the equipment to the energy used in ICT asset manufacture and potential waste produced at the end of life.

To ensure all aspects of environmental impact are included, a life cycle analysis approach to measurement has been developed which would be supported by the bi-annual data collection and reporting. Of course, while Shared Services has taken the central role in developing the plan, client agency input is essential to the plan's success and that input is currently being sought. I anticipate that the final document will be released later this year.

Shared Services has also conducted a feasibility assessment of the Australian government ICT quick wins paper and I am pleased to report that eight of the 12 proposals included in that document have already been implemented within the ACT government ICT environment to some degree and the remaining four proposals are considered viable. The server virtualisation action identified in the paper as a longer term priority is already an ongoing body of work for Shared Services. With regard to making data available on relevant government websites as soon as it is advertised in the media, an ACT government website development and management standard is in place and is applied to all ACT government agencies, authorities, the CIT and schools. This standard recommends, “Public documents should, where appropriate, be published electronically prior to their hard copy equivalents.”

Finally, in relation to the use of telecommuting and teleconferencing, the government is actively committed to this strategy. Many agencies and Shared Services have in place the necessary technology and it is being widely used where appropriate. Further work is being done to develop and coordinate a service-wide policy on this initiative. Mr Speaker, I look forward to releasing the ACT government ICT sustainability plan later this year and will of course provide a copy of the strategy for the information of members. I present the following paper:

Clean ICT motion—Government response—Copy of statement by Minister.

I am happy to move:

That the Assembly takes note of the paper.

MS LE COUTEUR (Molonglo) (10.46): I thank the government for providing the paper—

Members interjecting—

MR SPEAKER: Members, just before Ms Le Couteur starts, there is a very high level of conversation in the chamber. It would be helpful if people could tone it down a little bit. Thank you. Ms Le Couteur.

MS LE COUTEUR: First I will go through what the government was asked to do by this motion. The motion calls on the government to commit to measuring its ICT environmental impact. Yes, it is great the government said it will do it, but it still has not yet actually done it. Paragraph (b) of the motion asks the government to expedite the ICT sustainability plan, including consideration of life cycle impacts of ICT. Mr Stanhope has just told us that this plan will turn up some time later this year. Is this expediting the process? It is a bit of a worry if “later this year” is “expedited” and that we do not yet have an ICT sustainability plan.

Paragraph (c) commits the government to considering all the actions in the Australian government ICT quick wins paper, and I am very pleased that the government has done eight of 12 of those and is looking to the others. That is great. Paragraph (d)

commits the government to making data available on relevant government websites as soon as it is advertised in the media. Yes, the government has said in its response that it will do that, but it has not looked at the second part of paragraph (d), which is to ensure the information is in appropriate formats and retained while useful to the community. This is still not happening, and I mention once more ACTION timetable data, which has not been provided in appropriate formats. Also, DA data is not being retained while it is useful to the community. I understand that the situation at present is worse than usual due to a failure of the SAN that InTACT uses.

Paragraph (e) commits the government to developing a policy to encourage appropriate telecommuting and teleconferencing. That is mentioned in Mr Stanhope's report, but it is all but a content-free mention. Paragraph (f) commits the government to report back to the Assembly on these issues by 30 March. The government has done that promptly, and I thank it for that.

I will now go through some of the points in the actual report. First of all, we are talking about data from the 2007-08 ACT greenhouse gas inventory. Surely, we have more current data than that. Moving on to page 2, it talks about resource management plans of agencies. This is great, but I would like to see them. In fact, I am contemplating a series of questions on notice to various government agencies about resource management plans.

The next two points are good—setting minimum standards for energy efficiency ratings of office and kitchen appliances and engaging staff in energy efficient behaviour in the workplace. These are good points, but they actually do not have a lot to do with ICT, and I think that could be said about most of this paper, actually. It is a lot of fluff and there is very little in it about ICT.

Talking again about resource management plans, I understand that the commissioner for the environment has audited the ACT government energy use and reporting and that this report went to the Chief Minister last year. Rather than giving us this general information, which is fluffy and not very helpful, it really would be much more useful, Mr Stanhope, if you could provide members of the Assembly with the commissioner for the environment's report on resource management plans.

We then come to OSCAR, which is the online system comprehensive activity reporting. That really is the first ICT mention, but not specifically green ICT, for the ACT. We then come to the purchase of GreenPower and, of course, the Greens are very much in favour of GreenPower, and so we find are the other parties. In 1999 the Liberals committed to purchasing 100 per cent GreenPower by 2008. Our agreement in 2008 with the Labor Party committed to an increase of GreenPower purchases by 10 per cent annually. Unfortunately, we are well behind both of these commitments. As the paper says, the government only purchases 32.5 per cent renewable energy. I would really like to see the Labor Party live up to its commitment and purchase more. I note very positively that this would be a tripartisan act, because the Liberal Party is committed to it, we are committed to it and the Labor Party is committed to it, at least theoretically.

Moving along, at the bottom of page 6 the report says that approximately 10 per cent of the ACT government's 55,000 active ICT devices are replaced annually. First, I would like to compliment the ACT government that only 10 per cent of active devices are replaced annually, because there are certainly organisations where the figure would be a lot higher. But I would like to ask some questions: why are we replacing all the things we are replacing? As someone who works in the Legislative Assembly, my computer screen and keyboard have just been replaced. All the previous ones were working quite adequately. There may well have been some good reason for replacing the disk and CPU unit, because this has enabled InTACT to move to Windows 2007, which has some advantages, so that was possibly a reasonable move. However, it is beyond me why we replaced perfectly good screens and perfectly good keyboards.

In fact, I and everyone else used to have US keyboards. They have been replaced by European keyboards, which are not a lot different, but they are different. I would like to know how much productivity has been lost by the Legislative Assembly and other government agencies by replacing US keyboards, the standard in Australia for keyboards, with European keyboards, which are common in Europe but not in Australia. I asked for and was able to get an old keyboard back, which is the same as my keyboard at home. I reflect on my previous life as an IT manager—I would have had a lot of flak had I unilaterally decided to give people keyboards different from those they had before.

I cannot understand why IT did this from a user point of view, and I cannot understand why IT replaced the keyboards or the screens from a green, clean point of view. There seems no justification for this, and I would like InTACT to seriously look at why they are replacing things. Have they worn out? Do they need replacing? I would also like them to look at whether the things that are replaced are reused. When they are disposed of, do they seek tenders from people who can best dispose of them? I note that I have a series of questions on notice on these issues, because I have had serious concerns raised with me that our ICT disposal policy is not meeting all the standards it could meet, financially or environmentally.

The next thing the report mentions is that a 10-year data management strategy has been developed. I call on the government to publicly release this. Mr Stanhope kindly said that they would release the sustainability strategy, but the data management is also very important. Please, could you release this.

The report mentions that we will measure the ICT carbon footprint. When will this happen? I am disappointed that information about how it is going to happen will not be released until the end of 2011. Surely it could be a bit quicker than this. As I mentioned earlier, this report has dealt only partly with publishing documentation, because it does not talk about appropriate formats or retaining data while useful to the community.

I thank the government for this response. I look forward very much to seeing the ICT sustainability plan later this year. On the basis of this report, which is largely fluff, I note that the government has quite a distance to go.

Question resolved in the affirmative.

Leave of absence

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.56): I move:

That leave of absence be granted to Ms Porter for this sitting fortnight for medical reasons.

Ms Porter is still recovering from a medical procedure.

Question resolved in the affirmative.

Bimberi Youth Justice Centre—assault Paper and statement by minister

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) (10.56), by leave: I wish, as I stand, to make a statement in relation to the findings of the two reviews commissioned by my department into a critical incident that occurred at the Bimberi Youth Justice Centre on 5 February 2011 when two young people broke out of their cabins and assaulted an MSS officer. I want to stress that I and the department take the incident that occurred at the Bimberi Youth Justice Centre very seriously, which is why the department urgently commissioned these two reviews and I am pleased that they were delivered and conducted thoroughly.

The reviews were conducted by two experienced external consultants, Terry Keating and Charles Thomas, both of whom have extensive and relevant experience and expertise in juvenile justice custodial settings and I would like to place on record my thanks to them for their work in these reviews. Mr Keating was tasked with investigating the operational circumstances surrounding the incident. Mr Thomas was contracted to review the security systems and the infrastructure aspects of the incident.

In considering the reviews and responses to the serious incident that occurred at Bimberi on 5 February, it is important to remember that custodial facilities are extremely complex environments to manage. The Bimberi youth justice facility houses young people who exhibit troubling and difficult behaviours and, for many of them, that is the reason why they find themselves in Bimberi. The managers and staff at Bimberi have complex risks to manage and, in the main, they do a very difficult job well.

The two reviews have, however, found a number of factors contributed to the incident. Key among them was a failure by some staff on duty that night to follow policies and procedures. Also highlighted was the fact that inadequate training was provided to the

MSS guard who was assaulted and a failure to adequately reinforce a security deficit which had been identified.

I am very disappointed that this was the case and that these were the findings of the review. As a result of the findings of these two reviews, my department has commissioned a further independent investigation being conducted by Clayton Utz to determine whether disciplinary action is required in relation to this matter. The investigation is being conducted under the terms of the Department of Disability, Housing and Community Services enterprise agreement 2010-11. Clayton Utz has been engaged from the ACT Public Service Administrative Review and Investigations Panel 2010-13.

I will provide further information on many of the other actions that have been implemented since the incident. However, care must be exercised not to make statements or comments that might compromise the investigation underway by Clayton Utz or deny the staff involved natural justice.

I am therefore not at liberty to discuss many matters before this investigation has been adequately concluded. I can reassure members of my commitment to transparency and I understand the department has provided copies of the two reviews to the Bimberi review team conducting the human rights audit and inquiry into youth justice. Against this backdrop and acting within the legal advice my department has received, I will provide the Assembly with what information I can.

I will now provide the Assembly with the recommendations of the Keating review in their entirety. While I will not go into a minute-by-minute account of the incident that occurred that night, a few points which the Keating review found and which provide some context to the review are as follows: the two young people who broke out of their rooms and assaulted the guard had not shown any indication that they would do so prior to the event. The point of escape had been recently fortified. However, efforts to fortify this security weakness proved inadequate in the face of the significant force used by the young persons on the night of 5 February.

The MSS guard was placed in a unit and was not approved to work unsupervised as he had not completed his training. The MSS guard was not supervised, despite an experienced youth detention worker being available to do so and according to Bimberi policy.

There was a significant time lapse between the commencement of the assault and the time the incident was noticed. The exact circumstances around this are subject to further action and inquiry which is ongoing, and so I cannot discuss this further at this stage.

What the review has also found is that in relation to the incident some staff failed to comply with policies and procedures and that the extent of the incident occurred, in fact, as a result of human factors. Mr Keating found that events following the assault were relatively well managed.

I will go through the terms of reference and the recommendations from the report.
Terms of reference 1 is:

A detailed description of the events that led up to the incident and the response to the incident on 5 February ...

The recommendation is:

Recommendations are made elsewhere regards to MSS Officers, their current and continuing role.

Terms of reference 1.2 is:

Review of the young people's movements, presentation and behaviours in the days leading up to the incident and whether there were any identifiable causal factors or indications that the young people intended to break out of their rooms.

Recommendation 1 is:

The physical infrastructure needs urgent review and modification. This will be part of the recommendations from the ctg security matrix.

Recommendation 2 is:

A review of the management of all documentation relating to young people such as, case records, records of incidents and consequences, records of admissions and charges and past outcomes to ensure an integrated reporting system.

Terms of reference 1.3 is:

A review of the relationship between the MSS Officer and the young people and whether there were any issues or problems.

Recommendation 1 under that is:

The use of MSS Officers to carry out supervision in units needs to be reviewed, particularly in the light of their limited training and non-involvement in critical incidents which leaves only three BYJC staff within the Centre on night shift.

Terms of reference 1.4 is:

An investigation into the response and management of the incident including the lead up to and management of the incident and the post incident management.

The recommendation is:

Clear practice guidelines and regular training are required.

Terms of reference 2 is:

The level of training provided to MSS personnel and its adequacy for duties undertaken.

The recommendations are:

1. That the use of MSS Officers on night shift be phased out as soon as practicable as they do not have the necessary training to do much more than observations and their role does not permit the development of a working relationship and knowledge of the young people which is an essential management tool.
2. That the procedure for MSS Officers to work on night shift is reviewed and that the procedures include that no MSS Officer who is not fully trained is to be left without an accompanying YDO.
3. Additionally, where an MSS Officer is supervising on their own they are supervised every thirty minutes by the team leader or designated YDO and a record of that supervision maintained.

Terms of reference 3 is:

A review of the staffing levels, staff movements and activities during the shift and whether there was adequate operational coverage and management on the shift and availability of additional staffing to assist with post incident operations.

The recommendations are:

1. That staffing levels be increased as a matter of urgency to a level appropriate to the operation of all four units and that the use of MSS Officers be phased out as soon as practicable.
2. That the positions of Centre Manager, Operations Manager and Program Manager be filled as soon as possible.

Terms of reference 4 is:

An investigation into the operations of the shift and whether policies, procedures and practices were followed and whether any changes are required to policies, procedures and/or training.

The recommendations are:

1. That the policies, procedures and practices for BYJC be reviewed and ... attention directed towards ensuring they provide clear practice and operational guidelines.

Recommendation 2 relates to staff conduct that night; so, on advice I have, I will not talk further on that recommendation at this time. The recommendations continue:

3. That consideration is given to the appointment of a training officer based at BYJC.
4. That consideration is given to the appointment of a quality, care and compliance officer.

I now turn to the Thomas report. Due to its very technical nature, I will not go into great detail here but Mr Thomas's analysis determined that the event did not arise because of a failure of the electronic surveillance systems. Highlighting the complexity of such facilities, Mr Thomas noted that, in designing a youth facility, there is a conflicting challenge of providing adequate security and robustness while also creating aesthetically pleasing surroundings that are soft, domestic in appearance and provide an environment that will help young people overcome their problems. Mr Thomas also found that we can have confidence in the robustness of the electronic security systems, infrastructure and its capacity to support staff in the demanding work they perform.

In summary, between them, Mr Keating and Mr Thomas have made 33 recommendations. They have recommended improved staff levels for the residential population, phasing out of the use of MSS officers and appointing a quality, care and compliance and training officer. Other recommendations include modifying infrastructure, including some cabin features, wireless duress alarm systems and testing and recording of electronic security systems. Other recommendations require reviewing and revising policies, procedures and practices, including entry procedures, control room standards, operation procedures, monitoring compliance of systems and procedures and improved client record management.

I am pleased to have such a comprehensive set of recommendations for improvements to the operation of the Bimberi centre. Actions have been taken in response to many of the recommendations. Responses to other recommendations such as changes to the physical infrastructure will take a little longer to implement.

Over the past three months a number of key changes and improvements to practice have occurred at the centre. These changes have realised a range of benefits to the young people detained at Bimberi, as well as enhancing the professionalism of staff and the smooth functioning of the centre.

Among the more significant actions that have already been put in place are: the placement of the director, youth at Bimberi—he is usually placed at our offices in Civic—to ensure tight oversight of the management of Bimberi; the engagement of an external contractor to develop a comprehensive risk management framework and associated compliance programs, coupled with an interim internal compliance program; copies of all procedures and policies being provided in hard copy to every individual staff member and reissuing of relevant procedures to MSS staff as they come on duty; and the investigation of proposed physical infrastructure enhancements, including energising of the roof lines.

A range of more detailed actions have also taken place, Madam Assistant Speaker. For the benefit of members I will set these out under the change initiative headings of the change management plan which was implemented in November last year. You will see that there is much quality work being done. Daniel O'Neil, director of youth services at Richmond Fellowship, was engaged by the department to assist with the change management process. His role includes providing an expert assessment of the quality of services provided at Bimberi and identifying opportunities for improvement.

Mr O'Neil has focused on establishing a culture of clear and respectful communication between Bimberi staff and the young people. He has been providing support and mentoring for managers in the areas of leadership, supervision and staff training. He has commenced training of direct care staff in both crisis communication and child centred practice.

The improvements that are already underway under "improving communications mechanisms" include improved communication mechanisms, including a daily briefing for all staff, initial consultation meetings and the introduction of a weekly newsletter. Weekly all-staff meetings are now in place. Weekly meetings for all young people at the centre are now held and minuted. The Executive Director of the Office for Children, Youth and Family Support and the director, youth are holding a series of meetings with staff to underline the necessity of compliance with policies and procedures. All MSS staff reporting for duty at Bimberi have been required to sign agreements to say that they have been given and sighted protocols for their roles, and full copies of policies and procedures have been printed and issued to each officer.

Under "improving service delivery standards", action in place includes mechanisms for improving service delivery standards, such as an audit of clinical incident procedures, development and implementation of therapeutic crisis intervention training and the review and implementation of revised risk classification processes for young people. Key workers have been allocated for all sentenced young people at the centre as part of refreshed case management arrangements. A case conference model has been introduced into case management arrangements, with all sentenced young people to have a case conference involving family and professionals by 31 March this year. A declared care team will be in place for every case conference.

A new executive teacher is in place and attends staff briefings every morning to determine the appropriate programming for each young person for that day. The executive teacher also attends weekly senior managers meetings. A new woodwork teacher has commenced duties at the centre and a new metalwork teacher and art teacher have recently commenced at Bimberi.

Under "establishing a culture of learning", there is an audit of staff qualifications and learning needs, an audit of mandatory training for all staff, the development of a schedule of mandatory training for the next six months, the development of refresher training for all staff, creating access to e-learning for staff and young people, a vocational program developed for all young people and the development and delivery of cert III programs. A training officer is to be based full time in Bimberi. All new staff undergo a six-week induction training program.

A number of new modules have been added to the 2011 induction program, including emergency management, understanding the neurobiology of complex trauma and therapeutic crisis intervention. From 4 April this year, suicide awareness training will also be delivered as part of the induction package. The new modules have been added as part of the continuous review process that seeks to remove duplication and to ensure the currency of training.

Training will now extend beyond the basic induction period, enabling youth workers to complete a cert IV in youth work and attain 50 per cent accreditation of prior learning through the Canberra Institute of Technology. Madam Assistant Speaker, 23 existing and new staff members have their cert IV in youth work during the week beginning 21 March. A further 15 staff members will enrol in the diploma of youth work and five staff members in supervisory roles will enrol in the advanced diploma of youth work at the Canberra Institute of Technology on 17 April.

Under “increasing support to Bimberi staff”, action already underway includes, on 31 January, a new senior manager commenced work at the Bimberi Youth Justice Centre. The new manager came with a wealth of experience, including working as the assistant manager (programs) at the Frank Baxter juvenile centre in New South Wales since 2002. He has been employed in various roles within that centre for 23 years and has acted as manager at other centres in New South Wales. The selection documentation is being finalised, with a view to advertising a new assistant manager position by the end of March. Applications close for both the sport and rec position and the Aboriginal liaison position on 25 March and interviews, as required, will be scheduled as soon as possible.

Some 20 new youth workers have been recruited since November 2010. Six youth detention workers from the current recruitment round will undergo their induction program, commencing 4 April 2011. A further three new team leaders have been recruited and will commence the induction program on 4 April 2011. The department will continue to recruit permanent and casual staff to ensure that we have sufficient staffing capabilities at Bimberi.

While the focus of the human resources strategy for Bimberi remains on recruiting and appointing permanent staff, there is a need to develop and maintain a pool of casual staff, primarily to cover the unanticipated leave and training absences by permanent staff. As a result of the recent recruitment activity, the centre has been able to over-recruit against the youth worker positions. This means that as of 28 March there are an extra seven youth detention officers available for rostering. An over-recruit strategy will continue to be important, because at any one time not all staff will be available for rostered duties for reasons such as training and all forms of paid leave.

Only two MSS officers are currently required for night shift duty. MSS staff are still required while new staff are fully integrated into the centre’s roster. I am advised that management at Bimberi will seek to phase out their MSS night shift staff at the earliest opportunity. All MSS staff receive a briefing at the commencement of their shift from the night shift team leader. They are required to sign the night shift protocols and are provided with duress alarms, keys and radios prior to entering the residential units, as per the Bimberi MSS protocol. Night shift team leaders are required to complete regular supervision of all staff, including MSS staff, at a minimum of 30-minute intervals. MSS staff have the ability to communicate with the night shift team leader and control room at any time by radio, phone or the intercom.

I have mentioned the redevelopment and implementation of the induction program before. We have also undertaken a comprehensive audit of sick leave for the last

12 months and the issue of temporary staff uniforms, including corporate hats and footwear for all staff. We have recruited a part-time lifeguard. The review of administration staff and roles is in progress. A review of the roster unit managers is in progress.

A review of the annual management leave program seeks to ensure minimum staffing levels which are equitable. There is the review and implementation of revised telephone and visitation processes and the review and implementation of revised CCTV access for all unit managers and senior managers. Recruitment commenced to appoint part-time staff by two to cover appointments and meal times within the centre Monday to Friday. There is the implementation of “key worker” roles for all Bimberi youth workers and the implementation of a weekly roster review meeting to coordinate sickness and annual leave across the centre.

We have a policy officer now based at the centre. An assessment of a Bimberi staff team to identify strengths across the centre has been completed, with new staff teams implemented within each residential unit, which came into effect on 17 March 2011. Staff supervision for all Bimberi unit managers commenced four weeks ago. All staff will have completed at least one—that is, their first—supervision with their line manager by 31 March.

Under “security, risk management and safety of young people and staff”, already we have begun daily testing of duress alarms. Mr Joseph Donataccio from Your Enterprise Solutions Pty Ltd has been engaged to undertake a risk and compliance framework gap analysis for Bimberi. He is a Queensland-based risk management expert and will conduct a site visit of Bimberi between 18 and 21 April. His report is due by the end of April. Officers from Moore Street are visiting the centre one day a week and undertake compliance checks on safety and security-related matters as an interim compliance audit safety strategy.

The costs of energising all roof lines are being explored. The buildings, including the cabins, have been reviewed for vulnerable points and, where identified, this has been rectified and also longer term plans put in place. The point through which youths escaped is now inspected daily for possible tampering. A team leader checklist for the night shift has been implemented.

I would like to reassure members that I do take this matter very seriously and that swift action has been taken by my department. Action is already underway in relation to many of the recommendations. I have directed in the strongest terms that my department ensure that the remaining actions occur as quickly as possible and that the safety and security of the facility are not compromised in the interim.

I will release so much of the key findings and recommendations from the two reviews and the department’s response to the recommendations as may be appropriate once the current independent investigation is completed. Madam Assistant Speaker, I move that the Assembly take note of the paper.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): I believe you have not actually presented the paper.

MS BURCH: I can present a copy of the paper, but I have circulated it to members opposite.

MADAM ASSISTANT SPEAKER: You need to table it in the chamber.

MS BURCH: I present the following paper:

Bimberi Youth Justice Centre—Reviews into 5 February incident—Copy of statement by Minister.

MADAM ASSISTANT SPEAKER: Thank you, Ms Burch. Now would you like to move that the Assembly takes note?

MS BURCH: I move:

That the Assembly takes note of the paper.

MRS DUNNE (Ginninderra) (11.21): I draw all members' attention once again to the fact that the minister did not provide members of the Assembly with a copy; a copy of the paper was not circulated by the attendants when the minister stood to make her comments. The same occurred with the comments made by the Chief Minister previously. The respective shadows have received it. It should not be my job, Madam Assistant Speaker, to provide my colleagues with a ministerial statement. It is the responsibility of the minister to ensure that the Assembly has copies of this. It should not be my responsibility to ensure that my colleagues have a copy of Minister Burch's ministerial statement.

Mr Corbell: You had an advance copy.

MRS DUNNE: And my colleagues have a copy of it, but I do not know how many other members have a copy of it.

Mr Corbell: So what are you complaining about?

MRS DUNNE: It is not my job to do that. It is the minister's job to ensure that, and to have a copy available for tabling so that the procedures of this place can work. What I am complaining about is that this minister is incompetent. She cannot get the forms of the house right, no more than she can the administration of Bimberi youth detention centre.

The real issue here today is the litany, the absolute litany, of failure that we have seen by this minister, which has been confirmed by this statement. This statement confirms everything that the Canberra Liberals have been saying for months—more than a year—about what is happening at Bimberi.

What we now know is that this government built a \$42 million facility and then put no thought into how it should be run. They have put no thought into how it should be run. The previous minister put no thought into how it should be run—all we wanted really

was a nice, shiny, new building where we were assured that there were no hanging points. When I visited the centre before it was opened, we were assured that there were no hanging points. But we know that there are hanging points.

Now we have here today another litany of inquiries into Bimberi youth detention centre. We have had two inquiries as a result of this dreadful incident on 5 February, and here today the minister has talked about two more inquiries, one by Clayton Utz into the conduct of staff and another by Mr Donataccio, an interstate expert in security, on top of the inquiry being conducted by Mr O'Neill and on top of a human rights audit and the inquiry into the youth justice system.

What we have here is a debacle. I want to put on the record that the minister has said nothing about the unfortunate man who was seriously injured on 5 February. She has not reported to the Assembly about his condition, the nature of his injuries and the nature of his recovery, and I send to that man, on behalf of the Canberra Liberals, the best wishes of the Canberra Liberals for a speedy recovery.

First and foremost, this is an exercise in covering the minister's backside. She has used that expression herself: she visits Bimberi because she has to, because she needs to cover her backside. She thinks that this motion, this statement here today, will do that. But what it does is highlight the systematic failure of this government since the opening of Bimberi to ensure that this is a safe place for the young people who live there and the people who work there and who are charged with their education and welfare.

The most telling thing is, and it needs to be repeated for the benefit of the Assembly, that the two reviews conducted so far have found a number of factors contributed to this unfortunate incident. The minister says:

... key among them was a failure by some staff on duty that night to follow policies and procedures; also highlighted was that inadequate training provided to the MSS guard who was assaulted, and a failure to adequately reinforce a security defect which had been previously identified.

The minister's response to that was that she is "disappointed". She should not be disappointed; she should be outraged. She should be thumping the table. She should be calling for heads to roll—because somebody nearly died that night, and they knew that there were risks.

Let us go through this. On page 3 of the statement it says:

The MSS guard was not supervised despite an experienced youth detention worker being available to do so ...

It says also:

The MSS guard was placed in a unit and was not approved to work unsupervised as he had not completed his training.

When we debated back in December the youth justice system and whether it should be inquired into, the minister said that, as a result of all the things that would happen, as of December—actually, as of the week that we spoke about this—there would be no more MSS security guards in Bimberi. And yet on 5 February somebody who was an MSS security guard nearly died—despite assurances to this place that there would be no more MSS security guards—and we are now seeing in this statement here today that the minister cannot tell us when MSS will be out of Bimberi. We hope it will be soon, maybe in a few weeks.

She actually had in the written statement that she circulated to me some words along the lines of: “Two MSS officers are currently on duty for night shifts. I am advised that management at Bimberi will phase out MSS night shift staff at the earliest possible opportunity.” These are the words that she did not use: “within a matter of weeks”. She did not use those words because she is too embarrassed by the fact that back in December she told us that they would be out of here by now, and now she cannot tell us when MSS will be out of Bimberi.

What we have here is a litany, an extensive litany, about improving standing, establishing a culture of learning. I was pleased to see, just before we get to establishing the culture of learning, that they have recruited a new woodwork teacher, a new metalwork teacher and a new art teacher. Isn't it interesting, Madam Assistant Speaker, because it has been very careless of this minister and of Mr Barr to have recently lost a woodwork teacher and an art teacher who were committed to working for those people—a woodwork teacher who Minister Barr himself congratulated on the work that he did in looking after and being concerned about young people in detention. We have seen that man on television talk about how committed he was to those people—but he was shown the door. He was shown the door at Bimberi because he had the audacity to go and raise his concerns with the Bimberi inquiry.

Some of his concerns were the fact that there was no electricity tag checking on old machinery there and that they did not comply with occupational health and safety issues. This man is completely perplexed as to why he was shown the door and why someone who was so committed to and so concerned about the welfare of young people could be chewed up and spat out by this government. And the same today with the art teacher: “Gee, we've replaced an art teacher.” You had an art teacher. You had an art teacher out there who was passionate about the job that she did—but she was bullied out of the system. She was so bullied that she has now gone public because no-one would listen to her.

Mr Seselja: She has no faith in you.

MRS DUNNE: She has no faith in you, and I salute the woman for her courage in going public and putting her job on the line because she recognises that the young people that she was working for are more important than her job. I salute her and we salute her.

What we have seen here today is a failure of transparency. In fact, the recommendations that the minister outlines in this statement ask more questions than

they answer. If Ms Burch was really interested in transparency, she would be providing the whole of the report from Mr Keating. But she is not. She is just talking about the recommendations and I wonder what the findings tell us, what the narrative underpinning those recommendations tells us. It is important that this minister provides that information to the Assembly so that we know clearly the full extent of the failings that have occurred at Bimberi. The fact is that the incident on 5 February is a symptom of the failings, a very unfortunate, dangerous symptom of the failings, but not the only symptom of the failings.

This minister needs to be transparent. We need to ensure that everyone in this Assembly is fully informed about what is going wrong here. Then we have to go to the list of things that are being done. The minister thinks that by putting forward a list of things that are being done she is shown to be proactive. But what it tells us is that she and her predecessors failed to ensure that the systems were already in place. She has been the minister here for coming up to 18 months, and before that Ms Gallagher was responsible for this centre. All of these things should be slated home to both ministers because this is a system of failure.

Katy Gallagher spent a lot of time crowing about how much money was spent on the building. And let us remember that this was a \$20 million facility that became a \$42 million facility. We have spent all this money on a facility which is unsafe. From day one, from very soon after the place was open, staff were saying to me that there were real problems with the fabric of the building so that they cannot adequately supervise people when they are in their own rooms and that attempts at self-harm were a serious risk because of the configurations of the rooms so that they could not adequately supervise the young people there. That was one of the first messages I got from the staff. If I was getting that message, Bimberi knew that—and Bimberi, the staff, the department and the minister responsible did nothing about it. They did nothing about it when somebody did succeed in manufacturing a hanging point and nearly hanged themselves at Bimberi. They still did nothing about it.

The Canberra Liberals have been going back over the statements made by the minister in question time because there are some issues here. The minister here today said that we are now issuing people with duress alarms, keys and radios before they go into Bimberi. I would have thought this was basic equipment. When we asked about this, back after this incident in February, we were told that every staff member in Bimberi had a duress alarm. But the implications of the minister's own statement here today show that that is not true. I have been told by other staff that it was only after this incident in February that permanent staff received duress alarms—some permanent staff, mainly teachers, received duress alarms.

There is a whole lot of stuff here that the minister extols as a virtue. They have recruited a part-time lifeguard. Did you know, Madam Assistant Speaker, that for months and months and months, especially over the summer, there was not a lifeguard there, so that the pool at Bimberi youth detention centre could not be used by the inmates? We built a pool, we built all this expensive infrastructure—we built workshops, we built commercial kitchens—and they are not used. They could not use the recreation facilities generally because the recreation officer left, I think last October—I will stand corrected on that—and was not replaced for a substantial period

of time. And one of the things that the staff are saying to me is that the young people out there are badly behaved because they are bored. We have built them facilities and they cannot be used because they do not have appropriate staff to supervise them. We have a pool and no lifeguard. We have a recreation room but no recreation officer. We have had woodwork rooms and metalwork rooms and no teachers. And, when you did get a teacher, as soon as he raised an issue you showed him the door.

Mr Smyth: Andrew thought he was okay.

MRS DUNNE: Mr Barr thought he was a great bloke. Ms Burch's department showed him the door. And what we have here today is a 12-page litany of the failures of successive ministers at Bimberi that have culminated in the near death of a security officer who was not properly trained, probably did not have a set of keys, did not have a radio and did not have a duress alarm on the day that he was assaulted. This is a substantial failure—and nothing in this statement can cover up that failure.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.36): I guess we have a statement here today which shows that a couple of reviews have been undertaken, and some of the information or recommendations that have come out of these reviews are quite startling. It is quite startling that policies, procedures or certain programs were not already in place. We have only recently set up an adult prison in the ACT, but we certainly have had a children's prison for decades. You would have thought along the way we would have had policies and procedures in place to ensure the safety of staff working in those facilities and the safety of the young people, the residents, in those facilities.

It appears from the reviews that there were many areas that were simply lacking in having adequate policies and procedures and some sort of compliance checking system. This really needs to be rectified quickly, and we need to see an ongoing training and compliance system put in place.

We have had a huge turnover in staff at Bimberi. I note that all staff are now going to be given a copy of the policy and procedures manual. It makes me wonder what was in place before that to ensure that staff knew of all the policies and procedures. There is talk of a six-week induction process, but that is hardly adequate. Policies and procedures, knowing what to do, when to do it and how to do it is an ongoing training program; it cannot just be a one-off. Of course, handing someone a manual is also not good enough. We need to see what is in place to support staff to ensure that they have ongoing training so that they understand their responsibilities within the centre.

Another area that makes me feel quite concerned—and Mrs Dunne referred to this—is around self-harm in the centre. We have had some concerning reports about self-harm and attempts at suicide. Many years ago in the previous facility at Quamby, unfortunately a young man committed suicide. You would have thought that would be the instigator, the catalyst, to ensure that policies and procedures were in place, not just around what we now have of checking the physical infrastructure around hanging points but proper training of staff around suicide prevention and awareness. Yet I note in this statement today that from 4 April 2011 suicide awareness training will be delivered as part of the induction package. Quite frankly, it shocks me that it was not

already part of the induction package and that other courses and training were not available.

I am also concerned about the fact we have only just started providing some professional supervision for workers there. It is a pretty common practice across the community sector and, I would suggest, across areas like care and protection to provide professional supervision. I am pleased to see that it will happen, but, again, this should have been in place beforehand.

At the beginning of this year I met with a training provider who spoke about his optimism when this review took off late last year. There was a flurry of activity to get some vocational education and training providers into Bimberi for a bit of a roundtable about providing courses and training. He said this was a good move because previously it had been so frustrating. For months and months and months and months his organisation had been saying: "We can offer these voc ed and training programs for young people in there. They'll be free. This is something we can offer and they would be good skills for the young people to develop." Obstacle after obstacle after obstacle was put in their way. We saw a couple of media opportunities around a couple of construction courses that I think were for a day or so. That is all well and good, but we need ongoing opportunities for young people.

Mrs Dunne mentioned the metal workshop and the kitchen as examples. I have been to Bimberi a couple of times, and I think it is a terrible waste not to have had those workshops up and going. When I went on my tour I was shown the art rooms, and there was plenty of talk about the art rooms. It occurred to me later that a lot of that was around deflecting attention from the other workshops where staff had not been employed to ensure that young people had opportunities to take up other courses and opportunities.

I want to see a training program in place. I have put questions on notice. The answers are not due yet, but when I receive those answers, I expect to see a fully developed program of training and opportunity for young people that will be in place in Bimberi in the next six to 12 months. If that is not available then it will make me question whether there is real commitment not just to the literacy and numeracy programs but also to the voc ed and training programs. I will be clear with the minister that I expect to see those programs organised, and I will be following up on them.

What this situation has shown us is that we need to be ever vigilant. That is why we have official visitors to go into closed communities to check and to talk to those people who are incarcerated in those communities about any complaints or any issues they may have. We as an Assembly have a big responsibility to be ever vigilant about those closed communities, whether it be AMC or, in this case, Bimberi, to be following up, to be asking questions, to be ensuring that recommendations from these reviews, for instance, but also recommendations that will come out of the human rights commissioner's audit and also the Children and Young People Commissioner's review are put in place. We cannot just have a single check; this will be an ongoing checking process.

It is the same internally—there need to be compliance checks of policies and procedures. Staff need to be properly trained and have an ongoing training program. It is fine to have somebody go in and to walk through to look at the practices of staff. That is all well and good, but that person on their own is not going to change the culture. This needs to be embraced by all. It needs to be embraced by the department. The department need to be very open about what they are doing and how they are doing it.

I remember asking several months ago about the Aboriginal liaison position, because I had been approached by members of the community to say that there was no identified person at Bimberi in the Aboriginal liaison officer position. I got answers back to say: “No, no, it’s okay. We have got a person.” It turned out that it was one of the case managers who performed this role for a small part of their normal job. But it was not clear that any of the families or any of the young people had been informed that this was the person.

I note in the statement today that recruitment is going on for an Aboriginal liaison officer. I guess I am pleased that at least it has been identified as a position and recruitment is going on, but we know about the over-representation of Aboriginals in our youth correctional facility, and it is a scandal. It is a terrible situation, and it is essential to have in place cultural programs and support and contact with kin and family. That is one of the reasons why that position is so important.

Now that many of these things are on the table, I really am hopeful that we might see some change, but it requires commitment, it requires resources and it requires dollars. They will have to flow not just from this report but, no doubt, from what comes out of the Bimberi review inquiry.

There are a number of things that cause me concern, as I said. I am surprised we have not had a training officer and a quality, care and compliance officer. I am surprised that it has taken the bashing of a man to bring about these reviews to reveal that we probably should have improved staffing levels to match the increasing resident population. We have known for several months that there has been an increase in population. We have gone from about 10 to 12 young people at Bimberi to up to 30. It is not rocket science to know that that requires extra staffing and, therefore, recruitment needed to be undertaken to support the staff on deck and on board.

Unfortunately, we got to a place where we needed to contract MSS security officers to fill gaps in security. But I was told very clearly in a briefing that MSS security officers would not have contact with young people and they would be supervised at all times. The review as a result of this incident clearly shows a major breach has occurred. I will look with interest at what comes out of the Clayton Utz inquiry and other information and recommendations that will come from the current two inquiries. We have not got the full inquiry at this point.

I ask the minister to be strong on this issue and to ask the department the hard questions. She should not just take information on face value; she should be checking that with the community organisations going into Bimberi. I know from many

community organisations that it has been quite tortuous at times to be able to get into Bimberi and previously Quamby in order to provide services and so forth. It should not be like that. There should be a better partnership and relationship going on there.

Unless there is very clear evidence and good reason, obstacles should not be put in the way of community organisations to deliver services. At the end of the day, when those young people leave Bimberi, it will be those community organisations and their families who will be the ones ensuring that those young people have the services and the supports they need so that they do not reoffend and do not end up doing the cycle of our juvenile justice system.

That is why I was surprised by the refreshing of the case management system in Bimberi around this thing that all the sentenced young people will have a case conference involving family and professionals by 31 March 2011. There is a little bit of "Hello, Dolly" here. I mean, what on earth has been happening? Of course there should have been case conferences with the professionals working with the young people, with the community service organisations working with them and with the family. Family is so important. In some cases, that is not appropriate and they may not be available. But I cannot believe that this has not been in place for a long time, because connecting with family and with community is part of rehabilitation and exit planning.

We know that exit planning out of Bimberi and previously out of Quamby has been a problem for a long, long time. If you are not having these regular conferences and putting people in a room and talking about it, ensuring that you involve the young people, how on earth can you have a proper exit plan in place to ensure that when they leave, they are going to have shelter, they are going to be connected to education, training or jobs, and that they are going to be put in touch with solid supports? They may be natural supports of family, extended family or friends, or they may be the community organisations that may play a central role or a supporting role.

It is very unfortunate that one man, a security guard, has been bashed in a very unfortunate incident. It should not have occurred, and I hope that he has recovered or is recovering. It is unfortunate it took that incident for these sorts of reviews to be undertaken. As I said, in these closed environments it is critical that we always monitor. We must be vigilant about what goes on. We must ensure the safety and security of the community, the safety and security of the residents, and the safety and security of the staff who work in these facilities. I hope all of this will be put in place. As an Assembly we need to continue our role of monitoring this and of ensuring that these actions are carried out, and carried out promptly.

MR HARGREAVES (Brindabella) (11.52): I have to say I am a little disappointed to hear this claim coming across the chamber from Mrs Dunne, squealing, ranting and raving and saying, "Tell us what is happening, tell us what is happening." When she gets told what is happening, she gets up and lets go another dose of flame. Nothing will ever be good enough for Mrs Dunne. What she seems to be suggesting is that this government really does not care much about what happens at Bimberi, does not care what happens to its staff. And what a load of rot that insinuation is.

The minister undertook to come back and tell the chamber what was happening, and this statement is an incredibly comprehensive statement about what is actually happening. But it does not contain a whole stack of flowery words. It does not happen to contain a whole heap of high dudgeon “you are doing the wrong thing, you horrible person” type stuff. No, it is just simply factual. Do we hear anybody over there picking out one or two pieces and saying, “That is a good idea”? No. We see people trolling through this, then trying to find something they are not happy with. I did not hear any congratulations.

Mrs Dunne: There are lots of good ideas. Why were they not there, in operation, for two years?

MR HARGREAVES: Mrs Dunne, I heard you in silence. I would appreciate it if you would be—

Mrs Dunne: You did not.

MR HARGREAVES: I did.

Mrs Dunne: I heard you trying to interject.

MR HARGREAVES: You did not at all. Mrs Dunne needs a hearing-aid. I have not uttered one word in this debate, other than now, and I suggest that she check the tape and then go and consider for herself her hysterical tirade earlier on.

Mr Hanson: Just as you are now, Johnno.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Hanson, please be quiet.

MR HARGREAVES: Mr Hanson, you can join the ranks of the tirade doers as well, if you like.

The statement says, in a dot point, that some 20 new youth workers have been recruited since November 2010. Even those opposite would know how long it takes to take somebody who has been recruited and actually have them on deck. We are not talking about manufacturing widgets here. We are talking about people’s lives. These people have to be inducted, they have to receive on-the-job training and they have to be on it. I do not see that. I do not hear anyone saying, “We see that it is going in the right direction.” No, I do not hear that. All I hear is that usual tirade from Mrs Dunne going on and on, and I think it is disgusting. I think it is unwarranted and disgusting.

She asked the minister to deliver. The minister delivers and she gets up and hurls a molotov cocktail across the chamber, saying, “No, not good enough.” That is absolute rot. It does not recognise the seriousness or the size of the problem.

Ms Hunter actually put her finger on it, I thought, quite appropriately when she raised the issue of the culture change that has to occur. What we need to understand is the immediate history that has occurred with this. What was the malaise at Quamby?

What was it and how long did it take to fix? Very simply—and I was the chair of the community services and social equity standing committee of this place that looked into it in a lot of depth and I can tell you what it was—it was that the adult prison mentality, the adult corrections services mentality, was alive and well in a juvenile corrections facility, and that was totally inappropriate. When Bimberi was created, we had hoped that that mindset would be left at Narrabundah and a new one introduced, and that was that people are responsible for the rescue of young people's lives before it gets too late.

The difference between the two corrections systems, which seems to be forgotten in this debate—and this is a very difficult one to actually deliver on—is that, with adult corrections you have to de-socialise someone, you have to wipe the slate clean and start again, because their norms are firmly established and entrenched, and, with young people, such is not the case necessarily. There is a very good chance that their norms, their standards and their expectations are still in the formation stage.

Your programs have to be such that you can actually change the direction of where a young person will end up, and that was not being delivered at Quamby. The programs in Quamby were being delivered by corrective services officers, not by youth workers, and there was an expectation that, when Bimberi was commissioned, this was a golden opportunity to change from that culture.

I see evidence in the minister's statement of that culture starting to get delivered. You cannot do that overnight. You have existing staff in there who need a wake-up call and maybe Clayton Utz will give that wake-up call. The people there need to understand that it could be their children in it. They need to understand that they have the opportunity to change the direction of these young people, and nobody else in our community has it. Mrs Dunne's pontifications and patronising condescension will not help in that process. I saw similar hysterics coming out of Jacqui Burke a few years ago, with the child protection workers.

We need to be getting behind the people at Bimberi, who have the right idea about the right culture to deliver the right outcomes for these kids, and say to them, "We want to empower you to do the right thing," not criticise them every time you pick up the *Canberra Times* or turn on the TV set.

Mr Hanson: It is the staff who are complaining.

MR HARGREAVES: Do be quiet. You are boring. You know what, you are really boring. Either grow up or stop being boring, one of the two.

What we are seeing in this statement today is the commitment on the part of the minister, a very strong one, that action, real action, will happen. There have been reviews. We have got Commissioner Roy actually doing his work. I think he is doing a great job. He is being undermined by Mrs Dunne. It is a very difficult task we have asked this man to do and he is being undermined by Mrs Dunne.

This paper that has been produced has so many dot points in it saying what is actually happening that, if people say, "I cannot see anything happening," they are either blind

or they cannot see out of either eye. I do not care which one it is. But obviously there are none so blind as those that will not see.

We should take this as a report along the way, on the journey to fixing the issues, the problems and the malaise at Bimberi. We should not be trying to find something to crucify somebody on. If people want to take political point scoring into this chamber, let them do it on policy issues. Let us not do it with the lives of young people. The *Canberra Times* editorial today got it absolutely right. Mrs Dunne has not got a leg to stand on. Right now she would do well by shutting up and waiting until these things have been delivered. If they do not get delivered then she can come forward and be critical. But how about she just lets it run for a while and sees what happens.

You have got this statement. This statement is reasonably comprehensive. There are issues in here I am not happy with either, but I want to see it in its totality. Is the tardiness in having people appointed a systemic problem or is it the fact that you cannot find people for love nor money? I do not know the answer to that question but I do know how difficult it is trying to find Indigenous liaison officers. It is very difficult; it is tough work. Trying to find them is not easy.

If you have a look in here it says that a recruitment process will happen if necessary. In other words, if there is only one applicant that will be the end of it. How about we actually be a little more considerate around what is happening in Bimberi and see how we go?

Finally, I want to send a message to those people working at Bimberi, those people who have embraced the culture of assisting young people to get on in life: you have my 100 per cent unqualified support and I will defend you to the death. But if you have not, if you have got a corrective services mentality, look out, because I will not stand between you and Clayton Utz and people like that because you do not have the welfare of the kids at heart. But if you do have that culture that we need for the young people, as I have said, I will defend you in this place and anywhere else, for that matter.

Debate (on motion by **Mr Smyth**) adjourned to the next sitting.

Working with Vulnerable People (Background Checking) Bill 2010

Debate resumed from 26 August 2010, on motion by **Ms Burch**:

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (12.01): Mr Speaker, there has been some discussion about how this bill should be handled in the last week or so between members of the Assembly. It has been agreed generally that this bill will be debated to the in-principle stage, and I put on the record that the Canberra Liberals support this bill in principle. Then the debate will be adjourned.

It is quite clear that there is a lot of work to be done before this bill can become a functioning, operational piece of legislation that is clearly understood in the community. There were clear indications from the government to members of the community sector that this bill would not be finalised until June; so my staff and I, and I understand Ms Bresnan, were quite surprised to see it being brought on here today. But it has been decided that because there is general agreement with the thrust of the bill we will agree to it in principle and then have the debate adjourned.

People working with, or wishing to work with, children or vulnerable adults will, as a result of this legislation, have to hold current registration with the statutory screening unit of the Office of Regulatory Services as a result of this bill. Registered people will be issued with a card authorising them to work in these fields. Registration, according to this legislation, will be current for three years unless the person's eligibility changes.

This bill replaces the current checking arrangements across a range of regulated activity. As a result of this bill, registered people will be able to move between organisations and positions without having to repeat the registration process but affected organisations will have to validate the registration status of people as they move. Background checking requires the applicant's consent and sensitive information will not be disclosed. Information is only considered if it passes the relevant test and information not tested in a court undergoes additional scrutiny.

Registration under this legislation may be general, conditional or position based. Unsuccessful applicants under this legislation can reapply for registration after three years or earlier if their circumstances change. There will be a review of the system after five years.

The explanatory statement notes that the bill was developed after extensive community consultation from 2008 to 2010 centred on a detailed discussion paper. The explanatory statement also seeks to address the extent to which this bill engages the Human Rights Act. The bill engages the Human Rights Act to a very considerable extent and the scrutiny of bills committee has commented on these matters as well. It is arguable that every adult citizen in the ACT would need to obtain registration if they were able to go about their daily lives. This seems like a fairly long bow, Mr Speaker, but if you really look into where this legislation goes, depending on how you define "vulnerable", this will be the case.

The government says that some 42,000 people will require accreditation. When you look at the operation of the bill, I consider this grossly underestimates the number who will need registration. The government has based this on the Queensland scheme but the Queensland scheme that they seek to emulate and from where they have drawn their figures is only a children and young people check. It does not have the broad definition of vulnerable person.

There is a broad definition of vulnerable persons. The circumstances in which a person is regarded as being engaged in a regulated activity and in contact with a

vulnerable person are also very broad, which leads us to believe that 42,000 people, which is still a substantial number, is a fairly large underestimate.

A person undergoing a risk assessment has to subject themselves to extensive checking, including even when, for example, they are acquitted of an alleged offence which may be considered a relevant offence. Spent convictions are also taken into account. This goes against the maxim of innocent until proven guilty and does raise some human rights considerations. It also denies the person the right to be treated as having done their time for their crime.

I am told that it often is the case that people with a record who have been rehabilitated either through doing time or doing some other program are better workers in relevant activity than those who do not have a record. Under this legislation the commissioner in the Office of Regulatory Services, by notifiable instrument, will be required to make risk assessment guidelines. Given the extent to which the bill engages the Human Rights Act, it is the view of the Canberra Liberals that these guidelines should be made at ministerial level and be reviewable by the Assembly. I am considerably concerned about these guidelines in the current legislation only being notifiable instruments.

The matters that must be taken into account and included in the assessment guidelines in relation to criminal history, non-conviction information and other information set out in sections 27 to 29 require a considerable amount of subjective judgement on the part of the commissioner. I have received a copy of the draft guidelines courtesy of Ms Bresnan. I note that the minister has not herself extended the courtesy of providing a copy of the draft guidelines that only became available late last week to the opposition. In addition, particularly in relation to non-conviction information, there is a sense in this legislation of being guilty until proven innocent in the assessment process.

During the process of consulting on this bill, I invited comment from a wide range of organisations in the community sector. It is true to say that there is broad support for the philosophy of what this legislation is seeking to do, but some organisations have expressed concern about its administration and implementation. Most are taking a proactive approach to their concerns and I understand that the government is working with those communities.

In scrutiny report No 27, the scrutiny committee was critical of the lack of discussion in the explanatory statement on the human rights implications of the legislation. It went to some length to outline the areas within the bill which had the potential to impact on human rights. Those discussions mainly related to people who have to go through an accreditation process and their right to privacy.

The scrutiny of bills committee noted that the breadth of the definition of a vulnerable person would impact on the extent to which people's right to privacy might be impacted and called on the minister to comment on whether the definition should be less comprehensive. The breadth of occupations and services too will mean that many more people than perhaps is necessary will have to apply for accreditation. The committee says that the minister should respond to that.

Further concerns relate to spent convictions of an applicant having to be considered in the assessment process. There is a view that in general a spent conviction should be just that. The committee also suggested that a card holder should be allowed to surrender the card. Further, the committee considered that some administrative powers should be conditional and that the decision should be made on reasonable grounds or on some other qualifier. The committee also noted that the ability of the applicant to seek a review of the assessor's decision is restricted.

Also of note was whether the non-conviction element of the commissioner's risk assessment process undermines applicants' presumption of innocence. The committee further expressed serious concern about whether imprisonment for some of the strict liability offences is human rights compatible. These are matters that I will be addressing in the detail stage if the government does not do so, because it has long been the view of the Canberra Liberals that strict liability offences should not carry a term of imprisonment.

Finally, questions of whether the bill appropriately delegates legislative power and whether the bill subjects the exercise of legislative power to insufficient scrutiny were also raised. The government has responded to many of these comments in scrutiny report No 30. There are guidelines and, in all honesty, Mr Speaker, I have not had an opportunity to fully peruse the draft guidelines, which I again note were not provided to me by the government but by the Greens.

In addition, there will be considerable financial implications for the government and for the ACT in relation to this bill. Because we do not actually have a real handle on how many people will be required to have such a card—for the volunteers this card will be issued free of charge—it is hard to quantify the implications of the financial impacts, but they will be considerable.

That said, Mr Speaker, the Canberra Liberals will be today supporting this bill in principle. I note, for instance, that only yesterday Ms Dundas from the ACT Council of Social Service has encouraged the Assembly to support this bill, but I do so on the clear understanding that there is substantial work to be done and that the minister has to work cooperatively and openly with the community services sector, who will be hugely impacted by this. There is much work to be done before the Assembly can give final sign-off on this work.

I am not in a position to commend the minister and the department yet for having achieved the right outcome, because there is still so much work to do. Noting that this is a work in progress, the Canberra Liberals will be supporting this bill in principle.

MS BRESNAN (Brindabella) (12.13): As Mrs Dunne has indicated, the Greens will also be supporting this bill in principle but, again, we do not support going to the detail because we believe there is still quite a deal of work to be done. The Greens also very much support having a system in place that provides background checks for workers and volunteers to engage with children, young people and vulnerable adults. While systems have already been established in other jurisdictions to provide checks for those people working with children and young people, as Mrs Dunne has also

noted, the ACT is the first jurisdiction to move to provide checks for people working with adults.

As a community, we must do what we can to ensure that vulnerable people who receive a service are not placed at risk of harm from the person providing that service. Many organisations, including private, government and community, already employ strong measures and risk assessment processes to ensure that the people they employ are subject to considerable background checks. However, occasions remain where these checks may not work and place the service recipient at risk, and a stronger degree of background checking is required.

With the legislation before us, it is the aspect of peer employment that has raised the most questions. For those sectors relating to vulnerable adults, there are frequent occasions when the best person to provide a service is someone who has a lived experience and has experienced what their clients are going through themselves. These areas include the drug and alcohol sector, the mental health sector, some men's services and cultural-based sectors such as Aboriginal and Torres Strait Islanders.

Advocates working in these areas have, most rightly, been concerned that, depending on who checks their background and what assessment they make of their background, they will no longer be able to gain employment. Some people in those sectors have been concerned about the ability of organisations such as the Office of Regulatory Services, who are to conduct the checks, to make the right call about the applicants and to make that call in a timely manner. There is concern that small community organisations that have high levels of employment of staff with lived experience will have diminished ability to employ staff quickly and maintain their services. This is a fair concern which must be recognised and not dismissed as insignificant.

The Greens support the working with vulnerable people bill. However, the devil is in the detail, and there are details that are yet to be worked out. The government has estimated that around 12 per cent of the ACT population will be checked, with applicants being rejected at a rate of about 0.2 per cent. The Greens believe the government's projected rejection rate is understated, as it is based on the implementation of the children and young people checks in states such as Queensland, as Mrs Dunne has already noted, which have not included the checking of people working with vulnerable adults. Once you include that segment, the rejection rate is likely to increase.

It is the debate about the detail which has been of most concern to the Greens, and the manner in which this debate has been handled. When the then community services minister, Ms Gallagher, first began consultations with the community sector about the background checks in August 2009 there appeared to be a substantial omission in that ACT Health, I have been advised, did not adequately pick up that the bill would impact the mental health and drug and alcohol sectors. Consultations ran for a considerable period without those most affected being involved. Many of the submissions to the consultation were positive and we have picked up on those comments. However, without having included those who will be most affected, it was not an entirely fair and representative consultation process.

It was later last year, I believe, that those groups with a high level of peer employment picked up on the discussion and were able to engage. Many of the service providers amongst the drug and alcohol sector were very concerned about the impact that the new system would have. Some, I understand, were under the impression, rightly or wrongly, that if there was anything bad in a person's background they would lose their job, which would rule out large segments of their workforce. People were concerned that previous events involving driving offences, domestic violence or even mental health treatment orders could prevent them from keeping their jobs. To quote comments made to my office in August last year, "The sector has no idea what the government is proposing and is assuming the worst."

I believe the peaks of these community sectors have worked very hard to try and amend the process as best they can and have established a process of proactively and positively engaging with the government. Over the last six months the sector has brought the engagement a long way and has provided important policy contributions to the department and the Office of Regulatory Services who are responsible for devising the implementation of the scheme.

Over the last six months the Greens have also had a number of conversations with the community and have tried to be constructive and encouraging in coming up with a positive process that could see a collaborative and good outcome. This process has been about trying to get groups of people to work together so that we can come up with a fair system that will protect children, young people and vulnerable adults and that ensures that people with lived experience, who make the best employees, can continue to be employed.

I understand ORS and the department are still working through the draft workplace screening assessment guidelines with segments of the community sector, and a good process was in place to work through the key issues on these guidelines. It therefore came as a surprise to us and to parts of the community sector when this bill was listed for debate today, as the community sector had been advised it would not be debated until June. They feared that if the bill was passed before the guidelines were finalised, there would be a disruption to the good process that is currently occurring.

I have to say that there have been difficulties in preparing for today's discussion because of the timeliness of advice from the government. Statements regarding the regulations have not been clear and it is difficult to understand why the government has chosen to keep its amendments under embargo. They have obviously been circulated now, but we did not receive them until very late in the process. There are also assurances needed about what kinds of time lines ORS will set for itself in responding to people's applications, as this will have a significant impact on organisations' ability to employ people in a timely way.

There are, however, other areas about which the Greens and sections of the community sector have raised concerns and which we believe have not been adequately responded to by the government. These issues include the panel of experts, the ability for applicants to request reviews of decisions, the change from position-

based approvals to role-based approvals and the link between imprisonments and strict liability offences.

There is one specific section of the bill that some people may find contentious, in that when ORS are conducting background checks they will be able to look at an applicant's spent convictions and previous charges. This is an issue Mrs Dunne has already raised. It is a principle of law and human rights that a person is innocent until proven guilty, and to take into consideration those charges for which a person has not been proven guilty is a difficult task. However, we recognise that, given the nature of some of the charges that must be considered and their sometimes low level of success rates in the courts, these factors may need to be taken into consideration when checking a person's history.

I have reflected on the same request that came with the national registration and accreditation scheme for health professionals, and to which I also agreed, in order to pursue and place at prominence the human rights of vulnerable people. With regard to resourcing, I am concerned about whether ORS will be able to handle the workload of running the background checking system in an efficient and effective manner. The unit have often been under-resourced in the past, and the background checks will apply to a large proportion of the population. It will have a significant impact on their workload, we believe. This will be a critical element of any review that is to take place in the future.

I appreciate that the government is to employ an education officer who will raise awareness about the scheme, but I also note that the Mental Health Community Coalition and the Alcohol Tobacco and Other Drug Association have put in a budget submission requesting financial assistance to employ someone who can assist people from their sector with making applications, as some will find it quite a confronting and difficult process. I would encourage the government to seriously consider this budget submission.

The Greens have consistently stated their support for the principle behind the bill. However, we have also been consistent in saying that we need to see the details behind the bill before agreeing to pass it in full. We have made consistent requests to the government to have the regulations tabled when the bill was debated. We are not getting the regulations, but we have been provided with the draft risk assessment guidelines. We also made it clear that we wanted a final version of these guidelines before agreeing to the bill. We still have a draft version of these guidelines, which we did not get until late afternoon on Thursday. In the absence of the regulations, these guidelines were essential because, as I have already said, the devil is in the detail. There are still many issues to work through on these guidelines and we should not be proceeding to the detail of this bill without those guidelines being finalised.

As I have already mentioned, to get embargoed amendments which we cannot consult with the community sector on and be expected to pass these is not an acceptable way to deal with it. We recognise there is support in the community sector for this bill, which is why we are agreeing to it in principle today. We also recognise that the mental health and drug and alcohol sector are a significant part of the community sector and provide vital work and that their concerns should be properly addressed.

We do agree this bill will be a positive for the sector. However, we need to get as much as possible right now before we implement something that has not been properly thought through. Yes, there has been much consultation on this, but the guidelines did not come about until very late in the process, and this needs to be considered in the overall consideration of the bill. Again, the Greens support what this bill is hoping to achieve, but we cannot agree to details that have not been fully and properly considered.

I note the point Mrs Dunne made about the guidelines. The point I would like to make in relation to the regulations is that we believe they should be disallowable. It is typical practice, particularly with regulations, that they are. This is something we will obviously consider when we eventually get to the detail of the bill. The human rights commissioner has also noted this is an issue. It is something I have made the minister aware of. We have made her aware of this previously, and also the department. As I said, when we get to the detail stage of the bill we will obviously be taking into consideration the process for the regulations and the guidelines.

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

Sitting suspended from 12.24 to 2 pm.

Questions without notice

Bimberi Youth Justice Centre—inquiry

MR SESELJA: My question is to the Minister for Children and Young People. Minister, draft minutes of a meeting of the Aboriginal and Torres Strait Islander services team of your department held on 2 March 2011, in relation to an agenda item headed “4i—Bimberi Review”, state:

High probability that officers from our unit will be approached to contribute to the review. Officers are urged if they are approached they consult with [a named manager] to work out a strategy prior to responding.

Minister, who initiated this cover-up strategy and what involvement did you or your office have in giving it sign-off?

MS BURCH: I thank the Leader of the Opposition for his question. Let us be really clear here: there is no cover-up. All the messaging coming from me, my office, the executive and the executive structures through the department is for open, frank and fearless participation in this review. Emails, letters, general correspondence, group meetings—every utterance—that have come from this office and from the executive have indicated the urge, the willingness, of all staff to participate in frank and fearless. Whether the advice is positive or negative, every bit of advice, every bit of information provided by government agencies, the community sector and people with an interest in youth justice is welcome to this independent and rigorous inquiry.

MR SPEAKER: Mr Seselja, a supplementary question.

MR SESELJA: Minister, when did you or your office first become aware of this matter and have you taken a briefing on it from your department? If yes, what was the nature of the briefing? If no, why and when will you take one?

MS BURCH: I became aware of the minutes. I received a copy of the minutes yesterday, Monday. I did ask the department for an explanation. I have certainly received an explanation and the manager involved in that meeting has certainly provided information to me that I have confidence in. This is not a conspiracy theory; this is a manager that recognises that inquiries are sometimes difficult and challenging things to participate in, and he was merely offering staff his support and guidance should they want it. That person has indeed made contact through the chief executive, expressing his regret at the language used in the minutes because it did not reflect, in any way, shape or form, the intention of the meeting.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, has management in any other area of your department made similar statements to their teams? If yes, which teams and what have you done to ensure that this practice is not more widespread?

MS BURCH: Thank you, Mrs Dunne. As I have said, every bit of correspondence from my office, my conversations from the executive right through management, have been for an open and frank participation in this review and, should I come across any evidence to the contrary, there will be consequences. I urge all staff to be involved in this review and to provide the level of information that they can from their circumstances and their position that they are able to provide comment on.

MRS DUNNE: Supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what will you do to investigate the allegation made by the sacked woodwork teacher on 666 this morning that staff have been actively discouraged from meeting with the review team?

MS BURCH: I have asked the department to vigorously pursue their commentary around an open and frank participation in this review.

Mrs Dunne: What does that mean?

Mr Coe: Does that mean “their commentary”?

MS BURCH: It is comments, it is letters, it is correspondence, Mr Coe. The comments from the previous woodworker: my department has written to the Department of Education and Training asking them about what they are doing to investigate those allegations, and I look forward to that response.

Climate change—community grant round

MS HUNTER: My question is to the Minister for the Environment and concerns the 2010 community climate change grant round. Minister, you announced the grant round on 4 March and the closing date for grant applications is 31 March—only 3½ weeks. Given that six weeks is recognised as a reasonable minimum time frame, why have you only allowed such a short time frame for community groups to apply for these grants?

MR CORBELL: I thank Ms Hunter for the question. I have to confess that I am not across the details of the procedures in place for that grants round but I will seek some clarification on the matter and provide advice to the member.

MR SPEAKER: Ms Hunter, supplementary question?

MS HUNTER: Minister, how do you expect the community sector to provide the required “letters of support from stakeholders, project partners and other relevant material to your application to demonstrate consultation and community support and involvement” in just over three weeks?

MR CORBELL: Again, Mr Speaker, I am unable to confirm the details of the grant round at this stage. But, as I have indicated to the member, I will seek further advice and provide advice to her.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, given that the examples of appropriate activities listed in the guidelines are labour intensive, why did the grant guidelines say that applications with high salary components will not be considered, and how do you expect organisations to develop the necessary materials if you are not prepared to pay staff?

MR CORBELL: I thank Ms Bresnan for the question and I refer her to my earlier answer.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, do you think the community sector workers deserve fair pay and how would you deliver these important climate change outcomes without paying for staff’s time?

MR CORBELL: I think these grants rounds are not about issues about pay of people employed in the non-government sector. That is a matter of broader policy context

which the government has been working hard to address. In relation to the other matters, I refer Ms Le Couteur to my previous answer.

Bimberi Youth Justice Centre—youth workers

MR SMYTH: My question is to the Minister for Children and Young People. Minister, my question refers to the *Canberra Times* story on 28 March 2011 about your department urging staff to consult with management to work out a strategy prior to responding to any approach to them by the human rights commissioner in relation to its inquiry. Minister, in that article, a spokesperson from your office told the *Canberra Times* that there is no need for staff to work out a strategy prior to responding to any such approach. Further, that article quotes your spokesperson as saying:

Rather, the intention was to offer staff support in making submissions if needed.

Minister, if the intention of the statement was to offer support and not corrupt the review process, why did they not just say so? Why would staff use the word “strategy” and not “support”, and why would they need support before making such a submission?

MS BURCH: As I have just said, the officer who signed off on those minutes accepts that the language used by the person, the public servant, who crafted those minutes certainly did not reflect—

Mr Smyth: Crafted?

MS BURCH: Crafted—drafted. The person who drafted those minutes did not reflect the intent of the meeting. There is grave concern for me that those opposite do not ask for briefings on Bimberi and do not want to visit Bimberi but many times as we approach question time they come up with these quite extreme allegations. I think the editorial in today’s *Canberra Times* was a nice balance to the level of spin that they are trying to put on this.

In the ATSI unit we have dedicated staff working towards supporting Aboriginal and Torres Strait Islanders. They are not directly linked to the recruitment and activities and programs at Bimberi. They are broad-reaching Aboriginal and Torres Strait Islander support services to support families at risk, to support families in the care and protection system and to support the young men at Narrabundah House.

It is clear the officer has made his explanation. I have faith in that explanation. As I have said—and will repeat—to staff and here and anywhere, I ask all people for frank and fearless participation in this review.

Mr Hanson: Well, why did you go “La-la-la” and put your hands over your head then?

MS BURCH: That is just nonsense. Should I find any evidence to the contrary, there will be consequences.

MR SMYTH: A supplementary.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Thank you, Mr Speaker. Minister, to what extent should your department have any involvement at all in what a staff member might want to say to the inquiry?

MS BURCH: This is a confidential, rigorous, independent process where staff are able to participate should they wish, and I urge all staff. If staff seek support or guidance, information—

Mr Smyth: Guidance? Why would they need guidance on what they tell the committee?

MS BURCH: It is about covering rosters, it is about making sure that the work that they have to do is covered by the unit. An explanation has been provided by the manager of that team. I have confidence in the manager of that team, and I will leave it there.

MR SPEAKER: Supplementary, Mr Hargreaves?

MR HARGREAVES: Thank you very much, Mr Speaker. Does the minister agree that middle level and lower members of the public service would find appearing before such an inquiry a very daunting process, and have you taken action to ensure that having—

Mr Smyth interjecting—

MR HARGREAVES: Would you like me to start again? I can start again, Mr Speaker.

MR SPEAKER: Mr Hargreaves, one moment. Your question is asking for an expression of opinion. Perhaps you could rephrase it.

MR HARGREAVES: Thank you very much, Mr Speaker.

Mr Hanson interjecting—

MR HARGREAVES: I find it quite distracting—

MR SPEAKER: Just rephrase the question, Mr Hargreaves.

MR HARGREAVES: My question to the minister is: does the minister agree that appearance before—

Mrs Dunne: I raise a point of order, Mr Speaker. It is still asking for an expression of opinion. You have given him two goes.

MR SPEAKER: Order! Mr Hargreaves, could we just have the question one more time, thank you. Let's try to keep it in order.

MR HARGREAVES: Thank you very much, Mr Speaker. Is the appearance before a committee a daunting process for people in your department and is it appropriate that they receive encouragement to be frank and fearless in their responses before it, and supported in the case that they feel a little bit under stress?

MS BURCH: I thank Mr Hargreaves for his question. The department is made up of around 1,100 staff. Of that, some people would be quite confident in presenting before an inquiry; others may not. Those that may not be so comfortable, because of experience, their capacity, their linkage to how long they have been in the department, should be supported. If a manager is requested to provide support, what is wrong with that? There is no evidence of collusion and bullying. And if you have that evidence—

Opposition members interjecting—

MS BURCH: Then bring it here.

Opposition members interjecting—

MS BURCH: No. What you have is a copy of minutes that the manager of that unit has said do not represent the reality of that meeting.

Mr Hanson interjecting—

MS BURCH: So if you have individual proven circumstances of bullying—

Mr Hanson interjecting—

MR SPEAKER: Mr Hanson, you will have a chance in a minute.

MS BURCH: you are obligated to bring it forward.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, can staff expect the same treatment that was received by the former woodwork trainer at Bimberi who was sacked after he went to the Human Rights Commission inquiry?

MS BURCH: There is no evidence to say that he was sacked because he went to the inquiry. That is a hypothetical, a spin that those over there choose to put on it. I have said that that woodworker has approached my office plus the office of the minister for education. This department, the Department of Disability, Housing and Community Services, has approached DET to see what they are doing in regard to that inquiry and to comment.

Housing—affordability

MS LE COUTEUR: My question is to the Chief Minister and concerns the 20 per cent affordable housing target. Minister, does the affordable housing target apply to all new development in the ACT or is some development exempt from it?

MR STANHOPE: I thank Ms Le Couteur for the question. The target arrangements have changed a little over time, Ms Le Couteur, as you know. As we converted 15 per cent to 20 per cent we did take the opportunity at that stage, as we changed also the affordability threshold, to change some of the requirements in relation to the calculation of the 20 per cent in the first round that did not apply to unit developments on greenfields. We now apply it to unit developments on greenfield sites.

There have been some exceptions, Ms Le Couteur. For instance, it has not applied in all instances to land sold at the Kingston Foreshore. Over and above that I am not aware of other exemptions to the requirement for all greenfield sites to provide housing—house and land—at under \$328,000. Yes, Ms Le Couteur, it is right to say that there have been some exceptions. I would wish to take on notice the reason for those. I am more than happy to do that and give you a full list of where exemptions may have applied and the reasons advanced for that.

In the broad, Ms Le Couteur, it is fair to say that the 20 per cent requirement applies generally to greenfield sites across the ACT. I am not aware, for instance, that it does not apply to any greenfield site that has been released in Gungahlin since the inception of the requirement. It applied at west Macgregor. It applies in Molonglo and it applies in north Weston. I am aware that there have been some occasions—and I am not entirely sure now of some of the justifications for that—but I will pursue that.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, what mechanisms does the government use to ensure that the affordable housing target is met? Does the government use lease conditions or other controls such as within the planning regime?

MR STANHOPE: In relation to this particular aspect of the affordable housing strategy, Ms Le Couteur, there is, as I understand it, a rigorous process of ensuring that the requirement is met. We have been pursuing some of the issues that we believe are relevant to ensuring that the construction and delivery of the affordable product is being honoured with integrity by owners and developers. We are looking at whether or not we need to be perhaps a little bit more prescriptive in some of the rules around, for instance, the time in which—we are concerned about the possibility or the prospect of profiteering on affordable product. It is an issue that we have had some concern about in relation to the OwnPlace product—the opportunity to purchase a house for \$328,000 and then, with significant movements in the market, to on-sell almost immediately.

We have, for instance, in relation to the latest OwnPlace rollout imposed a requirement that a house acquired under the OwnPlace program not be sold, I think it

is, within three years. We are investigating whether we do need to be more prescriptive in the rules around the 20 per cent rule, but once again I will have to take some further advice on exactly where that consideration and that particular thinking is up to. It is fair to say, Ms Le Couteur, from my answer that we do have some concerns about how to maintain the integrity of this particular aspect of the affordable housing program.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Chief Minister, has the government considered other ways for developers to contribute to affordable housing, aside from offering lower priced housing, such as contributing to public housing investment?

MR STANHOPE: I thank Ms Bresnan for the question. In relation to the capacity for private sector developers to contribute, it is fair to say that in relation to a number of the other significant aspects of the affordable housing strategy, the private sector's involvement, of course, is integral to the success of some of those proposals. I could mention land rent; I could mention, indeed, the partnerships and relationships that exist in regard to OwnPlace and CHC Affordable Housing. But I am not sure that that is the intent of the question. I am not aware, as I seek to explore the possibilities for private sector involvement in other affordable housing proposals for public housing, and I will take the detail of the question on notice.

MS HUNTER: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, how is the target applied to all multi-unit developments, including smaller developments that are part of suburban infill?

MR STANHOPE: The 20 per cent target applies only to land sold by the ACT government and it applies only to greenfields at this stage. To the extent that there are infill sites that are owned and disposed of by the government, there is a capacity and we are moving to apply that 20 per cent rule universally. It does apply broadly. I think if I were to take advice on the number of units of land sold for housing, the percentage of those to which the 20 per cent target applies would be well into the 90s. It is universally applied.

There is an issue, and of course it is very much at the heart of some of the conversation at the recent meeting I attended of the Dickson residents action group in relation to the need for affordable housing in inner areas of Canberra and how that can be achieved and an expectation that the government might achieve that. The response to that, in relation to infill, particularly in areas such as north Canberra, is that the government's capacity to provide affordable housing is restricted very much to land which we own and, indeed, 20 per cent of all housing in Dickson, interestingly, is public housing.

With the proposals that the Minister for Housing has recently announced in relation to the revitalisation of Northbourne Avenue, there will, in north Canberra most particularly through that process, including Bega, Allawa flats and Northbourne Avenue, be a significant opportunity for the government to facilitate the provision of enhanced public housing and affordable housing within those areas. But again, it is in relation to land which we own and of course, as you would understand, the land which we own in most of inner Canberra is land on which there is existing public housing. *(Time expired.)*

Bimberi Youth Justice Centre—youth workers

MR DOSZPOT: My question is to the Minister for Children and Young People. Minister, I refer to the questions without notice asked of you on 10 March 2011 in relation to the woodwork trainer who was sacked from Bimberi on 25 February. You indicated at that time that you had sought a full briefing from your department in relation to that matter. I also refer to the emails sent today by the woodwork trainer to 666 ABC in response to an interview with the Chief Minister. The woodwork trainer stated:

One week after I reported safety issues and bullying to the Bimberi Review Team I was dismissed with no reason given.

The teacher believes he fell victim to the culture of cover-up and bullying in Bimberi. Minister, what briefing did you receive, what action did you take in response, and will you, before the close of business this day, table any briefing documents that you received?

MS BURCH: The teacher is employed through DET and part of my response has been to ask DET for an explanation and comment.

Mr Barr: Mr Speaker, I am happy to provide some information for members.

MR SPEAKER: Thank you, Mr Barr.

MR BARR: Mr Cavill is in fact an employee of Caloola. I can advise the Assembly that his employer met with him in relation to the issues at the Murrumbidgee Education and Training Centre. I understand that he has been offered employment at another site by Caloola, but I can also advise the Assembly that I have asked Mr Dave Bromhead, the manager of student wellbeing and behaviour support in the education department, to meet with Mr Cavill. He has contacted Mr Cavill both by email and letter, offering to meet with him, but I am advised that to date Mr Cavill has not accepted that invitation.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Minister, are you satisfied that there was no connection between the trainer's actions to take his concerns about operations at Bimberi to the Human Rights Commission and his subsequent sacking?

MR BARR: Yes, Mr Speaker.

MRS DUNNE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what have you done to satisfy yourself that the trainer was afforded the due industrially democratic process of counselling and warning before he was sacked from Bimberi?

MR BARR: These matters, of course, are between the employer, Caloola, and Mr Cavill in relation to that particular matter. I have sought some further information from the Department of Education and Training and have requested, as I outlined to the Assembly just a moment ago, that there be—

Mr Smyth: Three weeks later, we're no closer to knowing anything.

MR BARR: No, these offers for meetings have been made in advance of today, obviously. Matters do not just freeze between sitting weeks.

Mr Corbell: They do for the opposition.

MR BARR: They perhaps do for the opposition. But in the context of this particular issue, I am, of course, closely monitoring the situation. As the matters here relate to someone who is not an employee of the Department of Education and Training, I am somewhat limited, of course, in the capacity I have to direct particular employment outcomes. However, I am satisfied that the department has made every effort to contact Mr Cavill, and that offer still remains open. I know Mr Cavill; we correspond regularly on a range of matters. I am sure that he would accept such an offer in the good will in which it is made.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, who made the decision that Mr Cavill not return to Bimberi, and who informed Mr Cavill of the decision?

MR BARR: That would be a matter for the principal of Murrumbidgee education centre. The question in relation to advice around his employment would be for Caloola.

Bimberi Youth Justice Centre—staff shortages

MR COE: My question is to the Minister for Children and Young People. Minister, in an open letter to the Chief Minister printed in the *Canberra Times* today, a former staff member of the Bimberi centre states that children as young as 12 years old were

locked up for up to 18 hours per day due to staff shortages. Minister, is this true? Were children locked up for up to 18 hours per day due to staff shortages?

MS BURCH: I thank Mr Coe for his questions. The advice that I have had this morning in response to the article was that there have been no lockdowns this year at all. Lockdowns are a way of securing a young person in their room for a number of reasons. It could be because of their challenging behaviours or being at risk. At times, lockdowns are for operational reasons and they are implemented as a strategy of last resort. But a lockdown of 18 hours is nothing that I have been aware of. Certainly, I have asked and any evidence coming to me does not indicate that is the fact.

Mr Coe interjecting—

MR SPEAKER: Mr Coe, now you can ask your supplementary question.

MR COE: Thank you, Mr Speaker, I will. Minister, is locking up a 12 year old for up to 18 hours a day an appropriate response to managing children at risk?

MS BURCH: As I have indicated, there is no information to me that has indicated that there has been lockdown of 18 hours. That is an extraordinary length of time. Lockdowns are used for a number of reasons. They are used sometimes at an operational level. I know last year at a number of lunch times there was lockdown when there was a staff shortage. That was deemed the appropriate thing to do in those circumstances.

There are also lockdowns around managing behaviours of individuals and of the premise. Those decisions are made on-site by management. They are made with the best interests of the young people in mind and with the security and safety of the facility in mind.

MR HANSON: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, in your answer to the previous question you said that there were no lockdowns of that duration this year. Were there any lockdowns of that duration last year?

MS BURCH: I think I have indicated in my earlier answer that is my information, that an 18 hours lockdown has not occurred.

MR HANSON: A supplementary question, Mr Speaker?

MR SPEAKER: Mr Hanson.

MR HANSON: Minister, what have you done to assure yourself that the advice you have received from your department in this case is correct?

MS BURCH: I ask my department questions; I expect honest and fair reply. If there is an allegation seeping from over there that my department is in some way not providing information to me—that is, giving me incorrect information—I take that as a slight on all the good work that the executive of my department do, from the chief executive, from the assistant chief executive, to the newly appointed executive director of the office for children and young people. She has come into this job in a very challenging time. She has risen to the occasion. She has been in no doubt about the demand that I have on the department to ensure that safety, wellbeing and restorative programs are in place in Bimberi. That is what this government and this department will do.

Planning—rural leases

MS BRESNAN: My question is to the Minister for Planning and concerns the length of rural leases in the Naas Valley, south of Tharwa. Minister, there are many residents in the Naas Valley who were unable to get 99-year leases previously, as there were plans for building the Tennent Dam in the valley. Now that the Cotter Dam is being built and Mark Sullivan, CEO of Actew, has now stated that the Tennent Dam is no longer necessary for Canberra's water supply, why are these rural leaseholders only being given 20-year leases?

MR BARR: I will need to take some advice on that. I understand there are a number of issues that are pertinent there. I do not have that information in front of me now. I will take advice on that and provide an answer to the Assembly.

MR SPEAKER: A supplementary question, Ms Bresnan?

MS BRESNAN: Thank you, Mr Speaker. Minister, what information has Actew given ACTPLA about the need to maintain the option of building a dam in the Naas Valley?

MR BARR: I will need to find out from the Planning and Land Authority I do not have that information in front of me.

MS HUNTER: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, is ACTPLA aware of the inappropriate hydrogeology of the Naas valley site for water storage, and what plans does ACTPLA have for the area?

MR BARR: I do not believe this is a matter for ACTPLA, Mr Speaker.

MS LE COUTEUR: A supplementary.

MR SPEAKER: Ms Le Couteur, a supplementary?

MS LE COUTEUR: Minister, what information does ACTPLA have on the ecological qualities of the area and the viability of the site for such development?

MR BARR: I am advised that it is actually a matter for DECCEW and TAMS.

Bimberi Youth Justice Centre—assaults

MR HANSON: My question is to the Minister for Children and Young People. Minister, in an open letter to the Chief Minister printed in the *Canberra Times* today a former staff member at the Bimberi centre asks why you and the Labor government ignored issues of serious concern occurring at Bimberi, creating a culture of cover-up and bullying. Minister, have you read the letter and if so will you address for the Assembly your response to accusations that a student was called a “dirty junkie whore” nearly every day that she spent in Bimberi? Minister, will you address the accusation that a student arrived at a class with their face beaten and asked a teacher to take a photo of their injuries as evidence? And minister, will you address the accusation that a student feared being raped in a classroom once youth workers were withdrawn?

MS BURCH: I thank those opposite for their ongoing interest in Bimberi. Let me be very clear that this was the first I had heard about words such as “dirty junkie whore”. I think that was what you said. That is the first I have heard of it. This is the first I have heard of young people being concerned about being assaulted within a classroom.

As far as assaults go, assaults are unfortunate episodes that happen at times at Bimberi, and any assault is thoroughly investigated and referred to the police. My understanding, if indeed this is the same incident—I will have to put that there—is that that matter was referred to the Australian Federal Police for consideration and investigation.

MR HANSON: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, what action will you now be taking with regard to the letter that was written to the *Canberra Times*?

MS BURCH: I will look to do two things: I will look to make sure that all these allegations are put through the proper process, and we have a review with the Commissioner for Children and Young People. We have also got the human rights commissioner undertaking a review. These allegations are such that they need to be referred to and considered under that process.

Additionally, the department has certainly read and heard my concerns about this and will also be reviewing circumstances and seeing if they can validate, investigate and come to the bottom of these allegations.

But let me again be really clear: we come to this place questioning activities at Bimberi. There is a lot of good work going on at Bimberi that does not seem to be of interest to those opposite. Rather, they will wait for question time. They will come to question time when there is a good fling and a slanging match to be had. But at no point do I hear any of those opposite celebrate the successes over there.

This morning we heard about the swimming pool not being used. Well, that is a furphy. The sport and rec officer was a designated first aid officer, and the young residents out there enjoyed the pool this summer. I have also heard from those opposite about lack of resources. That is another furphy to a large level. Admittedly, there were some delays in appointing a woodworker and a metalworker, but these programs are in place. I have a strong view that more vocational opportunities and industry-based opportunities should be provided at Bimberi. This is for the benefit of the young people there. We will focus 70 per cent on literacy and numeracy. (*Time expired.*)

MRS DUNNE: Supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, in the letter in today's *Canberra Times* the author said that she raised these matters with you and you flicked her off to the commissioner for children and young people. Why did you refer her to the commissioner for children and young people before there was an inquiry rather than deal with these matters yourself?

MS BURCH: I have met with Patricia towards the latter part of last year. She raised with me a number of personal concerns she had around the integration and the coordination between the education unit there and Bimberi—things such as getting teaching and learning materials in through Bimberi, curriculum materials, communication between the teaching team and the case management team. I addressed that. We put in place systems that facilitated quicker, easier risk assessment of teaching materials that the teachers were wanting. We instigated improved communication processes. The lead teacher, principal head teacher—forgive me if the terminology is not quite right perhaps—is now part of the communications strategy. There is a debriefing meeting every morning with the head teacher on every student about their learning outcomes for today. These are the matters Ms McEwan raised with me in the latter part of last year. I responded. As I have said, this is the first time I have heard of these complaints.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, what mechanisms have you put in place so that you are briefed on critical incidents—not just from the department but you are also in regular contact with the Official Visitor, for instance, and other community organisations

delivering into Bimberi—to ensure that you are being told what is happening on a regular basis?

MS BURCH: I thank Ms Hunter for her question. I have a number of mechanisms through to my office on the operations and conditions out at Bimberi. Certainly, I have regular briefings with the department. They would incorporate a regular fortnightly briefing and regular monthly meetings on routine reporting. But that does not mean to say that critical incidents are reported to me as and when they happen, in a very quick response time.

We also have a public advocate system in place that meets with me, and regularly raises a broad range of issues. At the last meeting I had with the Public Advocate, she noted the improvements at Bimberi.

Opposition members interjecting—

MS BURCH: We accept that there were challenges before, and there remain challenges ahead. But all in all, there is good progress, goodwill, good intent and good work getting done.

Mr Hargreaves: On a point of order, Mr Speaker, this is just getting repetitious. I am really having trouble hearing the answer.

MR SPEAKER: There is no point of order at this point, Mr Hargreaves.

Mr Hargreaves: I beg your pardon, Mr Speaker; on your ruling, are you telling me that their interjections are acceptable?

MR SPEAKER: Mr Hargreaves, I have the glory of having a discretion on these matters, and I think that at this point I have spoken to a number of members and they have quietened down when I have asked them to. Question time will continue.

Bimberi Youth Justice Centre—inquiry

MRS DUNNE: Mr Speaker, my question is to the Chief Minister. Chief Minister, today in the *Canberra Times* a former teacher from Bimberi youth detention centre published a plea to you. In that plea this courageous teacher outlined the failures of your cabinet colleagues to take action at Bimberi. Last year when this teacher took her concerns to the responsible minister, she was flicked to the Children and Young People Commissioner, who later revealed her identity to her supervisor. Do you support the actions of the responsible minister in flicking these matters to the Children and Young People Commissioner rather than addressing the matters herself as required by the ministerial code of conduct?

MR STANHOPE: I thank Mrs Dunne for the question. I would need to say at the outset that I have indeed received a letter from a person who has publicly acknowledged that she has written to me. Irrespective of that, I am in the process of receiving advice from the ACT Government Solicitor on my obligations under the

Public Interest Disclosure Act in relation to the letter that I have received and the allegations it contains.

The person that has written to me is a permanent ACT public servant. Her disclosures are covered by the Public Interest Disclosure Act and I am required to act in a certain way in relation to those—that is, I need to respect certain aspects of the content of the letter that was written to me, irrespective of the fact that it has nevertheless been published by its author. I will be circumspect in any answer I give in this place, Mr Speaker, until I am fully appraised of my obligations and my responsibilities under the Public Interest Disclosure Act.

Having said that, the letter does contain allegations and the allegations have been published in the *Canberra Times*. It is moot, however, to say just by way of example in relation to one of them—and the rhetorical question was asked in the letter: what is the government doing about a boy who appeared in class with a bloody face? What the government did in relation to that was that the government referred it immediately to the police and the matter is being actively investigated by the police.

The issue, of course, following the letter, the public interest disclosure, following the allegations it contains, behoves authorities, most particularly the head of the department, to investigate fully each of those allegations. In relation to one, and one alone—and as I understand it from discussions that I had today with the head of the department, he was taking advice—but the only one of the allegations in the letter of which he was personally aware, but he was taking advice, was the issue in relation to the boy who had appeared in the room with a bloody face.

He was not, as the minister has just indicated she was not, aware of other allegations around children fearing rape or children being detained for 18 hours—issues in relation to other matters. So the process now, Mrs Dunne, as you would appreciate is that allegations have been made. It is appropriate that the allegations be fully investigated. It is appropriate in that context, of course, and I would imagine that the head of the department will now write to the public interest discloser asking her perhaps to give greater detail on the allegations.

The minister has indicated that she was not made aware of these other allegations. The head of the department has informed me that his preliminary position is that he was not aware of these allegations. I think that the process now, in the interests of fairness, requires that further detail on the allegations be sought from the person making the allegations so that they can be tested. They are serious allegations and they have to be investigated fully, and they will be investigated fully, but at this stage they are allegations—

Mr Smyth: Point of order, Mr Speaker.

MR SPEAKER: Order, Chief Minister! Stop the clocks, please.

Mr Smyth: The question actually is: does the minister support his minister's action? It is not about the allegations but does he support the course that the minister followed? In the remaining 24 seconds, perhaps he might answer that question.

MR SPEAKER: I think there were a number of parts to the question but, Chief Minister, if you could answer the second half of the question, thank you.

MR STANHOPE: The letter was to me and I am giving you some outline of the actions that I have taken in relation to a public interest disclosure—

MR SPEAKER: Order! Chief Minister, unless you intend to answer the second half of the question, you can sit down at this point.

MR STANHOPE: I beg your pardon, Mr Speaker. I am answering the question that was asked of me and I can answer it in any way I choose. The minister has my full—
(*Time expired.*)

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Chief Minister, do you support the apparent inaction of the minister for education who, according to this open letter today, did not support teachers at Bimberi when they were criticised by the Official Visitor for “not trying enough”?

MR STANHOPE: I do thank Mrs Dunne and her Liberal Party colleagues for this late-found interest in the welfare of people that are incarcerated in the ACT, whether it be at Alexander Maconochie or Bimberi. It is wonderful to see the implications and the effect which a human rights culture actually does bring, now that we have actually engendered one. It was opposed completely by the Liberal Party. I must say this late hoorah and deep interest in human rights—a notion that they have opposed root and branch for the last 10 years—really is quite refreshing. The minister has my—

Mrs Dunne: On a point of order, Mr Speaker.

MR SPEAKER: Order! Chief Minister, one moment, thank you. Stop the clocks, thank you.

Mrs Dunne: Mr Speaker, I asked a question about whether the Chief Minister supports the inaction of the minister for education. That is the question and the standing orders require him to answer it directly.

MR SPEAKER: Chief Minister, the question, thank you.

MR STANHOPE: Just so as not to be continually verbal in relation to these issues, Mr Speaker, Ms Burch has my full and utter confidence, as does her department. The minister for education has my full and absolute confidence in relation to his management of his portfolio. Indeed, it is simply not true that the allegations—an allegation has been made; it has not yet been tested. An allegation has been made in relation to a lack of action. There has been no lack of action or interest by either the minister for community services or the minister for education. It is on the record that there has been significant action.

The action indeed—and actions undertaken by the minister for community services in relation to Bimberi over the last six months—has been exemplary in terms of the reviews, the changed culture that is sought to be initiated and the independent statutory review and inquiry by the human rights commissioner and the children’s commissioner. Similarly, the minister for education has indicated that he has been in touch with complainants and constituents in relation to these issues, just as he indicates that he has been in touch with Ms McEwan in relation to her allegations. He has responded and responded in writing to her. The allegations are simply unfounded. *(Time expired.)*

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Mr Smyth, you have the floor.

MR SMYTH: Thank you, Mr Speaker. Chief Minister, do you support the actions of your Attorney-General, who was accused in this morning’s plea of sending “a very damaging message to all Bimberi staff about the importance of staff confidentiality”?

MR STANHOPE: The Attorney-General has my full support, and his actions in relation to this issue have been entirely appropriate. Indeed, Mrs Dunne’s question was based on a falsity in relation to issues around the circumstances applying to the initial release of a correspondent’s or a submitter’s name, I believe, to Mrs Dunne.

Mrs Dunne: No, not to me; to her supervisor.

MR STANHOPE: We will have to check that particular fact but that is not our understanding. Indeed, the Attorney-General acted immediately and strongly in relation to that particular issue.

Opposition members interjecting—

MR SPEAKER: Order, members!

MR STANHOPE: He met with—

Mrs Dunne interjecting—

MR SPEAKER: Order, Mrs Dunne!

MR STANHOPE: the commissioner, he discussed the issue, he met with his department. He discussed the issue, went through the issues and had a full and complete appreciation of all the issues that arose in relation to what was an unfortunate, in fact, misunderstanding, as I understand it, regarding the commissioner and the level of knowledge that he understood that Mrs Dunne had in relation to this particular person’s identity. And those are the facts.

Mr Hanson: Very unfortunate.

MR STANHOPE: It was. It was an unfortunate misunderstanding by the commissioner of the level of information that he believed—

Mr Hanson: So many unfortunate misunderstandings.

MR SPEAKER: Thank you, Mr Hanson; that is enough.

MR STANHOPE: that Mrs Dunne, by her behaviour, had about this person's identity. That is what it was—an innocent mistake, based on a misunderstanding of the level of Mrs Dunne's involvement with this particular complainant. And that was the basis. With respect to looking for conspiracies in relation to a letter written by a supervisor at the ATSI unit within the department, seeking essentially to support his staff through a potentially difficult issue, that is something that is totally unremarkable in all public services throughout the whole of Australia. (*Time expired.*)

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGREAVES: Does the Chief Minister have confidence—

Members interjecting—

MR SPEAKER: Order! Mr Hargreaves has the floor.

Ms Gallagher interjecting—

MR SPEAKER: Ms Gallagher! Mr Hargreaves has the floor.

Mr Doszpot interjecting—

MR SPEAKER: Mr Doszpot!

MR HARGREAVES: Does the Chief Minister have the confidence that those opposite will allow natural justice to run its course, or will they continue to interfere?

MR STANHOPE: This Assembly having sought and this government having agreed to establish an arm's length, statutorily independent review by the human rights commissioner and by the children's commissioner into this issue—a proposal or a process which the Liberal Party opposed at the outset and which the Liberal Party has, since its establishment, sought to undermine, to vilify, to demean and essentially to nullify—I must say I am enormously regretful that the Liberal Party is playing such spoiling politics with such an important issue—the welfare of children at Bimberi.

These are very difficult children. They are very difficult to manage. There is perhaps no greater challenge to any government than managing children in care. We take the responsibility seriously, but these are incredibly difficult children. That is why they have been locked up. That is why they have lost their liberty. They are deeply traumatised. They have the most complex issues. Many of them are violent. Many of them are incredibly difficult to handle. It is a credit to staff in terms of their devotion

to seeking to ensure that children at Bimberi receive the full care that they deserve, but these are incredibly difficult children.

They are children that come into care as the result of high levels of trauma with incredibly difficult and complex issues across the full spectrum—substance abuse, mental illness, sexual abuse and physical and emotional abuse. These are incredibly difficult children in the main. Some of them exhibit those behaviours. Many of them are violent. Many of them are incredibly violent. They are very difficult to handle. We should not be politicising this issue and seeking to make political capital out of these children. (*Time expired.*)

Government—credit rating

MR HARGREAVES: My question is to the Treasurer. Can the Treasurer advise the Assembly of the importance of the ACT government maintaining a AAA credit rating?

MS GALLAGHER: I thank Mr Hargreaves for the question. Members will recall that, on 16 March this year, Standard and Poor's rating services not only affirmed the ACT's credit rating as the highest but also rated the ACT's outlook as stable. Once again—and members will be aware this is one of the key priority objectives outlined in the budget each year—we retain our AAA credit rating and we have set that as a target for ourselves in terms of our budget plan.

I did notice the distinct lack of interest, I have to say, from the shadow treasurer in the release of the report. In fact, I could not believe that Mr Smyth had nothing to say, because occasionally he does have something nice to say. But I went to the Canberra Liberals' website and nothing! Actually, nothing since 14 February! Nothing at all on the economy or the performance of the budget for quite a while!

Mr Smyth: I am pleased you are so interested.

MS GALLAGHER: I always take interest in you, Mr Smyth—a professional interest of course—and your writings, your musings. I did not want any rumours to start, so I thought I had better clear that up right now. Clearly, it is a very professional interest, particularly in your writings as they are published on the Canberra Liberals' website. That is where I have my most intense interest.

This is a good result for the ACT. It is obviously such a good result that the Liberals were not able to spin it any other way. It is important for us as we move forward and deliver the major infrastructure projects that this city needs that we retain a rating like that.

I think at the meetings I have had with Standard and Poor's they have been very keen to understand the government's budget management strategy and, indeed, I met with Standard and Poor's for several hours in the lead-up to their putting this ratings report together. I would say that there was some very positive commentary in their report about the government's management of the budget situation post the global financial crisis. Indeed, I think they draw attention to the fact that they believe the government

has taken the management of the budget seriously throughout our years in government and that this has delivered a very strong position for the ACT to be in.

So maintaining the AAA credit rating, we believe, is a very important objective for budgets going forward. We believe it sends a strong signal to potential investors around the strength of our economy, that it is a good place to do business, and certainly the AAA credit rating is something that this government is keen to retain in the years going forward. We do have a number of large expenditure projects going forward, particularly around our infrastructure, but we believe that our budget is in good enough shape to maintain this AAA credit rating whilst we embark on those very large and significant infrastructure projects for the future.

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGREAVES: Yes, thanks, Mr Speaker. Minister, did Standard and Poor's also mention any other economic factors of relevance to the credit rating?

MS GALLAGHER: I thank Mr Hargreaves for the supplementary. Standard and Poor's do highlight other strengths in relation to the credit rating for the ACT. These of course include the strong economy, our demographic base, the ACT government's financial management and the fact that from their point of view at this point in time expenditure decisions of the commonwealth are looking relatively stable as well.

There is no doubt that our economy is performing well. It is outperforming I think even the most optimistic commentators. State final demand grew solidly in the last nine months—I think the strongest growth we have seen since 2007. Our labour market remains very strong. Employment growth in February was 3.1 per cent. Our unemployment was the second lowest in the country at 3½ per cent and our participation rate very high again at 73.1 per cent. Also, we are seeing that the property market continues to hold up well, with dwelling commencements continuing to achieve record numbers. Housing finance commitments again are holding up very well. I think everywhere you look in terms of economic indicators they are pointing to the strength of the ACT's economy.

We also say at this point in time that there are always risks on the horizon and certainly the Chief Minister and I have been up talking with our federal colleagues around the importance of considering Canberra in their quest to recover their budget. As well, we understand the pressures. In a way we are dealing with them on a micro level here to what the federal government is dealing with at the macro level, but we also understand that there are decisions that they need to take. We just like them, when they take them, to consider the role that the ACT plays and the important role that they play as a significant employer in this territory. (*Time expired.*)

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

Papers

Mr Speaker presented the following papers:

Standing order 191—Amendments to:

Children and Young People (Death Review) Amendment Bill 2010, dated 11 and 15 March 2011.

Crimes Legislation Amendment Bill 2010, dated 11 and 15 March 2011.

Dangerous Substances Amendment Bill 2010, dated 11 and 15 March 2011.

Environment Protection Amendment Bill 2010, dated 11 and 15 March 2011.

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 contract—Benjamin Ponton.

Short-term contracts:

Barry Folpp, dated 7 and 10 February 2011.

Elizabeth Beattie, dated 15 December 2010.

Elizabeth McPherson, dated 17 February 2011.

Judy Redmond, dated 31 January 2011.

Malcolm Prentice, dated 25 and 28 February 2011.

Marnie Edwards, dated 7 January 2011.

Meredith Whitten.

Pamela Jenkins, dated 2 February 2011.

Peter Maybury, dated 9 December 2010.

Ronia McDade, dated 19 January 2011.

Simone Fowlie, dated 7 February 2011.

Stephen Goggs, dated 18 January 2011.

Susan Lebish, dated 18 February 2011.

Contract variations:

Adrian Scott (2), dated 10 and 25 February 2011.

Alan Traves, dated 7 February 2011.

Alison Purvis, dated 11 and 17 February 2011.

Andrew Kefford, dated 21 February 2011.

Barbara Reid, dated 25 February 2011.

Bronwen Overton-Clarke, dated 11 February 2011.
Brook Dixon, dated 28 February 2011.
David Metcalf, dated 28 February 2011.
David Read, dated 18 February 2011.
Elizabeth Trickett, dated 31 January 2011.
Geoffrey Rutledge, dated 7 March 2011.
Jill Divorty, dated 18 February 2011.
Julie Field, dated 28 February 2011.
Liz Beattie, dated 11 February 2011.
Richard Neeves, dated 18 February 2011.
Rosemary Kennedy, dated 14 February 2011.
Stephen Goggs.
Stuart Friend, dated 18 February 2011.

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

Leave granted.

MR STANHOPE: I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all chief executive and executive contracts and contract variations. Contracts were previously tabled on 15 February 2011. Today I present one long-term contract, 13 short-term contracts and 19 contract variations. The details of the contracts will be circulated to members.

Papers

Mr Stanhope presented the following papers:

Remuneration Tribunal Act, pursuant to subsection 12(2)—Determinations, together with statements for:

Full-Time Holder of Public Office—Victims of Crime Commissioner—Determination 1 of 2011, dated 14 February 2011.

Part-Time Holder of Public Office—Climate Change Council—Determination 2 of 2011, dated 14 February 2011.

Mr Barr presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2010—Canberra Institute of Technology, dated 28 March 2011.

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Architects Act—Architects Board Appointment 2011 (No 1)—Disallowable Instrument DI2011-34 (LR, 7 March 2011).

Canberra Institute of Technology Act—

Canberra Institute of Technology (Advisory Council) Appointment 2011 (No 1) Disallowable Instrument DI2011-35 (LR, 7 March 2011).

Canberra Institute of Technology (Advisory Council) Appointment 2011 (No 2) Disallowable Instrument DI2011-37 (LR, 7 March 2011).

Canberra Institute of Technology (Advisory Council) Appointment 2011 (No 3) Disallowable Instrument DI2011-38 (LR, 7 March 2011).

Canberra Institute of Technology (Advisory Council) Appointment 2011 (No 4) Disallowable Instrument DI2011-39 (LR, 7 March 2011).

Civil Law (Wrongs) Act—Civil Law (Wrongs) Professional Standards Council Appointment 2011 (No 1)—Disallowable Instrument DI2011-41 (LR, 15 March 2011).

Court Procedures Act—Court Procedures Amendment Rules 2011 (No 1)—Subordinate Law SL2011-6 (LR, 28 February 2011).

Domestic Violence Agencies Act 1986 and Legislation Act—Domestic Violence Agencies (Project Coordinator) Revocation 2011—Disallowable Instrument DI2011-28 (LR, 24 February 2011).

Environment Protection Act—Environment Protection Amendment Regulation 2011 (No 2)—Subordinate Law SL2011-9 (LR, 10 March 2011).

Litter Act—Litter (Shopping Trolleys) Regulation 2011—Subordinate Law SL2011-7 (LR, 1 March 2011).

Public Place Names Act—

Public Place Names (Franklin) Amendment Determination 2011 (No 1)—Disallowable Instrument DI2011-43 (LR, 17 March 2011).

Public Place Names (Macgregor) Determination 2011 (No 1)—Disallowable Instrument DI2011-27 (LR, 24 February 2011).

Public Place Names (Weston) Determination 2011 (No 1)—Disallowable Instrument DI2011-42 (LR, 17 March 2011).

Road Transport (Driver Licensing) Regulation 2000—Road Transport (Driver Licensing) Driving Instruction Code of Practice 2011 (No 1)—Disallowable Instrument DI2011-40 (LR, 15 March 2011).

Road Transport (General) Act—Road Transport (General) (Guidelines about withdrawal of infringement notices) Determination 2011—Disallowable Instrument DI2011-33 (LR, 3 March 2011).

Road Transport (Public Passenger Services) Regulation 2002—Road Transport (Public Passenger Services) (Defined Rights Conditions) Determination 2011 (No 1)—Disallowable Instrument DI2011-36 (LR, 7 March 2011).

Road Transport (Safety and Traffic Management) Regulation 2000—

Road Transport (Safety and Traffic Management) Booster Seats Approval 2011—Disallowable Instrument DI2011-31 (LR, 3 March 2011).

Road Transport (Safety and Traffic Management) Child Restraints Approval 2011—Disallowable Instrument DI2011-30 (LR, 3 March 2011).

Road Transport (Safety and Traffic Management) Child Safety Harnesses Approval 2011—Disallowable Instrument DI2011-32 (LR, 3 March 2011).

Work Safety Act—

Work Safety (ACT Code of Practice for Formwork) Code of Practice 2011—Disallowable Instrument DI2011-29 (LR, 4 March 2011).

Work Safety Amendment Regulation 2011 (No 1)—Subordinate Law SL2011-8 (LR, 7 March 2011).

Energy—peak oil

Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Mrs Dunne): Mr Speaker has received letters from Ms Bresnan, Mr Coe, Mr Doszpot, Mr Hanson, Ms Hunter, Ms Le Couteur, 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 preparing the ACT for peak oil.

MS LE COUTEUR (Molonglo) (3.02): Thank you, Madam Assistant Speaker, for the opportunity to speak today on this matter of public importance. I am referring to the phenomenon of peak oil and whether the ACT government is ready and willing to respond to it. Globally, peak oil refers to the point where the global production of oil peaks and then slides into irreversible decline. This does not mean that the oil tap will suddenly be turned off, but it does mean that oil production decreases and it is likely that global demand for oil can no longer be met.

The impacts of global peak oil will be felt around the globe. We have built our prosperity on the back of cheap oil and Canberra is by no means immune. In fact, Canberra is very vulnerable and our city faces severe risks in the future.

I would like to start by asking everyone to imagine a scenario. In this scenario, which I fear may not be too far into the future, the price of buying a litre of petrol in Canberra is \$4. Drivers, of course, will know that this is around two and a half times more expensive than petrol is today. This, I am afraid, is only a modest prediction of where petrol prices could go in the next few years under peak oil scenarios.

If petrol cost \$4 a litre, it would obviously be very costly to fill the petrol tank of a car. How many Canberrans would be able to continue to commute to work by car if that is the case? For many families higher petrol prices could mean the difference between filling the car or paying the rent. What about those Canberrans who live further away from services and rely almost entirely on their car? With limited petrol, how do they

choose to go shopping, go to work, take kids to school, attend doctor appointments, visit family? It is very hard to see what they can do.

At the supermarket, grocery prices will have skyrocketed. Most of Canberra's food is trucked here from interstate or flown in from overseas. With the price of oil, and consequently the price of transport fuels, escalating, the price of our food will too. What about growing the food? Major food production systems use diesel to run the machinery and they use oil-based fertilizers and pesticides. They use oil-based pharmaceuticals to treat dairy and meat animals. What will the cost of food be when all of that is factored in?

These things that I talk about only touch on some of the ways that peak oil will impact on our lives. We are an economy which is dangerously dependent on oil but little is being done to arrest this dependence or even to make us resilient to the troubles which will inevitably strike as oil production declines.

Recent work by Australian academics specialising in sustainability and city planning has analysed some of the threats facing Australian cities due to global peak oil. These include sudden critical supply interruptions, volatile price fluctuations and drastic reduction in mobility—particularly automobile mobility. The Greens have long fought to bring the issue of peak oil into the policy foreground. However, incumbent governments have continued to ignore it and are finding the status quo too attractive and the possible changes too demanding.

In February this year I asked a number of questions of the government about peak oil and the answers received were very disappointing. Mr Stanhope took the majority of them on notice and shed no light on the government's approach to peak oil. Obviously peak oil is not a concept that is very high on the agenda. Peak oil, in fact, is not even mentioned in any of the government's major strategies or plans.

Members may remember that the Liberal Party scoffed at the Greens' questions about peak oil. Mr Coe yelled across the chamber sarcastically and said, "Yes, my constituents are always asking me about that issue!" And Mr Hanson returned to the issue later in the day casting scepticism on the idea. He said that the Greens bang on about peak oil and commented that people have been talking about peak oil since 1970. The fact that the idea was around in 1970 does not prove that it was wrong.

Today I will be listening very closely to the position on peak oil from both the Liberal and Labor parties. For members' benefits, I will refer briefly to some of the evidence about the issue of peak oil. Although the exact date is of course unknown, peak oil will be upon us in the very near future, if in fact it has not already occurred. There are people, of course, who think that the reason for the global financial crisis was in fact hitting peak oil. But what is more critical than pinpointing the date is accepting the facts and taking the necessary action.

A number of recent and significant analyses have placed peak oil as occurring in the next few years. The UK Industry Taskforce on Peak Oil and Energy Security predicted a crisis in the next few years. Lloyds and Chatham House predicted the oil crunch would occur around 2013. The joint operating environment report from the US

Department of Defence predicted an end of surplus oil production by 2012 and significant shortfall in output by 2015.

These are serious, well-informed studies that we cannot overlook. They have been backed up recently by candid, behind-the-scenes information released by WikiLeaks in the form of diplomatic cables. They suggest that governments downplay the issue of peak oil in line with their longing for more business-as-usual behaviour.

Looking at the world's economies, we must be worried about the impacts of peak oil. The convenor of the UK Industry Taskforce on Peak Oil and Energy Security said recently:

We are asleep at the wheel here: choosing to ignore a threat to the global economy that is quite as bad as the credit crunch, quite possibly worse.

I think that his statement may be significant. The Greens know that we cannot remain asleep at the wheel and drive to disaster. We have a responsibility to take action on this issue and that is what I am talking about today. As a first response, the Greens ask that the government acknowledge the issue of peak oil and assess the way it will impact the territory. This is going to include issues such as mobility, food supply, costs and government services.

The ACT government must develop a plan to respond to the challenges of peak oil and ensure that the ACT will be well prepared for and resilient as peak oil arrives. It will need to coordinate an approach between the various government portfolios.

The government can start by looking at other jurisdictions in Australia who are taking the responsible route and planning for peak oil. The sunshine coast peak oil strategy, for example, recognises that peak oil presents major threats to the region. It provides a framework for implementing actions to tackle the issue. There are similar frameworks being actioned by other progressive councils in Australia. These plans include ways to ensure that councils continue to deliver the necessary services to their citizens.

We need the same thing. What is the government's service contingency strategy? How will our hospitals keep on working? How will our public transport keep on working? How will our education system keep on working in the face of seriously constrained petrol supplies?

As a second action, the government must address transport issues in the ACT. Our city has been crowned the king of cars. We have high car use and it appears that we continue to plan and in fact develop for high car use. The government needs to do a serious rethink of the millions of dollars it spends on infrastructure for cars. It needs to make our public transport system first class and integrate this effectively with opportunities for cycling and walking.

We often talk about this in the context of climate change, but a shift to these transport modes is inevitable due to peak oil. There will simply be less ability to run petrol-based cars and we will need to make as many trips as possible through quality, high frequency public transport or other sustainable transport modes.

As daunting as it sounds, peak oil actually presents a significant opportunity to us and to urban areas—in fact, to all areas of the world. The impact of peak oil creates the real prospect that public transport, walking and cycling could become the dominant modes of transport and public transport the dominant motorised motor travel in our city.

High oil prices may actually force us to embrace better alternatives. Look at what happened in a number of European cities. For example, Copenhagen, which is famous for its high use of bicycles and walking, started supporting these travel modes during a period of petrol rationing. There was a second resurgence in the beginning of the 1970s due to the energy crisis. I do not think there are any policymakers around the world who would say that Copenhagen's actions have not paid off handsomely. They now have one of the most sustainable, efficient and popular transport systems in the world.

Transport issues, of course, overlap considerably with broader planning issues. Our planning strategy must include how we deal with peak oil. Obviously the distribution of new developments influences the kind of travel patterns our city supports and requires. The more we build detached houses in greenfield developments at Canberra's fringes, the more difficulties we will face. The government has promised the policy of 50 per cent development within a 7.5 kilometre radius of Civic and 50 per cent further out. But this is simply not happening. Canberra is still pushing ever outwards and the real ratio is more like 70 per cent outer and 30 per cent closer in.

While a more compact and connected urban form certainly enhances the options for less oil-dependent transport, it is not the be all and end all. As transport planners Paul Mees and John Stone show in their recent work, it is possible to significantly improve public transport patronage and its economic efficiency without needing to change our urban density. International best practice shows how public transport can work very effectively in suburbia. The real impasses are political ones.

I hope Mr Barr will speak on this MPI, because we need our planning minister to understand peak oil and to show leadership in the process of reform, which will mean that Canberra will be ready for it, I trust. I trust also Mr Stanhope, as transport minister, will speak.

Peak oil is also relevant to the type of homes we are building in Canberra. The price of natural gas rises when oil prices rise. As access to oil diminishes, the natural gas price will rise and this has implications for many, many Canberra households which depend on natural gas for home and water heating. As prices rise, the poorest households may not be able to heat their homes in winter.

We need alternatives, especially for the most vulnerable. Well-insulated houses and solar hot-water systems will go a long way to reducing gas and electricity usage. We need to make sure that public housing, low income earners and rental properties, as well as new buildings, all have well-insulated houses and energy efficient hot water.

As my last point, due to lack of time, I want to talk about food production, especially local food production. Local food production and local delivery will help keep prices down and contribute to food security for the region. Decentralised distribution will lessen the distance our food has to travel. Providing the right business conditions will make it easier to farm in the Canberra region and that will pay off for Canberra consumers.

As the Greens have pointed out before, there is no official system for allocating land for food production in the ACT. We need to identify areas of food production that are close to urban areas. The Majura Valley and the areas surrounding the Molonglo River could well be very appropriate for this and this should be canvassed through the eastern broadacre study.

Members will also know that I have been working to get better support for local food production and gardening in Canberra and, in particular, community gardens, but more broadly all local backyard gardens and other place gardens. I have been arguing also for the collection and composting of our organic waste for use in local food growing. This will avoid the use of oil-based pesticides, fertilizers and herbicides. This is critical, as the oil-based energy used in the production of food can be even more than the energy used in the transportation of food. These are important aspects of planning for a future where we are more self-sustaining and reliant on local production.

In conclusion, I want to emphasise again to the Assembly that peak oil is a serious threat to the ACT and our way of life as well as a serious threat to people throughout the globe. The government must prepare. The government and the people of the ACT need a strategy. We need coordinated action across agencies. Peak oil also represents an excellent opportunity to remodel the way our city operates, particularly around issues such as planning, transport and food production. These changes do not just make us resilient to peak oil; they will also have long-range and far-reaching benefits for the city. The ACT Greens and Greens around the country will continue to raise this issue until we see real action and an adequate response from the government on this important issue.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.16): I am pleased to contribute today to this discussion on a matter of public importance in relation to preparing the ACT for peak oil. Fossil fuels underpin almost all aspects of economic prosperity and welfare in the territory. Electricity and natural gas heat our homes in winter; oil powers the ships, trucks and planes that bring goods and people to our city. We know that oil exists in the earth in considerable abundance. However, it is not unlimited. It is precious and its stocks are declining rapidly.

As a community, we need to understand the need to transition to cleaner and more sustainable energy sources and how this will occur. This transition needs to be managed at all levels of government. As oil is ubiquitous, the implications of transitioning from oil are vast. It is a matter for all governments, all businesses and

ultimately all people. There are great challenges ahead for the Canberra community as we manage the transition to a low carbon future; the one that we have committed to through our greenhouse gas reduction target legislation passed last year.

We know that we need to reduce greenhouse gas emissions. Doing so to meet the cuts that science tells us we must make on a global scale will address many of the problems caused by what is known as peak oil. The ACT will this year move to action plan 2 of its weathering the change greenhouse gas reduction strategy. We will expand further our policies such as to have local responses to take into account issues such as vehicle emissions standards, carbon pricing and renewable energy support which underpin most of the shift from fossil fuels in the world's economies.

The reality is, even if oil reserves were limitless, we would not be able to continue to burn oil at the current rate. We know that the way we currently use fossil fuels is contributing to global warming and that the resulting changes to the world's biosphere will have great environmental costs both here and abroad.

Today I would like to highlight some of the energy security issues that shape this debate—issues that the government is mindful of and that inform our consideration of new policies and policy reforms in relation to greenhouse gas mitigation, community services, transport and land use planning.

Firstly, turning to the concept of peak oil itself, what is it? There is a growing concern that peak oil is a significant issue that governments will need to address. Peak oil is the term for the point in time when global oil production reaches its maximum rate and is followed by a long-term decline. Predictions vary of when peak oil will occur and its consequences. More optimistic predictions on timing pinpoint that a decline in production rates will not occur until 2020 or much later. Alternatively, the more pessimistic predictions suggest we have already used up over half of global oil supplies and that production rates have either peaked or will peak in the next few years.

The problem with trying to predict the timing of peak oil is that the factors determining it are themselves extremely uncertain. For example, we do not know with certainty the extent of the recoverable resources of both conventional and unconventional oil, nor do we know how future supply and demand will respond to higher prices for oil products as extraction costs increase and major policy initiatives to respond to matters such as climate change are adopted.

Furthermore, there is uncertainty with respect to the technological innovation that will arise as a consequence of these developments. The International Energy Agency in its 2010 world energy outlook highlights climate change policy as a significant determinant of the timing of peak oil production.

There is a view that peak oil may be delayed by relying on more unconventional sources of oil and natural gas. The extraction of unconventional oil resources could potentially delay peak oil until around 2035. However, recovering oil from these sources will have adverse local environmental consequences, as well as increasing global emissions of greenhouse gases. Coal seam oil is an example of this.

The International Energy Agency suggests that the responsibility for dealing with peak oil rests with governments. Policies need to ensure that oil is not only used efficiently but measures are adopted to ensure the development of alternatives to oil. The timing of peak oil would then be a consequence of proactive policy and not the result of a diminishing resource.

The implications of peak oil occurring as the result of a resource constraint are significant. Major impacts emerging over a long period of time would be experienced throughout the economy, particularly those sectors with a high energy demand, including industrial production, resource industries, commercial and private transportation, and agriculture.

Modern economies are overly reliant on oil as it pervades almost every aspect of our daily lives. Even under the most optimistic of scenarios, the delay in peak oil only provides governments with breathing space to incentivise a transition of their economies to alternatives. Peak oil is something we need to factor into our energy security planning to manage the transition in a way that has the minimum impact on the reliability of our supplies and the welfare of our community.

So how secure are we? As we have seen, peak oil is a complex global issue that has vast implications for the global economy and the welfare of the world's people. In Australia, energy security and liquid fuel security are managed federally, between state and territory governments, the commonwealth and a number of non-government organisations in the energy supply chain.

These arrangements are coordinated under the Ministerial Council on Energy. Recent changes agreed by COAG will see this council merge with the Ministerial Council on Mineral and Petroleum Resources to form a new Standing Council on Energy and Resources. These changes should lead to further integration of energy and security of supply policies across all jurisdictions.

Under the Ministerial Council on Energy sits the National Oil Supplies Emergency Committee, or NOSEC as it is known. It provides overall management response to a national liquid fuel emergency. NOSEC comprises representatives of the commonwealth, the states and territories and the downstream petroleum industry, including AIP, Shell, ExxonMobil, Caltex, BP and Woolworths.

NOSEC manages the national liquid fuel emergency response plan, which details how Australian governments would respond to a fuel disruption with national implications. The ACT government is a member of NOSEC and participates in emergency simulations. A meeting in June will include an exercise to run through an emergency response plan that has been developed by the group. Following that, an ACT emergency response plan will be further refined.

The Department of Resources, Energy and Tourism in the commonwealth commissioned a study to examine Australia's current level of liquid fuel vulnerability and significant trends that may affect Australia until 2020 as part of the work of NOSEC. The liquid fuel vulnerability assessment comprehensively explores issues

like global supply-demand of crude oil and petroleum products, peak oil, supply security, and supply chain reliability and flexibility into and within Australia.

According to the federal department:

The Liquid Fuel Vulnerability Assessment provides a current and forecast assessment of Australia's level of vulnerability to disruptions and/or heightened risks to the supply of liquid transport fuel, both in the short and longer term. It provides a clear and coherent explanation of demand and supply side risks impacting on Australia's liquid fuel availability, identify critical issues affecting the level of liquid fuel vulnerability and assess the current and future level of liquid fuel vulnerability up until 2020

The vulnerability assessment will be utilised by the Australian Government to inform future policy developments in regards to Australia's broader energy security considerations. It has directly contributed to the Australian Government's National Energy Security Assessment (NESA) in respect to matters relating to liquid fuels.

The Liquid Fuel Vulnerability Assessment will also be utilised by NOSEC for establishing and implementing appropriate management frameworks to support an efficient and effective response to a national liquid fuel emergency.

The report found:

Despite a growing dependence on imported sources of oil and refined petroleum products, adequacy in terms of suppliers being able to keep up with demand has generally been maintained. This is likely to continue, although capacity constraints in global oil infrastructure may see continued upward pressure on prices ...

Affordability on an individual and household level has deteriorated. However, if affordability is defined in terms of maintaining international competitiveness then, given that oil and refined petroleum products are commodity products traded on international markets, it is unlikely affordability has deteriorated since 2004 and is unlikely to change in the period leading up to 2020.

So you can see that a considerable body of detailed policy work is already occurring at a national level in conjunction with states and territories looking at our vulnerabilities to liquid fuel supplies and vulnerabilities in the supply chain. Significant work is being undertaken to make sure Australia is prepared to manage any short-term disruption to liquid fuel supplies.

There is, however, the broader question—how we build and design our cities, and our transport systems and our supply systems to manage the emergence of peak oil and the demands and economic costs that that will place on our society and our economy. At an ACT level, significant work is already being done in this regard. Through the ACT Planning and Land Authority, detailed assessments on the vulnerability of new suburban settlement patterns to issues such as peak oil are already underway. That regard is had to that is already reflected in existing policy arrangements when it comes to settlement patterns here in the territory.

Canberra's spatial plan, of course, mandates that a significant amount of settlement and new dwellings will be accommodated within close proximity to services and facilities—indeed, within 7½ kilometres of the city centre. This broad policy setting reflects the desirability of having settlement occur in close proximity to existing centres and services, therefore reducing in the longer term the city's and its citizens' reliance on the private motor vehicle for access to and from those centres and services. That is an important response.

Of course, a range of academic studies have been undertaken across Australia that have also looked at the issue of peak oil. Indeed, if I recall correctly, Griffith University has undertaken a range of studies using an index known as the VIPER index looking at particular areas of outer suburban parts of our cities and how vulnerable they are to price movements in oil costs because of their reliance on motor vehicles as the primary mode of transport relative to their position on the urban edge of our cities. This is an important consideration for Canberra as well, and it is these types of analyses that the Planning and Land Authority already takes into account in determining the longer term planning strategy for the city and where future urban development should take place.

Finally, in relation to food security, there is no doubt that there are opportunities to enhance food security through greater provision of and support for locally grown produce whether within the territory or the region. The government is supportive of measures to encourage those types of activities. However, it is important that we adopt a view on this matter that recognises that a large amount of goods imported into the city for our consumption, whether it is food or goods, comes from locations far away from our city, such as other parts of Australia or, indeed, overseas. It is not realistic to assume that all of these goods could be manufactured or provided for locally. You only have to look at the electronic goods that we rely upon every day and consider whether it is in any way feasible for these type of goods to be manufactured locally to recognise that there are limitations on the approach that suggests that we should source goods locally to a greater degree. We can source them to a greater degree, but we need to be realistic about the constraints presented in that regard.

The government has close regard to issues such as vulnerabilities on urban settlement patterns and our economic activity as a result of price movements in oil and the potential emergence of peak oil at some point in the short to medium term. It is an issue that we have regard to in our planning policies, it is an issue we have regard to in our greenhouse gas reduction strategy policies, and that will remain the case. I thank Ms Le Couteur for bringing this matter to the attention of the Assembly today.

MR COE (Ginninderra) (3.31): It is an interesting matter of public importance that we have today and not one that I would necessarily put at the top of my list of items that get raised with me when I am conducting a street stall in Kippax Jamison, Kaleen, Charnwood or Belconnen Mall. In fact, I do not think it has ever been raised with me at a street stall in Belconnen. Very rarely am I there, giving out my flyers and hearing the concerns of the good constituents of Belconnen, Nicholls and Hall, and someone comes up to me and says, "Alistair, what are you doing about peak oil? And what is the ACT's response to peak oil?" I do not think that has ever happened.

Maybe it happens to others. Maybe it happens if you are a member of the crossbench and you go to a Greens' party meeting or you go to certain protests and rallies. But I would go so far as saying that the vast majority of people in this place, when they are doing their shopping or when they are doing a street stall or when they are doorknocking, do not get issues like this raised with them very often at all.

That alone does not mean that it is not a matter of public importance. There are many other reasons why it is not a matter of public importance here today. One of them is that elements of peak oil are just a little bogus when it comes down to it. And it is one of these great things that Greens socialists can always talk about as being tomorrow, the fear mongering. It is always tomorrow and that is why we have to do something. It comes down to this core pessimism that Greens have and a determination to destroy our society as we see it. What we have today is a glimpse into what the Greens are actually all about. We see the real philosophy coming in, the real ideology, which drives some of these members.

It is important to note that the person who did raise this as a matter of public importance, Ms Le Couteur, I believe, is actually a true believer when it comes to these sorts of principles. As for some of her colleagues, I am not so sure. I am not so sure they all subscribe to the same philosophy or have the same grasp of the Greens' philosophy that she does. And whilst I disagree with much of what she says, I do have respect for the fact that she does have this core philosophy which she clings to.

After all, if you look at many of the iconic things which the Greens have brought into this place, they were actually by Ms Le Couteur, not by Mr Rattenbury, the leadership aspirant, not by Ms Hunter, the leader herself, and not by Ms Bresnan. They were actually by Ms Le Couteur, the person who slipped into the number seven spot, almost under the radar during the campaign, and she has made a significant impact in this place because of her commitment to core Greens' socialist ideology.

Look at some of these iconic things that actually sum up the Greens' role in this place: shopping trolleys, natural burial, peak oil, plastic bags, community gardens—the list goes on. Who has brought in all those? Ms Le Couteur. Not Mr Rattenbury, not Ms Hunter, not Ms Bresnan.

You can make of it what you will but the fact is that perhaps Mr Le Couteur is bringing them in because she is actually the most marginal of all the Greens in this place. If you look at the results, it is not a usual result for the Greens to get two in Molonglo. Therefore, it is interesting that someone that may well only have a lifespan in this place of one term, if the Greens' vote does return to the trend levels, is the one who has got nothing to lose and is the one who can actually bring in issues such as—

Mr Corbell: On a point of order, as amusing as it is, Madam Assistant Speaker, I do draw your attention to the standing order relating to relevance and indeed whether Mr Coe is remaining relevant to the matter under discussion.

MADAM ASSISTANT SPEAKER (Mrs Dunne): I really do not think there is a point of order. Mr Coe.

MR COE: Thank you. So it is a matter such as this, this core Greens' socialist ideology, that Ms Le Couteur chooses to bring in, nobody else. And I wonder why that is. Is it perhaps because the others are a little more sensitive to their electoral situation? Or is it perhaps that Ms Le Couteur, as a true believer, is doing the heavy lifting for them all?

We got a bit of a sneak preview into what the Greens actually think, what their real philosophy, is just a week or two back when Fiona Byrne, candidate for Marrickville, said quite a few interesting things. She said that she supported the boycott of Israel and that if she was elected to parliament—

Mr Corbell: I must admit I am a bit fraught on this point of order, Madam Assistant Speaker, because I am actually enjoying Mr Coe's speech, but I must draw your attention to the standing order relating to relevance. The discussion is about peak oil. I have not heard Mr Coe, in the last couple of minutes, discuss the matter of peak oil and I really do not think that issues about decisions by a state government candidate in Marrickville about boycott of Israeli products and services is in any way relevant to the discussion. And I would ask you, Madam Assistant Speaker, to look deep inside you and have regard to the standing orders of this place.

MADAM ASSISTANT SPEAKER: On the point of order, Mr Corbell, I think that when we get to the mention of Marrickville it is outside the jurisdiction of the ACT and I would ask Mr Coe to bring it back to the ACT.

MR COE: Sure. I will bring it back to peak oil. I think it is important because I think there is a fair chance that Fiona Byrne of Marrickville, in addition to the boycott of Israel, probably is a big advocate for the notion of peak oil. I am quite confident she would be. And I dare say that had she been elected to parliament for the seat of Marrickville and had she managed to get through the state-wide boycott of Israel, like she so desperately wanted, she might have also advocated peak oil. I hope I am not misrepresenting her but I think there is a fair chance that Ms Byrne is of a similar view to Ms Le Couteur and indeed some of the others with regard to peak oil and perhaps even the boycott of Israel. But we can save that for another day.

What I think is relevant to peak oil is that you should look at the supply curve which relates to peak oil. I wonder whether that supply curve could also be likened to the vote curve of the Greens and whether, in fact, the 2007 federal election and perhaps the 2007 New South Wales state election also represented peak Greens. We have peak Greens and they are cruising on downwards. I think next year, come October, we might see something which looks very similar to this notion of peak oil being reflected in the ACT Legislative Assembly election.

As they say, these people have delusions of grandeur and they have delusions of Greendeur. But when it comes down to it, it is all about fear mongering and their entrenched ideological hatred of the car and of what it represents, of the industry it represents, of the freedom it represents, of people's choice to be able to live their life as they want. What the car represents is a family. It is a family that lives out in the suburbs of Tuggeranong or Belconnen and it opens up their opportunities to live their

life as they wish. The Greens here, in their hatred of oil and their dislike of families, use things such as peak oil to limit the opportunities and freedoms that so many people in Canberra and around Australia do enjoy.

It is this mantra and these scare tactics which create uncertainty about oil as well, which indeed drive up the price of oil, which actually reduce demand, which prolong peak oil, if you subscribe to that theory at all. Really, there are so many reasons why this is not a legitimate matter of public importance for the good people of the ACT that I think we need to ensure that, when we are using this Assembly's time, we do so on issues of real substance and of real importance to the people of the ACT.

MR RATTENBURY (Molonglo) (3.41): It is a real privilege to follow that extraordinary ideological outburst. This is, despite Mr Coe's protestations, a very timely MPI and peak oil is an issue that we cannot ignore, either at the national level or at the ACT level.

The Greens raised peak oil through question time a few weeks ago and we did receive a very disappointing response. The government gave us a muted reply in the chamber and we still have not received any written answers to our questions. Combined with the fact that none of the ACT government strategies and plans even mention the words "peak oil", it really looks like peak oil has failed to make it onto the government's agenda in a sustained and serious way. Mr Corbell made a few observations about taking it into account in the planning system, but I was not left with a real sense of concrete commitment to action there, and this is despite the fact that the warnings on peak oil, even from some of the more conservative analysts, are becoming very urgent.

As an example, a recent report commissioned for the US department of energy concluded that "without timely mitigation, the economic, social and political costs" of peak oil "will be unprecedented". That is the US department of energy—not exactly a hotbed of green ratbaggery. Even a worldwide emergency response "10 years before world oil peaking" would leave us in deep trouble. It concluded that to avoid global economic collapse we need to begin "a mitigation crash programme 20 years before peaking".

Ms Le Couteur mentioned the revelations that came to light through the diplomatic cables released by Wikileaks. These documented a senior Saudi government oil executive's warning to the US officials that the kingdom's crude oil reserves may have been overstated by as much as 300 billion barrels or 40 per cent of the previously stated reserves. The Saudi official predicted that the real crunch point of peak oil was likely to hit as early as 2012. Similar fears have been expressed before, for example in the recent studies that Ms Le Couteur cited, but they have never been admitted by a US official in public. Instead, governments have downplayed the issue in line with their longing for more business-as-usual behaviour. The candid information released by Wikileaks gives perhaps a more realistic picture and an insight into what people are actually saying behind closed doors.

The same picture is emerging from the inner sanctums of the International Energy Agency. Its official prediction of peak oil is 2030 and even based on this prediction it

is calling for urgent action. But the reality is that this is a very conservative figure. Whistleblowers from the agency have recently revealed that the International Energy Agency “has been deliberately underplaying a looming shortage for fear of triggering panic buying”.

The global scenario of peak oil is itself very relevant to the ACT, but the question today is: how will it impact on the territory? What is our strategy to respond and how will we ensure that we as a city are resilient to this impending challenge?

I want to elaborate on the peak oil contingency plans created by other councils. Ms Le Couteur touched on this briefly in her speech and the Greens are saying that the ACT also needs a peak oil strategy and plan. One useful example is the peak oil action plan and a peak oil contingency plan created by Maribyrnong council in Victoria—I do not believe the Greens are in charge there—and I urge the government to look at it. The council assessed its operations based on oil use and criticality and made plans to ensure it can continue to deliver services effectively. We need a similar level of action for the ACT. Will residents in the ACT see disruptions to their rubbish collection, for example, as peak oil impacts us?

Maribyrnong council very wisely took a strong risk management approach to peak oil, modelling different scenarios and the actions it would need to take to continue delivering services in each scenario. This covers areas such as waste management, infrastructure management and maternal and child health. It involves measures such as, for example, stocking long life food and other essentials for those dependent on council services in the event of a short-term, severe cut to fuel availability. It has also created a fuel storage facility to maintain critical vehicle operations in the event of a short cut in fuel supplies. It has developed triggers so that certain factors will serve as an indicator that contingency measures need to be set in place. The work of the council means that it has now identified its key areas of threat. It knows, for example, that its food chain network is particularly vulnerable to a short-term cut in oil supply.

But here in the ACT our government does seem to be somewhat asleep at the wheel. We do not have a peak oil strategy and, perhaps more concerning, as we have pointed out before, the government largely seems wedded to business as usual. If we take transport planning as an interesting example, the government currently has close to \$200 million out in new road contracts. Yet in the last budget new initiatives that could loosely be termed sustainable, such as bus infrastructure, pedestrian initiatives, transit ways, lighting and cycling initiatives, total about \$40 million.

One way to think about this, and this was something emphasised by Enrique Penalosa from Colombia who was recently brought to the ACT by the government to give lectures, is that the government’s budget allocations are dominated by investing in infrastructure for private transport. We believe this must change in the future. The majority of our investment will need to be in public and active transport. We believe this is also an equity issue: as private car travel becomes increasingly expensive, is it fair to spend the majority of the transport budget supporting this mode?

I think that is a really interesting point, that equity issue, and it comes to the cost of living—something that has been brought into this chamber before by motions, by

matters of public importance—because it is a cost of living question. As oil supply dries up, as the price goes up, this will have a direct impact on people's ability to drive their car, to transport their families around this city. People who are living particularly in the outer suburbs, which are poorly serviced by public transport, will find the cost of fuel for their car going up dramatically.

People may recall just in the last couple of years seeing the hike in oil prices and petrol prices in the ACT, reaching in the region of \$1.60 a litre. There were stories on the front page about the inability of families to fuel their cars, the inability of families to get around town, because of the cost of filling their tank. I cannot think of the exact pressures now, but that was the result of the sort of pressures we see at the moment. Petrol right now is up around \$1.50 a litre—it has been over \$1.50 a litre in recent weeks—because of the pressures arising from Libya. Libya is, in the scheme of things, a fairly small proportion of global energy supplies, global oil supplies, yet we have seen the price of petrol pushed up so dramatically in such a short time frame.

If we actually reach a point where we get to peak oil—and there are various predictions, which we have touched on today—we can imagine the sort of impact that is going to have on petrol prices. Of course, that peak is being brought forward by the rise of China and the rise of other developing countries where the car ownership rate is going up dramatically. All of these pressures are going to create even more demand for oil and this is going to drive us closer to peak oil more quickly.

Mr Corbell started talking about perhaps unconventional oil sources. But those unconventional oil sources are not cheap. He touched on the environmental impact of some of those, and things like tar sands are horrendous for local communities, but they are also expensive. There is a reason they have not been used so far and that is because they are expensive to get out.

Mr Corbell also made some comments that Mr Coe might want to reflect on, because I suspect this is the time frame in his mind. Mr Corbell talked about some commentators saying that not until 2020 will we reach peak oil. But that is not such a long way away—nine years; not much more than two terms of this Assembly—and certainly for Mr Coe I imagine that around 2020 he will presuming to be the leader of the Liberal Party in this Assembly, if he can wait that long. So this is a very real time frame. I am sure some of the people who are here in this chamber today have aspirations to still be members of this place in 2020, so some of us who are here today may be the ones who have to address these problems.

When it comes to the question of whether the public are raising this with us, the public are raising this matter. I hosted a public meeting here in the Assembly, which 70 or 80 people turned up to, to hear a Swedish academic talk about the notion of peak oil. So there are people in the community who are interested in this. But, even if people are not raising it with us, there is an issue of leadership. Being elected to this place is a privilege; but it also carries a responsibility—a responsibility to not just respond to those issues that are being raised with us but also to put issues on the agenda, to talk to our constituents about the issues that are coming down the line and that perhaps they have not come across through the industry they work in and the publications they read, and maybe they have never heard of this.

It is a duty of us in this place to talk about the issues that are coming down the line, the issues that will affect this city in the future, to start planning for them now, to get this city ready for the changes that are coming in the future, because we cannot just take that short-term approach. We are leaders and we have to take a position of leadership. It is a responsibility that we accept when we fight hard to get elected to this place.

The Greens want to talk about the sort of changes we are going to make to this city so that, if and when this comes down the line, we are positioned to ensure that we have insulated the residents of this city against these problems.

MR HARGREAVES (Brindabella) (3.51): I hope we are not talking about sesame oil or peanut oil because I will starve if that happens. I am delighted to be able to contribute to this debate and would like to pick up on the central challenge associated with our transition to a clean, low carbon economy—our need for clean and renewable energy sources and a sustainable future for the ACT.

We know that the burning of fossil fuels for power generation is a major contributor to climate change. In the ACT, electricity usage accounts for around 62 per cent of our emissions. Nationally it accounts for 37 per cent. Clearly, we need to reduce our reliance on fossil fuels while recognising that it will take time to transition to renewables. We need to manage this shift in a way that enhances the welfare of our community.

Locally, the ACT is advancing the country's most ambitious renewable energy scheme through our feed-in-tariff arrangements. As reported to the Assembly last month, the scheme has already proven an outstanding success and has been warmly embraced by the ACT community. As at 4 March, 4,010 solar photovoltaic arrays had been installed across ACT households, community groups and business premises to harness free and clean energy from the sun. Over 6.1 million kilowatt hours of clean energy had been returned to the local electricity grid up to 31 December 2010, representing over seven megawatts of clean energy generating capacity. This contribution, just a fraction of what the scheme will ultimately deliver, is equivalent to the full annual electricity requirements of around 850 ACT households.

The recent expansion of the scheme introduces support for mid-sized installations of up to 200 kilowatt capacity. Communal generators operated by not-for-profit community groups and body corporates will now also be eligible. The expanded ACT feed-in tariff scheme will also allow the territory to provide 25 per cent of its average annual electricity use to be met from distributed generation located in the territory itself. Later this year legislation will be introduced to develop large-scale solar generation capacity in the ACT. Through an open and transparent process, a first release will include up to 40 megawatts of large solar generation capacity, making it, in aggregate, one of the largest solar generation projects in Australia.

Our commitment to encouraging local renewable energy must, however, be matched by efforts at a national level to transform the national electricity market to deliver cleaner and more sustainable electricity supplies. Traditionally, less than one per cent

of our electricity has been generated locally. Despite recent growth in renewable power production, the majority of electricity in the national grid is sourced from the burning of fossil fuels. Nationally, in 2007-08 less than seven per cent was from renewable energy sources such as hydro, wind and solar.

While our government's feed-in tariff policies are expected to increase our local renewable energy share up to 20 per cent over the next 10 years, the territory will remain dependent on electricity imports for the foreseeable future. The ACT government has been a strong supporter of the national renewable energy targets, but our own commitments to addressing climate change demand that we go further.

In 2007-08, the ACT's net greenhouse gas emissions totalled 4.18 million tonnes of carbon dioxide equivalent, excluding emissions and removals from land use, land use change and forestry. In May 2009, the ACT government announced a goal of zero net greenhouse gas emissions for the ACT by 2060 and enacted the Climate Change and Greenhouse Gas Reduction Act 2010, which sets ambitious targets of 40 per cent less than 1990 emissions at 2020 and 80 per cent less than 1990 emissions at 2050.

The act also sets an average per person target to peak by 2013, recognising that a priority challenge for the ACT is to halt the growth in per capita and total emissions as soon as possible. The actions we take to mitigate greenhouse gases and adapt to climate change are no less than a revolution. People will see a change in the way we do many things—in fact most things—especially in the sorts of jobs that underpin our economic and social well-being.

The government recognises and accepts that climate change adaption presents inherent problems and challenges of resource scarcity, including peak oil. When formulating and implementing policies to ensure a sustainable future for our city, the government gives due consideration to a range of factors critical to achieving sustainability, including peak oil.

The ACT government is currently in the process of developing a draft weathering the change action plan 2 to consult with the community on different pathway options for achieving the legislated greenhouse gas reduction targets. Draft action plan 2 will focus on greenhouse gas mitigation, ACT government carbon neutrality, community engagement, adaptation measures and monitoring and reporting. The final action plan 2 will be released this year.

Our transport policies are offering Canberrans more transport options and opportunities. The sustainable transport plan aims to increase the percentage of people walking, cycling and using public transport to work from 13 per cent in 2001, to 20 per cent in 2011, and to 30 per cent in 2026. According to the Professor of Sustainability at Curtin University, Peter Newman, a new transport world is emerging based on electronic transport—electric trains, electric buses and private electric vehicles. He believes that this is occurring for several reasons, including that oil—the very basis of our transport economy—is fast running out.

The ACT is actively working to facilitate the rollout of an electric vehicle network, which will further support our transition to a clean economy. So far ActewAGL has

signed an MOU with Better Place to support the rollout and supply of green energy. The ACT government had an MOU with Nissan-Renault to share information relating to EVs, and we are in active negotiations with Better Place and other providers to support the rollout for charging infrastructure. From a government perspective, we are also ensuring that our fleet is as sustainable as possible and will incorporate EVs. Once the sustainable development directorate becomes operational on 1 July, the government's action on sustainability policy, including transport policy, will be further strengthened.

One of the greatest opportunities to reduce the territory's electricity-based emissions is through the use of low carbon distributor generation systems, including cogeneration and trigeneration technologies. It is staggering to think that traditional power generation systems allow most of the heat from combustion to be wasted and that, as a result, sometimes as little as 30 per cent of the energy in primary fuel actually gets transformed into usable electrical energy.

Cogeneration systems make use of the hot water for cleaning, space heating and other applications. Trigeneration systems produce hot and cold water, with the cold water being used primarily for air conditioning in commercial applications like offices or data centres. Making use of the waste heat for heating and cooling purposes can increase the utilisation of the primary energy to over 80 per cent, displacing demand for other energy sources. Further benefits of distributed generation systems are that, by reducing our dependence on the national grid, we can enhance the security and reliability of our local network. They can also virtually eliminate electrical losses in transmission and distribution networks which can account for over six per cent of all electricity generated.

The case for the territory to embrace low carbon distributor generation systems is, I think, compelling. Our government is committed to exploring its full potential at the Canberra Hospital and in new residential developments such as Braddon-Reid. We look forward to updating the Assembly as these complex projects develop. Through measures such as our feed-in tariff schemes, our support for green power and innovative distributed generation technologies the territory can continue our transition to a clean economy. We will continue to provide leadership on the national stage both through our advocacy and our actions.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.02): I rise to talk today on this very important matter before us. It is a challenge that will be before our jurisdiction and many jurisdictions across the country and across the world in the coming decades. I was quite surprised by Mr Coe's contribution today. Mr Coe is a young man who has shown that he wants to have many, many years, I would guess, as a representative of his community in public office. His speech was a little bereft of content, I have to say, but I will pick up on some of the issues that he put forward. He really seems to be out of step with many of his peers across the ACT, across the country and even across the globe.

We know that there are around 50,000 young people who are part of the youth climate change coalition, for instance, who are very concerned about a number of environmental challenges, including peak oil, that are going to be facing us into the

future. They are politically active in their communities and are also lobbying the federal government, local governments and state governments on these issues. That is only a small number of young people out there who are engaged in these very important issues. Many of them are change agents in their own communities. We saw that recently in relation to Earth Hour. There was a lift-out in the *Canberra Times* where we saw three remarkable young Canberrans—a young girl from Ainslie primary school and two young men from Marist and Canberra boys grammar—who all—

MADAM ASSISTANT SPEAKER (Mrs Dunne): Order! The time for this matter of public importance has expired.

Working with Vulnerable People (Background Checking) Bill 2010

Debate resumed.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.02): I thank the minister for bringing this bill to the Assembly. As we know and have discussed regularly in this place, the protection and wellbeing of our children and vulnerable people is of vital importance. We know that children and young people are inherently vulnerable because of their age, and they require extra protection from the community.

It is important to note at the outset that vulnerability is an imposed category that some vulnerable groups will challenge. While this needs to be acknowledged, it is generally held that “vulnerability” is used to refer to those individuals or groups who, due to age, ill health, infirmity, minority status or an otherwise disempowered position in society, may be open to exploitation, whether physical, emotional, sexual, financial or psychological.

All other Australian states and territories have established or are in the process of developing centralised checking systems for people working with children. Operational systems have been established in New South Wales, Queensland, Western Australia, Victoria and, most recently, the Northern Territory. A centralised checking system has also been introduced in the United Kingdom. However, the ACT is the first to include vulnerable adults within the one system.

It is my understanding that there are two types of systems in operation within Australia—position-based systems and registration-based systems. Position-based systems, such as that employed in New South Wales, assess the suitability of an applicant for a specific child-related position. The risk assessment process considers information concerning the history of the applicant as well as the specific risks inherent in a particular position. Applicants may only be approved to work in the specific position against which the assessment has taken place and must generally reappear for a check if moving to a new position or employer.

The second system in operation is a registration-based system, such as that in operation in Queensland, Western Australia, Victoria and the UK, which assesses the suitability of an applicant to work in child-related employment more broadly. For

example, there is no assessment of suitability against a specific position. Successful applicants are registered with the checking unit and may change positions or employers without being rechecked during the period of registration.

There is no mutual recognition of checking outcomes across jurisdictions. While there are similarities across all checking systems, there are also fundamental differences relating to the definition of “child-related work”, the scope of people subject to checking, the range of information considered as part of the assessment process, the duration of approval notices and the level of fees charged to undertake an assessment.

I take seriously the responsibility we have to provide protections to those who are considered vulnerable in our community. This bill is attempting to establish a statutory framework that provides for the checking of people’s backgrounds and a risk assessment of those who will be working or volunteering to work with children, young people or vulnerable adults in the ACT.

Within the bill there is reference to the Commissioner for Fair Trading developing risk assessment guidelines. I have been briefed on the draft guidelines and understand that they will be underpinned by a set of guiding principles. It has been important for the community, particularly those in the community sector, to see the final guidelines, as they are a critical component of how this centralised system will operate.

The guidelines in the bill clearly define that the paramount consideration is the wellbeing of vulnerable people and their protection from harm. There are a range of other principles, including the need for assessments to be conducted by properly trained and supported people. Risk assessment is required to be evidence based, where evidence exists, and in all situations risk assessment is required to be ethical and defensible.

The guidelines require—of course, these are still draft guidelines—that assessment and decision-making processes are to be efficient, timely and follow principles of natural justice and procedural fairness. The procedure of risk assessment is to be transparent, documented and consistently applied, is to ensure that applicants have adequate provisions for review and appeal against decisions, and is required to protect the privacy of people who make application for registration, which includes their sensitive and personal information, from inappropriate disclosure.

The ACT Greens support these principles. We support the development and the establishment of guidelines. But I have to say that, at the moment, we only have the draft guidelines, and that is one of the reasons, as my colleague Ms Bresnan put quite clearly before, why we are only debating this bill in principle today. It is essential that the final guidelines have been signed off before we debate the detail of this bill.

Looking at the risk assessment framework, it is used to determine the four registration types: general registration, conditional registration, role-based registration and a negative notice. We have a better opportunity to exclude and understand the risks associated with people who have a known history of inappropriate behaviour, and this bill seeks to establish a set of minimum and compulsory checking standards and will

apply a consistent risk assessment framework and decision-making process to all applicants.

In doing this though, the ACT Greens believe we also need to understand the nature of people who have lived experience. We need to maintain their inclusion, where appropriate, in the workforce and regulated activities as defined within this bill. There is a balance to be found about how this is assessed in the risk management framework and the types of safeguards we put in place to ensure that we strive to maintain safe and healthy environments for children, young people and vulnerable adults.

In briefings I have received from the Office of Regulatory Services, I have been encouraged about how they propose to work through the newly established processes with applicants and their intent to guide potential employees through the new system. We understand that extending this beyond a checking system for children and young people is the first of its kind in Australia, as I have said. Tasmania released their discussion paper back in January with the expansion and the scope of the background checking system, and there will be a range of difficulties incurred and a lot of learning, no doubt, for the Office of Regulatory Services.

The territory will need to make a serious commitment to seeking feedback that allows and supports an agenda of continuous improvement. We also need to ensure that no-one is disadvantaged or discriminated against while trying to access employment within the regulated activities as defined in the bill.

Having worked in the community sector and, as part of that, the youth sector over more than 25 years, I am keenly aware that there are many service providers who already have in place rigorous policies that require background checking of employees and their volunteers. However, I have also long held concerns about the fact that our current background checking system is only valid for the day that it is conducted. The police check currently in place is, of course, really only valid for a day. Some employees move around the sector and receive checks at each new position, and we have a certain amount of surveillance on their police record. However, for someone who is a long-serving employee, there is one check and no real understanding of any offences that may have been committed since that may be defined as inappropriate to the work they perform.

Current checking systems in the ACT place the final decision about suitability in the hands of a range of managers of services or organisations who may or may not have experience or knowledge about whether a potential employee is actually suitable for a position. There is also no real system of appeal or recourse for someone who may be subject to a negative checking decision. It is envisaged that this new system will provide increased consistencies in this area.

The bill establishes that registrations must be for no longer than three years, and I am pleased to note that registrations cannot be indefinite, because risk assessments are conducted as a point-in-time exercise that must be periodically updated. However, I would also highlight that we are not in a position to believe that this system will or can be the only protection provided to children, young people and vulnerable adults.

The ACT Council of Social Service in their correspondence to Minister Burch in December 2010 outlined:

... this system will act as a minimum check and provide one layer of protection to people accessing services in the ACT. It is not a guarantee that someone is suitable to work with vulnerable members of the community. Employers and organisations providing services for these people should think of a Working with Vulnerable People Check as one safety measure but not a substitute for additional risk management processes and procedures.

That is important to remember. We need these checks, and the ACT Greens support the purpose and objective of the bill. Of course, we can never be complacent. What we also always need in place are other policies and procedures around supervision and ensuring that risks are minimised. It is really important that we get this right. It is important that vulnerable people, children and young people receive services that not only will support them to achieve or pursue certain things but that will be safe and do not actually cause harm. The implementation of any new system like this requires additional supports to the community sector to ensure that their policies and procedures around risk management are up to date and that support is there to ensure they are providing child-friendly and child-safe programs in the case of those who work with children.

The Commissioner for Children and Young People gave evidence to the Select Committee on Estimates 2010-11 that he had a keen interest in developing child-friendly and child-safe programs in the ACT. The ACT Greens believe supporting the commissioner in this work would provide wide-ranging benefits to children and young people in the ACT. It would be a good add-on when this bill is passed.

I believe we have a responsibility to ensure that organisations receive adequate support and training to ensure the smooth transition and implementation of this scheme in the ACT. By providing these supports, we are valuing the community organisations and the people who work within the community sector, and that is an extremely important thing to do. When we look at the experiences of other jurisdictions, it is clear to see that a number of resources are required to ensure that potential employees, employers, services and organisations are well informed and regularly receiving up-to-date information about compliance and changes or expectations associated with this legislation.

The Victorian experience of a centralised system was enacted in 2006. A review of this system conducted in 2009 saw a range of amendments being brought forward to ensure that the checking system was meeting its aim of providing a safer community, in this case for children, while not overburdening those required to comply with the check. I believe the ACT will have to follow a similar commitment to review the legislation and how it operates to ensure that the overall aims are being achieved.

Just before I finish, I want to go back to the issue that there will be an extra impost, if you like, on community organisations in order to comply with a number of the things that will be in this bill, and they need to be supported to do that. I remember many years ago when the raising the standard policy was introduced to the community

sector to improve the standard of service delivery. Organisations had to have a range of policies and procedures in place covering good governance, managing and minimising risk, HR, OH&S and so forth. That was a real struggle for many organisations that simply did not have the capacity to dedicate one person to get on with that job and then to have the ongoing resources to ensure that that was kept up to date. We really do need to see with this new scheme that organisations are going to be properly supported to be able to put it in place.

I remember being in a workshop around the raising the standard policy when Ms Gallagher's mother, Betsy Gallagher, then head of the Woden Community Service, raised this very issue. Of course we want to deliver quality services, but the sector needs to be supported to put these things in place. It cannot just be passed through the Assembly with a new policy position being put through the department and put into contracts without understanding the impost and the implications for community organisations. I do urge the minister to give careful consideration to this matter.

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) (4.17), in reply: I firstly commend this legislation to members of the Assembly. As members are aware, the purpose of the Working with Vulnerable People (Background Checking) Bill 2010 is to reduce the incidence of sexual, physical, emotional, financial harm or neglect of vulnerable people in the ACT. The protection of the rights of children and vulnerable adults in the ACT, when using services they need, is a high priority for this government. Part of creating safe services for vulnerable people means excluding people with a known history of behaviours which place vulnerable people at risk.

The bill will apply to employers, employees and volunteers who have contact with children and vulnerable people accessing a regulated activity or service and will replace current checking requirements across a range of regulated areas. Vulnerable people are defined as children under the age of 18 and adults who are experiencing disadvantage and, as a result of disadvantage, are accessing activities or services. This definition acknowledges that people's circumstances change, and regulated activities are those activities or services that will attract background checking of employers, employees and volunteers under the bill.

The Commissioner for Fair Trading will be the commissioner responsible for administering the act. Background checking and risk assessments will occur in a screening unit which is to be established in the Office of Regulatory Services in the Department of Justice and Community Safety. I would like to thank ORS for their active engagement with stakeholders as the consultation on the workplace screening risk assessment guidelines continues.

A staged implementation of the background checking system will assist individuals, organisations and the screening unit to implement the registration process. The government will develop resources that promote education and awareness about the background checking system in the community as this will be fundamental to the successful transition of the new system. And it has been this government's practice

throughout the development of this system that the community be consulted on the development of this campaign.

The scheme will begin 12 months from the start of the act. Volunteers and new employees, including new ACT public service employees, will be checked in the first three years of operation, with existing employees to follow.

The staged implementation of the checks will be cost-effective. Employees will be required to meet the cost of the check, which will be \$71, and there will be no cost to volunteers. New ACT public service employees will be subject to a fee payment from the commencement of the checking scheme. Existing public service employees will be subject to fee payment when the checking for this group commences.

Since 2008, extensive consultation has occurred with the community organisations who provide services to vulnerable people, interested community members, unions and the government and non-government services, including the Children and Youth Services Council and the Youth Coalition of the ACT. It is clear from these consultations on the development of the bill and the supporting risk assessment guidelines that the ACT community supports this policy. The ACT community wants a centralised background checking system that takes into account a person's criminal history, including spent convictions and non-conviction information.

The community have told me that they want a process of background checking and risk assessment to be effectively managed. They do not want delays in processing applications, nor to have to deal with unnecessary red tape, and they want the current and future employees and volunteers who work with vulnerable people to be treated equitably and have a checking process which provides the opportunities to challenge a risk assessment decision which they believe is wrong.

The bill allows equitable and reviewable decisions to be reached on the suitability of a person working with vulnerable people in a regulated activity. The bill provides a legislative authority supported by the risk assessment guidelines.

Some community leaders expressed concern with the risk assessment process during the community roundtable which I hosted back in September last year. A number of concerns raised included establishing an expert panel who would provide the commissioner with advice on the potential risks posed by particular applicants, the impact of employees' lived experiences on their eligibility for registration, even though these lived experiences contribute significantly to their understanding of and connecting with certain vulnerable people, and employees being permitted to ask the commissioner to remove a condition from their registration.

This government and I personally have certainly listened to the community sector. Based on the feedback from the roundtable I held on the checks, I can foreshadow an amendment to change the position-based registration to a role-based registration. I have also announced amendments for the appointment of a panel of experts with experience or expertise in relevant fields, to enhance the screening process. The amendment will authorise the commissioner to consult one or more of the panel experts for advice when considering issuing a person with a role-based registration or

any other aspect of a person's risk assessment process. Western Australia's working with children checks authority uses a similar non-statutory model where expert advice can be sought in complex situations.

This amendment responds to a recommendation made by the community sector peak body, ACTCOSS, the Mental Health Coalition of the ACT and the Alcohol Tobacco and Other Drug Association. In a letter to the opposition and crossbench, ACTCOSS stated that the government's amendment "is a significant and positive step and helps balance the legislation between the needs of workers and the rights of vulnerable people accessing services".

The only other amendments are those requested by the Standing Committee on Justice and Community Safety in scrutiny report No 27. I have circulated the amendments and I now table the revised explanatory statement for members. I understand that also has been passed around the chamber.

This government has listened to the ACT community's call for the protection of children and vulnerable people. It has broad support and we have consulted widely and extensively. There are no regulations to consider at this time, and the government will develop resources that promote education and awareness about the background checking system.

The government has been committed to working with the community sector on the workplace screening guidelines and I think, for all those involved in that, this has been an open conversation and dialogue with the community sector. I will ensure that it continues through the crucial transition phase. I note Ms Hunter's comment that it is important that we work with the community sector in that transition, with an eye to reviewing implementation processes over time. To quote the ACTCOSS CEO:

As the consultation on the scheme has been productive to date, we believe ongoing dialogue on the guidelines associated with the scheme will address many of the remaining concerns.

As has been noted by earlier speakers, there is an understanding that the Greens and opposition wish to go only to the in-principle stage. I want to thank members for their contributions to date and I look forward to seeing this nation-leading bill passed before we go to the winter recess.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clause 1.

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

Health Amendment Bill 2011

Debate resumed from 17 February 2011, on motion by **Mr Corbell**, on behalf of **Ms Gallagher**:

That this bill be agreed to in principle.

MR HANSON (Molonglo) (4.27): I rise today to speak on the Health Amendment Bill 2011. This bill addresses two issues. I will deal with them separately. Firstly, the bill makes amendments to part 4 and part 5 of the Health Act 1993. The amendment to part 4 provides certainty in respect of the confidentiality obligations for quality assurance committees who assess and evaluate the healthcare providers.

The amendment to part 5 of the act ensures the same certainty in regard to clinical privileges committees. I have been briefed on these changes by the ACT Department of Health and have been assured that no new policy is contained in these amendments, but rather that the need for a complex administrative arrangement has now been removed. I foreshadow that the opposition will be supporting the changes pertaining to the clinical privileges committee and the quality assurance committees.

More interesting is the part of the bill before the Assembly today that pertains to the establishment of a legislative basis for a local hospital network for the ACT. It has been a long road to get here, with the bungling federal Labor government forced to concede that their reform agenda in health was essentially unworkable, inefficient and lacked vital areas of information. I use the word “reform” very loosely. As I will illustrate later, there is very little reform in the federal government’s health reform agenda or in this bill.

This is certainly not the first time that I have risen in this chamber to discuss this issue. I urge my ACT Labor government colleagues to fight for the right of Canberrans to adequate funding from the commonwealth, and I will continue to do so. But as you will recall, Mr Assistant Speaker, in April last year the government had an opportunity to fight for the much-needed funding for the ACT health system. We all know that this health system is under significant pressures due to increased demand and mismanagement, and this government needs as much help as it can get.

But you will recall that last year the government, essentially without much consultation with constituents or stakeholders, was the first, or if not the first was very early, to sign up for the original package of so-called reforms. As the people of Canberra were told that their elective surgery was postponed, while the people of Canberra were trying to get in to see a GP or were waiting in an emergency department, it was the Chief Minister, you will recall, who so readily signed up for these reforms. Reportedly, and I think it was confirmed—certainly he did not deny it—he was more interested in the after party and was saying, “Let’s go to the bar.” He signed up to this deal holus-bolus.

He negotiated away, if you recall, 50 per cent of our GST revenue. It is really only thankfully due to the actions of a couple of the other state premiers, in particular WA

and Victoria, who said, “No, that is not good enough.” They fought the so-called reforms, particularly the GST element. They demanded that the federal government go back to the table. This is the reform about which Katy Gallagher said, “No, we have got the best deal possible.” They went back to the table and actually secured the same amount of money, if not more—I believe there is a little bit more that comes to us—without the requirement to give away the GST.

It was also in June last year, you will recall, that there was a process that we were asking repeated questions about throughout the estimates process. The minister was telling us that she simply did not have the detail. I remember particularly the issue of what was going to be in the capital element of this. We were told that it was going to be 60 per cent for planned capital.

I was asking the question whether that included the capital asset development plan, which would mean up to \$600 million. The minister was unable to give me an answer on that. Her answer was, “We are working through the details of what that means.” I know that capital has been taken out of it now but it has just been an extraordinary process that we have got to get to this point.

The Health Amendment Bill 2011 sets out the legislative framework for the local hospital network for the ACT, a network that proclaims to consist of four hospitals here. We are going to have the Canberra Hospital, Calvary Public Hospital, the QEII Family Centre and Clare Holland House. Really, this is such an act of desperation. It is trying to create the illusion of a hospital network being created that we would include Clare Holland House and the QE centre in this.

Ms Gallagher: They want to be in it.

MR HANSON: Well—

Ms Gallagher: They are inpatient facilities.

MR HANSON: They are public institutions. I do not think it would matter whether they want to be in it or not, minister.

Ms Gallagher: They are inpatient facilities. Okay, you argue to keep them out then, Jeremy—

MR HANSON: But the point I am making is that we are including elements in a hospital network to try and create the illusion of four organisations but really we only have two institutions.

We also have got to recognise that this organisation will only act as an advisory council, which essentially provides yet another level of bureaucracy in the health department that is already top-heavy on management and too light-on with doctors and nurses. The membership of the advisory council is an issue that has been discussed over the last few days. There is no doubt that it should reflect the diverse expertise and experience across the ACT health system. There are a number of people involved in the system. It is imperative that within the advisory council these people

are heard. I have consulted with the AMA, as I believe the minister has, and with other organisations to seek their view on the inclusion of the word “medical practitioner”. This has been a matter of some debate over the last couple of days.

The AMA was concerned that if those words were removed, as proposed by the Greens, it could lead to the potential of the advisory council being formed without a doctor on it. I agree that that would be a concern and I foreshadow that we will be supporting the government’s amendment which actually seeks to include the words that they already have there that specify a medical practitioner but also add to it that you can have another clinical—I cannot remember the exact words—adviser to basically expand the council by one. I think that that is a neat solution. I give the indication I will be supporting the minister in that.

I give the indication now that we will also be supporting the government’s other amendments. They are more technical in nature. They relate to provisions that just basically tidy up the legislation to make sure the quorum of the council is appropriate and to specify that the annual report will be made public.

As I said before, this is a hospital network that is only going to basically include the ACT. The minister has made it clear that this is something that she would, I think, look to expanding to incorporate hospitals or other health structures, if it is going to include things like QEII and Clare Holland House, from New South Wales. I think that is certainly something worth looking at. I would support the minister in doing that if she were to continue that conversation.

We will be supporting this bill and we will be supporting the government’s amendments. But let me be very clear on this. Where it might be a relevant structure in other jurisdictions that you might have a headquarters essentially in Sydney but you are dealing with a region out at Dubbo and it is relevant then to have a local hospital network, it does not make much sense to have a local hospital network in a jurisdiction like the ACT.

I think it is quite clear—in fact, ACT Health executives made it clear to me—that the only reason we are actually establishing this structure is to unlock the funding. There is no question that that is why we are doing that. Essentially, the ACT has got a gun to its head from the federal government. It is basically saying, “Do this or you do not get the money.” We will not be standing in the way of unlocking the money; so I do note my concerns with this extra layer of bureaucracy that is being established.

I note my concerns with the entire so-called reform process and the way it has rolled out. But certainly my colleagues and I will not be blocking the funding coming to the ACT by stopping essentially what is a toothless tiger from being established. But we will be making sure that this structure, as it is implemented, does not actually add, as I fear—I will just continue to advance questions in estimates and other processes—another layer of bureaucracy without the minister looking at how she can create efficiencies elsewhere in the system.

MS BRESNAN (Brindabella) (4.36): The Greens will be supporting the Health Amendment Bill and the establishment of a local hospital network council. The move

will allow the ACT to access more federal funding and should assist in achieving some efficiencies in our public hospitals. Whether this is real reform is probably a debate for another time. However, this is an opportunity for the federal government to take more responsibility for funding public hospitals and that is something which should be taken advantage of.

The COAG health package was designed not only to provide more funding to public hospitals and have them become more efficient but also to produce improved safety and quality outcomes for patients. I understand that there is still consultation being undertaken through COAG about what the set of national standards will look like and the degree to which they are voluntary. This will put more pressure on the ACT government to improve indicators in areas such as emergency department and elective surgery waiting times. But I stress here the importance of the ACT government maintaining any standards that it has set itself which are above the national standards.

In responding to this bill the Greens have also considered the national political context. We do not want to enact a scheme that becomes redundant in six months time. When the Greens were briefed by the department we were advised that the local hospital network council was a fairly non-contentious aspect of the COAG discussions and that all jurisdictions will have their networks in place by 1 July this year.

The ACT's local hospital network council will be advisory in nature. All it can really do is make recommendations to the Minister for Health and the department about how they spend funds allocated to the hospitals. The Northern Territory is taking the same approach as the ACT, which seems to be reasonable as both territories are small jurisdictions.

There is every chance that this council will duplicate some of the jobs that have been performed by existing committees run through ACT Health and some changes will need to occur in this context. But this is a step that the government is willing to take in order to receive extra federal funding, a move which is understandable, and any subsequent rearrangements of committees can be worked through. We would like to make it clear, however, that the ministerial advisory council on health should remain. If its function does change at all it should be directed towards looking at the bigger picture of population and health.

One issue in the original bill is that it was not clear that reports made by the council would be public. Given the council's advisory role, this seems to be an important tool to make available to the council. If, for example, major recommendations are being made by the council to the minister and they are not being acted on, this will be picked up through public reporting and can be pursued by another organisation.

The issue of public reporting did seem to be an oversight in the first draft of the bill. I notice that the minister is moving amendments on that. I appreciate that that has been taken into account and that that suggestion put forward by my office was taken account of. We do see public reporting as being important.

In regard to the budget of the council, the ACT government has allocated \$180,000 per annum for the running of the advisory council. This money covers reimbursement

fees, secretariat and costs of public consultation. Given the scope of the work that is to be done by the council, we did suspect that the cost of the council would be slightly higher, but I imagine this will be a matter which is picked up through the one-year review of the council.

One other point my office noted was that the bill required only three members of the council to be present for a quorum. This was surprising, given that the council is likely to have, I imagine, somewhere between seven and 10 members. I appreciate again that the government has carried forward that concern and I notice that it is the subject of one of the amendments which has been put forward.

I am pleased to see that Calvary is listed as part of the network. As we know, there have been a number of inefficiencies in the past with having two quite distinct bodies operating public hospital services in the ACT. There is obviously still a lot more work to be done in this area, but Calvary's involvement in the council is a positive step. All parties seem to agree that the network would be much more efficient and service the health consumer better if we were able to take a regional approach and include neighbouring hospitals in New South Wales and the region.

Unfortunately, this has not been achieved through the current consultations and arrangements, but the government's information paper from earlier this year did say that this was something that was being worked through with the New South Wales government. The Greens do remain hopeful that the negotiations will be successful so that our bureaucracies can better mirror and respond to the health needs of consumers and how they engage with health services.

Obviously, one issue which has already been discussed by Mr Hanson relates to the members of the council. This was a concern that the Greens identified and it relates to clause 17, which deals with the membership of the council. Some of the key responses to the government's consultation on the establishment of the council remarked that the membership of the council should be based on skills and knowledge rather than specifying membership of certain groups. Skills such as public consultation, knowledge of consumer and carer issues as well as hospital management have been catered for in the legislation.

However, the government did go to specifying that a medical practitioner with clinical experience was required, which I think does go against some of the comments that have come forth from the community—obviously not from the AMA. I think our issue here is that it does essentially create a conflict in that there is not a specified requirement for someone from other professions, such as nursing or allied health.

I will be moving amendments, although I think that there is some confusion about them. I have got amendments which I will be moving in the detail stage of the debate around this. As I said, our intention behind this is to stop the conflict and any fights, I guess, breaking out between different professions.

I note that Mr Hanson has said that the AMA would specifically like medical practitioners to be mentioned. I think it would be highly unlikely that a medical practitioner would not be included in this sort of advisory council. Nonetheless, that

issue has been raised. But I am more supportive of the process which New South Wales put forward, which was actually about skill sets, rather than actually specifying particular professions, which I think is a much better way to go.

I would like to comment on the Medicare locals. I understand that the Australian government still intends to have them established by 1 July and the Greens are looking forward to seeing how the ACT's version will develop. If governments are really to make a difference to the health status of the ACT people, we must tackle the inequities within our health system and assist those people who are of a lower income to access primary health care in a timely way when it is needed and encourage them to live healthy lifestyles. Medicare locals have the potential to play a bigger role than the local hospital networks in improving the health status of the ACT people and I do look forward to their development.

Finally, other sections of the bill propose amendments to what quality assurance committees have to report on and what clinical practice committees share information about. My office has spoken with the Health Services Commissioner, the AMA, the ANF and the Health Care Consumers Association. All parties have indicated support for the changes as they are essentially a rewording to better meet what is already accepted as better practice than is currently occurring.

I would just note too that on all aspects of the bill we did go out for input from a wide variety of groups, as I have noted, which included the Health Care Consumers Association, the AMA and the ANF. We received acknowledgement from all groups, but only received feedback from the Health Care Consumers Association and the ANF on that particular bill.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.45): I thank members for their support for this bill today. As I indicated to the Assembly in February, this bill will provide for two unrelated matters: firstly, amendments to parts 4 and 5 of the Health Act which governs how clinical privileges committees and quality assurance committees exercise their powers and perform their functions, and also to establish a legislative basis for the local hospital network for the ACT.

The object of amendments to parts 4 and 5 of the act is to clarify the current legislation in order to give better effect to the intention of the legislation. The amendments seek to improve the efficiency, effectiveness and quality of health services in the ACT. The amendments do not propose policy changes or any new direction of the government in regard to the governance of quality assurance committees and clinical privileges committees. The objectives of the amendments are to establish the legislative basis for the LHN for the ACT, to set out a definition of the ACT LHN, local hospital network, to establish a local hospital network council, including providing a process for the appointment of members to the local hospital network council, its composition and its general role and function.

In relation to the amendments around the clinical privileges committee and the quality assurance committees, part 4 of the Health Act governs how approved quality assurance committees exercise their powers and perform their functions, and

operationally this part of the act has been working well. Quality assurance committees play an important and fundamental role in the process of improving health services in the ACT. The protection provisions afforded to approved committees enable full and frank discussion of the issues by the committee, whose objective is to improve the provision of health services in the ACT.

However, improvements to streamline the operational administrative processes and to strengthen the governance of quality assurance committees in performing their functions are advantageous. The amendments seek to provide greater clarification regarding information sharing and to remove the confusion that currently persists surrounding how information is shared in the current act. The ambiguity surrounding how information is to be shared is an issue that often causes anxiety for quality assurance committee members, and providing clarification around this issue will reduce that anxiety, helping them to do their jobs.

Additional reporting provisions have also been included to provide further transparency surrounding quality assurance committees. The aim of these additional reporting requirements is to protect transparency on the work the committees undertake to improve health services in the ACT and to provide more accountability of these committees to the ACT community. Transparency and accountability in the healthcare system are good things.

In order to address the problem of quality assurance committees whose functions have faltered over time, the amendments have included a three-year sunset clause for all quality assurance committees established under the Health Act. The objective of this amendment is to ensure that the functions of the committees are maintained and to enable a mechanism to manage and review the committees' functions over time. The amendment is primarily administrative and will not affect the day-to-day operations of those committees.

Taken as a whole, the amendments to part 4 of the Health Act strengthen the protection for persons who provide information to quality assurance committees, without preventing the use of this information by relevant authorities and decision makers who have the responsibility to improve and uphold the safe delivery of health services in the ACT.

Consultation regarding these amendments was undertaken with a number of stakeholders, including the Health Care Consumers Association, the Australian Medical Association and chairs of the existing quality assurance committees.

The amendments to part 5 of the bill will formalise the ad hoc administrative arrangements that are currently in place which are required to ensure the safety of the general public following adverse findings of the clinical privileges committee. The amendments also include some new provisions in part 5 that are minor and uncontroversial.

This part of the bill gives the ACT the opportunity to correct the problem with part 5 of the existing legislation, which is that complex administrative arrangements are imposed upon the ordinary functioning of clinical privileges committees and the

decision makers who consider the recommendations arising from the reviews undertaken by those committees. This has an adverse effect on the effective and efficient functioning of those committees.

The new provisions in part 5, while minor and uncontroversial, present considerable practical advantages that will greatly simplify these arrangements imposed on these committees and the decision makers, helping ACT Health to meet its obligations to protect the safety of members of the public fully.

In addition to allowing a series of new provisions, this bill aligns the language of the Health Act with the national standard for credentialing and defining the scope of clinical practice. The effect is that this term “clinical privileges” is replaced with the term “scope of clinical practice”. This is necessary to bring the ACT in line with best practice requirements as followed in other Australian jurisdictions.

The first group of new provisions allows the clinical privileges committee to credential doctors and dentists and also define and grant a scope of clinical practice for doctors and dentists. This will provide better opportunities to impose restrictions on clinical practice that were not available before. We need to do this in order to better protect the public while at the same time tailoring the restrictions to best fit the scope of the practice of the clinician.

The second group of provisions allows for interim and emergency recommendations to be made when a serious complaint about the clinical competency of a doctor or dentist is made. They allow for relevant parties to be notified of these and also the final recommendations arising from the full review of the complaint. It is important to be able to prevent certain practices in order to minimise any further damage pending the outcome of a full review of the scope of clinical practice. This is sensible and necessary in order to protect the public whilst at the same time providing an opportunity for the affected party to respond to the complaint and any findings arising from that complaint.

The third group of provisions allows for the sharing of information under certain circumstances between the clinical privileges committee, other clinical privileges committees and quality assurance committees. The sharing of information between these committees is essential if the protection of the public is to be effective and widespread. No longer will people be able to avoid the use by a committee of adverse findings made against them by another committee.

The fourth group of new provisions allows for the anonymity of complainants and de-identification of the original written complaint. These provisions will strengthen and encourage the provision of information regarding harmful practices in a hospital setting. I believe these amendments will enable ACT Health to better meet its obligations to protect the safety of members of the public fully without the need for complex administrative arrangements.

The new provisions in part 5 are minor and uncontroversial but they will provide those practical advantages for the ordinary functioning of those committees and the decision makers who sit on them.

In relation to the other area of the bill, the establishment of the local hospital network, this bill does provide for the legislative arrangements to formally establish the local hospital network, its governance arrangements within ACT Health and also the establishment of the local hospital network council, including the appointment of people and its generic composition.

We did undertake a pretty lengthy community consultation process last year to focus on what interested stakeholders would like to see in the establishment of a local hospital network, and we do appreciate certainly the time and effort that people have put into talking to us around how they think a local hospital network should operate in the ACT. This network was required after the ACT government entered into the national health and hospital network agreement in April 2010, a national health reform agreement which is designed to drive improvements in health service delivery and also enable us to meet the challenges presenting themselves to the health system in the future.

At the meeting on 13 February 2011 all jurisdictions signed a heads of agreement providing for further reform of the national healthcare system. Local hospital networks were relatively uncontroversial components of the national health reform discussions. Under this new agreement, states and territories are committed to new funding and governance arrangements which I think largely mirror the arrangements agreed to previously but it was all focused on better patient outcomes and to help governments secure the long-term sustainability of the health system overall.

In relation to the community consultation process here, we did release a discussion paper, which continues to be available on the ACT Health website. In coming to our position in the legislation today, the government has balanced the requirements of the national health and hospitals network agreement and the subsequent COAG agreement with the practical issues relating to implementing a local hospital network here in the ACT and the feedback from the community. As a result of the community consultation, the government has made a number of changes to the composition of the membership of the local hospital network council and the annual reporting arrangements for the council and these have been included in the amendments before the Assembly. I thank Ms Bresnan and her office for assisting us with those ideas.

Since the consultations and discussions with key stakeholders, the government introduced the legislation to establish the local hospital network and the council. I am moving a couple of amendments today and, as I think Mr Hanson said, they are largely technical, but one puts in place an additional composition requirement of the board; rather than just removing medical practitioner and relying on clinical expertise, adding in clinical expertise in addition to medical practitioner. I agree, but I do not think that anyone would appoint a local hospital network council without a doctor on it. But there are issues that we just do not need to fight over and I think that is probably one of them. So explicitly there will be a doctor. In my own head, I think it is absolutely essential that there be nursing representation on it as well. Clinical expertise pulls up nurses and allied health professionals et cetera, and I think we can deal with it in that way.

I agree around the quorum, so the amendment will require at least six council members to be present before the business can be carried out; I think that amendment is sensible as well.

In relation to tabling the annual report, it was not really an oversight of the legislation. It is just that the annual report would be tabled, like all annual reports are tabled, but again if we can make it more explicit that is fine.

I am determined to not have this local hospital network a toothless tiger, as Mr Hanson has referred to it as. From all of my consultations with stakeholders, everybody is keen to work together to improve the health system. All health systems are on a plan for continuous improvement, and the feeling I pick up from all those consultations is that, whilst our local hospital network can only be an advisory, the only reason it is advisory—and I would not have had it advisory by choice—is that we cannot compel Calvary to be directed by the council under the contractual arrangements we have with Calvary. If we did not have those different ownership arrangements, this local hospital network would not be advisory, but that is the environment that we operate in. I have said to all of those people that I have met with over the consultation that I am determined to make this local hospital network not be seen as a toothless tiger. It will have influence, it will be given the resourcing that is required and, whilst we might not always agree with them, we will always respond to its recommendations, and I know members of the Assembly will as well.

The reason around QEII and Clare Holland House forming part of the local hospital network was not to create a network where a network did not exist but to pull in all our inpatient facilities across the ACT. Those two are inpatient facilities, no matter how small they are, and certainly in the feedback that I got they were very happy to be considered part of the network.

In relation to the GST carve-up, I have to say this. The Liberals campaigned to spoil this agreement and to scare around GST money leaving the ACT to fulfil national health reform. The GST was never leaving the ACT, but under the new agreement, where we do not have to attribute GST revenue, the Liberals will be pleased to know that the money will leave the ACT now. So whereas it was never going to leave the ACT before, Mr Hanson, and that being your main concern, under the new arrangement, which you have said is so much better because it does not hypothecate GST, the money will leave the ACT. The ACT government will hand over exactly the same amount of money, what we were being asked to preserve in GST revenue, and we will hand it to the new national authority that is going to manage these.

Mr Seselja: So you negotiate another deal? Is that what you are saying?

MS GALLAGHER: No, no, not at all, because I have never said that that is the critical issue.

Mr Seselja interjecting—

MS GALLAGHER: But what you campaigned on was that you were worried that money was going to leave the territory.

Mr Seselja interjecting—

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Seselja! We have had a good afternoon.

MS GALLAGHER: Now, under the agreement that you like, the money is going to leave the territory.

Mr Seselja interjecting—

MR ASSISTANT SPEAKER: Order! Mr Seselja, we have had a good afternoon so far.

MS GALLAGHER: So it has never been an issue. The real issue for the funding of the health system here, and it is obvious, is the Liberals. It just walked on by them; they did not even realise. The real issue for the ACT in our negotiations has not been about what proportion of your health budget you attribute to national health reform. The real issue has been the higher costs of the ACT health system due to our superannuation arrangements, the cross-border issues and the operations of Calvary, and they are the issues that are going to impact on whether we get a good deal out of national health reform.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 4, by leave, taken together and agreed to.

Clause 5.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (5.00): Pursuant to standing order 182A(b), I seek leave to move amendments which are minor and technical in nature.

Leave granted.

MS GALLAGHER: I move amendment No 1 circulated in my name and table the supplementary explanatory statement to the government amendments [*see schedule 1 at page 1003*].

The first amendment relates to the annual report of the local hospital network council. This amendment serves to make clear that the ACT's local hospital network council

annual report must be tabled by the Minister for Health in the ACT Legislative Assembly. The ACT LHN council must provide a report to the Minister for Health every financial year on the state of the local hospital network and in the report provide any recommendations relating to the improvement of health services by the local hospital network that the ACT LHN council considers necessary. This amendment will ensure that the council's annual report is available to everyone, requiring that it be tabled in the Assembly within six sitting days after the day the report is presented to the Minister for Health.

MR HANSON (Molonglo) (5.02): We will be supporting this government amendment. As the minister said, it clarifies that an annual report is to be provided to the Assembly. I think that the residents of the ACT are entitled to receive information on the operations and recommendations of the local hospital network council. This amendment clarifies the ambiguous provision in the bill and provides certainty that the public will have access to an annual report.

MS BRESNAN (Brindabella) (5.02): The Greens will be supporting this amendment, obviously. As Ms Gallagher said, when I said "oversight" I should have actually said that there was not clarity in there about it being publicly reported. So it is good that it makes it clear that it will be reported publicly so that we do see the outcomes and whatever recommendations might come forth from the council. I think it is a positive step.

Amendment agreed to.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (5.03), by leave: I move amendments Nos 2 and 3 circulated in my name together [*see schedule 1 at page 1003*].

The second and third amendments relate to the membership of the local hospital network council. These amendments clarify the skill mix and expertise to be included in the council. They must include one person who is a medical practitioner with at least five years clinical experience as well as one person who has expertise in clinical matters. This person may also be a medical practitioner or a nurse, allied health professional or other clinician. This will serve to strengthen the clinical input into the activities of the local hospital network council.

Other members would have health service management experience, cross-membership with the local primary healthcare organisation, academic teaching and research experience in the field of health services, financial management experience, public consultation experience and a member who is experienced in the provision of care or is a consumer of health services.

MR HANSON (Molonglo) (5.05): We support the government's amendments to the composition of the local hospital network council. As I foreshadowed earlier, we wish to avoid a situation of a council that could be formed without a doctor involved but we also support the view that there is a diverse range of clinical expertise in the health community and this expertise should be utilised on the council. The government's amendments will provide the ability for that to occur.

MS BRESNAN (Brindabella) (5.05): Obviously, I did say that I was going to move amendments around this but, given the will of the Assembly is to support the amendments put forward by the government, we will be voting for them and I will not be moving my amendments. I do think it is good that these amendments actually have something about the skill set which the council should have and which was not part of it before. So I do think that is good.

I reiterate that I think that the skill set in what was put forward in the New South Wales legislation is preferable to what we are putting in here. I reiterate that it would be highly unlikely that there would not be a medical practitioner on this council if it was formed and likely a nurse as well.

I think the intention behind what we were going to put forward—and again I will restate it—was that it was not specifying particular professions. Our worry is that, once you specify one, then you get other people saying, “Why have you not included me in that council?” And that may still happen with what has been specified here. Hopefully, it will not because we have something in here about the skill set.

So that was the intention behind what I had originally proposed. It was to avoid that situation entirely so that you have not essentially got professions competing against each other to be on this council and that it is actually about what is going to be best in terms of expertise for the council and for the people of the ACT.

Nevertheless, the government’s amendments are being supported. I do think what we had proposed would have been better but again, as I said, given it is the will of the Assembly to support the government’s amendments, we will accept that.

Amendments agreed to.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (5.07), by leave: I move amendments Nos 4 and 5 circulated in my name together [*see schedule 1 at page 1003*].

The fourth and fifth amendments relate to the business of the local hospital network council and serve to clarify the quorum requirements of the local hospital network council. This was an issue the Greens raised in their consultations with the government. The amendments will require at least six council members to be present before business can be carried out at a meeting of the local hospital network council.

These amendments serve to ensure all council members are involved in the business of the council. It does worry me a little that, in the council of 10, we are going to require six to be there before they can do anything but I think it sends the right message about the importance of turning up to meetings as well.

MS BRESNAN (Brindabella) (5.08): I reiterate that I do appreciate the government taking on this suggestion. I take Ms Gallagher’s point that you may need six people there to get work done but I think, as Ms Gallagher said, it reinforces the importance of this council. I think also it creates the situation where you do have a balance of

expertise and interests as a part of the council when decisions or matters are being discussed which you might not get if you have only three people there. So that is why we do think it is important as well for that balance to be achieved for the council.

MR HANSON (Molonglo) (5.09): We will be supporting the amendments.

Amendments agreed to.

Clause 5, as amended, agreed to.

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

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (5.10), by leave: I move amendments Nos 6 to 9 circulated in my name together [*see schedule 1 at page 1004*].

The remaining amendments serve to correct minor, typographical errors that have been identified in the Health Amendment Bill 2011. As an example, an amendment will amend section 67(1)(b), which currently makes an incorrect reference to another section of the act. The amendments will ensure section 67(1)(b) makes reference to section 65, not section 66, because section 65 is the relevant section dealing with the provision of a recommendation notice by a scope of clinical practice committee to a doctor or a dentist. I thank the scrutiny of bills and subordinate legislation committee for identifying this error.

Similarly, the amendments will correct a typographical error in section 67(1)(a) to ensure appropriate reference is made to section 59 and not section 65. Section 59 is the relevant section dealing with the functions of a scope of clinical practice committee to review the scope of clinical practice of a doctor or dentist.

I commend the amendments to the Assembly. I would also quickly like to thank the staff of ACT Health for putting this bill together. It has been a piece of work. Also, thank you very much to Angie Drake in my office, who has been dealing with a lot of the consultations on this legislation. I thank members for their support of this bill.

MR HANSON (Molonglo) (5.11): These amendments are minor and technical in nature and the opposition will be supporting them.

MS BRESNAN (Brindabella) (5.11): The Greens too will be supporting these. As has already been noted, they are minor and technical amendments.

Amendments agreed to.

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

Bill, as amended, agreed to.

Adjournment

Motion by (Ms Gallagher) proposed:

That the Assembly do now adjourn.

St Mary MacKillop College St Anthony's primary school

MR SESELJA (Molonglo—Leader of the Opposition) (5.12): I recently had the opportunity to attend the St Mary MacKillop College's opening mass which was celebrated at the Tuggeranong basketball stadium. It was an absolute pleasure to be there. It is a growing school, St Mary MacKillop College, and a wonderful school. It is a wonderful part of the Tuggeranong community. It is also my old school. So it was a particular pleasure to be there in attendance, along with a number of other people.

Mr Michael Lee, the school principal, was very welcoming of me and Mr Doszpot, who was also in attendance. I think Mr Michael Lee does a sensational job and is growing the school, which is always a good sign. It is always a good sign when you see schools growing. We know St Mary MacKillop College is growing in a very strong way and is continuing to play a really important role.

I wanted to recognise a few of the people who participated in the mass and also those people who contribute significantly to the school community. The mass was celebrated by Archbishop Mark Coleridge, along with a number of other priests, including Father John Armstrong, supported by Deacon Vince Barclay. We had readings from Tim Walshe and a responsorial psalm from Lachlan Monger.

We also had a number of the college captains and leaders leading us in prayer. We had the college leader, performing arts, Tessa Hall; the house captain for Gurabang house, Grace Searson; Lewis Haskew, the Gurabang house captain from the Wanniasa campus; James Lewis, the Meup Meup house captain at Isabella campus; Ayrton Kiraly from the student representative council; James Hollands, the Mindygari house captain, Isabella campus; Sarah Thompson, the Mindygari house captain, Wanniasa campus; Kelsey White and Daniel Bizjak from the student representative council; and Adam Refki, the school captain.

We had in attendance the campus head, Wanniasa, Mr Paul O'Callaghan; Mrs Michelle Marks, the deputy principal, curriculum; and my old science teacher, the assistant principal, pastoral care, Mrs Lois White. We also had the campus head from Isabella campus, Mrs Sandra Darley, my old social science teacher. It was great to see them and many others, including other principals from around the city—people like Angus Tully and Greg Walker. I think Dave Austin was there as well.

So well done to MacKillop Catholic College for what was a great celebration for a fantastic school. It is always a pleasure to be invited to events at St Mary MacKillop College. It is particularly pleasing to go back to my old school. Thank you very much again to Michael Lee for having me and Mr Doszpot. It was a great pleasure for us.

I would also like to make brief mention of St Anthony's primary school in Wanniasa, which I again had the pleasure of attending recently, on 15 March this year, to speak to all of the year 6 classes about leadership and other things. I have done that for the last few years. It is always a great pleasure to go to St Anthony's. I grew up in the area, just up the road. I have had family members attend the school and was part of that parish growing up.

St Anthony's primary school does a sensational job in promoting education, particularly Catholic education, in the Tuggeranong Valley. I would like to pay tribute to the principal, Tim Elliott; the assistant principal, Claudia Hale; and also the teachers who hosted me—Dee Dundov, Kathleen Galvin and Tim Stephens.

I would just like to comment on how well-behaved and receptive all the students were. They really do represent their school very well. They are a credit to their school community and to their families. It is therefore always a pleasure to go and speak to them but, more importantly, to hear what a lot of the students have to say and their views on politics, sport, leadership and all of the things that we discuss. So thank you again to each of those teachers and thank you to the St Anthony's school community for making me feel very welcome once again.

Greek Independence Day celebrations

MR DOSZPOT (Brindabella) (5.17): Last Sunday just gone, 27 March, was a particularly interesting day for me. As shadow multicultural affairs minister, I joined members of the Canberra Greek community in their celebration of the 190th anniversary of Greek Independence Day. The celebration began at 8.30 am with a liturgy, followed by doxology at St Nicholas Greek Orthodox Church in Kingston. Father George Karpis conducted the ceremony with Father Kon Kostakos from St Demetrios Greek Orthodox Church in Queanbeyan. This was followed by a wreath laying ceremony at the Hellenic Greek memorial on Anzac Parade, just across from the Australian War Memorial here in Canberra.

For those who have yet to visit the Hellenic memorial, I can certainly recommend a visit. The marble memorial recalls the shape of an amphitheatre amidst an olive grove, backed by cypress pines. The Doric column symbolises the birth of civilisation. The column is also embossed with the cross of the Greek Orthodox Church, representing a soldier's grave. The wreath laying ceremony is conducted each year at this impressive memorial, with His Excellency Mr Alexios Christopoulos, the Greek Ambassador, delivering the opening address then starting the wreath laying ceremony. He is followed by other embassy officials as well as community representatives. It was my proud honour for the third year running to lay a wreath expressing the respects of the Canberra Liberals to the ACT Greek community at this solemn commemoration.

From the Hellenic memorial the 100 special guests adjourned to the Hellenic Club, where around 500 guests were there for the official lunch for the Greek Independence Day celebrations. The guests were introduced by MC Mr John Kalokerinos, and welcomed by the President of the Greek Orthodox Community and Church of Canberra and District Inc, Mr Paul Levantis. The guests included His Excellency

Mr Alexios Christopoulos, the Greek Ambassador; Mr George Stavropoulos, representing the Cyprus High Commission; Acting High Commissioner for New Zealand, Mr Vangelis Vitalis; Mrs Veatriki Mouka and Mr John Koch from the Greek consulate; Mr Greg Diamond, the President of the Hellenic Club; Mr and Mrs Dino Nikias; Mr Con Poulos; Senator Gary Humphries and me and Mr Nic Manikis, the Director of the Office of Multicultural Affairs.

His Excellency Mr Alexios Christopoulos, the Greek Ambassador, then delivered an inspirational commemorative address as he talked about the importance of commemorating 25 March 1821—Greek Independence Day—the fight for anexartisia, or independence, and the restoration of freedom and democracy to the ancient home of democracy 190 years ago.

Then we were treated to a performance by St Nicholas Greek language school students as they performed *Hymn to Liberty* by Dionysios Solomos. The flag bearers were Ariadne Stergiou, Cass Graham, Leonidas Dritsas, Alexandra Papoutsis, Lucas Donald, Ana Karkazis, Sophia Petropoulos, Eleni Vitalis, Phoebe Sofatzis, Kate Katheklakis, Alexander Gounaris, Georgia Gale, Sophie Gale, Connie Kambouris, Blake Faunce, Athina Katsibiris, Christopher Gale, Iona Serras, Angelina, Peter Andrewartha, Nektaria Bezos, Alexandros Stathis, Alethea Bradley and Aleka Serras, Alexandra Lyras, Nicholas Graham, Adonis Katrivessis, Michael Anthrak, Eleni Serras.

The musicians were Samuel Hansen on clarinet, Phillip Hansen on drums, Georgia Antonopoulos and Daniel Wells on keyboard and Anastasia Kalloniati on violin. They were supported by Vivianne Anthrak, violin tutor and parent, Erini Kostetsu, piano tutor and teacher, and Dimitrios Tsakalos, trumpet player and grandfather. The conductor was Alexander Kalloniatis, choirmaster and parent. The leading role of Dionysios Solomos was performed by Mihalís Theoharidis.

Reciting parts of *Hymn to Liberty* were Mahalis Theoharidis, Antonis Vitalis, Dimitra Katsanevas, Antonio Donald, Evelyn Karatzas, Dimitri Bezos, Carla Brancella, Anastasia Kalloniati, Georgia Antonopoulos, Phillip Hansen, Mihalís Theoharidis, Olivia Kambouris, Nikola Sofatzis, Bridget Graham, Nicolette Kambouris, Nicholas Levantis, Samuel Hansen, Yiannis Karatzas, Francisco Vitalis, Daniel Wells, Katerina Levantis, Mihalís Theoharidis and Tina Kambouris.

The costume organiser was Rose Wells, a parent, teachers Christina Katsifolis, Erini Kostetsu, Georgina Sofatzis, Helen Keranas, Liana Xirakis and Maria Georgiadis, and the principal, Eleni Pavlidou.

The Canberra Hellenic dancers were Peter Apostolopoulos, Sophia Katsanevas, Kostas Derlis, Katerina Levantis, Samuel Hansen, Katelyn, Andrew Krnc and Nicolette Kambouris. The teachers were Bill Skountzos and Katerina Mechanicos. I congratulate them all on a fantastic performance.

Sailability ACT

Mr Darren Lockyer

MS BRESNAN (Brindabella) (5.22): It was an outstanding pronunciation of Greek names by Mr Doszpot there and I cannot let it go unnoticed. I would like to speak about a launch on Sunday, 27 March. Sailability ACT launched their new boat down

just behind the sea scouts hall on Lake Tuggeranong. I know Mr Doszpot has been out sailing with them. It is something I have not done yet, but I will have to do it now. Ms Burch also has—

Mrs Dunne: Thankfully it's very hard to fall in the water out of one of those boats.

MS BRESNAN: That is right. I am sure I could fall in the water though. As others have done, it was wonderful to meet the wonderful people associated with Sailability. It is a really important organisation in terms of the social inclusion aspects that it addresses for people with a disability. It enables people to get out and have fun. It enables them to be with their peers and to do something which gives them some freedom. I think it is a really wonderful organisation.

I also want to acknowledge Glenn Keys from Special Olympics ACT. He is also there—and obviously Sailability ACT have a close association with Special Olympics. There will be a number of sailors from Sailability ACT who will be attending the world games this year. Again, I just want to thank them for inviting me down there. As I said, other members who have been down there have been very supportive of them. They are a really wonderful organisation and do great things for people with a disability in the ACT.

I will make one other quick comment. I know I am going to get shouted down for what I am about to say, but I cannot let one of the most significant announcements of the week go by without acknowledging it—that is, the announcement of the retirement of Darren Lockyer at the end of this year. I know I have said that the Broncos are big listeners of the Assembly. Obviously, it is a very sad day for Broncos supporters in Queensland as well that he has announced his retirement.

I just want to note a couple of the records that Darren Lockyer has achieved. He has the record for the number of times a rugby league player has captained the national team—33 times—and he has also represented Queensland in 33 State of Origin matches. I think it will be quite some time before another player achieves that record. He has also played 336 NRL games, all for the same team—the Brisbane Broncos. It is a big achievement. Obviously, the last home game will be in Brisbane on the weekend of 2 September. I will be there, obviously. It is a very sad day for all Broncos and Queensland supporters. I think even people who do not support the Broncos will acknowledge what a great player he has been for the NRL. I could not let that go by without speaking about it.

Campbell Page

MR HANSON (Molonglo) (5.25): I would like to speak this evening about an event I attended. It was the Campbell Page 25th birthday celebration that occurred on 22 March at the National Portrait Gallery. I would like to acknowledge the presence of Mr Zed Seselja, the Leader of the Opposition, who was also there. For those of you who do not know who Campbell Page are, I will quote from their website:

Campbell Page is an Australian, award winning, not-for-profit organisation operating from over 100 locations. We have 25 years experience in providing

employment, disability and community services to a diverse range of people including the most disadvantaged within our community. This financial year we will assist around 100,000 people.

At the function I met dozens of people from all over Australia but particularly the South Coast where Campbell Page originated. Its origins are the Eurobodalla shire. It originated as a drop-in centre for youth, disadvantaged youth in particular, and was actually named after the corner of the two streets where the originators of this great organisation met—obviously the corner of Campbell and Page streets.

I would like to commend the board—David Hawdon, Frank Bottomley, Philip Armstrong, Fay Ashcroft, Tom Slookee, Pamela Catty and Jane Schwager—and also all of the hardworking staff, led by their CEO, Xavier Crimmins. Xavier has been with the organisation for 12 years. When you consider the growth in Campbell Page over 25 years and you think that he has been in the organisation for nearly half of it, that is quite a remarkable effort.

I also enjoyed his story of the green tree frog, which is quite famous throughout the Campbell Page organisation. Other staff at the senior level are: Anthony O'Reilly, Chris Gandy, Joan Lynch, Mary Cripps-Warwick, who is their UK representative—they are trying to break into Europe and provide the same sorts of services initially in the UK that they are providing throughout Australia—and Colleen Cuthbert. They obviously have a significant number of people working nationwide providing the great services that they do. I commend them for it, but also in particular the staff that they have here in the ACT. I would like to offer them my thanks and congratulations on their 25th anniversary.

Japan earthquake and tsunami

MS LE COUTEUR (Molonglo) (5.27): I rise tonight to speak about an issue of great concern to all of us, and I am referring to the earthquake in Japan on 11 March and subsequent tsunami and nuclear crisis.

First, I would like to pay tribute to the over 10,000 people who have died as a result of the 9.0-magnitude earthquake and subsequent tsunami which reached 14 metres and swept away houses, buildings and cars. At this stage there are still over 17,500 people missing, as well as over 2,700 people injured. There are still more than a quarter of a million people in temporary accommodation and there are occasional aftershocks.

The ongoing crisis at Japan's Fukushima nuclear plant has been called a slow-moving nightmare, with reactor fires, equipment failures, a partial core meltdown, hydrogen explosions, overheating of spent fuel pools, leaks of poisonous radiation, injured workers and mass evacuation.

The reactor had three cooling systems, the main one using external electricity which failed immediately. The secondary diesel system was damaged and so did not come on line. The third system was battery powered and it ran until the batteries were flat. The flooding and the earthquake damage prevented assistance being brought in from elsewhere.

The Japanese Prime Minister has stated that the risk that radiation will leak from now on has risen, and Japanese officials have designated the magnitude of the danger at the reactors at level five on the seven-point international nuclear event scale. All residents have been warned to remain indoors and to shut windows and doors to avoid radiation poisoning. Japanese nationals have been told to evacuate to 20 kilometres, while most other nations instructed their nationals to evacuate to 60 or even 80 kilometres.

Worldwide measurements of radioactive fallout released from the reactors were reported to be nearing Chernobyl levels. The Comprehensive Nuclear-Test-Ban Treaty Organisation measured levels of iodine-131 at 73 per cent and caesium 137 at 60 per cent of the levels released from the Chernobyl disaster.

Food grown in the area is banned for human consumption. Tokyo officials have declared its tap water unsafe for infants for a short time. Plutonium has been detected in the soil around the plant in five locations. The plant will be closed once the crisis is over.

As well as the local impacts, there are fears about nuclear fallout drifting across the Pacific Ocean and its island states as well as to the south-eastern states of the United States. France was reportedly shipping iodide tablets to French Polynesia as a preventative measure.

This disaster has international ramifications including: Julia Gillard stated that nuclear power is off the cards for Australia and noted that we have plenty of solar and wind energy options we can develop here, which are of course far safer; the German Chancellor, Angela Merkel, announced an urgent and temporary shut-down of the oldest seven nuclear reactors while a safety review is conducted, as well as a moratorium on the commencement of another 17 reactors. The elections throughout the German states are being seen as the people's referendum on nuclear power and I am pleased to say the German Green vote doubled and the Socialist Democratic Party is now also talking about a nuclear phase-out by 2020. The Israeli Prime Minister has stated that it is now unlikely that Israel will pursue civil nuclear energy.

One major concern I have is the proposal for a new nuclear reactor plant in Indonesia by the end of the decade. The site chosen is part of the ring of fire and a tectonically highly active part of the world. It is a controversial proposal which we should keep a close eye on. It is certainly time for some international laws about where nuclear plants could be considered safe to build, regardless of whether you think nuclear power itself is safe.

I really feel for those people struggling in the wake of Japan's biggest ever earthquake and tsunami. Some of them have little shelter and food, despite it being very cold. They all lack clear information, and I expect they are fearful and stressed as they live in the shadow of the Fukushima nuclear power plants.

Our thoughts remain with the people of Japan and we hope for their future and a nuclear-free future.

Mrs Margaret Sargeant

MRS DUNNE (Ginninderra) (5.32): As members will recall last year, Brindabella Christian College celebrated its 30th year, and at its annual awards night in December Brindabella paid tribute to one of its retiring teachers. On 18 March I had the honour of attending the formal farewell dinner from Brindabella Christian College for that teacher, their deputy principal, Mrs Margaret Sargeant.

It is clear from these three celebrations how highly Margaret Sargeant is regarded at Brindabella Christian College. Margaret was involved with Brindabella Christian College even before it came into being. I know that Margaret is something of a biblical scholar and I hope she will not be offended by my toying with a biblical quote. When we think about Brindabella Christian College we can say, “Before BCC was, Margaret Sargeant is.”

Margaret was involved with the group which established the then O’Connor Christian School 30 years ago, and 24 years ago she joined the staff as the school’s maths teacher. During the years at Brindabella, in addition to being a well regarded maths teacher, Margaret has been the assistant principal, a sometime acting principal and more lately deputy principal under the leadership of Elizabeth Hutton.

It is a testament to Margaret that her farewell dinner was so well attended, with former colleagues travelling from as far afield as South Australia to be there. The tributes paid to her were extraordinary in their generosity and their fulsomeness. It is the sort of thing that sometimes from time to time you think: what will people say about you when you retire? In many ways, the comments made about Margaret and the warmth with which they were made make you somewhat jealous of the regard that she is held in.

At that farewell, Ms Elizabeth Hutton, the principal, spoke about Margaret as an inspirational leader and mentor. Margaret’s work is recognised by students, staff and parents as astute and innovative. Those students lucky enough to have been taught by Margaret have enjoyed a mathematician par excellence.

In this day and age of i-things—iPhones, i-Pads et cetera—Elizabeth Hutton went on to talk about Margaret as an i-woman; Margaret as a leader who has displayed innovation; the person who got the timetables working and was the coordinator for the curriculum. Margaret has a clever and fine mind. Margaret was an inspiration to all in the community—students, staff, parents and carers. She was a woman of influence over 30 years and has left a legacy for the future in curriculum and the spiritual heart and community of Brindabella Christian College. Margaret’s other i-attribute is integrity. Elizabeth Hutton said of her, “She is a rare and wonderful person whose word is her bond—trustworthy above reproach.”

It is interesting to see how wonderfully Margaret Sargeant is regarded at Brindabella Christian College and I think that when the history of Brindabella is written it will be written in terms of AM, anno Margareta—or, for the non-Latin studiers, the Margaret

years—and PM, post Margareta or post Margaret years. So 2010 will be 30 AM and 2011 will be 1 PM in the history of Brindabella Christian College.

I would like to add my thanks to Margaret Sargeant for her contribution to this community through Brindabella Christian College. I thank her for her devotion to education and the formation of young minds, not just as a mathematician and as the queen of grammar but as a true inspiration and a spiritual former of young people in our community. I wish her well in her retirement and I wish her family, especially her husband Alan, well in Margaret's retirement.

Mr John Barilaro

MR COE (Ginninderra) (5.37): I wish to briefly put on the record my support for and congratulations to John Barilaro, the newly elected member for Monaro. John is a proud local Queanbeyan person, having been born there, grown up there, gone to school there, and he is now running a business there, a business which his family set up 25 years ago.

John was very well supported on the campaign trail by his wife Deanna and children Alessia and Domenica. John has many strong links to the community but perhaps most notably through the Monaro Panthers Football Club, which he helped establish.

John is a family man, a businessman and a community man and he was a perfect choice as the Nationals candidate for the seat of Monaro and he will be a great MP. I am proud to count John as a friend and know that he will work hard to deliver a real change for the people of Monaro. I look forward to working with him to achieve greater results for the residents of Canberra and the Queanbeyan region, particularly on areas such as transport and other cross-border issues.

I note that today and over the weekend John graciously paid tribute to Steve Whan, the outgoing member for Monaro, and I too would like to put on the record my congratulations and thanks to Steve. I think it is widely regarded that he was a very good local member and he did a great job as a local member.

I would also like to put on the record my thanks in particular to George Lemon, Emma Watts, Gaye White and the many people in the ACT Liberal Party who supported John's campaign over the last year or so.

Standing and temporary orders—suspension

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

That so much of the standing and temporary orders be suspended as would enable her to conclude her speech.

Dr John Buckingham

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (5.39): It is with great sadness, and I am

sure other members here today will be feeling this, that I inform the Assembly that Dr John Buckingham passed away this morning.

Dr Buckingham has been the eminent breast cancer surgeon in the ACT for over three decades and I think Canberrans are very grateful that, as a younger man who was recognised as an excellent surgeon, he resisted the opportunity to work anywhere else in the world but brought his extensive skills and his care to our community.

Dr Buckingham graduated in medicine and surgery from the University of Sydney, New South Wales, with honours in February 1971. He trained in general surgery at the Mayo Clinic in the United States of America. In 1979, when Canberra's Calvary hospital opened, he joined its staff as a consultant general surgeon and later became a specialist breast surgeon for the ACT region.

As a general surgeon Dr Buckingham was one of the first to demonstrate the value of CT scanning in the early diagnosis of appendicitis. He pioneered the sentinel node mapping technique, which enables diagnosis of lymph node involvement with breast cancer diagnosis. Under his guidance Calvary hospital was among the earliest institutions in Australia to undertake sentinel node biopsy.

He was also involved in establishing Breastscreen ACT and has been the designated surgeon for this service since 1992. His contribution to breast surgery in the ACT region over many years has been outstanding. In recognition of his major contribution to the care of women with breast cancer, John was awarded the ACT senior Australian of the year in 2010.

In 2011 he was recognised by the ANU Medical School by the conferring of an associate professorship. He received this honour when a foundation fund was launched to support the John Buckingham Prize, a prize which will be awarded, subject to final university approval, to an ANU medical student for outstanding achievement in a research capacity in the ANU medical course. On behalf of the ACT community, the ACT government made a \$10,000 donation to that John Buckingham Prize when it was announced.

Dr Buckingham has contributed to the teaching of medical students based at Calvary hospital, resident staff, surgical registrars, nurses and community groups such as Bosom Buddies for many years. In recent years he was actively involved in teaching students from the ANU Medical School as part of the year 3 surgical rotations at Calvary hospital. This included involvement in the clinic-pathological correlation sessions with staff from ACT Pathology.

In the last 10 years Dr Buckingham was actively publishing in the area of breast cancer. Over his career, his research interests have generated 22 publications in peer-reviewed journals, 14 published abstracts and many presentations at scientific meetings, two of which have won awards. John Buckingham was recognised as the father of breast screen and breast surgery in the ACT.

He has had a long association with a number of committees and treatment groups within the breast cancer field and, impressive as all of these highlights are, they do not

tell the story of Dr Buckingham. A statistic that better demonstrates his role in our community is the estimated 11,000 patients who have been in his care, or maybe his role is better described in patient anecdotes of John squeezing in another appointment at the start or the end of an already long day to talk with a patient about their condition.

Twelve weeks ago John was diagnosed with pancreatic cancer. While friends and colleagues and workmates and former patients were incredulous and grieving, Dr Buckingham accepted that this was what life had in store for him. Indeed, after the government made a donation to the John Buckingham research prize, Dr Buckingham wrote a very nice letter in appreciation of that donation and in that letter hoped that this prize would encourage ongoing interest in research for junior doctors coming out of medical school.

Dr Buckingham occupied a unique part of the lives of the people who came under his care. He was revered as the scientist and artist who gave so many of them hope and a future after their diagnosis with cancer. But he was also more than that. He was a friend and a confidante who understood their uncertainty and insecurity around their diagnosis but insisted they live life to the full. Many of his patients have contacted me in recent months and many who clearly loved him will be grieving for him today. But they will also be remembering an amazing man, an amazing surgeon and certainly a significant leader in our community, and I extend my sympathy to John's wife, Sue, and their family.

Question resolved in the affirmative.

The Assembly adjourned at 5.44 pm.

Schedule of amendments

Schedule 1

Health Amendment Bill 2011

Amendments moved by the Minister for Health

1

Clause 5

Proposed new section 15 (4)

Page 4, line 27—

insert

- (4) The Minister must, within 6 sitting days after the day a report under subsection (1) is given to the Minister, present the report to the Legislative Assembly.

2

Clause 5

Proposed new section 17 (1)

Page 5, line 11—

omit everything before proposed new section 17 (1) (a), substitute

- (1) The council must include members who bring the necessary skills and experience to allow the council to perform its functions under the Act, and include members who have expertise or experience in 1 or more of the following areas:

3

Clause 5

Proposed new section 17 (1) (b)

Page 5, line 13—

omit proposed new section 17 (1) (b), substitute

- (b) 1 person who is a medical practitioner with at least 5 years clinical experience;
- (ba) 1 person who has expertise in clinical matters;

4

Clause 5

Proposed new section 19C (3) (b)

Page 7, line 12—

omit

3

substitute

6

5

Clause 5

Proposed new section 19D (4)

Page 7, line 22—

omit

3

substitute

6

6

Clause 13

Proposed new section 67 (1) (a)

Page 21, line 8—

omit

, under section 65

7

Clause 13

Proposed new section 67 (1) (b)

Page 21, line 10—

omit

under section 66

8

Clause 13

Proposed new section 67 (4)

Page 21, line 25—

insert

(4) In this section:

recommendation notice—see section 65 (2).

9

Proposed new clause 20A

Page 35, line 8—

insert

20A Dictionary, note 2

insert

- sitting day
-