Wednesday, 6 April 2011

Wednesday, 6 April 2011

MR SPEAKER (Mr Rattenbury) took the chair at 10 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Animal Welfare Legislation Amendment Bill 2011

Ms Le Couteur, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MS LE COUTEUR (Molonglo) (10.01): I move:

> That this bill be agreed to in principle.

Today I am introducing the Animal Welfare Legislation Amendment Bill 2011. This is a bill that will improve the lives of animals in the ACT. It has a particular focus on companion animals such as dogs and cats. Canberrans, like other Australians, love their pets. We have one of the highest rates of pet ownership in the world. We back it up with an enormous amount of spending on pets, pet care products and pet services, about $6 billion a year.

Sadly, there is a very troubling and largely hidden side to this world of companion animals. Companion animals are often treated as a commodity and so are bred and sold in conditions designed to maximise profits and convenience rather than the welfare needs of the animals. The most obvious example of this is in the shameful puppy farms or puppy mills which have been uncovered around Australia. These commercial breeding operations keep animals in awful conditions. Problems in puppy mills include over-breeding, lack of basic care or veterinary care, poor hygiene, poor breeding conditions and a lack of regard for animals' behavioural needs.

While an actual puppy mill has not as yet been uncovered inside the ACT borders, our jurisdiction is still connected to this reprehensible activity. There have been a number of prosecutions of puppy mills across the border which were breeding animals for supply to pet stores and consumers in the ACT.

The most recent of these prosecutions was at Goulburn this year. RSPCA inspectors shut down a breeding operation and the owners were charged with 16 offences under New South Wales law, including animal cruelty and breaches of breeding regulations. At the time of rescue, puppies were enclosed in a tin shed, with no windows, on a 37-degree day. A numbers of dogs that were being used for breeding were rescued in an unhealthy condition, with severely matted coats. The CEO of the RSPCA said he was appalled by the case and that the animals had been subjected to horrific conditions in the name of profit. Although located over the border, the animals involved in this case were destined for pet shops in the ACT.

In the ACT, there are multiple avenues for selling companion animals, and these are not sufficiently regulated. Pet stores have no obligation to report from whence they

are sourcing their animals. They are not subject to any mandatory code of practice that governs how they keep and treat animals. They do not have to reveal how many of their animals are euthanised. They do not need to desex the animals they sell. They are not restricted in how they advertise, meaning they promote impulse buying, and they can sell to children.

Animals can also be sold through avenues such as markets or fairs. It is not uncommon to see someone selling puppies or kittens from a stall at a market. According to animal welfare groups, these are a useful place for unscrupulous breeders to quickly sell animals without scrutiny.

Breeders can also advertise with freedom through newspapers, flyers or the internet. This is another popular and unregulated avenue of sale. An analysis of newspaper sales in the ACT revealed that in the *Canberra Times* alone there were over 5,000 puppies and kittens offered for sale annually. Breeders of these animals are unregulated. They do not need to be licensed in order to breed.

There are no checks on their premises. We do not know the condition in which the animals are bred. Nor do the sellers of animals need to microchip or desex the animals they sell. This combination of an unregulated breeding environment and the availability of various uncontrolled avenues of sale is ideal for bad breeders looking to make a quick buck breeding and selling animals, with profit as their only motive.

What is the result of having animals bred in bad conditions or sold in bad conditions? Firstly, the animals suffer. They develop poorly, both physically and mentally. This leads to behavioural problems which are, in fact, one of the main reasons why animals are abandoned. Animals are sold to people who have not considered their purchase, a so-called impulse buy. They are also prime candidates for abandonment. And animals bred from accidental litters, because of animals that were not desexed, also end up on our streets or in shelters or pounds.

The suffering of animals and the costs to the community of bad breeding or selling mostly remain invisible. But we get a picture of it from looking at some statistics about animal abandonment. This is unfortunately a serious problem in the ACT. Thousands of companion animals are abandoned each year.

During the 2009-10 financial year, the ACT RSPCA alone was presented with 1,670 dogs and puppies and 2,748 cats and kittens. This means that, on average, the RSPCA is presented with over 12 cats or dogs each day of the year. This is in addition to the hundreds of dogs processed by ACT Domestic Services and the animals rescued and re-homed by other volunteers in the ACT. Each year, hundreds of these animals have to be euthanised.

In 2009-10, for example, the RSPCA had to euthanise 1,183 cats and 98 dogs. DAS euthanised over 100 of its saleable dogs and an unknown quantity of unsaleable dogs. In addition, the number of animals euthanised by pet stores is unknown, as pet stores are not required to disclose data about this.

This picture of unregulated breeding and sale of animals and the resulting suffering is unacceptable. If we are to be a society that respects and cares for animals, then we

need to take steps to curb the commodification of animals and to regulate their welfare.

The Greens have always had strong animal welfare policies and we are determined to put these policies into action. The bill I am introducing today puts animal welfare first. It proposes a number of sensible measures that will operate in harmony to address the problems I have discussed.

The bill sets out a scheme for the mandatory licensing of breeders of cats and dogs to ensure that only licensed breeders may breed cats and dogs for sale. The new licence requirements will ensure that breeders in the ACT meet appropriate standards of animal welfare, do not exploit or over-breed animals and that the public, regulatory authorities and animal rescue organisations have a reliable guide to determine which animals are being bred in good conditions.

I believe this will be a first for Australia, making the ACT a national leader. However, the scheme in fact will be similar to a trial scheme which has been running successfully on the Gold Coast. A key to this scheme will be the requirement that a breeder is inspected before being awarded a licence. It must meet strict ethical breeding criteria. These basically ensure that the breeder is prioritised in the welfare of the animal and include specific requirements such as adequate opportunities for exercise and socialisation for physical and mental wellbeing, appropriate space and cleanliness et cetera, as well as consideration of whether the breeder is likely to be able to find homes for all the animals they are breeding. These requirements will weed out any breeders who compromise the welfare of animals, from puppy mill breeders, who intensively breed animals for profit, to backyard breeders, who are not properly set up to accommodate animals or to re-home animals through legitimate channels.

A second major initiative of the bill is that it specifically bans the sale of cats and dogs from stores and from markets. However, it does allow limited exceptions for animals being sold on behalf of animal welfare organisations and shelters. This scheme will allow pet stores to establish relationships with animal welfare organisations and to facilitate the re-homing of abandoned animals. Some pet stores have deliberately moved away from selling other cats and dogs on principle, and they already use this model.

As well as having a number of welfare benefits on its own, such as limited opportunities for impulse buying of animals, preventing the selling of cats and dogs in pet stores and markets, it is an important corollary to the new breeder licensing regime. If selling was allowed to continue unrestricted, pet stores or markets could continue to sell animals that had been bred in other states where breeding remains unregulated.

The proposal is in line with other international jurisdictions that have banned the sale of companion animals from pet stores, including various European countries and cities across the USA and Canada. As an example, Albuquerque in the USA banned the commercial sale of companion animals in 2006. City vets say that this has markedly improved the situation for companion animals, with a 35 per cent decrease in the euthanasia of animals in shelters and a 23 per cent rise in animal adoption. Pet stores are also uncommon across Europe, and cat and dog euthanasia rates in Europe remain significantly lower than Australia's.

More generally, the bill restricts the selling of cats and dogs except by limited, approved sellers. These are licensed breeders, animal welfare organisations and DAS. There are exemptions for people re-homing rescued animals or making a one-off sale of their own pet. However, to avoid loopholes, these sales are registered with the Domestic Animals Registrar.

The bill introduces other requirements on the selling of animals. Sellers will need to provide care information to all buyers of animals. This will help address impulse buying, as well as ensure that potential pet owners are fully aware of their obligations in caring for the animal and of the specific needs of particular species and breeds of animals. Consumers who are not aware of the realities of caring for an animal are much more likely to abandon that animal.

Stores will no longer be able to display all animals for sale in store windows, recognising that such displays encourage impulse buying, and it can of course be stressful for animals to be on display in windows. Nor will animals be able to be sold to minors.

The bill regulates the advertising environment. It limits advertising to authorised sellers or other sellers who have been given approval by the registrar. Again, there are exemptions for people re-homing rescued animals or making a one-off sale of their own pet. All advertisements will contain unique identifying information, such as the licence number of the breeder or the approval number provided by the registrar. This new regime will help prevent unlicensed backyard breeders advertising animals for sale. Unauthorised or suspicious sellers will be easily able to be discovered.

The bill introduces a very important new scheme for traceability of animals via the existing microchips. This will require the original breeders of animals to microchip the animals they breed and to record their own details in the chip. This will ensure that all cats and dogs can be traced back to their original breeder. This is important in identifying where animals came from. Obviously there are a number of unhealthy animals which obviously come from the same breeder, but no-one knows who that breeder is. This is a crucial change, and it is one that the RSPCA, as well as other welfare organisations, have cited as one of the key changes that will make a positive difference. With this new scheme, the ACT will again be a leader, and I expect that this scheme will help lead the way toward a national system of traceability.

The bill takes the important step of mandating desexing of dogs and cats at point of sale. Desexing is one of the very important factors in stopping animals ending up in pounds and in lowering euthanasia rates. Any cats and dogs which are sold lower than the legal age for desexing must be sold with a redeemable desexing voucher. It would be prudent for the government to assist these changes by providing assistance in establishing a network of veterinary surgeons to facilitate the provision of redeemable desexing vouchers.

Again the government can look to the Gold Coast, which has worked with vets to establish a network. I also support the government's assistance for a low-cost, subsidised desexing program, something the Queensland government has provided funding for.

The bill also proposes two other changes that relate to animal welfare law, although not specifically about the problems I have discussed around breeding and selling. They are important nevertheless. The first additional change amends and improves the ACT's laws prohibiting animal cruelty. The bill proposes increases to the available maximum fines for animal cruelty and aggravated cruelty. Currently we have the lowest penalty rates for animal cruelty in the country. The changes bring ACT penalty options into line with other Australian jurisdictions, with community sentiment, and make available a greater range of penalties for cruelty offences.

The available fine is particularly important since jail terms are uncommon in animal cruelty cases. The maximum fine is also an important deterrent, particularly for people whose cruelty offences arise from breeding animals for profit and who weigh up their ability to make the profits with the risk of being caught and paying a fine.

Complementing these animal cruelty improvements or reductions is a new requirement for vets to report suspected cases of animal cruelty to authorities and a clarification to animal welfare provisions around codes of practice. These changes will facilitate animal cruelty prosecutions. Animal cruelty is currently often difficult to detect and prosecute.

The second change concerns pig farming. It outlaws intensive pig farming so that farms in the ACT will not be allowed to use sow stalls or farrowing crates. Any pig farming will only be free range. This recognises that intensive pig farming is cruel and perhaps the cruellest type of factory farming. It severely compromises pigs' welfare. It looks even crueller than battery cage production, I have to say. While there are currently no intensive pig farms in the ACT, the change will guarantee that they can never operate in our jurisdiction. At the same time, the new law will make an important contribution to the national factory farming debate, encouraging other states to take the same progressive steps.

On the issue of consultation, I want to emphasise that the Greens have put this legislation through a very thorough development process. I first began meeting with stakeholders in early 2010. At the end of 2010, I released an exposure draft of this legislation to the community and the Assembly. I have received approximately 40 submissions during the consultation process, and this final version of the bill takes on board the submissions and other feedback I received and is an amended and improved final version.

The majority of the feedback I received on the bill was very positive, both from community and from experts who work in animal welfare. Some of the endorsements have come from the RSPCA, the Animal Welfare League, the National Desexing Network, Dogs ACT, Animals Australia, ACT Rescue and Foster, and I have had a large amount of support from the general community.

Opposition to the bill has understandably come from industry, such as some parts of the pet industry. As I said earlier, there is a large amount of money tied up in the breeding and selling of animals, and regulation looks unattractive to those who are currently profiting. I reiterate, though, that these changes will improve animal welfare

and be beneficial to the community as a whole. I also point out that there are some parts of the pet industry who are more progressive and thus more supportive.

As I said, this bill has been through a thorough process. This is perhaps illustrated by the fact I have received more submissions on this exposure draft on the bill than the government has told us that it has received on its draft waste strategy, which was a major exercise in government consultation.

The notable omission in terms of submissions, and it is very unfortunate, is from the government itself. So far the government has not yet engaged on this bill and did not provide a submission on the exposure draft, despite my specific request. I would urge the government to change its mind and provide some constructive feedback on this bill so that we can work together as an Assembly to craft a bill which will be in the best interests of the animals of the ACT.

To conclude, I would simply make the point that the ACT should and can be a leader in animal welfare. This bill takes a very important step to achieve this, particularly by addressing serious problems in breeding and selling of companion animals. I would also like to thank PCO for the excellent work they have done with the many changes that have been made between the two drafts of this bill and Matt Georgeson in my office for his hard work on this. I commend the bill to the Assembly.

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

Food (Nutritional Information) Amendment Bill 2011

Ms Bresnan, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MS BRESNAN (Brindabella) (10.21): I move:

> That this bill be agreed to in principle.

I am tabling this bill today because I believe we, as policy makers, must do more to provide leadership in preventative health and address major health issues such as obesity, heart disease and diabetes.

While this bill is only one part of the strategy to address these issues, every step counts. In today's hectic world, more people are relying on fast food, and the more fast food a person eats, the more likely they are to gain weight and become at risk of chronic illnesses such as heart disease and diabetes.

Obesity levels in the ACT have increased dramatically over the last 20 years and more than half of the ACT population is now considered to be overweight. The ACT Health Council is concerned that if trends in obesity do not reverse we may see a reduction in the life expectancies of the ACT population, with men reverting to 2001 levels and women to 1997 levels. No generation expects to see diminished life outcomes for its children. This is a significant matter and requires increased attention from policy makers.

Reducing the rate of obesity in the ACT population will require a long-term commitment from all aspects of our community, be it the government, the private sector or the individual. It will require an integrated approach.

My bill is one part of that strategy and proposes that the ACT adopt the recently introduced New South Wales scheme and require large fast-food chains to display the energy content of their food items on their menu boards.

Foods eaten away from home have been shown to contain more kilojoules or calories per serve and to be of a larger portion size than meals prepared at home. The frequency someone eats out of home is related to weight status, with studies showing frequent fast-food consumption is associated with weight gain over time. Consumers considerably underestimate the kilojoules, salt and fat content of the foods.

This lack of knowledge and understanding of the nutritional value of foods prepared and served away from home means that many people who eat fast food regularly do not consider the impact this may have on their overall diet and long-term disease risk.

In Australia, the food service industry has voluntarily started providing some nutrition information, including daily intake percentages, to consumers via company websites and in-store pamphlets. However, evidence suggests that consumers are more likely to notice nutrition information if it is on the menu or menu board.

The key objective of the Greens' bill is to provide clear and simple information to consumers about the food they are purchasing, so that they can make more informed decisions about whether to go ahead with a purchase. Knowing the kilojoule content can also affect the decision a person makes about what to eat later in the day. Some fast foods are quite obvious in their high energy content, be it a burger and fries or a soft drink. But others are deceptive and may appear healthy to people, when in fact the opposite is true. Take, for example, a blueberry muffin that can have just as many kilojoules as a burger, and so too can a fruit smoothie or a veggie burger.

Men tend to be less conscious about energy content, but the legislation is expected to have an impact on mothers with children and women generally, who would be quite surprised by the energy content of some of the healthy food and drink items they purchase.

The labelling requirements in this bill are proposed to apply to large-sized fast-food chains, which are defined in the legislation as those businesses which have seven or more outlets in the ACT or 50 or more in Australia.

The bill seeks to bring the ACT in line with New South Wales and replicates the details of its current requirements. For example, if this bill is passed, kilojoule counts must be displayed for each of the different portion sizes, such as small, medium and large. The kilojoule content would also need to be displayed for a whole meal, such as a burger, fries and drink. The display of the kilojoule count must be in the same size font as, or bigger than, the prices and be clearly linked with the food item it describes.

The requirement for kilojoule display would also apply to drive-through menus, leaflets that list the food items of an outlet, and the internet if the food can be purchased online. The menu board must also say that the "recommended average daily energy intake is 8,700 kJ". This has been produced as a mid-point for adults.

The maximum penalty is $275,000 where it can be shown that a business intentionally breached the law and $55,000 where a breach has occurred but intention cannot be proved. This penalty may seem large but this does replicate what has been done in New South Wales. We must also consider that we are dealing with very large companies and industries in this instance. There may be cases where businesses believe they can make more profit by not displaying the kilojoule count correctly and paying the fine. This is something we must avoid.

If, for some reason, a specific outlet or business needs the minister to make an exemption for a specific period of time, this is provided for in the legislation. The exemption, however, would be a disallowable instrument and subject to the normal processes of this Assembly.

The legislation also requires the Minister for Health to conduct a review of the legislation one year after it has been in operation. That review must consider whether salt, fat and sugar should be included in the mandatory displays in future. This is something that has previously been recommended by the Heart Foundation. The New South Wales Greens were able to successfully amend the legislation to include such a review, and it would be our hope that the review done in the ACT could build on that work in New South Wales.

Mr Tim Gill, Principal Research Fellow at the Institute of Obesity, Nutrition and Exercise at the University of Sydney, has previously said that the industry is unlikely to accept labelling for individual nutrients as readily as energy labelling, because many fast-food items exceed the daily recommended intake for salt or saturated fat. He also argued that the prominent disclosure of nutrients as well as kilojoule count would give fast-food chains impetus to create healthier products, because it would lead to competition in the industry to reformulate their food items.

The bill proposes that if a store voluntarily displays kilojoule counts on their menu boards, they must follow the methods of display that are used in this legislation. Examples of such stores could be those with less than seven outlets in the ACT and less than 50 in Australia. This provision has been included to ensure that the information presented to customers is consistent and reliable across the industry.

Having considered the financial cost to business, we do not believe it will be extensive, because standard menu boards are regularly revised to accommodate new products and meals. A number of companies are also creating these types of menu boards already because of the changes in New South Wales and also proposed changes in South Australia. The ACT is only a small addition.

To give some background to the history of this legislation, it was first mandated in New York in 2007. California then followed and President Obama went on to include this in the healthcare legislation passed in March 2010.

There have been mixed results from studies conducted on the New York experience. One has shown that about one-third of customers made healthier choices as a result of the information being provided. Another study showed that there was little impact on consumers' choice, but the study was conducted in districts of New York that had a low socioeconomic status, and it can be observed that fast food in such areas is likely to be cheaper and easier to access than healthy foods, as is often the case.

It is already clear that fast-food outlets will change their recipes and menus to provide meals that have lower kilojoule contents, which does mean that it is changing the behaviour of the businesses that provide the food, and that is a positive. In New York, for example, Starbucks reformulated many of its recipes to cut 50 to 100 calories from pastries. And the California Pizza Kitchen reformed its entire children's menu and some of its pizzas, cutting out excess butter and salt. The new laws do force the hand of the restaurants themselves, as they are diligent in protecting their brand's image and public perception of social responsibility.

In 2009 the UK Food Standards Agency launched a voluntary trial of nutrition labelling on menus. The trial involved 18 of the largest restaurants, sandwich chain stores and workplace caterers, listing energy—kilojoule—counts next to products on shelves, on menus or at cash registers.

In Australia, New South Wales, as I have already noted, has passed legislation. The New South Wales law came into effect in February 2011, but there is a 12-month period before enforcement will begin.

The New South Wales government did at one point consider adopting an industry-led code of practice based on self-regulation. However, public health professionals and consumer advocates were apprehensive given the failure of such systems in the past and, as such, were very pleased to see a move to mandatory labelling.

The South Australian government announced just recently that it will introduce this scheme and do so via regulations rather than legislation. The South Australian minister, Mr Hill, has said that he plans to have the scheme in operation from next January.

The previous Victorian Premier, Mr Brumby, did announce that the government would be pursuing a similar scheme, with the aim of having it in force by 2012. It is unclear with the change in government where that work is now heading, although we have not heard any announcement by the Liberal government that they will not be pursuing this sort of legislation.

Given the introduction of legislation in New South Wales and commitments by South Australia, as well as potentially Victoria, to have the schemes in place by the start of next year, my bill is proposing the same, with a commencement date of 1 January 2012.

I understand that health ministers are expected to discuss a variety of food labelling proposals through COAG. However, there is no promise that a proposal such as this will be successful though COAG, and even if it was successful, this could take quite

some time to be in place, which has been the experience in many areas through COAG. I am proposing that we move now with those other progressive states on something that is clear, simple and has common support.

An online poll of 2,900 Australian adults, conducted by VicHealth and the Public Health Association, found that 83 per cent of people wanted to see the kilojoule content of fast food listed on menu boards, and 67 per cent said this was likely or very likely to influence their eating choices.

The ACT Greens do not believe we need to wait for possible future actions by COAG, especially given the move is simple and is already occurring elsewhere. I look forward to engaging with other parties on the bill and do hope it will gain their support.

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

Residential Tenancies (Minimum Housing Standards) Amendment Bill 2011
Exposure draft

MR RATTENBURY (Molonglo), by leave: I present the following papers:

> Residential Tenancies (Minimum Housing Standards) Amendment Bill 2011—
>
> Exposure draft.
>
> Draft explanatory statement.

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

Leave granted.

MR RATTENBURY: I thank members for granting me leave to speak this morning to introduce the exposure draft of the bill that I have referred to. This bill inserts a new section into the current legislation which creates minimum standards for properties subject to tenancy agreements in the ACT.

The first part of the bill sets specific minimum standards for energy efficiency, water and security. The bill also creates a requirement for the minister to set other minimum standards in a range of areas such as sanitation and drainage, ventilation and protection from damp, insulation and heating, provision of water supply, electrical safety and lighting, and laundry and cooking facilities.

The bill outlines a process whereby a tenant can raise concerns with the Office of Regulatory Services, ORS, that minimum standards are not being met and can seek an order from the ORS to ensure that a landlord undertakes work to bring the property up to the minimum standard. Should an ORS order not be met, the bill also allows for the ORS or the tenant to take the matter to the ACT Civil and Administrative Tribunal, ACAT, and outlines a range of orders that ACAT can take in regard to the matter.

If the lessor believes that the premises cannot meet the minimum standards then they can apply for an exemption. The bill gives the capacity to the minister to create exemptions where the cost of meeting the minimum standard is considered unreasonable.

The bill does not apply to people classed as occupiers under the current act. But it would apply to Housing ACT properties.

The context for introducing this bill is that, according to the 2006 census, around 35,000 households are living in tenanted properties in the ACT. Seventy-two per cent of these are private rentals and 26½ per cent are rented by the ACT government. While a large number of properties rented out in the ACT are of good quality, many older houses in the ACT are substandard. Unfortunately, it is these houses that often end up being rented by those who are on the lowest incomes. Ironically, they can also be the people who end up with the highest running costs.

If this bill, in its current form, does pass the Assembly, we will be the first state or territory in Australia to comprehensively address minimum standards for rental properties. Queensland has set a minimum standard for water efficiency in rental properties but, aside from that, a comprehensive response to this issue has not been implemented across the states.

That does not mean there is not a debate that has been running hot. The call for minimum standards for rental properties has been made by a range of community organisations across Australia, ACTCOSS in the ACT, the Brotherhood of St Laurence, the Consumer Utilities Advocacy Centre and the Victorian Council of Social Service through their decent not dodgy campaign. This campaign calls for reforms to the Victorian Residential Tenancies Act to include basic standards for rental properties to ensure that all renters are guaranteed a home that is healthy, safe and affordable to run.

At a recent conference held in Tasmania called "Renting in Tasmania 2010-2020: the next decade", there was agreement from those who attended, including real estate agents, tenants, community organisations and government, that minimum standards for rental housing should be introduced in Tasmania. What is apparent is that the states in the colder climates around Australia are starting to seriously raise these questions on minimum rental standards. And certainly Queensland has had a focus on water efficiency. It seems entirely appropriate that as a community that has cold winters and hot summers we should be engaging with this issue in a more wholehearted way.

At the start of the bill, specific standards are set out for energy efficiency, water efficiency and security. The energy efficiency standard requires premises to meet an EER of two stars by January 2013 and an EER of three stars by January 2015. While new houses are required to be six-star rated, this level is targeted at upgrading older houses, and changing a house from an EER of zero to three can halve a household electricity bill and therefore play a big role in not only improving efficiency but also improving quality of life and health.

The water efficiency standards will be delivered through fitting low-flow shower heads and taps and installing a dual-flush toilet. And the security standards call for the provision of deadlocks on external doors as well as locks on other external openings. As I said earlier, the legislation also requires the minister to set standards in other areas.

The question that comes up is: why do we need to set minimum standards for rental properties? Firstly, there are none. The current provisions in the Residential Tenancies Act place minimal requirements on landlords in regard to the status of a property, simply requiring that properties be reasonably clean, in a reasonable state of repair and reasonably secure.

This does not mean that houses need to be warm in winter, cool in summer, well ventilated, have fly screens or deadlocks. Indeed, a reasonable state of repair effectively implies that, whatever facilities the property offers, they are in good condition. But it fails to specify specific facilities that should be included.

The second reason for minimum standards is that it will help raise the standard of rental housing stock across Canberra, such that energy and water use is reduced, providing cheaper properties to run as well as contributing to the community's savings in these areas. This will have the effect of reducing long-term cost-of-living pressures on those who are renting their homes.

The third reason is that we know that there is a dilemma in regard to improvement to rental properties known as the split incentive problem. The incentives for landlords who are responsible for capital costs are limited, while basic improvements, such as ceiling insulation, might significantly improve the quality of life and lower running costs for tenants.

Fourthly, we know that, even when incentives are available, landlords do not always take them. This was clearly demonstrated when the federal government, as part of their energy efficient homes package in 2009, rolled out a scheme where landlords were able to receive up to $1,000 to help with the costs of ceiling insulation. However, while the homeowner part of the scheme was well subscribed, the rental scheme soon rolled into the homeowner scheme. Interestingly, for every one rental property accessing this rebate, 14 accessed the owner occupiers scheme.

The Tenants Union of Victoria supports the view that landlords do not access such rebate programs, as indicated in a survey of people who received insulation rebates in Victoria in 2008 which showed only 12 per cent were tenanted households. So while incentives might be there as a legitimate policy measure, in isolation they are not having the impact that they should.

Of course, minimum standards can also be viewed through a climate change lens and, for a parliament that has passed legislation for a greenhouse gas reduction target, such measures are part of the policy puzzle that needs to be put in place. It is estimated that at least a third of ACT houses lack adequate insulation and energy efficient lights and less than 10 per cent of houses have solar hot-water systems. The composition of

residential energy use indicates that a large proportion of consumption is from heating and cooling, hot water, lighting and cooking, components that tenants would, aside from usage patterns, be unable to easily influence.

As Canberra's residential housing stock accounts for around 40 per cent of the ACT's greenhouse emissions and the rental market accounts for around 30 per cent of those residencies, rental housing offers a significant opportunity to make greenhouse savings.

This bill will have the effect of implementing by May 2011 the government's COAG commitment of phasing in mandatory disclosure of residential building energy efficiency ratings for rental properties at the time of lease. It is interesting to note that many groups such as VCOSS, the Brotherhood of St Laurence and the Tenants Union of Victoria have warned against introducing mandatory disclosure without introducing minimum rental standards, as houses that have improved energy efficiency will be able to demand higher rents, leaving low income tenants priced out of the market and pushing them into the lowest quality, least energy efficient housing.

While the ACT rates well on some scales of housing affordability, the rent market is tight and rent prices are too high for many on lower incomes. Families already experiencing cost-of-living pressures will only find it harder if they are renting properties that are energy hungry. It is not uncommon to see an energy efficiency rating of between zero and 1½ stars for older houses in the ACT, and they are expensive to run.

Interestingly, while many have had cosmetic upgrades that presumably make them easier to rent out, they still have very low EERs. Yet information supplied by the home energy audit team in 2005 indicates that lifting an EER from zero to three can halve a home's energy bill. Given that the cost of energy has risen markedly over the past six years, this fact becomes even more important.

Some may argue that placing extra costs on landlords in terms of capital expenditures will just put up the price of renting in a town where renting is already difficult and expensive. But experts tell us that the key determinant of rental price is in fact the market vacancy rates and availability rather than landlords' costs. Our tight rental market means that landlords consider what they might be able to charge in light of what the market can bear. In the last few months, I have had many conversations with tenants who have had their rent increased by $30 to $50 per week, without any improvement to the house.

Given that reality, the introduction of minimum standards is likely to have very little impact on rents. Even if some rents do rise slightly as a result of expenses that are absorbed by landlords, then it is very likely that the tenants will save over the longer term on the running costs of the property. And landlords will have access to some financial assistance to improve their properties. Already the government offers a $500 rebate if more than $2,000 is spent on energy efficiency improvements, and there are also rebates available for dual-flush toilets under the ACT government's ToiletSmart program. Landlords will also be able to claim some tax concessions.

Obviously not all landlords will be keen to invest the capital to bring properties up to minimum standards. But that capital investment will, in general, only improve the value of the property. Nonetheless it is all too common that long-term landlords are not concerned about the standard of properties, as they understand that it is the capital gain which will reap the larger reward when they sell. While this may be a smart investment tactic, it does not address the broader social goal of having decent rental homes for tenants to live in.

As it currently stands, landlords are passing the costs of inefficient buildings on to their tenants, and some tenants are being forced to accept substandard rentals because the rental market is so competitive. We do not think that this is a fair outcome for tenants. And we think that landlords should provide the basics of what a fair and respectable rental should be—warm, secure, ventilated in summer and without damp and mould.

It is difficult to predict what the cost of meeting minimum standards for individual houses will be, as each house will be starting off a different base. Some houses will be well below minimum standards, others may need far less work to meet the standards and some will not need any work at all.

It is also difficult to calculate exactly how much it would cost to increase a specific house to an EER of two or three, as each house is constructed and oriented differently. Most houses could be increased to an EER of two stars with relative ease by putting in high-grade ceiling and wall insulation. This applies to many common house construction types—brick veneer, double brick and weatherboard.

However, some housing constructions may prove more difficult to insulate, for example, monocrete or besser brick houses. While these houses may be able to add ceiling insulation, depending on the roof construction, they may require full external cladding to achieve the rating, and that could be potentially very expensive.

These houses are a classic example of those that will likely require an exemption from the minimum standard. And the clause we have drafted allows the minister to create exemptions from specific standards for premises or a class of premises. Exemptions can be when specific standards are impractical or unreasonably expensive, for example, as I said, insulating a monocrete house or putting hard-wired smoke alarms in houses with no access to the roof space or wiring.

In summary, we will be consulting on this bill over the next two months. We are very much looking forward to further discussions with both a range of stakeholders and other members in the chamber. At the end of the day, the Greens believe this bill is an important social justice measure and a step in the right direction on greenhouse emissions. I commend the exposure draft to the Assembly and look forward to feedback from both members of the Assembly and members of the public.

Leave of absence

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

That leave of absence be granted to Mr Smyth for today's sitting for medical reasons.

Electronic government documents

MS LE COUTEUR (Molonglo) (10.47): I seek leave to amend my notice by adding, at paragraph (2)(d), the words "ACT government" after the word "all".

Leave granted.

MS LE COUTEUR: I therefore move:

That this Assembly:

(1) notes:

(a) that government information is a public good and unless there is a compelling public interest otherwise, all information created by the ACT Government should be freely accessible;

(b) that the Commonwealth Government has made a declaration of open government;

(c) that, as a general rule, government information should follow the standards in Engage: Getting on with Government 2.0 adopted by the Commonwealth Government and be:

(i) free;

(ii) easily discoverable;

(iii) based on open standards and therefore machine-readable;

(iv) properly documented and therefore understandable; and

(v) licensed to permit free reuse and transformation by others;

(d) that these aims can be facilitated by information technology known as Web 2.0 and this combination is referred to as Government 2.0;

(e) that governance of the ACT will be improved through community collaboration made possible by Government 2.0; and

(f) that the ACT Government:

(i) copyrights all publications by default;

(ii) does not routinely store data in an open format, rather uses Microsoft Office and default stores as Microsoft proprietary formats; and

(iii) does not routinely release reports as soon as they are presented to it; and

(2) calls on the ACT Government to:

(a) make a declaration of open government;

(b) adopt a presumption of information disclosure rather than confidentiality;

(c) make appropriate datasets freely available, in particular ACTION timetable data;

(d) copyright all ACT Government publications under creative commons licences;

(e) save all information in formats which have open standards;

(f) sponsor a competition for creative use of ACT Government datasets;

(g) investigate the use of information and communication technology to facilitate participatory democracy; and

(h) report back on these issues by the last sitting day in September 2011.

I am very pleased to move this motion today because it brings together two things that I am very interested in. One is the concept of information, the concept that information should be freely available. I will start with a couple of quotes. From George Orwell:

> During times of universal deceit, telling the truth becomes a revolutionary act.

And from the Bible:

> The truth will set you free.

Unfortunately, the other corollary to this, as the government and all of us here well know, is knowledge is power. I think we could say that what we have today in all Western democracies, unfortunately, is a declining trust in governments. We have a retreat from civic engagement. People have a feeling that they lack trust and that they do not have a voice in government. I think that one of the ways that we can address these issues is by looking at information—freedom of information. Fundamentally, that is what this motion is about. It is about freedom of information. Secondly, it is about information technology, which can be used to make information freely available very cheaply. That is my second interest because, as members may remember, prior to my election to this place I was the IT manager and a director of Australian Ethical Investment, so information technology is another of my interests.

I will go through my motion and point out to you—and hopefully you will agree—how right it is. First we state:

> … that government information is a public good and unless there is a compelling public interest otherwise, all information created by the ACT Government should be freely accessible …

Basically, the point is that our taxes have paid for this information. Unless there is a good reason otherwise, we should have access to it. It is a new mindset that we are looking at—the mindset of making information available rather than concealing it. Last Saturday's *Canberra Times* provides a very good reason why we should do this. In the *Canberra Times* last weekend there was a discussion about the problems at AMC. It was a very ill-informed discussion because it was based entirely on pieces of the Hamburger report which had been leaked by Mr Hanson—I am sorry, provided by Mr Hanson, and I am not sure how, to the *Canberra Times*.

Mr Hanson: It was the Burnet report.

MS LE COUTEUR: It was the Burnet report. Thank you, Mr Hanson. My point is that it was an ill-informed debate because the two reports that were relevant to it—the Hamburger report and the Burnet report—were not available to the Assembly and were not available to the public. These are reports which were paid for by the ACT taxpayers. These are reports on matters that are clearly of public interest. It strikes me that these are the sorts of reports that the public actually should have access to. I am pleased that this week the government is releasing them, but one wonders how long it might have taken if they had not already come out in the paper.

I think we need to have a presumption that government reports will be released. We have all spent time here trying to pursue government reports and trying to get information. A couple of weeks ago I asked a question about the draft waste strategy and about third bins. I asked a question without notice. I have finally got a response to that which, in fact, gives me no information. Some of the information certainly is commercial-in-confidence, but not all of it.

The government needs to start thinking about having a different presumption—that the information has been paid for by the public and is interesting to the public in many cases. The first idea should be that it is available unless there are reasons why it should not be available. I am not suggesting for one minute that everything should be published. That is clearly unworkable. It would also be incredibly boring to the public. But it is a change of mindset to openness rather than closedness.

We started to see this happen in the world with the recent natural disasters. There were some really exciting and innovative maps and other displays of what was going on. The ABC in particular did some wonderful things, using—I probably cannot pronounce this correctly—the Ushahidi platform. That word, which I cannot pronounce, means "testimony" in Swahili. That is what they used to do all their crowd-sourced information about what was actually happening in the world and in Queensland. Those are the sorts of things that we could be doing on a smaller scale in the ACT.

Paragraph (1)(b) of the motion states:

> … the Commonwealth Government has made a declaration of open government;

I will quote from Lindsay Tanner's declaration last year. He started off by saying:

> … in order to promote greater participation in Australia's democracy, it is committed to open government based on a culture of engagement, built on better access to and use of government health information, and sustained by the innovative use of technology.

This is the sort of thing I would like to see the ACT government sign on to also. Paragraph (1)(c) states:

> … as a general rule, government information should follow the standards in *Engage: Getting on with Government 2.0* adopted by the Commonwealth Government and be:
>
> (a) free …

As I have said before, this information has already been paid for by the ACT taxpayers and they should not be charged again. Paragraph (1)(c)(ii) says that the information should be easily discoverable. There is no point in having information if you cannot find it. A lot of this comes down to the design of websites, which is where they tend to be published. Speaking as someone who spends an awful lot of time on the ACTPLA website, for instance, there is a lot of information on there which very few people will ever find. In fact, we have the situation—as I tell people and they tell me—where people should use Google to search ACTPLA's website. Using ACTPLA's own search, you simply will not find most things. Websites, if badly used, can be a way for government to conceal information. In (iii) we say that information should be:

> (iii) based on open standards and therefore machine-readable …

What we need to have for datasets are standards that all people can read and that will not go out of date in a few years time. It is particularly important because most of our information these days is electronic information. We run the risk that we will not have archives of our information that are useable in 10 or 20 years because we will have had important information stored in formats which were not based on an open standard. The standard will no longer be available and they will not be machine readable. This is needed for the long-term viability of information storage, to say nothing of short-term usability of information. In (iv) we say information should be:

> (iv) properly documented and therefore understandable …

If you have information, you need to know what it refers to. Are we talking about kilograms? Are we talking about litres? Are we talking about whatever? Documentation is important. It needs to be licensed to permit free reuse and transformation by others. The commonwealth government task force proposed that the commonwealth government use the Creative Commons Attribution 2.5 Australia as its default licence. In summary, that licence says—and it is a little bit more complicated—that anything under this licence you are free to share. You can copy, distribute and transmit the work. You can remix and you can adapt the work. But it states under "Under the following conditions"—and this is the major condition:

> You must attribute the work in the manner specified by the author or licensor (but not in any way that suggests that they endorse you or your use of the work).

That seems to me entirely fair. It is broadly consistent with the copyright provisions of fair dealing, but it makes it explicit that you have got this. This is, I think, what we should be doing with our government information. In paragraph (d) we state:

> … these aims can be facilitated by information technology known as *Web 2.0* and this combination is referred to as *Government 2.0* …

The internet is a wonderful thing. One of the most interesting things about it for historians is that the internet, in fact, was a creation of the US military. It was started because the US military said, "We need to work out some way of decentralising communications so that if parts of our infrastructure get wiped out, it is still going to happen." Decentralisation has allowed a massive democratisation of communication which I think, in general, has been very positive for the world. When we look at places like Tunisia, Egypt and Libya in particular, their regimes' first step was to halt the uprisings by cutting off the internet and the rebels' broadcasting channels. They also cut off the mobile phones and text messaging, the things which people used for organising.

As I mentioned earlier, we should not be using websites to confuse. We should be doing good, accessible sites. Our community is not entirely full of young, web-savvy people. It also includes older people, disabled people—people who need to have well-designed websites. In paragraph (e) the motion states:

> … governance of the ACT will be improved through community collaboration made possible by *Government 2.0* …

Participatory democracy, which Government 2.0 is all about, is a core Green value. I think that the government has made attempts in this direction and the government's 2030 consultation process is part of that. But other governments have gone further than this. I refer particularly to eastern Berlin. The Berlin Lichtenberg borough has 251,000 residents, so it is about the same size as us. It has a participatory budget process under which about €31 million is allocated on the basis of projects that citizens vote for. They first vote online and then the government follows up with some non-online methods and a random survey of residents to get a more representative feel. The government could look at something like that.

One thing that the Greens have been talking about forever is ACTION data. Other jurisdictions have made their timetable data available. One way that they have made it available is to publish it in a format that can be used by people in transit. That is very cheap and easy. I note that the ACT government has been saying for at least a couple of years that it will do that. However, the ACT government is not making this information freely available. It has gone to the extent that my colleague Ms Bresnan has had to lodge a request under freedom of information to have the ACT government publicly release this data. "Appalling" is the only word for it.

I could go on at greater length on this but I note that I am going to run out of time. So I will get on to my second point. As I know from asking a question on notice, the

ACT government copyrights all publications by default. Unfortunately, our data is not stored in an open format. We use Microsoft Office. We use docx, which is a proprietary XML format. Microsoft looked at doing an open format but, unfortunately, what we have got here is not that open format. As I noted earlier, the government does not routinely release reports as soon as they are presented to it. It hangs on to them sometimes for years and years.

Getting to the heart of it, the motion calls on the government to make a declaration of open government, basically along the same lines as the commonwealth has done. Secondly, it calls on the government to:

> … adopt a presumption of information disclosure rather than confidentiality.

Again, this is something the commonwealth has done. It is a change in mindset. Particularly in this situation, where governments in the ACT are normally minority governments, we should have collaborative government. The presumption of disclosure rather than confidentiality is where we need to be going. As I said before, we need to make appropriate datasets freely available. The ACTION timetable data is probably the number one example of this. It is unbelievable that that has not been made publicly available yet. Paragraph (2)(d) calls on the government to:

> (d) copyright all ACT Government publications under creative commons licences …

I appreciate what the government said in its response to me—that it often makes works available for fair dealing if approached. But people should not need to go through that. The creative commons licence makes the responsibilities for attribution and fair dealing very clear. It would save everyone a lot of work to just do that. In (e) we call on the government to:

> … save all information in formats which have open standards …

This is really needed if we are ever going to have readable archives of what we have been doing. In (f) we call on the government to:

> … sponsor a competition for creative use of ACT Government datasets.

The commonwealth has done this. We could do one. It would be great fun. In (g) we call on the government to:

> … investigate the use of information and communication technology to facilitate participatory democracy …

As other jurisdictions have done. Lastly, in my last three seconds, we call on the government to:

> … report back on these issues by the last sitting day in September 2011.

MRS DUNNE (Ginninderra) (11.03): I thank Ms Le Couteur for bringing forward this motion today. I congratulate her on her motion, which the Canberra Liberals are happy to support in its entirety, especially now that Ms Le Couteur has added the

words "ACT government publications" to (2)(d), as was suggested. I thank Ms Le Couteur for doing that in this way.

There is nothing in this motion that anyone who believes in open government can complain about or can quibble about. Without in any way anticipating the work of the Standing Committee on Justice and Community Safety in relation to freedom of information, I think that many of the sentiments that are expressed in this motion would have some resonance with the work that has been done by my colleagues and I in relation to the work on the Freedom of Information Act in the ACT, which will be tabled in this place tomorrow. So I think this is very timely and sets the scene for the work that I think this Assembly needs to do in relation to the formal operative provisions of the Freedom of Information Act.

I would like to speak only briefly because I think that the motion speaks for itself, but in congratulating Ms Le Couteur on and supporting her motion I draw on what is in paragraph (2). I note that the government is proposing to move an amendment. I do not know that it has been circulated, but if it is circulated and moved the Canberra Liberals will not be supporting it because it is a watering down of the very important notion put forward in Ms Le Couteur's motion.

The Canberra Liberals have long held that we should have an approach to open government here. As does Mr Hanson, who was not here at the time but likes to dwell on this on a regular basis, we need to remember the tenor of the approach taken by the incoming Stanhope government to open government. When Mr Stanhope was the Leader of the Opposition, he went out on a number of occasions and made grandiose speeches about open government. In the almost 10 years of the Stanhope government we have seen very little evidence of the actions of the Stanhope government bearing fruit in that regard. And, seeing that we are quoting from Orwell and the Bible, by their fruits shall ye know them. When it comes to open government, the fruits of open government under the Stanhope government have provided very thin pickings indeed and have been very dried up and unproductive fruits.

This is borne out by the proposed amendments that were shown to my office this morning. The government looks into and investigates, rather than having definite commitments—like making a declaration of open government. Jon Stanhope was prepared to do this in opposition. Why is he now afraid to make a declaration of open government? Well might we ask. Paragraph (2)(d) states:

> Adopt a presumption of information disclosure rather than confidentiality …

Jon Stanhope said when he was in opposition, when he was the opposition leader, "We will not hide behind confidentiality." But in all manner of things in the last 10 years we have seen the government hide behind confidentiality. We see it with the members of this place trying to come to terms with the proposed changes to compulsory third-party insurance, with the Treasurer saying, "I cannot tell you that." We are expected to make decisions about the insurance future of the people of the ACT with no information.

Ms Le Couteur's motion talks about making appropriate datasets freely available. I have a quibble with this motion drawing out particular examples, because that means

that the government might say it is complying by providing those datasets rather than looking at the whole range of datasets available. The motion says we should save all ACT government publications under creative commons licences. We should be working towards this and ensuring that, as Ms Le Couteur says, the information that is contained in datasets is available and active well into the future as formats change. This is the case with ensuring that we have appropriate open standards for formats.

I do like her call in (2)(f) to sponsor competitions for creative use of ACT government datasets. This whole topic of openness of government and the making available of datasets—which Ms Le Couteur rightly points out the people of the ACT already own; they pay for them in their taxes—was a very strong issue in a number of sessions that I attended in last July's National Conference of State Legislatures in Louisville. I suppose it was an area that I was interested in given the inquiry that was being conducted into the Freedom of Information Act. Washington DC had just conducted a competition for the creative use of datasets and the winning entry was perhaps not something that everyone would feel all that comfortable with.

A group of students managed to take the GPS elements of Washington DC, the public transport timetables, crime figures and associated information and put together an application which would help young Washingtonians go out to nightspots and avoid places where there were high levels of crime. You could optimise your safety when you were out at night by organising your pub crawl in a way that you would not be beaten up on the way while using public transport. I think there were a few people who were perplexed about that. But it did demonstrate ingenuity and show that a person who creates a dataset may see a particular use for it but other people coming to it with a different mindset will be able to find an innovative use for that dataset, for the benefit of the wider community.

This is a very thoughtful motion, and I commend Ms Le Couteur for it. There is much more that I would like to say on this, but given the fact that my standing committee is about to report on this matter I think that I am somewhat constrained—but the Canberra Liberals welcome this. We are ourselves in favour of open government and what we have done in the past five or six years in relation to, for instance, freedom of information reform highlights our commitment to that. Our commitment has been through action rather than talk, which is what we have seen from the Stanhope government. I suspect that today we are going to see more talk, which we will not be supporting, and even less action. I congratulate Ms Le Couteur on this motion. I am happy to support it in its amended form.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.11): I seek the leave of the Assembly to make a very minor amendment to my amendment, which is to insert the words "ACT government" and omit the word "all" in (d).

Leave granted.

MR CORBELL: I thank the Assembly. That amendment reflects the similar amendment that Ms Le Couteur moved to her motion. I move:

Omit subparagraphs (2)(d) to (h), substitute:

"(d) explore the copyright of ACT Government publications under creative commons licences;

(e) explore saving all information in formats which have open standards;

(f) explore the option of a competition for creative use of ACT Government datasets;

(g) investigate the use of information and communication technology to facilitate participatory democracy; and

(h) report back on these issues by the last sitting day in September 2011.".

On behalf of the Chief Minister, the government is supportive of the broad sentiment of this motion, and we recognise that there are significant opportunities to be seized from providing greater access to a broad range of government information and publications. Those principles are outlined in a range of initiatives which the government has been pushing forward on over the last couple of years, and for that reason we remain committed to these principles of open access to government information, an understandable regime for its release and mechanisms to drive that approach.

There are, however, a number of issues of concern for the government in Ms Le Couteur's motion, and those issues are addressed by my amendment. The issues of concern are the straightforward demand of Ms Le Couteur in her motion that certain things occur in a particular way, and basically occur straightaway.

The government believes that there are a range of implications that need to be properly considered before we can conclude that the steps Ms Le Couteur advocates should occur. As to providing for copyright of all publications under creative commons licences, we simply do not know what the implications are of doing that for all ACT government publications at this time, and it would be prudent for the government to understand those implications fully before agreeing to adopt such an approach.

Equally, the provision of information in formats which have open standards does have implications that we need to properly and fully understand, and before the government is prepared to adopt that approach we want to be able to understand those implications. So this is not an amendment seeking to object in principle to the matters being raised by Ms Le Couteur, but instead it seeks to make the point and to clarify that the government needs to undertake further work to understand the implications of the approaches Ms Le Couteur is suggesting before it is in a position to agree to it.

For that reason the government is moving the amendment which I have circulated. It simply asks the Assembly to agree that these are issues that need to be further investigated before a commitment can be given to adopt the approaches that Ms Le Couteur is suggesting. I think that is a sensible and not unreasonable request by

the government to the Assembly. It does not in any way suggest that the government is unwilling or unable to engage in the approaches that Ms Le Couteur is suggesting in her motion; it simply suggests that it requires further consideration before those steps are taken. I ask members to take that on board. The government cannot agree to act in the manner Ms Le Couteur suggests without properly examining all of the implications, and we believe that those issues should therefore be reflected in the motion. I commend the amendment to members.

MS LE COUTEUR (Molonglo) (11.16): I wish to speak on the amendment here, Mr Speaker. I hear what Mr Corbell says about (d) of his amendment, exploring the copyright of all ACT government publications under creative commons licences. I think actually that one should not be a very worrying one because, clearly, if the ACT government does not have the copyright for something, it cannot be done. And if the ACT government has created the information and therefore has the copyright, and it is going to be published, why would it not be under creative commons?

This is not saying that every piece of government information should be published. This is only government publications, for which, I understand on the basis of an answer to a question on notice, the government's stated policy is that it will allow fair dealing. So there is not a huge difference between fair dealing and creative commons licences. I think that this one is something that the government, given we are only talking about publications and not information in general, should in fact find it quite easy to agree to. This one is not a hard one.

I think that (e), saving all information in formats which have open standards, is possibly slightly harder due to the fact that we are using Microsoft for everything, but I believe that it is possible even with Microsoft to save things in open standards. Remember, of course, I am not saying that everything should be saved; I am saying "all information", if you want to take the weasel word out of it. I think that this is in fact possible.

With (f), we just said "sponsor a competition" while the amendment has "explore the option of a competition" and I really think that it would be possible for the government to do it. As I have said, the commonwealth government has done it, and it has been done in the ACT although not under ACT sponsorship. That one is, I think, well within the ACT government's means.

While these requests may be asking the government to move further than it would like to, it is not asking the government to move further than it actually can move and so the Greens will not support the government's proposed amendment.

Question put:

> That **Mr Corbell**'s amendment be agreed to.

The Assembly voted—

Ayes 5		Noes 8	
Mr Barr	Mr Hargreaves	Ms Bresnan	Ms Hunter
Ms Burch		Mr Doszpot	Ms Le Couteur
Mr Corbell		Mrs Dunne	Mr Rattenbury
Ms Gallagher		Mr Hanson	Mr Seselja

Question so resolved in the negative.

MS LE COUTEUR (Molonglo) (11.24): I would like to thank both the Liberal Party and the Labor Party for their basic support of this motion, despite the fact we have just voted down Mr Corbell's amendment. I would like in particular to thank Mrs Dunne for pointing out that I was being a little ambitious in my original motion and it was possibly beyond the scope of the ACT government to change the copyright of all publications to creative commons licences, great idea though I think it would have been.

I do also agree with Mrs Dunne's point that there is a possible problem with mentioning specific datasets in terms of ones that should be available, but I felt that it was important to demonstrate some of the obvious places where we have issues. I guess while I am at it, I will mention ACTPLA again. ACTPLA's website is very hard to use and it simply does not have on it all the data which people want, which they would like to see.

I am very hopeful that this motion will lead to better and more open government, better and more participatory democracy in the ACT, and I commend the motion to the Assembly.

Motion agreed to.

Attorney-General
Motion of censure

MR HANSON (Molonglo) (11.26): I move:

> That this Assembly:
>
> (1) notes that the document entitled Final Report (December 2010) of the Burnet Institute—External component of drug policies and services and their subsequent effects on prisoners and staff within the Alexander Maconochie Centre (AMC) provides a damning assessment across a broad range of functions and services at the AMC, such as:
>
> (a) a lack of leadership, governance, policy guidance and policy coordination;
>
> (b) drug services that are fragmented and poorly coordinated;
>
> (c) drug policies are not developed with front line staff consultation leading to ineffective outcomes;

(d) the human rights compliant approach is in some cases harming rather than aiding effective management of the AMC and drug rehabilitation programs;

(e) an inadequate blood borne virus testing regime means any data on Hepatitis C or other diseases is unreliable;

(f) the inadequate Hepatitis C testing regime may actually be encouraging prisoners to take risks and share needles;

(g) many prisoners with Hepatitis C experience poor access to treatment;

(h) illicit drug testing at the AMC is ineffective;

(i) strategies to prevent illicit drugs entering the AMC are failing;

(j) searching for drugs and contraband is inconsistent and results are questionable;

(k) case management of prisoners is inadequate;

(l) prisoner throughcare is inadequate;

(m) counselling of prisoners is deficient;

(n) education, employment and recreational programs and facilities are inadequate and compare unfavourably with New South Wales;

(o) drug rehabilitation programs are limited, are poorly attended and in some cases under resourced;

(p) the mixed category AMC that includes male, female, remand and sentenced prisoners leads to some negative outcomes, particularly for remandees and females;

(q) prisoners experience poor access to health care that is not in accord with human rights framework of the AMC;

(r) prisoners with mental illness are not receiving adequate support;

(s) health staff appear to be pushing methadone on prisoners after they had already detoxed from other drugs; and

(t) there is conflict between ACT Health and ACT Corrective Services on a number of issues;

(2) notes that the independent review of the operations at the AMC dated 12 March 2011, the Hamburger Report, found that:

(a) the AMC has suffered a range of operational deficiencies during the first 12 months of operation that resulted in less effective service outcomes and loss of reputation for ACT Corrective Services;

(b) a number of shortcomings if not addressed quickly will result in ongoing flawed decision-making and accountability problems;

(c) to date the AMC has not delivered to the standard required;

(d) the current capacity of 300 beds places constraints on the delivery of services to detainees and the management of the safety and security of the AMC;

(e) insufficient counselling services have impacted adversely on detainee behaviour;

(f) there is concern the complexity of disciplinary processes are leading to problems;

(g) until the AMC is operating effectively there will be a raised level of risk to the safety of staff and detainees;

(h) reporting and recording of data is problematic;

(i) a number of issues have arisen that have contributed to a diminished capacity of the AMC to deliver services to detainees to meet the standards set for a human rights compliant prison;

(j) a Needle and Syringe Program is unlikely to succeed given staff views;

(k) leadership issues including a lack of continuity need to be addressed;

(l) technology failures need to be addressed;

(m) performance measurement is less than robust;

(n) a range of operational shortcomings indicates a level of failure;

(o) there has been an inefficient staff rostering system;

(p) there are concerns with the design, staffing and operation of the Crisis Support Unit; and

(q) there is division and poor coordination between health services provided between ACT Corrective Services and ACT Health;

(3) notes that the Knowledge Consulting review into ACT Corrective Services governance, including in relation to drug testing at the AMC, dated 1 April 2011, found:

(a) that "since commissioning of the AMC there have existed systemic problems with the governance in ACT Corrective Services that have resulted in management and supervision practices not being effective";

(b) that "a range of operational shortcomings identified elsewhere in this report indicates a level of failure in relation to proactive monitoring of day to day performance in the AMC workplace"; and

(c) the "ACT Corrective Services does not have quality recording and reporting systems in place for key performance data";

(4) notes that the damning Burnet Institute, Hamburger and Knowledge Consulting reports follow on from a long litany of failures and mismanagement in corrections, including:

(a) in late 2008 and early 2009 there were ongoing human rights breaches at the Belconnen Remand Centre (BRC) that were found by the Human Rights Commissioner to have been exacerbated by the late opening of the AMC;

(b) there were numerous security incidents in late 2008 and early 2009 at the BRC, including violence that resulted in corrections officers being treated in hospital;

(c) the AMC was eventually delivered over 12 months late;

(d) the AMC was officially opened on the eve of the ACT Election, five months prior to receiving prisoners;

(e) that the AMC had defects remaining in the security system when opened and was not ready to receive prisoners;

(f) the AMC was delivered under scope, 75 beds less than originally promised, and lacking a gym, outer perimeter fence and a chapel;

(g) the AMC was delivered approximately $20 million over its original budget at a cost of $130 million;

(h) that drugs, needles and razor blades were found in the AMC shortly after the first prisoners arrived;

(i) that the radio frequency identification system is not yet operational and a number of identification bracelets were lost;

(j) that there have been breaches of the Corrections Management (Email / Internet for Prisoners) Policy 2009;

(k) that the AMC is costing ACT taxpayers over $400 per prisoner per day;

(l) that the Attorney-General, Simon Corbell MLA, refused to accept the unanimous and damning findings of the Standing Committee on Justice and Community Safety's report No. 3, *Inquiry into the delay in the commencement of operations at the Alexander Maconochie Centre* and made serious allegations in the Assembly against the three committee members accusing them of having conducted a "sham inquiry to achieve a political end";

(m) the wrongful release of a prisoner by ACT Corrective Services who stated that in relation to his release, "anyone else could have, murderers, bad armed robbers, they all could have got out, it was that easy";

(n) allegations of a breach of procedures and falsification of documents relating to a death in custody;

(o) the alleged rape and abuse of a detainee at the AMC, leading an ACT Supreme Court Justice to warn the ACT government that "if the community cannot protect someone who is detained then the community cannot expect to retain that detention";

(p) lockdowns of prisoners for 20 hours a day due to staff shortages and rostering failures leading to a lengthy protest by 13 prisoners on the roof of a prison building;

(q) tacit approval and support by corrections officers for the illegal protest, a result of their own frustration with staffing shortages;

(r) delay and disruption to rehabilitation programs due to staff shortages and lockdowns;

(s) community organisations contracted to run rehabilitation programs at the AMC being turned away from the AMC due to short staffing shortfalls;

(t) only 18 months after opening, the AMC was at capacity and required retrofitting of bunk beds;

(u) the Attorney General repeatedly advised the public and Members of the Assembly that the capacity of the AMC was 300 although it was subsequently revealed as 245 in November 2010; and

(v) the Attorney General and Chief Minister incorrectly advised the public and the Assembly in late 2010 that all prisoners were tested for drugs on entry to the AMC, however opposition questioning revealed in early 2011 that this was not the case;

(5) notes that the:

(a) Assembly previously expressed its serious concern with the Attorney General's conduct as a minister on 10 February 2009 when, as acting as Minister for Corrections, he made potentially prejudicial comments to the media regarding two prisoners who conducted a roof top protest on the BRC; and

(b) public has lost confidence in the Attorney General's ability to manage the AMC effectively, reflected by *The Canberra Times* editorial of 5 April 2011 describing the AMC as a shambolic disappointment; and

(6) censures the Attorney General, Simon Corbell MLA.

I rise today to bring a motion of censure against the Attorney-General, Simon Corbell, for his failure in leadership in the management of corrections in the ACT. And we do not do this lightly. If you look at the notice paper and the motion that I have put forward today, it is unlikely that we will be able to get through the weight of evidence against this minister, because there are five pages of damning evidence in this motion

on the notice paper. The reason it is so damning is quite clear. This minister has failed in his responsibilities.

There are three things that I want to turn to. Firstly there are the bad reports. We have seen the Burnet report, we have seen the first Hamburger report, we have seen the second Hamburger report and we have seen the litany of failures since this jail was opened falsely on the eve of the ACT election, all the way through to just a couple of weeks ago. We have seen all the failures that have been occurring.

I note that my colleagues and I are not the only ones that share this opinion. The *Canberra Times* editorial of yesterday stated:

> Sadly, the centre has proven to be a shambolic disappointment.

I am quoting from the editorial. I quote further:

> All new institutions have teething problems, but the institute's report suggests the Alexander Maconochie Centre is failing its very purpose—and by a long way.

I agree with that assessment and I think that the time for the minister to say that these are teething problems has long gone.

Of course, we have the Burnet report. We have the final version or the third final version. I will wait until tomorrow to see what the government has been able to get cut out of the final version that we have. But the question is whether this would ever have been released. It is interesting, given Ms Le Couteur's last motion, which was about government openness and accountability in the release of documents, that the only reason that we have this document is that it was provided to us, because it was unlikely, I think, that the government was going to release it at all, certainly not any time soon.

But if you go through the Burnet report and look at the mismanagement that is occurring at that jail, what is stark and what is a highlight is the failure in leadership. You would expect that there would be some problems. You would expect that there would be some errors made. But the evaluation team assessed that there was—and I am quoting—"a lack of leadership and coordination of drug-related activities at the AMC". If the minister is not responsible for that, then who is? And I quote again:

> Overall the service system intended to address drug-related issues at the AMC suffers from a lack of clear policy direction …

Who is responsible for policy direction, if not the minister? It continues:

> … that there is no coordination across providers in the AMC … and that there is little overarching leadership and no governance and leadership structure to support effective drug service delivery across the AMC.

Further, the evaluation team identified multiple areas where policy was being implemented ineffectively or not at all. Governance issues have emerged in relation to

a lack of leadership across operations. This lack of leadership has resulted in unbalanced application of activities. This lack of leadership has in part resulted from a lack of clear policy guidance for the AMC.

I wonder who is responsible for clear policy guidance for the AMC if not the Attorney-General, Simon Corbell. Overall, the evaluation team concluded that there was an absence of clear policy guidance and governance and legislative structure, and so on and so on.

In relation to the problems that we are seeing at this jail, that have been found in the Hamburger report and the Burnet report—the Burnet report, 196 pages of damning evidence—what the evaluation team conclude is that it is as a result of a lack of leadership and a lack of clear policy guidance. And if the Attorney-General, the minister responsible, is not responsible for that, then who is? Who is responsible for leadership and who is responsible for policy guidance in this government if not the minister appointed to manage corrections in the ACT?

If you look through the Burnet report, the copy of it that we have been provided with, you will see that there are numerous problems. There are concerns about the human rights approach that has been taken, the way that is affecting security and individual responsibility, the effectiveness of some therapeutic programs, the testing regimes for hep C.

The evaluation team believes that both the data and the clinical practices relating to blood-borne virus testing and management are problematic. The current blood-borne type virus testing and vaccination practices and data reporting practices are inadequate. And the current system offers no way to reliably estimate incidents or prevalence of blood-borne viruses amongst the AMC population.

But worse, what Burnet found was that the way that the testing is being conducted, by testing for antibodies only, is throwing out false positives. And as a result, prisoners may be thinking that they are infected with hep C when they actually are not and that is encouraging them to conduct risky behaviours, be it including injecting drugs. I quote:

> Inadequate blood-borne virus testing practices at the AMC are likely to have unintended consequences in relation to engaging in injecting risk behaviours among people who mistakenly believe they are HCV positive.

The way that they are running this jail is actually putting prisoners at risk; that is what has been found by Burnet. Strategies to prevent illicit drugs from entering the jail are failing. There are problems with the searching regime. Case management is totally inadequate. In regard to prisoner through-care, I quote:

> The apparent absence of coordinated discharge planning and throughcare services is a major departure from intended drug services at the AMC.

Counselling is deficient. Limited individual counselling at the AMC is a major deficit. And there are literally dozens of quotes to support these.

The current facilities for physical activity at the AMC are inadequate or non-existent for most prisoners. I remember Simon Corbell, in a speech he gave to Christians for an Ethical Society, I think in 2008, saying how it would be so busy that prisoners were going to be kept active all the time. One of the quotes is that part of the problem is also that they are bored. "They are absolutely bored shitless" is the quote. And this is the jail that Simon Corbell said would be so busy that the prisoners would be so active, they would be so entertained, it was going to be like nirvana. It has been anything but. There is little evidence that has emerged regarding the effectiveness and suitability of other drug services and strategies at the AMC.

When you do a comparison with Corrective Services NSW, New South Wales offers a range of programs with varying levels of program intensity. And when it comes to therapeutic programs, the service offered by New South Wales is regarded by Burnet as certainly more comprehensive.

So on and on this report goes. As to prisoners with mental illness—and this might grab the attention of Ms Bresnan—this is a direct quote:

> Prisoners with mental health conditions are not receiving adequate support.

Shame on you, Attorney-General. Shame on you also, health minister. So on and on the Burnet report goes.

But what we are seeing with Burnet is that Simon Corbell, essentially, has been hiding behind Katy Gallagher. He does not want to take any responsibility for this. Although many of the areas found in the Burnet report, many of the failings, are actually his responsibility, he has been hiding when it comes to the Burnet report.

The other reports that we have seen—and there are two others we have got—are Hamburger 1 and Hamburger 2. We have got the Hamburger report that was directed by the Assembly. I make the point here that Simon Corbell has been going out there, saying:, "We want to be open and accountable. We want people to know what is going on. That is why we commissioned this report." That is not true.

I have looked at the *Hansard* of 10 February where the Liberals put a motion calling for an independent review, which was supported by the Greens. They put in a few amendments. We wanted an independent review. And guess who voted against that? I have looked at it. And I have looked at it again. Mr Corbell and Ms Gallagher both voted against a motion calling for an independent review. So when Simon Corbell says that this was because of the government wanting to be open and accountable, is that true? He voted against this very report being commissioned.

What this found—and I quote from the report—was:

> … it has not delivered to the standards required by its ambitious vision and objectives.

I quote further:

> That the current capacity of 300 beds leads to challenges in separating and segregating detainees which places constraints on the delivery of services to detainees and the management of the safety and security of the correctional centre.

This is a particularly interesting point—and we know that there is the difference between the capacity and the bed numbers—because what we are hearing here is that the number of beds that this jail was delivered with, which is 300, is causing problems with safety and security.

But this is the minister that cut it from 374 beds to 300 beds in 2006 and told a committee of this Assembly that this had capacity for 25 years; there were no problems with doing that. But what we find out is that his decision, this government's decision, to reduce the scope of the jail is now leading to problems with security and safety. And they are now having to put in temporary relief from overcrowding after one year of operations.

The other Hamburger report that was released—and I quote from this as well—is equally damning:

> Since commissioning of the AMC there have existed systemic problems with governance in ACT Corrective Services that have resulted in management and supervision practices not being effective. This has led to various disconnections between ACT Corrective Services Head Office, the management team of the AMC and AMC staff at the workplace in relation to performance management.

This report, remember, was commissioned after Simon Corbell misled this Assembly and the Chief Minister misled this Assembly, saying that drug testing was actually occurring on admission to the AMC when it was not. And what this also shows is that the only reason that that was discovered—and this is in the report—was that a question on notice was asked by the opposition. So again, it is not because the government wanted to be open or accountable. It is because the opposition was doing the hard work and uncovered the failures at the jail that the minister had misled the Assembly about.

So Simon Corbell's defence appears to be: "There has not been a disaster at the jail. I have gone a year without a disaster and that is my measure for success. Somehow, because there has been no death in custody, because there has been no riot—everything else has gone wrong but because there have not been those two events; there has not been an abject disaster—that is my measure for success." If this minister is saying that the absence of a disaster is his measure for success, then I would contend that this is a benchmark too low for this Assembly. This is a benchmark too low for this government and a benchmark too low for the people of the ACT to expect from their ministers.

Simon Corbell will claim that the Liberals will say that we will eradicate all the drugs from the jail. That is not our position but what we will do is bring in procedures and we will run the place effectively to make sure the drugs are far harder to access than they are now, so that, rather than having a drug-free jail, as Simon Corbell, asserts that

we would have—we would certainly aim for that, that would be our intent and that is what we would drive for—what we will not have is a jail where drugs are freely available. And that is the current situation under the failure of the administration of Simon Corbell.

So it seems that their response to this is a needle and syringe program. But we do not quite know. The Greens' position is quite clear. They want one. They want a needle and syringe program. The Liberal position is also very clear. We do not support it, for very good reasons.

What is the Labor position? We have been talking about this for about two years now and we still do not know what the government's position is on a needle and syringe program. And I would invite the minister to tell us today: will Labor be introducing a needle and syringe program or not? What is their position?

How long are they going to go on talking about this without making a decision and causing the sort of disruption and disturbance that we are seeing, particularly for the staff at the Alexander Maconochie Centre? There is no question that, although this is being agitated for by the left of the ALP, by Simon Corbell and Katy Gallagher who want it, when you listen to what Corrective Services are saying, this is what they say. I will read from a letter from the chief executive in December:

> At its simplest your report recommends instigation of the trial program. Both staff and agency management have major concerns with this proposal and have made their opposition to the proposal clear.

So this minister has failed in his management of the AMC. He has not got a solution. He is talking about a needle and syringe program that he has not got the heart to pursue. And this minister deserves to be censured.

MS BRESNAN (Brindabella) (11.41): The Greens will not be supporting this motion. Paragraph (1) refers to the Burnet report, but we have not seen a proper copy of it. It has not been made public. We did ask Ms Gallagher and Mr Corbell to make it public on Tuesday. They have not chosen to do that. Mr Hanson presented me with a copy yesterday in question time, so I have had this report for less than a day; how long he has actually had that report is the issue. There have been bits and pieces of the report dribbled out through the media, and overall I have to say this has been a particularly poor and inappropriate way to have a debate on such a complex and serious issue.

The government have not released this report. The opposition have dribbled out bits and pieces. This is not the way we should be having a debate about this very serious issue. We do want to see the report fully released to the public before we have a full debate about it in this chamber, because with these particular reports the Greens do, as a matter of practice, consult with the community sector who have the expertise on these issues, and that is what we should be doing in this instance.

The Greens' policies in relation to the AMC have been developed over the last six years or more, hand in hand with key experts from the community sector, through groups such as ACTCOSS, Corrections Coalition, community organisations and the

drug and alcohol sector. I want to be able to engage with those sectors so that I can continue to represent them as the Greens have done since the AMC was first planned, for their expertise has proved to be powerful and has led to us being able to advocate for what is best practice.

The information that I can legitimately call on when discussing the proposal to have a needle and syringe program in the prison is based on the discussion paper and summary of consultations that I produced last year. These papers were focused on international evidence and consultation with community groups and health experts.

The key issues through the international experience were that drugs do get into prisons no matter how much supply reduction and searching of visitors is conducted. We know that as a point of reference for human rights inmates should be able to access the same level of health services as is provided in the community. Health professionals recognise prisons as incubators of blood-borne viruses which then go on to affect the community if not properly contained and addressed. Prisoners in the AMC are sharing needles, and dirty, likely infected, needles.

Workers have the right to a safe working environment, and all the evidence—and this is all the evidence from overseas—shows that the introduction of a needle and syringe program increases workers' safety, especially from accidental needle stick injuries as a result of cell searches. It should also be noted that there have been no instances of needles being used as weapons in prisons with NS programs. In fact, the only instances where they have been used as a weapon were in prisons without NS programs.

The introduction of needle and syringe programs leads to more engagement by users with health treatments, and eventually withdrawal programs, and an overall higher uptake of drug treatment programs.

Evidence from programs overseas has shown that, once they have seen and experienced these programs in operation, prison wardens and guards have become some of the strongest advocates for NSPs in prisons. We also know that a long list of bodies representing health professionals and many eminent Australians, including a past Liberal health minister, have come out in favour of the NSP.

As a result of our research, the Greens came to the recommendation that a needle and syringe program should be trialled through the AMC's health centre, to ensure it is integrated with primary health care while ameliorating concerns raised by the CPSU. This is not the ideal way to run a program, as experience shows that it is best done through direct one-on-one exchange such as a vending machine. However, we recognise the concerns of organisations such as the CPSU, and this could be a way of addressing their concerns while implementing a program that has overwhelming support from health staff.

It is worth noting that the leaked Burnet report at the end of the day recommends that an NSP be implemented. The Hamburger report supports an NSP and notes the evidence that is available from overseas. It states, as the Greens have already, that before a program is implemented it needs to be applicable to the AMC setting and needs the support of all those who would be involved in its implementation.

I also just note regarding the testing for blood-borne viruses that my office contacted the human rights commissioner quite some time ago regarding the process that is used with testing on entry and not exit. This is related to the Human Rights Act and does create a situation where you are not getting accurate data. This is difficult to accommodate, and we did actually ask the commissioner about this.

I do have to mention the position of the New South Wales Liberal Party on this issue of an NSP. Their position actually came out through a formal submission to the Community Justice Coalition, which asked all major parties for their position on policy issues in relation to corrections. In their submission to the Community Justice Coalition, in relation to justice health and in response to the question, "Will you commit to supporting the trial of a needle and syringe program in appropriate correctional facilities with independent evaluation of the outcomes of any such trial?" the answer was, "We will consider supporting the trial of a needle and syringe program in appropriate correctional facilities with independent evaluation of the outcomes of any such trial."

I have not yet had a chance to thoroughly read through all the 330 pages of the Hamburger report, and all the 100-odd pages of its appendices, which was given to us approximately 24 hours ago. I do have to say that I find it amazing that Mr Hanson was able to come up with a motion of censure so quickly after the report was tabled—around 10 minutes or so after, in fact—even though both Mr Hanson and Mr Seselja said they would read through the report thoroughly. Perhaps Mr Hanson was able to provide something he had prepared earlier. From what I have been able to read of the report thus far, it is a good and thorough report.

When I was mentioning before about blood testing, I did mean to note that Mr Hanson still this week did not seem to think that hep C was a problem in the prison. He is still saying he does not see it as a problem. It does not take much to work out that if you have high levels of hep C in your prison population, as AMC does, and if needles are being shared, infection will occur, and I think that is something we should note.

The Hamburger report, as I said, is a very thorough and forensic report; it goes through the issues very thoroughly. I think we place a great deal of trust in experts such as Mr Hamburger to provide independent and expert advice, and I want to take this work very seriously, as we all should. I appreciate that the Liberals, with the support of the Greens, decided that this report should be done independently and I think we are better off for that. And I acknowledge that the minister did carry through with this motion and did appoint Mr Hamburger, a highly experienced and expert person, to undertake this review.

There are concerns which I very much intend to track, and they are things which I have already raised over the last few years, particularly concerning the health and wellbeing of those most vulnerable detainees. I will go through some of those immediate concerns now and I flag my intention to follow them up. But I will also say there is a very strong task force of five people to follow this up and this task force includes two very well-respected and experienced members of the community who are part of organisations who have been involved with the AMC over the last few

years in both drug and alcohol and other settings. I believe we should allow this task force to be given the opportunity to follow through what has come out of the report.

There are concerns about counselling, which I have previously raised with the minister. I did not receive a response that satisfied my concerns. However, it is good to see that it is raised in this report and will be given due regard, as it should. This is an issue that was raised with me by the community sector and now will be pursued, as I said, obviously through this report.

If detainees are suffering trauma or mental illness, providing them with medication is not enough. If an emotional problem is to be resolved and further conflict or harm avoided, we do need to give people the time to talk through their problems and come to a personal solution or emotional resolution. This is absolutely key to rehabilitation. The therapeutic community is an excellent addition to the services provided in relation to a number of areas including counselling. However, this will not be appropriate for all inmates, nor will it be able to accommodate all inmates who need this sort of service.

I am worried about those inmates being held in the crisis support unit, especially given that the forensic mental health unit is some time away. The human rights commissioner had previously recommended that Quamby be used as a temporary site until the new unit was underway. The crisis support unit does not adequately cater for the needs of all the people who require it. This is also an item that the Greens have put questions to the minister about. Again, we are talking about very vulnerable people who are going into this unit, and there should not be further harm caused to them by them going into this unit.

In relation to medication, there are matters regarding detainees' personal handling of medication that must be further resolved. While I support and believe in detainees being able to manage their own medication, I am concerned about those who are particularly vulnerable and may not have a decision-making capacity due to their intellectual or emotional disability. It is noted in the report that this matter has been raised by the human rights commissioner and I am aware of constituent cases that have been raised with me by some people that inmates are sometimes stood over by other inmates for their medication. I feel that there must be greater vigilance applied to this, particularly, as I said, for people who do not have the capacity to make that decision for themselves.

Issues regarding capacity were raised in the chamber several weeks back, on 9 March, and this is something that I continue to be concerned about, particularly the rise in detainee numbers. We certainly do not want a full prison. Many in the community feared that the prison would become full too quickly once it was operational. This is why many organisations were hesitant in the first place to support the development of the prison.

I did move some amendments to Mr Hanson's motion on 9 March, asking the Attorney-General to report back on this issue, particularly in relation to the status of community corrections and whether under-resourcing these programs is causing an increase in numbers. I appreciate the placement of some long-term inmates in the

management unit has had an impact and that the separation of inmates is important, especially for human rights and physical protection.

The Hamburger report does commend the excellent service provided through the therapeutic community. However, its location has caused some problems in that it takes up two cottages and more space than it may require. Members of the therapeutic community do get intimidated by other inmates as well and I do know that the government and the prison itself are considering moving the community to another part of the AMC.

The report has also listed concerns about the administration of policies regarding discipline and performance management, which require change. Despite these concerns, which I have just raised, the salient point which I take away from this report is that Mr Hamburger and his team believe there is a commitment from corrections staff, the government and the community to detainees' human rights. This to the Greens is one of the most important points, for in the lead-up to the prison being constructed community organisations feared that that old style of corrections culture would not be able to be transformed into what was hoped. This has been the most important aspect of the prison that we have had to monitor and encourage, as if there is no will to deliver human rights and prisoner rehabilitation it will not be achieved.

The report says:

> A strong basis has been set for a culture and a shared set of values at the AMC to deliver on commitments relating to the protection of detainees Human Rights and the delivery of best practice rehabilitation programs. The AMC is unique in relation to other Australian prisons in the high level of attention paid to detainees' human rights.

That is to me one of the most salient points, for that is the strongest asset the government has in developing a system that provides for the rehabilitation of sentenced prisoners.

The Hamburger review into problems with urine analysis shows, I believe, that the minister was misinformed by the department but that this was not done intentionally. Rather, the changeover of staff and the introduction of a new superintendent who signed off on briefs led to a periodic diminishment of ensured information flows. The Greens are of the view that the mistake is highly regrettable, as it has led to a hole in important data that can be used to monitor the presence of drugs in the prison population. But the mistake is not evidence for damnation. It was a mistake; it was not intended, and significant harm has not been caused as a result.

Paragraphs 4 and 5 of the motion describe the independent reports provided as "damning" of the government. If that is the case, why then is it that both reports recommend that the ACT government introduce an NSP? If these independent experts think the facility and its management so poor, why do they recommend Australia's first NSP be introduced?

I have to say that we are just into the fourth sitting week of the year and we already have seen Mr Hanson move three censure motions. Labor actually moved one,

making it four in total. The average number of censures, including votes of no confidence, over the life of the Assembly by our count is 3.6. The record for any year is seven, from 1991. If we continue at this rate we could reach 14, an Assembly record.

The operation of the AMC is a complex and serious issue and it deserves to be treated in that manner. I think the recent debate has denigrated it. We are talking about people who have possibly just interacted with the health system for the first time in their life; sometimes their adult life, sometimes their whole life. There are problems and I have raised problems over the last couple of years in estimates, annual reports and questions, but we are also pleased to have these independent reports. There are good things and there are bad things in the report, but it needs to be taken as a whole and given due consideration.

I think it is also worth noting that the report says that, despite the difficulties, staff can be proud of what they have actually achieved over the last 12 months, operating in what is a very difficult environment. A prison environment is difficult and we should be giving the staff and the people who work there their due consideration.

MR SESELJA (Molonglo—Leader of the Opposition) (11.56): I commend Mr Hanson for his motion and for his work in this area. This minister does deserve to be censured because what he is overseeing is an absolute shambles of a prison. The prison is clearly, by any measure, now being mismanaged. We have a shambolic government and a shambolic minister in charge of what is now becoming a shambolic institution.

We have to ask the question: why is it that these reports are leaking all over the place? Let us go back to that for a moment. Why is it that this report has been leaked? Why is it that people are coming to the opposition and giving us the government's reports? Is it because they do not trust the government in their ability to actually deliver; they do not trust them to be open and honest? There is such a lack of trust in so many sectors of this government that people are leaking all over the place, and there is good reason for it. You always know that a government is not performing well when its public servants start speaking out, when stakeholders no longer trust it and they start turning to the opposition and giving the information.

You have to ask the question, too, as to why they are not bothering to give this information to the Greens. What we heard again from Amanda Bresnan was her frustration at just how sidelined she and the Greens have been in this debate. The Greens have the balance of power here. You would think that they would be in a great position for people to be coming to them to take up issues. The problem is that they do not trust them to actually do anything other than cosy up to this government. And this cosy Labor-Greens alliance, this cosy clique we have now in the ACT between the Labor Party and the Greens, this effective majority government, means that people can have no confidence.

We heard Amanda Bresnan on the radio this week where it appeared that she was the only one who did not know what was going on. She was the only one that did not have the information. Her main gripe—and we heard it again during this speech—was that she did not actually get the information.

Mr Corbell: I thought this censure motion was about me, not about Amanda Bresnan.

MR SPEAKER: Thank you, Mr Corbell.

MR SESELJA: It is interesting, isn't it, that Mr Corbell interjects to defend his main defender in Amanda Bresnan. It is interesting; it is important that we frame this debate. Why is it that this Labor-Greens alliance is producing these kinds of outcomes? What would it take for the Greens to ever support a censure in a minister? How low are they setting the bar now, in terms of ministerial performance, in not supporting this censure?

You could not have a longer list of reasons for a censure than have been presented by Mr Hanson in his motion. We have got the Burnet report; we have got the Hamburger review; we have got the litany of failures from this minister, from the false opening onwards. We have had a minister who has been a serial misleader of this Assembly and of the community. He has misled from left to right on this issue. It is very difficult to believe anything we are now told by this minister.

He has had to acknowledge that he misled on drug testing. What was told to the Assembly by both Minister Corbell and the Chief Minister was shown to be completely false when it came to drug testing. And it was an interesting, convenient mislead, wasn't it? It was a convenient mislead because it was at a time when this minister was defending and saying: "No, no. We have rigorous drug testing procedures." They went on and gave us false information to try and back up that claim. We were lied to by this government when it came to drug testing.

The motion outlines the series of failures and the shambolic mismanagement of this facility by this minister in particular. And we can go to the Burnet report. This is not Mr Hanson saying this; this is the Burnet report. Having looked at it, it finds a lack of leadership; drug services that are fragmented and poorly coordinated; drug policies that are not developed with front-line staff consultation, leading to ineffective outcomes; the human rights compliant approach in some cases harming rather than aiding effective management of the AMC and drug rehabilitation programs; an inadequate blood-borne virus testing regime means any data on hepatitis C or other diseases is unreliable; the inadequate hep C testing regime may actually be encouraging prisoners to take risks; many prisoners with hepatitis C experience poor access to treatment; illicit drug testing at the AMC is ineffective; strategies to prevent illicit drugs entering the AMC are failing; searching for drugs and contraband is inconsistent and results are questionable; case management of prisoners is inadequate; prisoner through-care is inadequate; counselling of prisoners is deficient; education, employment and recreational programs and facilities are inadequate and compare unfavourably with New South Wales; drug rehabilitation programs are limited, are poorly attended and in some cases under-resourced; the mixed category AMC that includes male, female, remand and sentenced prisoners leads to negative outcomes, particularly for remandees and females; prisoners experience poor access to health care that is not in accordance with the human rights framework; prisoners with mental illness are not receiving adequate support; health staff appear to be pushing methadone on prisoners after they had already detoxed from other drugs; and there is conflict between ACT Health and ACT Corrective Services on a number of issues.

Having mismanaged it so badly, what the government now want to do is to say: "Well, we didn't manage to keep the drugs out—we never really intended to; we never did anything. Now what we need is a needle and syringe program. That's the way to go." This minister has failed so comprehensively that he has managed to cause the *Canberra Times* to have second thoughts about a needle and syringe program. The *Canberra Times* is now saying, "We sort of think a needle and syringe program might be a good idea." But not under this government. How could you trust them to manage it? They have not managed anything, when it comes to this prison, effectively. They have completely mismanaged it from start to finish. And now they are saying, "We should have a needle and syringe program." The *Canberra Times*, in its editorial yesterday, makes this point:

> Amid these failures, the Government is now considering whether to trial what would be the first controlled needle exchange within an Australian jail.

The *Canberra Times* continues:

> There are strong arguments …

They believe there are strong arguments; we disagree. But even those who agree that there are strong arguments now do not have any confidence that this could be administered properly. The editorial continues:

> An exchange could help protect those who are not presently infected. There may be merit in trialling such a scheme—*if* it was controlled strictly, and *if* it was conducted in sync with far more forceful efforts to eliminate drugs from the prison.

They are not doing that, are they? We can have no confidence that they are doing that because at the moment it is a free-for-all. It is an absolute free-for-all. It is not hard at the moment to get drugs in the prison. No genuine effort is being made by this government to keep drugs out. What they are now saying is: "Trust us. We haven't been able to keep any of the drugs out of prison. It's a free flow of drugs in the prison. We've got methadone now being pushed on prisoners. But trust us to run a needle exchange program." How could the community have any confidence when we see such shambolic management of the prison to date from this minister, from this government?

This is a minister who does deserve to be censured. He deserves to be censured for the litany of failures that have occurred on his watch. He deserves to be censured because we now see such a breakdown in the management of this prison that drugs are freely available, that the safety of prison guards is now under serious question. And this government's response to that is a needle and syringe program. We do not agree to that, and certainly even supporters of a needle and syringe program are now having second thoughts, because they can see that this minister and this government cannot be trusted to actually administer it. They cannot be trusted to keep prison guards, in particular, safe.

Mr Speaker, this minister should be censured. He should be censured for his performance, he should be censured for the way that he has treated this Assembly and

this community. Most importantly, he should be censured because he has let down the people of the ACT, whose tax dollars he spends with gay abandon and yet he delivers poor outcomes continually.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (12.07): It is just as well that Mr Seselja stood up in this debate, because if you had listened to Mr Hanson you would have thought that the mind was willing but the body was not when it came to the censure motion. This has to be the most lacklustre and the most unenthusiastic censure motion we have seen from the Liberal Party this year.

What is the reason for that, Mr Speaker? Why have we seen those opposite bring such a lack of passion and enthusiasm to this censure motion that they are moving today? Perhaps it is because they are getting tired. Perhaps it is the case that, after four censure motions, they are getting a little bit tired of making what is such a futile and inept attempt to raise the issue in this way. Perhaps that is the reason. Or perhaps the real reason is that they have actually read Mr Hamburger's report and they now realise that the unsophisticated, out-of-context and unbalanced approach that they bring to this debate has finally been revealed for what it is.

Mr Speaker, the government—and I as the minister—are committed to a high level of scrutiny and transparency about the operations of our correctional facility. We have the highest level of scrutiny for the operations of this prison of any prison in the country. Let me draw to members' attention the conclusions of Mr Hamburger on this matter. What does he find? He finds in his report that, in terms of appropriate external independent scrutiny, the AMC arguably is best practice in Australian jurisdictions.

That is not my conclusion. That is not my assertion. That is the assertion of the independent reviewer, a reviewer who has over nine years experience running one of the largest correctional systems in Australia, in Queensland. It is his conclusion that this government—of any government or prison system in the country—has put in place the framework for scrutiny of independent, outside surveillance of what is occurring in the prison. I am proud of that, Mr Speaker. I am proud of that as a minister. I am prepared to engage in the difficult and complex debate that is the running of corrections systems in this country and in this city.

I am also proud to be the responsible minister engaging in issues of complexity around the provision of corrections services. The real challenge in this debate is for those opposite to engage in a similar level of considered, contextual debate about what works and what does not in our prison system. We have a moral obligation as legislators, as a government, to provide the highest possible standards and to strive for the highest possible standards of care, protection and service for those whom we incarcerate against their will.

That is why the government agreed to this independent, external review. We have heard from those opposite that the government did not agree to it. They are just wrong, and that is just a lie, Mr Speaker. If you look at the *Hansard* record from 10 February—

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

MR SPEAKER: Yes, Mrs Dunne.

MR CORBELL: I withdraw the comment, Mr Speaker.

MR SPEAKER: Thank you.

MR CORBELL: If you look at the *Hansard* record from 10 February you will see that the government did not oppose the passage of the motion. The government disagreed with some elements of the wording of the motion. We voted against that, because there were some elements of it that we thought were factually wrong—and that is on the record—but the government did not vote against the motion. The motion, as amended, was agreed to without dissent. That is what is recorded in the *Hansard*. So let us be very clear about the facts, because those opposite are not.

Let us also be clear about the facts concerning the government's willingness to conduct this inquiry, even before that motion. I draw members' attention to the comments of my predecessor, the then minister, Mr Hargreaves, who was asked on 28 October 2009 by the Chair of the Standing Committee on Justice and Community Safety, "Will there be a review?" That is, a review of the prison. Mr Hargreaves said, "There has to be. There has to be." Mr Hargreaves went on to elaborate. He said, "There are a number of things that we want to review. We want to look at policies and procedures. We want to make sure that human rights compliance is up to scratch. We want to make sure that we have got appropriate accountability measures in place."

It was not a matter of the government being dragged kicking and screaming to a review. The minister volunteered it as something that needed to occur back in 2009. Let us get those facts on the record, Mr Speaker. Let us get some other facts on the record as well. Mr Hanson's motion is strong on rhetoric but very poor when it comes to the facts. Let us deal with some of these other facts and let us see what Mr Hamburger, the independent reviewer, has concluded about the operations of the prison.

I for one do not for a moment assert that Mr Hamburger has given our prison a complete clean bill of health, because he has not. I would not walk away from that. The administration of a correctional facility is a complex and difficult task. It is the case, particularly when you are dealing with that environment, that not everything will work as you hope or anticipate that it will, especially in the immediate period following the commission of a new correctional environment.

What did Mr Hamburger conclude about how we fared during that post-commissioning period compared to the post-commissioning period of six other major prisons in Australia over the last decade? What he concluded, Mr Speaker, was this: the AMC compared very favourably with other prisons in terms of serious incidents during the post-commissioning period. Because of good planning, because of good management and because of the mechanisms and the processes that we had put in place, we had no adverse incidents in terms of unnatural deaths in custody, in

terms of fundamental structural failure, in terms of major disturbances, in terms of fundamental failures of infrastructure or indeed in terms of issues such as prisoners lighting fires and other major serious security breaches. They did not occur.

It is not me, Mr Hanson, asserting that this is my measure of performance; it is Mr Hamburger. It is the independent reviewer that you called for. The independent reviewer that you called for made that determination. The challenge for those opposite, when reading the Hamburger review, is not just to highlight the problems, as legitimate as that is. It is also to view those problems in the context of what the reviewer concludes as significant achievements.

Mr Hamburger makes it clear that there are many significant achievements. He highlights, for example, that a strong basis has been established for a culture to protect human rights. Indeed, he goes on to conclude that there is no problem with the human rights culture at the prison, contrary to the assertions of those opposite. He goes on to conclude that best practice outcomes are being supported and facilitated by the Corrections Management Act that the government has put in place and the policies, procedures and plans that operate within that.

He goes on to conclude that all the key stakeholders from the government, senior bureaucrats, the staff of the prison, their union, independent scrutiny agencies and the community sector who work with the prison are committed to the aims of it and share a commitment to a particular agreed outcome—that is, a human rights compliance prison with a strong focus on rehabilitation. He goes on to say that this is a unique achievement in a corrections environment. Those are not my words but the words of the independent reviewer.

So, as minister, do I accept responsibility for when things go wrong? Yes, I do. Do I accept responsibility for the achievements of the department that I am responsible for? Yes, I do. I take that responsibility seriously. I commend the work of our corrections staff for the very difficult, challenging and important work they have done over the last 12 to 18 months. There have been challenges, but there have also been very significant achievements. For example, Mr Hamburger concludes that induction processes are strong, that case management is equally strong, that accommodation and equipment standards are of a high standard, that programs are being made available tailored to the needs of detainees and that the therapeutic college is a best practice model, an excellent model. He goes on to say that the transitional release capacity at the prison is an excellent model. He goes on to conclude that through-care services appear to be sufficient to ensure quality intervention and education programs.

These strengths are not to be ignored. That is the real challenge, I think, in this debate today: have the courage to recognise not only the difficulties and the problems but also the achievements. The establishment of a new prison is not an easy or straightforward undertaking. It is a complex undertaking. But those opposite seem to think that because there have been problems that means the undertaking has been a failure. It has not been a failure. It has been overall a success—it has been a success. That is not the view of me; that is not what I am asserting. That is what the independent reviewer concludes—that there have been significant achievements that achieve best practice in the Australian correctional environment. Yes, there is much

more work to be done, but that is to be expected. That is why the review has been commissioned.

So what is my responsibility as minister? Now my responsibility is to follow through on the recommendations of Mr Hamburger. That is exactly what I intend to do. Yesterday I announced the establishment of a task force led by the new Executive Director of the ACT Corrective Services with a membership that includes the Superintendent of the AMC; Mr Jeremy Boland, who is the Official Visitor to the AMC; Mr Fred Monaghan, who is a member of the Indigenous Elected Body; and Mr Simon Rosenberg, who has a close and longstanding involvement with issues surrounding the provision of through-care to prisoners and also drug policy relating to prisoners and who is now the Chief Executive of Northside Community Service.

Those five people will report to me, with the support of my department, on the issues raised by Mr Hamburger's recommendations. They will give advice to me on the recommendations Mr Hamburger has made and what steps should be taken in relation to them. I have undertaken, as I indicated in my statement yesterday, to report to the Assembly on the government's response to this report by June and to provide six-monthly reports thereafter on implementation of that response. Those are the steps and the actions of a responsible and accountable minister.

The challenge for the shadow minister is to lift himself up from the cheap political shots that he is all too often tempted to make and to focus on the complex and difficult public policy questions that arise from the administration of a correctional centre. It is particularly incumbent on him to rise above the feigned naivety that he continually demonstrates to the Canberra community by suggesting that there should be and there can be no contraband, including illicit drugs, in this correctional facility. There is nothing exceptional about the existence of contraband in a correctional facility. The only thing that is exceptional is Mr Hanson's naive belief that it can be otherwise.

The challenge for this place is to have an engaged, considered and sophisticated debate about taking responsibility for our prisoner population, providing them with quality services and building on the strong foundation of a human rights compliant, rehabilitation-focused correctional facility. On this side of the house, we have had the courage to go on that journey. Those opposite have at every turn failed to do so. Now is their time to step up and engage in this debate as a responsible and considered opposition.

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) (12.22): Mr Speaker, I too adopt the position of the Attorney-General—this is a completely confected motion. It is a motion that ignores the basic premise of Mr Hamburger's report and that is that the Alexander Maconochie Centre, the ACT's prison, has extremely good systems and processes in place to protect and uphold the rights of detainees at the centre and that the AMC reflects in its policies, its procedures, its aspiration and its hopes best practice not just in Australia but best practice in relation to corrections in the world.

Of course these are all aspects of the report which the opposition chooses to ignore today. The Hamburger report in essence applauds the steps that this government has taken to operate in a best practice way, to actually create a model prison in terms of our commitment to human rights and our inalienable commitment to the prospect of rehabilitation and a belief that the overarching philosophy is that, whilst punishing those that are incarcerated for their offences against society, there is the prospect in each of us, the capacity, for redemption and rehabilitation; that we can restore people to the community as useful members of the community and that we can restore them to the community through a human rights based process that deals with the prospect of recidivism, a major issue for all corrections systems throughout Australia.

It is important in this debate to reflect on the Liberal Party's own position in relation to corrections. It is worth in a motion such as this, a censure against a minister for corrections who has established in the view of Mr Hamburger a prison which has the capacity to reflect best practice in the world, that has the building blocks, has the capacity, has the potential and with this government's commitment will reflect best practice in the world—

Mr Hanson: Maybe when we are in government it will.

MR STANHOPE: Mr Hanson says when they are in government. Let us reflect on what the Liberal Party would have done had they been in government. It is in their policy platforms; it is in their public positions. They would have retained the Belconnen Remand Centre as the ACT government's central corrections facility. What was the Liberal Party's position in relation to the construction and the development of the Alexander Maconochie Centre and the philosophy of human rights that underpins it? The Liberal Party did not want the prison built. They agitated against it. Mr Smyth—I still have the image in my mind—attended the site and joined a protest against its construction.

The Liberal Party voted en masse against the Human Rights Act, the basic principle that underpins the philosophy inherent in what we are seeking to deliver at Alexander Maconochie—a human rights compliant prison; the only one in Australia and one of only a handful in the world. And that is the starting position. You have to reflect on that and understand the depths of the cynicism, the strength of the cynicism—

Mr Hanson interjecting—

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

MR STANHOPE: Well there we have it. The Liberal Party's case apparently is based on an editorial in the *Canberra Times*. I have no doubt that the author of that editorial, having not seen or had the advantage of the Hamburger report, is now incredibly embarrassed to have to claim ownership of it. We have the day before the release of the Hamburger report a very courageous journalist writing an editorial which of course is blown completely out of the water the next day by one of the most experienced corrections officials in Australia, namely Mr Keith Hamburger. I think it would be interesting to have a conversation today, the day after the release of the Hamburger report with that particular *Canberra Times* journalist in relation to his—

Mr Seselja: He wanted the name of the journalist.

MR STANHOPE: I know the name of the journalist, and I know he would be today incredibly embarrassed by his rush to judgement, by his, I must say, silly and tabloid approach to this particular issue. If the basis or the justification for the Liberal Party's censure motion is an editorial in the *Canberra Times*, then I think it does reflect the nature and the political purpose of the motion today.

But we must reflect on what the Liberal Party would have done. Mr Hanson across the chamber makes the boast, "Wait till we get into government; we will make it work." Before we constructed the Alexander Maconochie Centre, the Liberal Party insisted there was no need for the ACT to develop its own prison. They campaigned publicly against it. The Belconnen Remand Centre had been condemned by the Human Rights Commissioner as simply not fit for the incarceration of prisoners or remandees, and the Liberal Party stood by and defended it and said "this will do". That reflects of course their attitude to prisoners, their attitude to corrections, their attitude to rehabilitation. They opposed the Human Rights Act. Is it not just so ironic that the great champions now of human rights at the Alexander Maconochie Centre are the Liberal Party? They opposed the act and still oppose it.

At the last election, they again promised to abolish it if they were elected. At the last election, when the Leader of the Opposition was challenged to actually identify the savings that the Liberal Party would make to pay for their election promises, which area of corrections did he focus on as a saving that the Liberal Party would initiate in government? They would cut nursing staff to the health centre within the Alexander Maconochie Centre. It is there in black and white in Mr Seselja's identified savings. The Liberal Party's identified savings in the last election campaign to fund their other election promises included cutting nurses from the health unit within the Alexander Maconochie Centre.

We have this confected nonsense today, this beating the breast, these crocodile tears, about the quality of health services at Alexander Maconochie. What was their attitude? Their attitude was to cut them. But now, of course, as Mr Hanson proudly claims, we should wait for them. Well, what can we expect? Can we expect you to carry through with your promise to cut health services? Can we expect you to carry through with your promise to abolish the Human Rights Act? Can we expect you actually to return to your essential position in relation to this, which is that we should continue to transport our prisoners to New South Wales—a system with which you were comfortable? That is the Liberal Party's philosophical position on these issues—no need for a prison, no need for a Human Rights Act, no need for nursing staff at the Alexander Maconochie Centre. It is all on the record, and yet we still have this confected nonsense today.

We have in the words of the reviewer, Mr Hamburger, a very strong endorsement of the policies, of the practices, of the philosophy of the Alexander Maconochie Centre as a prison that reflects best practice. As the minister said in rejecting this motion in the way that he did, absolutely and categorically, the motion is arrant nonsense. We the Labor Party, the ACT government, are proud of what we are seeking to achieve

with the Alexander Maconochie Centre. We are genuinely and truly committed to human rights. We are committed to the Alexander Maconochie Centre. We are committed to the underpinning philosophy. We will not walk away from it.

We took the decision to build this centre, this state of the art, human rights compliant prison in the ACT, with our eyes open. We know of the political difficulties in relation to corrections. We know that there are no votes in the construction, delivery and management of a human rights compliant prison. But we did not do it because we wanted to be loved for doing it. We did it because we know it is right and it is consistent with what we stand for. At the end of the day, I am glad that we stand for these things and I abhor the fact that the Liberal Party stands for nothing. We stand for human rights and we stand for the inherent dignity of every person within this community and we note that you stand for nothing. *(Time expired.)*

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 12.32 to 2 pm.

Questions without notice

Alexander Maconochie Centre—drugs

MR SESELJA: My question is to the Attorney-General. The Burnet report states:

> A common concern among interviewees was that drug and alcohol-related policies at the AMC are developed without sufficient consultation with frontline staff.

Attorney-General, why are front-line staff not consulted on key drug and alcohol-related policies?

MS GALLAGHER: Mr Speaker, we will continue with how we started yesterday, in that the Burnet report comes under my portfolio, in relation to that area of the Burnet report, and there will be, of course, an interim government response provided to the recommendations tomorrow.

There have been concerns raised in the report by key informants, saying that they do not feel consulted on policies and that they feel that policies come from in town or central office. My understanding is that these policies are developed in consultation with staff. But I think what the Burnet report says is that staff are not feeling that they are having a valued role in that consultation. So we need to do better in terms of talking with staff and letting them know where their input has fed into policy and decision making.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Thank you, Mr Speaker. Attorney-General, to what extent has the lack of consultation with front-line staff on drug policies exacerbated the free flow of drugs into the AMC?

MS GALLAGHER: I do not think anywhere it talks about the free flow of drugs. I think that is a position that the opposition is putting forward. I do not think that is what either report actually says, if you read them. I am not sure the opposition leader has actually read the report, based on his question yesterday and his questions today. That is not what they say. Both reports say that there needs to be a range of strategies in place to reduce the incidence of drugs getting into the jail but where drugs are in the jail there are harm minimisation approaches put in place.

So there are three things you do—there is demand reduction, supply reduction and harm minimisation. They are the areas highlighted in Burnet and to some extent in Hamburger, where we need to look at some of our processes, particularly in relation to harm minimisation and some of the extra services that Burnet has recommended we increase, such as extra counselling services, mental health services and things like that, where we are supporting prisoners with their addiction.

I think it is important to put in context the profile of the population we are dealing with. If the opposition leader, again, has read the report he will understand the complexity of the people who are in the Alexander Maconochie Centre. Ninety-one per cent of those who participated in the consultation with Burnet reported having a lifetime use of illicit drugs, whether that is cannabis, which is the preferred one, or heroin. I think over two-thirds had some addiction to heroin prior to coming to jail. Also, around 75 per cent of them believe that drugs impacted either at the time of their offence or on the reason for their incarceration. This is the group we are trying to support here.

MR SPEAKER: A supplementary, Mr Hanson?

MR HANSON: Minister, how do you reconcile your answer with the findings of the Burnet report that says that the evaluation demonstrates that the supply reduction activities conducted at the AMC are not halting the supply of drugs into the AMC—the flow of drugs, minister?

MS GALLAGHER: No, the words of the opposition leader were "the free flow of drugs into the prison". They are the words that he has used repeatedly in speaking to your motion this morning. I think Burnet actually recommends a range of improvements to supply reduction, demand reduction and harm minimisation. The government are determined to address those areas where we agree with Burnet—to work on the implementation of the recommendations of Hamburger, to make what is a very good facility a better one.

MR SPEAKER: A supplementary, Mr Hanson?

MR HANSON: Attorney-General or Minister for Health, do you accept responsibility for the lack of consultation and transparency in policy making at the AMC?

MR CORBELL: In relation to the administration of the AMC—

Opposition members interjecting—

MR CORBELL: I know it is sort of parliamentary procedure 101 for those opposite but it was made quite clear yesterday that ministers have particular portfolio responsibilities and there is the convention in this place that ministers answer questions as they are deemed to be appropriate to their portfolio responsibilities. For those dunces over there that do not get it, they just need to work on that issue a bit.

MR SPEAKER: Mr Corbell—

MR CORBELL: I withdraw. The issue of staff consultation is a matter which the government take seriously. We work very closely with staff. Staff were actively engaged in the processes involved in the review by Mr Hamburger and we will continue to work on improving those issues.

Education—science

MS HUNTER: My question is to the minister for education. Minister, it is welcome news that the overall results of ACT students in last year's NAPLAN were the best in the country. But what is concerning is ACT students' outcomes for science. A report released by ACARA on scientific literacy revealed only 61.2 per cent of students met the proficiency standard. Using the report's own words, nearly four out of every 10 ACT students "demonstrated only a partial mastery of the skills and understandings expected for year 6". So, minister, what action has been taken to address this issue and raise the standard of science education in the ACT?

MR BARR: I thank Ms Hunter for the question. I note that in the question Ms Hunter conveniently neglected to point out that the ACT's results were in fact the best in the country and she did not in fact mention that the scale of measurement that is utilised in that report is different from NAPLAN, and that has been made quite clear on a number of occasions, including in the body of the report itself where it goes to observe that in fact 90 per cent or thereabouts of students fell within what in that report was deemed as band 3, being at or about that proficiency.

The report's authors have made it very clear that the "proficient" standard that they refer to in that report is in fact extremely challenging, so I would caution Ms Hunter to read the fine print of the report and to please not use the same terminology or think that the same terminology that applies to that set of assessment is the same as what is reported on in NAPLAN.

I accept that there is a weakness in terms of ACARA's reporting that has created this confusion. The P&C I think raised this issue in December of last year. I have subsequently met with them and provided further information in relation to those proficiency levels and what the report actually shows. It is critical to acknowledge those issues before one addresses the question of the ACT's performance in science. It is the best in the country and that ought to be acknowledged. I think congratulations are due to ACT teachers and ACT students for achieving the best results in science proficiency of any jurisdiction in Australia.

That does not mean, though, that we cannot continue to improve. There are particularly targeted investments in the middle schooling years to seek to engage

students more actively in science education. I had the great pleasure recently of being at the opening of a wonderful new facility at the Palmerston primary school that was funded jointly by the ACT and federal governments and provides for some enhanced science and environmental science facilities for primary school students.

There are many examples across the ACT where, in partnership with the commonwealth government, the ACT government is investing in enhancing science facilities, particularly for primary school age students, as of course the standard provision of the education model of the 60s, 70s and 80s was really to focus specialist science facilities in high schools and colleges and perhaps not provide the right level of facility for primary schools.

We are seeking to address that in partnership with the commonwealth government, working closely with ACARA in relation to the new national curriculum and its implementation in the ACT, noting of course that it is one of the areas within that first phase of that curriculum implementation and is an area I am very conscious of and the department is very conscious of. Clearly there was some coverage of this matter about four of five months ago when the report was released and we continue to invest in this area to strengthen the curriculum and to work on our other major challenge in this area which relates to qualified teachers.

I am very pleased that, through our partnership with Teach for Australia and our partnership with the University of Canberra and other pre-service education providers, we are working specifically on tackling the shortage of qualified scientists to come into the teaching profession. I know this is an area the federal government are also concerned about. They are providing a range of incentives and concessions in relation to the higher education contribution scheme to try to attract more people into that field of study and therefore more people into the teaching profession in that area.

MR SPEAKER: A supplementary, Ms Hunter?

MS HUNTER: Thank you, Mr Speaker. Minister, has the department of education sought specific advice regarding the teaching of science from institutions such as the Australian Academy of Science, which is a resource on our doorstep?

MR BARR: The department engages very broadly, as I have just outlined, with a range of education institutions and interested stakeholders in this area. We will continue our work. Of course, the organisation that the member refers to is but one of many stakeholders who have a particular interest in ensuring the quality of science education not only in the territory but in our nation. We will continue those engagements and those partnerships, as I have outlined, across a wide range of organisations.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Are you aware of how many schools are participating in the primary connections science package, a resource of the Australian Academy of Science?

MR BARR: Off the top of my head, no, Mr Speaker, but I will seek some information from the department in relation to that. If the member believes that more schools should be participating or there are barriers to participation, I would welcome an approach from her and we can work on that issue.

MS BRESNAN: A supplementary?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, were you aware that the ACT has purchased fewer copies of the primary connections science package than the Northern Territory?

MR BARR: No. That is news to me. It may well be that we are delivering alternative curriculum programs. We may also be utilising more online resources. I will seek some advice. I do not think that the number of a particular product that you might purchase is a particularly appropriate measure of performance in science or a commitment to science education. That would appear to be a fairly silly and facile approach to assessing our performance in science. I remind the member that, in that report on all jurisdictions' performance in science education, the ACT performed the best of all the states and territories.

ACT Corrective Services—Hamburger review

MR HANSON: My question is to the Attorney-General. Attorney-General, the Hamburger review dated 1 April 2011 into ACT Corrective Services governance found that "since commissioning of the AMC there have existed systemic problems with the governance in ACT Corrective Services that have resulted in management and supervision practices not being effective". Attorney-General, why are there systemic problems with the governance of ACT Corrective Services?

MR CORBELL: I thank Mr Hanson for the question. Of course, the issues that Mr Hamburger raises in relation to this matter reflect the fact that, unfortunately, during the commissioning of the AMC there was a prolonged vacancy in the office of the superintendent that had to be filled initially on an acting basis. That was a factor beyond the control of the ACT government. There were personal factors affecting the presence of the superintendent in relation to those matters. The government has now acted and, as Mr Hamburger highlights, steps have now been taken to ensure that we have an experienced and senior person in the role of superintendent. I am very pleased with the work of our current superintendent, Mr Doug Buchanan. He has now been on deck for over nine months. Mr Hamburger is very complimentary of the issues and the approaches that he has adopted.

In relation to issues of governance within ACT Corrective Services, what is quite clear is that there is a need for Corrective Services to improve a range of its processes and data collection and reporting methodologies. That was the issue, of course, that was highlighted in the report that I commissioned following the incorrect advice that was given to me and the government in relation to urinalysis on admission to the AMC. Mr Hamburger made a range of recommendations to deal with those issues and, as members would now be aware, I have tasked a task force to action and to

provide advice to the government on those recommendations. We are taking the appropriate action in relation to those matters.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Thank you, Mr Speaker. Attorney-General, why did the Hamburger review find that there is a level of failure in relation to proactive monitoring of day to day performance in the AMC workplace?

MR CORBELL: Again it relates to these issues that Mr Hamburger has raised about reporting and about reporting methodologies and procedures. These are issues that do need to be improved. I am very pleased to say that the government of course has appointed a new Executive Director of Corrective Services, Ms Bernadette Mitcherson. She comes to us with significant experience from New South Wales, including running and being responsible for the governance of some of the largest prisons in New South Wales. Once again, my responsibility as minister is to see that where problems are identified steps are taken to have them addressed. That is exactly what I have done in this instance, and I think that is the appropriate course for a minister to adopt.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, did the Hamburger report make comment on the AMC's processes towards having a unique human rights compliant prison and have the staff embraced that principle?

MR CORBELL: I thank Mr Hargreaves for the question. It is indeed the case—

Members interjecting—

MR SPEAKER: Order, thank you!

MR CORBELL: that Mr Hamburger has concluded that there is no human rights culture problem at the AMC. Indeed, Mr Hamburger has commended all levels of the Corrective Services organisation for its commitment to embracing and implementing a human rights compliant culture. This, of course, flies in the face of the allegations made by those opposite that there was a human rights problem at the AMC. That is not what Mr Hamburger has concluded. Once again, those opposite have made assertions that simply cannot be backed up.

Mr Hanson interjecting—

MR SPEAKER: Order! Thank you, Mr Hanson.

MR CORBELL: The challenge for those opposite is to view this report in the context that it is made and to recognise that not only are there challenges and problems in our system but that there are significant achievements that have been brought about

because of the government's commitment and the philosophy that we have put in place at the AMC. They have a moral obligation in this place and to the broader community to engage in a public debate which is not just about cheap political points.

Members interjecting—

MR SPEAKER: One moment, Mr Corbell. Stop the clocks, thank you. Members, we need to reduce the level of interjection when the Attorney-General is seeking to answer the question. Thank you.

MR CORBELL: They need to respond to this debate in a considered and thoughtful manner, not in a manner that allows them simply to score cheap political points out of context, without regard for the conclusions of a senior, experienced and independent reviewer, the very reviewer that they called for the appointment of.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Attorney, who is responsible for the lack of governance, failure in monitoring and lack of quality recording and reporting systems, as highlighted by the Hamburger review?

MR CORBELL: These are systemic problems that need a systemic response. It is not about labelling or placing blame on anyone's particular doorstep. It is about recognising that the organisation as a whole needs to improve its performance. Blame-seeking and retribution, which would clearly be the preferred methodology of those opposite, should they ever be in government, will not achieve those reforms.

What will achieve those reforms is working together, strong leadership from our new executive director and embracing and harnessing the will of everyone within the corrective service organisation to improve their performance in those areas where it has been identified as a problem and to build on their successes to date. That is what I would do as the minister. That is why I have appointed this task force and commissioned it with the task it has to advise government on all of these issues, to provide advice on the way forward and then to provide regular reporting to me on its oversight of the implementation of those recommendations which the government adopts.

Planning—Northbourne Avenue

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services and relates to the Northbourne Avenue feasibility study. Minister, yesterday in your comments about the urban tree program, you said that the next steps included a plan to plant 500 trees along Northbourne Avenue, from Watson to Federation Mall. Have these proposed plantings taken the Northbourne Avenue feasibility study into account?

MR STANHOPE: My advice in relation to the health of trees within the Northbourne Avenue corridor—and I intended yesterday, Ms Le Couteur, to indicate that this was my understanding—was that the department was looking at trees all the way from Civic, essentially, to the roundabout at the old heritage village. I am advised,

Ms Le Couteur, that the department has identified the need for somewhere in the order of 500 trees to be planted within that corridor.

I do not have a map or a diagram, and I have not seen one, that identifies precisely where the need for the new plantings has been identified but it is in that corridor. Of course, we are very aware, depending on the outcome of the feasibility and design of an upgrade to Northbourne Avenue, that there is a very high probability that if we are, for instance, to proceed with the construction of separate bus lanes, a separate bikeway, on Northbourne Avenue, there will be an impact on trees. In fact, it could be a quite dramatic impact on trees along the length of Northbourne Avenue if we are to widen Northbourne Avenue or, indeed, if we are to intrude into the median.

I can assure you, Ms Le Couteur, that there will be no trees removed and planted, or replanted, in the Northbourne Avenue area between the city and Dickson that would potentially be impacted by the major upgrade that we anticipate for Northbourne Avenue. I am more than happy to provide you with a detailed map of the site and location, but I give you the assurance, Ms Le Couteur, that we will not be replanting trees in Northbourne Avenue in areas where we might anticipate or imagine that there might be a bus lane.

MR SPEAKER: Ms Le Couteur, a supplementary?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, what consideration has so far been given to the location for the proposed Dickson bus station, and does this consider the site at the corner of Northbourne Avenue and Antill Street, which seems ideal and is currently subject to a development application for demolition and rebuild?

MR STANHOPE: I will have to take advice on the precise location. The government have anticipated the construction of an enhanced bus station within Dickson, just as we have at Barton and at a couple of other locations across the territory. I will take advice on the exact locations that have been scoped for the construction of a bus station within Dickson, Ms Le Couteur, and confirm that with you.

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, will the Northbourne feasibility study be integrated with the Northbourne flats design competition and will the study involve looking at how the housing options relate to the transport options?

MR STANHOPE: I thank Ms Bresnan. Ms Bresnan, as you are aware, the feasibility study has just commenced. The department has advertised for people with an interest. There will be every effort made to engage with all stakeholders, with residents, with people with an interest, with transport experts, to develop a feasibility and design. At this stage we have funded feasibility, which involves detailed community consultation. I would anticipate, Ms Bresnan, that precisely the sorts of issues you have just raised now will form part of the feasibility and, in the future, the design.

It is my hope that in the coming budget, consistent with our announcements in relation to Northbourne Avenue, that we will through the budget process be able to fund the design. That has not yet been funded, but it is a high priority project. The budget will be under some stress, but I would imagine that precisely those sorts of issues will be fleshed out during the community consultations through the feasibility and through the design.

MS HUNTER: A supplementary?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, will the timing you have allowed for the feasibility study and future funding allow its recommendations to be funded or implemented before the end of this parliamentary term?

MR STANHOPE: I would think it would probably be a long bow to believe that we could begin and complete a complete upgrade of Northbourne Avenue, an upgrade that would potentially involve construction of a bus lane each way and a new cycle path. It is a major undertaking. A back-of-the envelope number in terms of costs, even by me with my inexpert knowledge or understanding of costing major road projects, is that this a project that will cost well in excess of $100 million. It is a major product. The engineering and the works required to provide dedicated bus lanes, if that is the decision or the outcome of both the feasibility and the design, would be a job that I could not imagine being completed before the end of this particular term, which is 18, 19, 20 or so months away, or whatever it is.

ACT Corrective Services—Hamburger review

MR COE: My question is to the Attorney-General. Attorney, the Hamburger review into ACT Corrective Services governance dated 12 March 2011 found:

> That the current capacity of 300 beds leads to challenges in separating and segregating detainees which places constraints on the delivery of services to detainees and the management of the safety and security of the correctional centre.

Attorney, when you reduced the planned capacity of the AMC from 374 beds to 300 beds in 2006 you assured the Assembly that the AMC would have capacity for the next 25 years. Attorney, why in the first year of operations has it been found that the current population of the AMC has placed constraint on the management of safety and security when you stated that the capacity would be adequate for the next 25 years?

MR CORBELL: I thank Mr Coe for the question. Of course those opposite would know, because they have asked for it and received it already, that the government had a detailed projection which it relied upon to make an assessment about the total prisoner capacity that should be built into the Alexander Maconochie Centre, and they would know that the high-end projection, that is, the most pessimistic projection of

the requirement in terms of capacity, indicated that by 2040 the total prison population would be expected to be around 275. They know this already, yet they continue to assert that the government made decisions contrary to advice on the issue of capacity at the AMC.

The issue of capacity at the AMC is not unlike any other prison around the country. Prisoner numbers are notoriously difficult to predict because they rely on individual sentencing decisions by the court. But the government made decisions about the capacity of the AMC and what provision should be made based on a detailed projection, a projection which was approved not only by my department but also by the ACT Treasurer.

MR SPEAKER: Mr Coe, a supplementary?

MR COE: Thank you, Mr Speaker. Attorney-General, why is the AMC full already?

MR CORBELL: The AMC is not full, and Mr Hamburger does not conclude that the AMC is full. Mr Hamburger concludes that the difficulty arises when you have a range of classifications and a range of requirements to keep certain prisoners separated or segregated from other prisoners. This will vary and change depending on the particular range of prisoners you have in the facility. The fact is that right now the AMC is managing those issues. There are of course challenges, and there are of course some constraints in relation to those matters, and the government will continue to keep a close eye and prepare appropriate responses, where appropriate, to those circumstances. The AMC is not full.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thanks very much, Mr Speaker. Minister, has the introduction of a rather unique therapeutic community at the AMC had an effect on the projected capacity?

MR CORBELL: I thank Mr Hargreaves for the question. That is the case, as indeed Mr Hamburger confirms in his report. If those opposite had read that report they would know that, for example, the provision of the therapeutic community currently operating out of one of the cottage buildings at the AMC does mean that a significant number of beds are not available for use in other parts of the facility. The government is exploring a range of options to look at different housing and accommodation for the therapeutic community to deal with that issue as well as the issue of the prospect of some prisoners, intimidating prisoners, who choose to go through the difficult and challenging process of participating in the therapeutic community to address their particular addiction.

That is an issue which Mr Hamburger identifies as a concern. It is one of the issues which the task force will be implemented in tackling and addressing these issues. Once again, it is, I think, pertinent to know that those opposite clearly have not had regard to the detail of that issue in the report, otherwise they would not have asked the question in the way they did.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Attorney-General, was your decision to reduce the capacity of the jail from 374 to 300 beds the cause of the current overcrowding?

MR CORBELL: I have already made clear what the issue is in relation to capacity. The capacity was predicted to be 275 by the year 2042, based on ACT Corrections and Treasury projections. So that is the basis on which the government made those decisions. That is quite clear; it is on the public record. And the opposition already have a copy of those projections.

Transport—greenhouse gas emissions

MS BRESNAN: My question is to the minister for transport and concerns greenhouse gas emissions from the transport sector. Minister, when asked in question time last week about making reductions in the transport sector that are necessary to meet our 40 per cent emissions reduction target, you talked about—

Mr Stanhope: I am sorry, Mr Speaker, I could not hear Ms Bresnan over the top of Mr Hanson.

MR SPEAKER: Ms Bresnan, would you start your question again. Members, can we let the questions be heard.

MS BRESNAN: Thank you, Mr Speaker. I will start from the beginning. My question is to the minister for transport and concerns greenhouse gas emissions from the transport sector. Minister, when asked in question time last week about making reductions in the transport sector that are necessary to meet our 40 per cent emissions reduction target, you talked about "the economic importance of ensuring a road network that is as efficient as it can be in terms of economic advantages". You also said:

> We look at a suite of issues as we consider investments in road infrastructure, including the economic impacts of not investing.

Is your position that the economic issues you referred to override the need to reduce transport emissions to achieve the 40 per cent reduction commitment?

MR STANHOPE: I thank Ms Bresnan. No, that was not what I was saying and it is not what I intended. I, along with the Greens, have embraced the need for us to take decisions on the basis of the economic, environmental and social impacts of the decisions we make. I think perhaps my commitment to triple bottom line decision making has been refined and perhaps is far more vigorous and muscular now than it was before you entered the place. But at no stage was I suggesting that I or the government put economic effects or aspects of infrastructure development above environmental or social issues. I did not say that. I did not intend it or mean it. If anybody has that impression, it is certainly not my intention that they do so.

Ms Bresnan, I think you would be aware that, when a government, a business, an organisation or a household sits down to determine a budget, we all go through a process and weigh up the pros and cons on the basis of a number of considerations. Some of them are driven by economic issues, some of them by social issues, some of them by environmental factors, some of them by a range of other considerations that do not fit neatly with any of those descriptions. It is no different for a government.

We are mindful, in relation to some road works, that there is and will be an economic impact if we do not invest but there is also a very significant social aspect to decision making around, for instance, infrastructure involving roads. Of course we are mindful of the role of fuel—oil—in our emissions and we are striving to do what we can to deal with that.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Thank you, Mr Speaker. Minister, how do you reconcile your answers with the government's submission on light rail, which says the lack of a sustainable transport system is holding back our ability to meet wider economic goals?

MR STANHOPE: I think they are perfectly consistent. I do not see any inconsistency in decisions or statements in relation to light rail and studies that are done in relation to that. I think in an ideal world we would probably all embrace it, but that ideal world would be a world in which we had ready and easy access to a couple of billion dollars which we just do not happen to have. I see no inconsistency at all in the statement that I made or that you quote in relation to light rail.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, does the government still support the arguments in its light rail submission which say that the predominance of car and car infrastructure, and planning decisions that continue this dominance, are "imposing significant costs on the ACT economy"?

MR STANHOPE: Yes, there is a significant cost in terms of the up-front investment in infrastructure. We have spent an enormous amount of money on roads just over the last couple of years in terms of roads delivered, roads planned and roads anticipated. There are hundreds and hundreds of millions of dollars worth of road infrastructure just completed, under construction or anticipated. It is fair to say that, at one level—and I am taking a stab at this—I would think, with the exception of our current major capital investment in health infrastructure, that road infrastructure would be the next most costly capital investment that we make. So, yes, roads cost.

Ms Hunter, there are a range of other costs not invested as an up-front cost in the infrastructure, but there are major social costs in not providing an adequate, fair and equitable road network that is there for all residents across the city. There is a major social impact if residents do not have good roads and good road infrastructure in

terms of their capacity to move around the city. And there is a significant economic cost just in terms of the fulfilling of business, and the need for efficient roadways and efficient transport networks for the purposes of the economy of the territory. So there are a range of ways in which we measure cost. There are environmental costs and there are social costs. Of course, there are major environmental costs. We seek to balance those, and we balance those by making judgements and assessments around some of the costs that we would meet if we do not invest in roads.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Chief Minister, will your government's commitment to a 40 per cent emissions reduction target restrict any additional flights that the Canberra airport may take on due to overcrowding at Sydney airport?

MR STANHOPE: I wonder whether Mr Coe might repeat the question. I am not sure I understood it.

MR SPEAKER: Mr Coe, would you like to repeat it?

MR COE: Sure, Mr Speaker. Given your government has committed to a 40 per cent emissions reduction target, and much will be coming from the transport sector, will that target affect any growth at Canberra airport with regard to additional flights it may attract from Sydney?

MR STANHOPE: I think Mr Coe would be aware that just in the last day or so I have given my support to the possibility of Canberra airport indeed being a secondary or an overflow airport for Sydney. I think it is quite feasible. I see that the Premier of New South Wales would prefer light rail. He would prefer, in fact, a fast train rather than a second airport. It is a very interesting debate. The Liberal Party position now is to support the very fast train as a response. I must say I am very pleased to see the Premier of New South Wales engaging with the prospect of a very fast train. It has indeed been the ACT government in recent years, the only government along the eastern seaboard, that has been prepared to continue to advance an argument in support of that. I certainly do welcome Barry O'Farrell's comments of the last day that the New South Wales government's preferred position in relation to additional transport within New South Wales should be pursued through a very fast train connecting the cities of the eastern seaboard.

I have no such expectation, Mr Coe, that Canberra airport will be particularly affected. But, certainly, as we go forward and as we deal with the issue of climate change, first and foremost we need to put a price on carbon. We need political parties across Australia to show some maturity in relation to the national action that will be required. That does require the Liberal Party to stop being the party that denies—the party in denial about the reality of climate change, the party that really is affecting or impacting our capacity as a nation to deal with this incredibly difficult issue. The nay-saying, the talking down, the politicisation of the issue and the refusal to accept climate change as a reality by the Liberal Party really is a big issue. *(Time expired.)*

Bimberi Youth Justice Centre—students with a disability

MR DOSZPOT: My question is to the Minister for Education and Training. Minister, a number of students at the Murrumbidgee Education and Training Centre at the Bimberi Youth Justice Centre are classed as students with a disability. What are the criteria by which students are classed as having a disability for the purpose of education and training at Murrumbidgee?

MR BARR: There is a student-centred appraisal of need process, the SCAN process, to assess levels of disability for students so there are appropriate support packages. I understand that the shadow minister would be well aware of that.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Minister, what support and training is provided to teachers and trainers at Murrumbidgee to equip them with the skills and resources they need to teach students with disabilities who attend Murrumbidgee?

MR BARR: The same skills development opportunities that are available for all teachers within the ACT system.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what special support services are provided to students with a disability who attend Murrumbidgee Education and Training Centre, and can you assure the Assembly that a SCAN process has been conducted on all children at the Murrumbidgee education centre?

MR BARR: Obviously, I would have to take advice from the department in relation to every student. There have been more than 70 students, I understand, educated through that centre in 2010. In any given week, there can be up to 30 or thereabouts within the program. I am obviously not in a position now to be able to ascertain the individual status of each of those students, but I can seek some advice on that. In relation to the first part of the member's question, the Murrumbidgee education centre is quite extensively resourced, given the student population. In fact, one would imagine that the student-teacher ratio at that particular centre would be the lowest, or equal lowest, of any education setting in the territory.

MRS DUNNE: A supplementary question, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what say or input do the families of students with disabilities who attend the Murrumbidgee education centre have in relation to the education and the curriculum areas covered in the education provided?

MR BARR: Every student has an individual learning plan.

Childcare—staff

MRS DUNNE: My question is to the Minister for Children and Young People. Minister, on 16 November 2010 your federal colleague, childcare minister Kate Ellis, said that the childcare sector could not afford to lose longstanding carers who have experience in the sector but lack formal qualifications. She said that a ban on centres employing unqualified teachers from 2014 would be relaxed for longstanding staff. She said:

> We value the existing work-force, and need to make sure that we have in place a rigorous system of recognising the skills that already exist for those who are really qualified but not so on paper.

Minister, do you agree with this statement?

MS BURCH: The childcare sector is looking forward to some reforms in ratios for next year and certainly in qualifications coming into effect in 2014. I understand that there are a number of people within the sector who have worked well and provide excellent care to families and young children here in the ACT and I have no doubt in other jurisdictions. The qualifications that will come into play from 2014 will require all workers within the sector to have a cert III certificate. There will also be increasing levels of diploma and advanced diploma, which is why this government is working with the sector particularly through CIT. I went out to visit them a couple of weeks ago and it is my understanding there are about 250 enrolments for cert III this year—

Mrs Dunne: On a point of order, Mr Speaker, my question was specifically about the qualifications of people who have been in the workforce for a long time and the federal minister's comments. I asked the minister whether she agreed with the federal minister's statement. I did not ask for an exposition on qualifications and programs at CIT.

MR SPEAKER: Minister, you have some time to go but you might like to focus on Mrs Dunne's question.

MS BURCH: Absolutely; I was getting there in the moments I had left. A number of people within the workforce are choosing to get formal qualifications through enrolling from the outset for cert III but also going through CIT around recognition of prior learning. That is an important aspect of it. It is about mapping their existing skills and experience to nationally accredited cert III training that here is offered through CIT and our registered training organisations. RPLing is part and parcel of vocational training, and those opportunities will be afforded to the childcare sector.

MR SPEAKER: Mrs Dunne?

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes.

MRS DUNNE: Minister, Minister Ellis's statements were supported by Robin Crawford of GoodStart—

MR SPEAKER: Mrs Dunne.

MRS DUNNE: Do you agree with Robin Crawford when she said that it is wise to let centres retain childcare workers with 15 years experience but no formal qualifications, and will you acknowledge, like your federal Labor colleague, that the sector cannot afford to lose longstanding carers who lack formal qualifications?

MS BURCH: I do not think Mrs Dunne was listening to what I was saying before. We have been saying that we are—

Mrs Dunne interjecting—

MS BURCH: No. We are providing opportunities for recognition of prior learning, which goes to supporting those that have been providing excellent care and support to children and families here in the ACT. Some of those workers choose to undertake a cert III; some of them are choosing to go through to diploma level. It is about their choice. It is about us providing opportunities to match their choice.

MR SPEAKER: A supplementary question, Mr Seselja?

MR SESELJA: Thank you. Minister, what have you done to ensure the ACT has in place a rigorous system of recognising the skills that already exist for those who are really qualified but not so on paper?

MS BURCH: It is through a process of recognition of prior learning that must be matched to accredited training modules. Here in the ACT that is through CIT; it offers that training. Also, a number of training organisations provide that. People in the sector can enrol in the course or they can elect to get RPLing. So that is recognised and they get their qualifications, or accreditation to the qualification, through that process.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Thank you. Minister, has your colleague Minister Ellis taken what she said and implemented it as policy and, if not, what will you do to encourage her to do so?

MR SPEAKER: Minister, if you wish to answer the question, you can.

MS BURCH: It is hypothetical. I choose not to.

Members interjecting—

MR SPEAKER: Order, members! I am concerned about the question because it is outside the minister's direct responsibilities. But if the minister wishes to comment, she can. No, Minister Burch?

Mr Seselja: It is asking her to do something, Mr Speaker.

MR SPEAKER: Order!

Mr Seselja: Mr Speaker, on the ruling, I will take you to the question. It asks whether she has done it and it asks, if not, what will the minister do to encourage her to do so. So we are asking for an action from the minister, if there has not been an action from her federal colleague.

Members interjecting—

MR SPEAKER: Order!

Mr Hargreaves: On the point of order, Mr Speaker—

MR SPEAKER: No, I am quite capable, thank you. Mr Seselja, I guess the point I was picking up is that I do not think it is the minister's responsibility to answer whether the federal minister has done it or not. It is outside her direct line of responsibility. But the second half of the question is valid and on that basis I think we should proceed with the second half of the question. Minister Burch.

MS BURCH: The second half of the question was about how we are supporting the childcare sector training—

Mrs Dunne: No.

MS BURCH: Can you repeat the second part of the question, as there is argy-bargy going on.

MR SPEAKER: Just the second half.

MR SESELJA: Okay. If not, what will you do to encourage her to do that?

MS BURCH: There are appropriate ministerial forums at which federal, state and territory ministers come together to facilitate the implementation of the national quality framework.

Public housing—energy and water efficiency

MR HARGREAVES: I would like to ask a question of the minister for housing. Could the minister please update the Assembly on progress made with retrofitting public housing with energy and water efficiency initiatives?

MS BURCH: I thank Mr Hargreaves for his question and his continued interest in public housing here in the ACT. In 2007-08 the ACT government committed $20 million over 10 years for energy efficiency measures in public housing. There has been considerable work undertaken to date to improve the energy and water efficiency portfolios.

Housing ACT developed an energy and water efficiency strategy in 2007-08 and water efficiency improvements, such as water saving shower heads, flow restrictors and dual-flush cisterns were installed to over 1,200 properties in under two years. In 2009-10 the strategy was amended to focus on energy efficiency. However, Housing ACT continues to install water saving devices as part of property refurbishments and when fittings require maintenance or replacement. Water conservation measures such as grey water recycling and rain harvesting are included in new developments.

To date, energy efficiency improvements have been undertaken to more than 2½ thousand individual properties. The measures include wall and ceiling insulation, draught sealing, high efficiency gas and electric boosted solar hot water systems, electric heat pump space heating for new dwellings and existing dwellings upon failure, and pelmets and curtain rods are being installed in all detached houses as they become vacant.

In June 2009 the Council of Australian Governments agreed to a national strategy for energy efficiency to accelerate energy efficiency efforts, to streamline roles and responsibilities across governments and to help households and businesses prepare for the introduction of a carbon pollution reduction scheme. Under the strategy, Housing ACT has commenced a controlled trial of additional energy efficiency initiatives. Some properties will have improvements to the building shell and energy efficient appliances installed, including a trial range of hot water systems, heating and insulation. Independent assessments of the effectiveness of the improvements will be undertaken and considered in a revision of Housing ACT's energy efficiency strategy.

The department was provided $1.3 million in mid-2010 and a further $700,000 in March this year from the Department of the Environment, Climate Change, Energy and Water to assist low income households and community organisations to reduce energy consumption and to install renewable energy technologies. This has been spent on building shell improvements and to install highly energy efficient gas and electric boosted solar hot water systems.

Some of the funding has been used to replace old, inefficient appliances in Housing ACT properties head leased by community organisations under the housing assistance program. The opportunities provided to reduce energy consumption to some of the most vulnerable in our community are good and the ACT government will continue to provide positive outcomes for public housing tenants and their families.

MR SPEAKER: Supplementary, Mr Hargreaves?

MR HARGREAVES: Thanks, Mr Speaker. I thank the minister for that response. Could she please outline some of the energy efficiency measures incorporated into the new older persons developments?

MS BURCH: Again I thank Mr Hargreaves for his question. Following a review of the housing and community services design brief for the new properties in 2009, and in response to the release of the nation building and jobs plan funding for the new properties, the ACT government has delivered to date 345 properties that meet or exceed a six-star energy rating. These changes will assist low income households to

reduce energy consumption. Although these measures were initiated with the stimulus funded project, they are now being applied to all new public housing developments.

As a consequence of extending the initiative, a further 269 energy efficient homes are under construction. The energy efficiency measures being implemented include correct solar orientation to maximise winter and minimise summer solar penetration; R2 wall and R4 ceiling insulation; draught sealing to all external doors; five-star high efficiency gas heating; five-star instantaneous gas hot water systems as well as gas-boosted solar hot water systems; window pelmets to windows, excluding wet areas; the use of floor tiles for radiant heat transfer; a 2,000-litre rainwater tank plumbed back into the toilet and laundry; for medium density developments, underground water tanks for common area irrigation; and the trial use of photovoltaic energy production systems at four community facility sites.

All new properties meet the universal design standards and meet the requirement for disability reconfiguration to be changed with minimal effort and cost.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, have energy efficiency ratings or assessments been conducted for all ACT Housing properties? That includes old and new properties.

MS BURCH: It is my understanding that energy efficiency assessments are part of an ongoing program. When the equipment needs to be replaced, that is part of the replacement that is included under the $20 million over 10-year initiative.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, are you aware of any pressure that the Residential Tenancies (Minimum Housing Standards) Amendment Bill 2011 will have on the management of Housing ACT properties or the demand for Housing ACT properties?

MS BURCH: Not that I am aware of at the moment, Mr Coe, but I am sure I will watch with interest.

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

Supplementary answers to questions without notice

Alexander Maconochie Centre—methadone program

MS GALLAGHER: Yesterday Mr Seselja asked me as a supplementary question in relation to the Alexander Maconochie Centre:

> Minister, is it true that there were five overdoses at the AMC as a result of prisoners being provided double doses of methadone by ACT Health staff?

The answer to that question is no; it is not true.

Energy—feed-in tariff

MR CORBELL: During question time yesterday Ms Bresnan asked me a question about modelling undertaken in relation to the feed-in tariff for medium scale energy generation and I committed to table the advice I received from the ICRC as soon as possible. I table the following advice for the information of members:

> Energy feed-in tariff—Copy of letter to Mr Corbell, Minister for Energy, from Paul Baxter, Senior Commissioner, Independent Competition and Regulatory Commission, dated 30 March 2011.

Schools—child protection policy

MR BARR: Yesterday in question time Mr Coe asked me a question in relation to an ACT Department of Education and Training policy "Child protection and reporting child abuse and neglect in ACT public schools". I think in our exchange across the chamber he in fact invited me to read out the entire document into *Hansard*. I will resist that temptation this afternoon and simply table it for members. It is, of course, available on the department's website and has been for quite some time. I present the following paper:

> Child protection and reporting child abuse and neglect in ACT public schools—Policy, dated 2010.

Attorney-General
Motion of censure

Debate resumed.

MRS DUNNE (Ginninderra) (2.58): I rose to speak before lunchtime, but I am glad now that I gave way to the Chief Minister, because it was a very instructive 10-minute exposition from the Chief Minister. We are debating an extensive motion which essentially is the litany of failures resulting in the Canberra Liberals moving censure of the Attorney-General for his role as the minister for corrective services.

The Chief Minister in 10 minutes could not bring himself to say one good thing about the Attorney-General and the minister for corrective services. In fact, he could not bring himself to even mention his name, because, in the revolving door of the people who are jostling to become either the Chief Minister or the Deputy Chief Minister on the Chief Minister's departure, the Chief Minister is confronted with the fact that, as he moves down the line, to his right he has got the Deputy Chief Minister and then a successive array of ministers who can be called dumb, dumber and dumbest, and we can work out which order we want to put them in.

Mr Corbell: I raise a point of order—

MRS DUNNE: The point is here—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Corbell.

Mr Corbell: I think that is unparliamentary language, Madam Assistant Speaker. Mrs Dunne knows that she should refer to members by their appropriate title and she should be asked to withdraw the comment.

MADAM ASSISTANT SPEAKER: I am afraid, due to the fact that I have just changed chairs, I am not sure exactly what Mrs Dunne said so I cannot make any comment as to whether it was unparliamentary or not.

Mr Corbell: Madam Assistant Speaker—

MADAM ASSISTANT SPEAKER: I might take advice. Stop the clocks.

Mr Corbell: The suggestion was that I or other members of the government were to be considered dumb, dumber or dumbest. That is unparliamentary and she should be asked to withdraw it.

MADAM ASSISTANT SPEAKER: Mrs—

Mr Seselja: On the point of order, Madam Assistant Speaker, there is a lot of robust language used in this place and I think we would be taking it to a new standard if "dumb, dumber and dumbest" is somehow now unparliamentary. I know Simon Corbell is very sensitive on this point but I would not have thought that is particularly unparliamentary language, even if it is offensive to Mr Corbell.

MADAM ASSISTANT SPEAKER: Mrs Dunne, I invite you to withdraw those comments.

MRS DUNNE: Okay. I withdraw the comments, Madam Assistant Speaker. But the point needs to be made that the Chief Minister in 15 minutes could not bring himself to say one good word for Simon Corbell as the minister who is facing a censure here today.

The minister is facing a censure here today because of an extraordinary litany of failure; a litany of failure that goes back well beyond the opening of the AMC; a litany of failure which is highlighted this week by the release of a range of reports, the formal and informal release of reports—the informal release of reports, of course, being a matter of considerable embarrassment for the Assembly.

Madam Assistant Speaker Le Couteur, you touched on this this morning in your motion on open government, that these are matters which should be before the people. The people have paid for these reports and it is quite clear that the report that is going to be released tomorrow, the Burnet report, is only being released because the government became aware that it was in the possession of the Canberra Liberals. That is quite clear because last Wednesday, a week ago, almost a week ago to the hour, I attended the government business meeting and was told what was coming up this week—and there was no mention that the Minister for Health would be presenting a paper on Thursday. There was no discussion of a paper from the Minister for Health.

I went back and I checked my records. No, the Manager of Government Business knew nothing about the Minister for Health presenting a paper on Wednesday. But after cabinet on Monday, suddenly, lo and behold, the Minister for Health is presenting the Burnet report.

Mr Hanson: What a coincidence.

MRS DUNNE: It is quite coincidental because the only reason the Burnet report is being released is that Mr Hanson had the capacity to release it informally, and it was released informally by Mr Hanson as a service to the ACT community because they need to know just how badly we are performing in our prison and just how badly this Attorney-General is performing in his capacity as the minister for corrective services.

Let us just look at this litany. Let us look at Mr Hanson's motion. He notes in his motion the whole range of things that have gone wrong in the prison—and it is a sorry story. We have noted that in 2008 and 2009 there were ongoing human rights breaches at the Belconnen Remand Centre because of the management of this minister who went through a faux opening of the AMC. He and the Chief Minister said that by December that year there would be prisoners in the AMC when they knew that that could not be the case. The minister knew. The findings of the Standing Committee on Justice and Community Safety found that the minister was badly briefed from the outset and found that the minister needed to do something about the briefing process in his department to ensure that there was better management. In addition to that there were security breaches in 2008 and 2009 at the BRC, including violent incidents that resulted in corrections officers being treated in hospital.

We know that the AMC was eventually delivered about a year over time, even though the AMC had been officially opened on election eve, five months prior to its receiving prisoners. This has been a matter of some contention for the attorney because of the unanimous report of the Standing Committee on Justice and Community Safety, including one of his own members, which roundly criticised him for a whole range of aspects of management of the opening process and the failure to populate the AMC in a timely manner.

There is a range of issues which to this day seem to be unaddressed. The major fault in the hierarchy of the communication system to this day is not addressed. The issue of liquidated damages is not addressed; it has not been resolved and this is a matter of significant failure by this minister. As I have said, defects remain in the security system. There was the issue that we discussed today in question time of the downgrading of the number of beds available. In addition to that, the fact that there is no gym, the outer perimeter fence was not built, and in fact the chapel or quiet space has not been built. It is interesting to note in relation to the Burnet report that we have now discovered that you can actually breach security, and partly because there is no outer perimeter fence, and that drugs are getting into the prison by people lobbing tennis balls full of contraband—

Mr Seselja: All that money, and all you need is a Wilson.

MRS DUNNE: All you need are a few Slazenger balls and you can get your drugs into the prison. So we have got SOTER, we have got iris scanning, we have got sniffer dogs—and all of this can be confounded by a couple of tennis balls.

Mr Seselja: Isn't it some form of *Star Wars* defence system?

MRS DUNNE: If it were not serious it would be hilarious. But this is serious. And this is a minister who has failed so comprehensively that all of the high-tech systems designed to intercept contraband coming in have been circumvented by simple tennis balls. We have got drugs, needles and razor blades found in the AMC, even very soon after the place was populated.

The RFID system is not properly functional. This was a system that was supposed to be built in with the prison. The government decided that, no, they did not want to do that; they did not think the contractor could deliver to spec, so they took it out of the contract and they are still attempting to deliver it. But there is a substantial cost to that and in a sense we have not got to the bottom of what that substantial cost is. But we know that there will be substantial overruns there.

Mr Seselja spoke yesterday about the high cost of prisoner days in the ACT and on top of that the capital cost of the beds in the ACT. This is the litany. We have got people who have been wrongly released. There are allegations of breaches of procedure and falsification of documents in relation to a death in the prison. There has been a rape and abuse of a detainee, leading an ACT Supreme Court justice to warn the ACT government that "if the community cannot protect someone who is detained then the community cannot expect them to retain that detention". There have been lockdowns of prisoners which resulted in an email outburst to the *Canberra Times*. And all of this is added to the catastrophic and not very flattering report that Mr Hanson released yesterday, the Hamburger report, and an editorial in the *Canberra Times* saying, "Sadly, the centre has proven to be a shambolic disappointment." And the person responsible for that shambolic disappointment is Simon Corbell. He is an incompetent minister and he deserves to be censured.

MR HANSON (Molonglo) (3.09), in reply: What a lacklustre, limp performance from Simon Corbell, Jon Stanhope and the Greens. This is a censure motion. I will tell you what Jon Stanhope said. He stood up in this place and, rather than defending the jail or defending Simon Corbell's performance in the mismanagement of it, he decided to give us a history lesson. I do not blame him, to be honest, because he is far better off trying to talk about what happened many years ago than talk about what is happening under the management of Simon Corbell right now. I am not surprised he does not want to talk about that. Why would he? Poor old Jon gave that lacklustre performance.

He must be getting pretty tired, having to come down here and, if he is not defending Simon, he is defending Katy or he is defending Joy. He has got these three stooges. He has got to keep coming down to defend their inept performance. But the most inept of the three has to be Simon Corbell. The motion that I put before the Assembly today, the five pages of the litany of problems that each point has listed, the many dozens of points listed, in itself is a substantial issue.

Jon Stanhope thinks the Liberals stand for nothing. That is one of his quotes. I will tell you what: we do not accept the position on an NSP. We have a very clear position on an NSP. The Greens have a very clear position on an NSP. What is Simon Corbell's position on an NSP? What is this government's position on an NSP? We do not know. They have been talking about it for two years. They have been stuffing around the guards and they have been stuffing around the staff at that jail, with these threats of an NSP. What is their position? Are we ever going to find out? So do not come down here and say that the Liberals do not have a position on anything. We have a very clear position. The Greens do. It is Labor that does not.

I will move to the Greens. I went out to talk to the media before and they had a question. It was: "The Greens will not be supporting you because they have not got enough detail." This censure motion today is probably the most detailed censure motion in the history of the Assembly. As I said, it is five pages. I invite members to go through it in detail. I suggest members of the media go through it in detail, and they will see it is exhaustive. And for the Greens to say, "We will not support it because there is not enough detail," is extraordinary and I think goes to the point that the Greens will support Simon Corbell or Katy Gallagher, whichever minister it is, regardless of their failures, regardless of how inept they are. They will just come up with any excuse.

Today Amanda Bresnan picked an excuse but how could she possibly justify the most detailed motion that I have certainly seen in the Assembly as lacking in any detail? And I know that the Assembly staff are probably shuddering at the thought that I will come back with a more detailed motion. What does she want? Ten pages? Fifteen pages? What is the level of detail Amanda Bresnan needs? So it is not that he is not inept, not that "Yes, there are some disastrous problems to be proved," just a lack of detail. After looking at this jail and all the problems for so long, what we see from the Greens is simply a call for an NSP rather than holding the government to account on some substantial problems.

The question to be asked is: how many cases of transfer of hep C have we had in the jail? That seems to be in dispute. But if you talk to Corrective Services, the answer is zero. So this is a problem that is currently affecting zero people. Nobody has had a transfer of hep C. This is the problem that the Greens are demanding action on and the Labor Party is in so much conflict on.

But what we do know is that last week a woman was convicted in the ACT of having conducted robberies over a period of five years, with a needle, and she was sentenced to jail for seven years. Currently—I am assuming she has gone to the AMC, if it is not too full for her—there is a woman there who has been robbing people, who has been threatening shop staff and security guards with a needle, and the Greens and certainly Simon Corbell and some sections of the Labor Party want to arm her with needles.

Simon Corbell has got very little defence and it is remarkable how this minister has so ignored, in his own defence and throughout question time, the Burnet Institute report.

Mr Corbell interjecting—

MADAM ASSISTANT SPEAKER (Ms Le Couteur): One moment. Mr Corbell, please be quiet. Mr Hanson, you have the floor.

MR HANSON: Thank you. But what we do know is that this government has received three bad reports. The Burnet report is shockingly bad. I think the Hamburger report is bad but the Burnet Institute report is unbelievably bad. It is just horrendous. We have been through that in some detail. As I think Mrs Dunne pointed out quite correctly, if it had not been for the Liberals being provided with that and then providing that to other people, including giving a copy to the Greens, it is quite clear that we would not have seen that, certainly not for a protracted period, if at all.

Simon Corbell has been hiding behind Katy Gallagher's skirts, not wanting to be outed on that issue. He has been hiding like the coward that he is.

Mr Corbell: On a point of order, Madam Assistant Speaker—

MR HANSON: Could you stop the clocks, please?

MADAM ASSISTANT SPEAKER: Stop the clocks.

Mr Corbell: Again I draw your attention to the use of unparliamentary language. The use of the term "coward", I think, is unparliamentary. Mr Hanson knows it is and he should be asked to withdraw the comment.

MADAM ASSISTANT SPEAKER: Mr Hanson, would you like to withdraw?

MR HANSON: Are you asking for me to withdraw, Madam Assistant Speaker?

MADAM ASSISTANT SPEAKER: Yes.

MR HANSON: Is that your ruling?

MADAM ASSISTANT SPEAKER: Yes.

MR HANSON: Certainly, if that is your ruling.

Mr Seselja: He is going to whisper it like Simon.

MR HANSON: As Mr Seselja points out, Simon Corbell was whispering it the other day. He will not actually have the guts to say it out loud in this place where it might be recorded in *Hansard*. He will whisper it. He will whisper it away because that is the mark of this man, Slippery Simon.

We have seen the damning Burnet report. We have seen the Hamburger report. I will just go through some of the highlights or, I should say, the lowlights. But most particularly, there are the points in the Burnet report that make it very clear that the enormous failures highlighted at the AMC are the result of a lack of leadership or government policy guidance from this minister. It is quite clear that is where the problem starts.

The drug services are fragmented. There is inadequate hep C testing. That means that people are getting false positives that are encouraging them to take risky behaviours. The case management is flawed. Prisoner through-care is inadequate. The counselling of prisoners is deficient. Education, employment and recreational programs compare unfavourably with New South Wales, as do the scope and the number of rehab programs, which are poorly attended, often not completed. Prisoners with mental illness are not getting adequate treatment and support, and health staff appear to be pushing methadone on prisoners who have already detoxed.

The Hamburger report has listed a litany of problems, but let us talk about the capacity because that came up in question time. There have been three or four numbers bandied around. The first number is 374. What was promised by the Stanhope government in 2004? It was 374 beds. They then backed away from that because that was absolutely an election promise that was broken in 2004. Simon Corbell then said, "We will deliver a 300-bed facility." What happened then? They delivered that. What they are now telling us is that it has only got a capacity for 245. So there are actually only 245 that can go into the jail.

But when we look at the answer to the question on notice—and we talked about the Treasury projections that Simon Corbell was talking about in question time—their own projections say that by 2011, by now, the capacity of the prison was meant to be 260 prisoners. So Simon Corbell is saying, "We know that there is a difference between bed numbers and capacity, we know the capacities are only 245." On the other hand, his Treasury advice that he had in 2006 told him that by now there would be 260 people in here. That is why they are retrofitting bunk beds and they are looking at having to expand the jail.

They are being told by Mr Hamburger that the current capacity of the jail is having a negative impact on security and safety of prisoners. That is because Simon Corbell broke an election promise to deliver a prison of 374 which would have had the capacity to make sure that this could be effectively managed. They did not deliver on what was an election promise. That is why we have these problems, and this reason, amongst so many others, is why this minister should be censured.

How can he say that this is a teething problem? How can he say that the fact that Mr Hamburger found that the reality is that we have security and safety issues because of the capacity of this jail, a jail that Simon Corbell broke an election promise on and delivered 74 beds under, is a teething problem? It is not. It clearly is not, as are many of the problems raised by the Burnet Institute and Mr Hamburger.

I do not think that systemic issues with governance and Corrective Services are teething problems. The litany of problems since this jail opened was covered by Mrs Dunne. It is extensive. It is listed on the notice paper and any reading of this, any cursory reading of this, will show members that this minister has failed. He has failed the prisoners, he has failed the community, he has failed the staff and he deserves to be censured.

Question put:

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

The Assembly voted—

Ayes 4		Noes 9	
Mr Coe	Mr Seselja	Mr Barr	Ms Hunter
Mr Doszpot		Ms Bresnan	Ms Le Couteur
Mr Hanson		Ms Burch	Mr Rattenbury
		Mr Corbell	Mr Stanhope
		Mr Hargreaves	

Question so resolved in the negative.

Students with disabilities—after-school care

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3:23): I move:

That this Assembly:

(1) notes:

(a) that according to the August 2010 Department of Education and Training School Census, the number of students with special needs in public education is 1 995, an increase of 134 from 2006 and 503 of these students are enrolled in high schools or colleges;

(b) that there are 364 enrolments at special schools, 184 of these across the secondary age units at Black Mountain and The Woden School;

(c) that currently there are 17 after school care places for children over 12 years of age with a disability in North Canberra, seven of these are restricted to those in wheelchairs, and 16 places in South Canberra;

(d) that currently there are a number of teenage children with a high needs disability who are being cared for by mainstream after school programs for primary school aged children, and others are being transported from a northside school to southside after school care;

(e) that after school care is essential for working parents; and

(f) that after school care for teens with a disability can be an important place for social interaction with peers and provide essential life skills in their transition from a school environment; and

(2) calls on the Government to:

(a) discontinue the proposed business case for after school care for young people aged over 12 with a disability;

(b) replace the business case with an assessment to determine best practice and service delivery models;

(c) provide after school care at each of the four special schools, Woden, Black Mountain, Malkara and Cranleigh by the beginning of Term 3, 2011 and no later than Term 1, 2012; and

(d) continue to support and fund other community-based services, including appropriate transport options.

The motion I present today is about advocating on behalf of parents with children with disabilities to receive the basic entitlement of after-school care. For parents of children without disability there are dozens of services across the territory that children can access. After-school care makes paid employment possible for parents, particularly full-time work or part-time work that requires the full span of hours in a working day. The right to participate in paid employment is basic and yet for parents of teenagers with a disability it is not a given—not at all.

According to the August 2010 Department of Education and Training school census, the number of students with special needs is 1,995, an increase of 134 from 2006; 503 of these students are enrolled in high schools and colleges. There are 364 enrolments at special schools, 184 of these across the secondary age units at the Black Mountain and the Woden school. Currently, the ACT provides 17 after-school places for young people over 12 with a disability in north Canberra, with seven of these restricted to those in wheelchairs, and 16 places in south Canberra in specialised after-school programs for those over 12 with a disability. These programs are highly subscribed. Currently there are no care places whatsoever in north Canberra for a young person with a high level of disability and only two of five days for low level disability. There are very limited places in south Canberra. Parents often need access over the five working days in order to be competitive in the employment market.

I have met with and been in contact with a number of parents that have teenage children with high level disability, particularly severe autism, who are unable to access any specialised after-school care. In order to work, they need to appeal to mainstream services for primary school aged children. Another mother is only able to work 9.30 am to 2.30 pm, as she believes it would not be fair to place her 14-year-old son, who has challenging behaviour, into a primary school aged service. She is unable to access any appropriate care.

The need seems to be greatest on the north side of Canberra. A single mother who has made representations to my office has gone through hell to get any form of after-school care—not disability care, just after-school care. The woman and her son live in west Belconnen. She works in the city and her son accesses care in Watson. At times she has been required to do this trip on public transport when her car has broken down.

I have decided to actually walk you through her day. At 7 am, disability transport picks her son up and transports him to school and then from school to an after-school care service for primary school children in Watson. Soon after 5 pm, his mum leaves work in Civic. She could catch the 5.12 service to Watson and it arrives at 5.33. With her son, she will board a bus back to Civic, arriving at 6.21 pm, and at 6.33 pm she will travel on the 313 service to west Belconnen, arriving at 7.12 pm—a two-hour trip to pick up her son from care; a day that lasts longer than 12 hours for her son. For his

mum, dinner preparation does not even start till well after 7 pm. Is this really acceptable?

Minister Burch thinks that parents can just hang on while this process is spun out via a business case. We really need to stand up for these young people and their parents and say that this service is essential. Sure, we need it to be cost-effective and safe, but someone needs to stand up and say, "We will do this and we will do this soon." It is pitiful that we place a single parent in such a position caring for a child with a high level of disability, juggling paid work. Others are left unable to work. In this particular case, as she is a contractor, when she does not work, when things go wrong and she has to leave work, she does not get paid. We have heard of young people attending school at Black Mountain and attending respite in Rivett. This is ludicrous. One community organisation providing after-school care spends $1,200 a month on taxi transport money that cannot be passed on to parents and must be found from a minuscule budget.

The Greens are mindful of budgetary issues. We understand that services cannot be funded at all costs. But this is not about costs; this is about priorities. There are already services provided by experienced and respected organisations. They are providing a quality service. There are simply not enough places. Our motion is simply calling for an extension of programs just like the ones currently operating. I would have thought that Minister Burch would have some idea of the cost.

As with most programs in the community sector, they run very efficiently. The Noah's Ark program provides a service with eight places per day for a mix of disabilities. The service has operated for three years at a cost of $60,000. Minister Burch, is three years of successful operation at such a small cost not a good indication? Why will this government not commit to an implementation date and give parents some certainty? This speech, of course, was written a little while ago and, hopefully, we will be seeing some amendments from Ms Burch which will actually address that question.

In this place we often hear grandstanding of the fantastic role of carers and how their thousands and thousands of hours of unpaid care saves governments millions upon millions. Sometimes these ordinary folk are duly recognised as heroes for the selflessness of their task. Nice words and grand statements are indeed hollow when governments fail to offer carers basic and very necessary practical assistance that enables them to participate in society like other parents.

In December last year the Standing Committee on Health, Community and Social Services—this is a committee that Mr Doszpot chairs—handed down its report into respite care services. It is known as the *Love has its limits* report. A parent of a 25-year-old son with a severe disability said:

> … we have considerable experience with reading literally hundreds of grandiose and ostentatious statements regarding the objective, ideals and plans from countless disability bureaucrats in, again, literally thousands of expensive glossy pamphlets, booklets and reports.

I can only imagine the frustration and despair of parents when they are continually denied basic support services and yet see another report, brochure, statement or policy direction. With regard to the *Love has its limits* report, I do not want it to be yet another report that sits on a shelf and is a dust collector. The government can provide a simple measure that can make a considerable difference to the lives of carers and these parents of children with a disability. This motion is about ensuring that it actually happens. Consistent with this motion, the committee recommended:

> … that the ACT Government seek to establish after-school care programs at the four ACT Government special schools, The Woden School, Black Mountain School, Cranleigh School and Malkara School to ease the pressure on respite care services and working carers.

In response to years of agitation from community groups and a number of committed parents, Minister Burch recently announced that she would fund a costed business case to determine the efficacy of a specialist after-school and vacation care program for students attending ACT special schools. I want to make it very clear that the Greens do not believe that such an essential service should be subjected to a business case. This is not a service that needs to demonstrate that it can pay. A business case is entirely inappropriate. The Greens do, however, believe that there should be an assessment to determine possible service delivery models and consider best practice measures. The Greens take best practice and quality seriously and this is why I have included this in the motion. I note that the government's amendments are now moving away from a business case to a scoping study.

I want to put the words of a Belconnen mother of a child with a severe disability on the record. This is what she thought about the idea of a business case:

> If these families get appropriate and long term after school care for their children we will be able to work, stay off welfare and contribute to the ACT community. We will be able to make connections with people through our work and escape the terrible social isolation that can come with having a child with a disability. We can avoid the debilitating depression that can come about from such isolation and the hard work of caring for a person with a disability. We can avoid having to abandon our children in respite because we can no longer cope. There's your business case, ACT Government.

Disability services are in a parlous state across the country. Parents and carers fight for basic services, often having very poor access to respite. Some, when they feel they have nothing left, hand their children over to authorities. It seems that here in the ACT we are in a similar state with parents going to extreme lengths to get respite and after-school care in order to hold down employment. The ACT government's 2004-07 policy, caring for carers, states:

> … carers should have choices, receive support to make decisions about the caring role and have their own needs recognised by human services; people requiring care should not be solely dependent on the resources and good will of their immediate family or social network; and a range of other supports provided by the community should be available to offer choice and any assistance necessary to achieve a quality of life that is in accordance with community standards.

This statement is important for two reasons. Firstly, it highlights that many carers rely heavily on family members and friends. They do this because governments are not meeting their obligation for basic support services and, while ever this continues, the actual degree of need is masked. In the case of after-school care, while we know the demand is considerable, we also know that too many parents need to rely on family and friends for care options for disabled children.

I ask if anyone in this place thinks this is an appropriate position for parents to be in—to feel guilty for asking, indebted for receiving support and, in some circumstances, the target of resentment by those providing the support. What about the young person here? What does the total lack of appropriate services say about the government's attitude to young people with a disability? Currently it says that the needs of those with a disability do not rate, that interaction with their peers is not important.

We currently have a number of young people aged 14 in a service for primary school children. How do these young people successfully interact in services that are just not designed for them? How can these mainstream services meet the needs of young people with a disability, especially those with high needs? I think of the missed opportunity of providing these young people with interaction amongst their peer group, amongst people of their own age, and for some access to valuable life skills useful for their transition after the school years.

The representations made to me by constituents are backed by both Carers ACT and Tandem Respite. Both organisations have a wealth of experience and have both outlined after-school care for young people over 12 with a disability as a key issue requiring immediate attention. This motion will actually provide meaningful, practical support to so many families in our community who deserve our assistance, who have the right to participate fully in society, like parents with children without disability. I ask that members in this place support a small but significant measure for carers and disabled young people across the territory.

It is incredibly important that we move on this issue. As I said, the health committee, chaired by Mr Doszpot, came out quite clearly stating that there should be after-school programs set up in the special schools. It was a very clear recommendation. It did not say, "Let's wait for costings." It did not say, "Let's go and do some more work around this." It said, "Let's get going on this." That committee heard from many people around a range of carer issues to do with carers and the need for respite and the importance of respite. This was one of the key issues that came up, particularly around those teenage children.

As I said, it is about ensuring that parents can pursue employment. There are a lot of good economic benefits as to why we would want to do that—not just economic benefits for those families but economic benefits for the ACT generally. It is also around looking at their health and wellbeing. We know that, for many people, part of your sense of worth can be connected to your work. So allowing and supporting these parents to pursue those work opportunities is also important for their health and wellbeing.

It is also about social interaction and being able to extend and maintain those social networks. It will extend the idea of social networks and the importance of that social interaction to these teenagers with disability who also need the opportunity to spend social time with their peers. That is quite often what the after-school programs can provide. At the moment many of them have to leave school and go straight to their homes. They do not have the option of leaving the house and meeting friends down at the park or whatever. That is not an option for them. But if we can have programs where these teenagers can spend time in the afternoon having some fun, socialising and maybe also learning some living skills, I think that will be a good outcome.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (3.38): I thank Ms Hunter for bringing this motion on. After-school care is an important support network for families of children and teenagers. It is no less important for families who have a son or daughter with a disability. For many of these parents after-school care becomes a crucial part of their formal support arrangements. It is therefore quite important that we get that support structure right, for the wellbeing of both the young person and the family unit as a whole.

We have heard the message from families, through a range of consultation forums, including the Standing Committee on Health, Community and Social Services report *Love has its limits—respite care services in the ACT.* After-school care is needed by some families to enable parents to continue in their employment and manage care of their children and the day to day challenges of running a home. After-school and holiday care also provides important opportunities for the child and the young person. Whether or not the child or young person has a disability, it can provide unique opportunities to make friends, to learn, to play, to build life skills and to establish an identity outside the love and the shelter of the family home.

The Department of Disability, Housing and Community Services is in the process of commissioning a scoping study that will provide options for the provision of after-school care for older children with a disability. I picked up some level of angst I think from Ms Hunter's words—there was a description about this being a business case, and I understand that that may have not truly reflected what we were seeking to do in this piece of work that we are commissioning. The piece of work that we are commissioning will include advice on best practice approaches to providing after-school and vacation care to young people with a disability. It will provide advice on service delivery options, including the location of services such as specialist schools, identify any resource implications related to transport and support services, and confirm the likely demand for a new service.

Ms Hunter's motion calls on the government to discontinue this work and to replace it with an assessment to determine best practice and service models. This is what this work will do. I foreshadow some revised amendments to the motion that have been circulated in my name, and I will move them at the end. Ms Hunter is asking that the government provide after-school care at each of Canberra's four specialist schools, and I think I have made mention that the amendments that I will put forward certainly

look at proposed options including service models, costings and the location of any service including specialist school environments. I think we have recognised the benefits of exploring the four specialist schools as a site or a location provision of this service.

I remind members that we are talking about young people's lives and futures and I think our response to their needs deserve some careful consideration. Young people with disability, particularly those with complex needs, are vulnerable and are likely to experience social isolation, financial disadvantage and limited vocational opportunities. These children and young people deserve the benefit of services that have been properly considered. I, as the minister, want to be able to say that we have done everything we can to ensure that the eventual provision is consistent with good practice and provides opportunities for our young people to live good lives.

This would be a good time to remind the Assembly that the government supports and funds a range of community services. I draw members' attention to the Gungahlin Regional Community Services after-school and vacation activities which are available for young people with a disability over the age of 12, and I understand that 30 to 40 young people use this service. This government also provides funding for Noah's Ark to continue the delivery of an after-school care program for children with a disability in the south of Canberra. I understand that approximately 20 primary and secondary school students attend this service.

School-aged children and young people with disabilities are also supported by respite services after school. Disability ACT provides centre-based respite care at two locations, Kese in Belconnen and Teen House at Narrabundah, and I also remind members that social inclusion is a key commitment under the National Disability Agreement. This commitment is also reflected in *Future directions—toward challenge 2014*, and I draw the Assembly's attention to strategic priority 3, which is "I want to socialise and engage in the community". The ACT government policy framework for children and young people with a disability and their families also highlights the key principle that as far as possible children and young people with a disability should have their needs met through mainstream services used by all children and young people and their families.

I certainly recognise that in the conversations I have had with organisations and with families there is a mixed interest in locations and also in having their children supported in a mainstream environment, but there is also consideration about being supported within a special school environment. These natural and normalised supports are preferred options wherever possible because of the benefits of an inclusive approach. However, we recognise that in certain circumstances specialist services are required when natural supports and mainstream community services are not able to meet specific needs. Madam Assistant Speaker, I seek leave to move amendments circulated in my name. I move:

> Omit all words after paragraph (1)(f), substitute:
>
> "(1) (g) that the ACT Government has tabled its response to the Standing Committee on Health, Community and Social Services Report: *Love Has Its Limits—Respite Care Services in the ACT*; and

(h) as a response to Recommendation 4 of the Report, DHCS is commissioning a scoping study to provide a range of options and costings for the provision of specialist afterschool and vacation care support for children and young people with complex behaviour associated with autism and other development delays that struggle in integrated settings and require significant support to assist them to develop their life skills and social development; and

(2) calls on the Government to provide a report on the study by the last sitting week of August 2011 outlining the findings, including, but not limited to:

(a) Executive summary;

(b) background;

(c) summary of literature and current practice;

(d) summary of stakeholder feedback;

(e) proposed options including service models, costings, the location of any service including specialist school environments and details of the risk and benefits for each option;

(f) literature research and evaluation of best practice and design setting for specialist afterschool care and vacation care for children with a disability who have high and complex needs associated with autism and other developmental delays;

(g) mapping of current needs to available services; and

(h) an implementation plan with a view to starting first term 2012.".

The provision of a new service has to be informed by solid information, and this scoping study, which is quite clearly outlined in my amendment, provides some reassurance to members here of the work we are looking at. We are looking at provision of specialist after-school care and vacation care for children and young people with autism and other developmental delays that need to be supported. What I am proposing to bring back in August is a report outlining the findings of this scoping study, rather than a business case—I will change my language effective from today. That will include a summary of literature and current practice, a summary of feedback from stakeholders and proposed options including service models, costings, the location of any service including specialist school environments, and details of risks and benefits of each of these options.

It is also important that we do literature research and evaluation of best practice and design for specialised school after-care and vacation care for children with a disability who have high and complex needs. We will also undertake a mapping exercise of current needs to available services, and the revised amendment shows my commitment that we will also include an implementation plan with a view of starting this work in the first term of 2012.

I believe this is the way forward to give us a good, solid bit of information. These children deserve the best that we can provide. The study needs to consider the literature, the best practice models and the location including specialist schools. I undertake to provide the report in August as per that amendment, and I think this is the way forward. Whilst I thank Ms Hunter for bringing the motion on, I commend the amendment to members.

MR DOSZPOT (Brindabella) (3:48): The difficulties encountered by families of children with disability have already been well discoursed in this chamber, though it is a topic that can always do with more attention. It is interesting to note from the outset that only after my motion last week bringing to the Assembly's attention that the minister had not provided a formal government response to the *Love has its limits* report, even after an extension of the response deadline was granted, do we now have a government response, as of yesterday. Today, not wanting to be left out of the picture, we are debating Ms Hunter's motion with reference to the report's fourth recommendation.

The Disability portfolio is perhaps that one portfolio where all three parties in this Assembly have worked with some degree of cooperation in trying to find resolutions for affected families. After-school care, or the lack thereof, for students with disabilities is a recurring problem that needs to be addressed. Simply put, there is more that can be and needs to be done. If the problem is not finding an after-school place, it is finding a permanent after-school place. And if it is not that, then it is perhaps finding the necessary transportation arrangements to bring the child from the special needs school to the after-school care service.

The *Canberra Times* article "Too Long to Wait for Disabled" captures it all. Concerned mother Sheree Henley says:

> It was the process of getting to that resolution that was a complete nightmare and it's not certain. The end result is yes, he's got a place, but it's miles away and I don't know how long he can stay.

The cases and issues that have been brought to my office are equally compelling and are consistent with Ms Henley's experience. In extreme cases we have met with family members who have been forced to give up full-time work or, in one instance, to contemplate giving up their child to the system. This is what our disability system has become under ACT Labor and this is what our disability system is after over two years under the ACT Labor-Greens alliance. It is because of the courageous struggles and sacrifices of these families that we here in the Assembly must get it right when it comes to after-school care for the disabled children in our community.

As chair of the Standing Committee on Health, Community and Social Services, I stand by the *Love has its limits* recommendation that the government establish after-school care programs and its special schools. This position is informed by the belief that there is a cogent argument that can be made to utilise existing special school structures for after school care, if not for cost reasons then for alleviating the need for parents to find transportation solutions to bring their child to an after-school care service when school has ended.

With that as the backdrop, we are now faced with Minister Burch committing to commissioning a study to, in her words, "seek to identify the extent of any demand and options for the delivery and location of a service" and with Ms Hunter, as per her motion today, wanting what is tantamount to an immediate announcement of funding. In this regard, if such a service were to be feasible it would have to be delivered under a sustainable operating model. Costs need to be considered. Alternative operating models need to be explored. Stakeholders need to be formally consulted, and the list goes on. Again, I stress that this is an issue that we need to get right. Failing this, even with the idealistic intentions of the Greens, they would end up doing more harm to the disability community than good.

These last few weeks of sittings have shown a Greens party that is so hungry for claiming the political win that it is willing to sacrifice the disability community for a photo op and a sound bite. We saw that this week with the Greens motion that wanted the government to implement a dedicated taxi service without proper due diligence and care for fiscal prudence, and today we see Ms Hunter's motion, trying to force the hand of the government to establish after-school programs at our special schools without proper costings and a business model in place. Faced with a commissioned study to further look into the committee's recommendation for after-school care or a rushed Greens motion that seeks to slam-dunk a problem, I think a study to consider viable after-school care models at our special schools in light of resource constraints is preferable—though the Canberra Liberals will continue to hold the government accountable.

That said, this Assembly needs to be reminded that oftentimes caregivers lose out on many things through bad arrangements. Their physical and mental health suffers and because they have to spend so much of their time and energy on the job caring, they lose important job market skills and capabilities. No decent community program or policy framework can guarantee all caregivers a happy life, but it should ensure some basic thresholds of normalcy in their lives. There is a tremendous amount of care work done that is unpaid and in many circumstances it is not formally considered work.

A just society would have enforceable mechanisms that would protect the exploitation of the caregiver and provide for adequate care support. It was not too long ago that the work of caring was the duty of a household member who did not need to work outside of the home. In many cases, this role fell to female members of the household. That said, it does not seem that much has changed in the present day. ABS figures show that 78 per cent of carers care for someone in the same household and 71 per cent of primary carers are women.

The fact is, we live in a social system that still sees the role of caring as something assumed. It is to be done for free, out of love. This imparts tremendous stress on carers, in particular women and their ability to be fully active members in our community. Regardless of whether the carer is male or female, old or young, the fact remains that good care support mechanisms would make the decision to care for a family member or a friend a true decision, not an imposition, and carers who have to care beyond their means need not feel guilty for their inability to care. This is true

justice. This is what we should be striving to achieve. Although I commend Ms Hunter for bringing this motion into the Assembly today for debate, the basis of what the Greens are calling on the government to do lacks rigour and so may not live up to the promise they have made to the disability community.

In addition to ensuring that the disability community gets the best deal possible, there is also the need to ensure that there is sufficient transparency so that all involved understand the options and the financial implications. Although we accept Ms Burch's amendments, we feel that greater emphasis needs to be placed on providing a detailed costing of the options available in providing after-school care.

In the spirit of recommendation 4 of the *Love has its limits* report, without a strong commitment to transparency the disability community will again be stuck in a miasma of government paternalism, where DHCS and the minister know best. As already outlined above, any new initiative along the lines this motion proposes needs to empower affected families. Our disability community deserve better than this and we owe it to them. We can do better, but it needs to be carried out on sound principles.

I now submit the amendment circulated in my name, which is an addition to Ms Burch's amendment. I move:

> Add new paragraph (3):
>
> "(3) provide the Assembly with detailed costings with a view to providing afterschool care at ACT special schools as per Recommendation 4 of the Standing Committee on Health, Community and Social Services' *Love Has Its Limits—Respite Care Services in the ACT* report by the last sitting day in May.".

Thank you, Madam Assistant Speaker.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.57): I will speak to Mr Doszpot's amendment first. We will not be supporting Mr Doszpot's amendment. I think it is extremely disappointing that the motivation of the Canberra Liberals seems to be to play politics rather than support families in need here in the ACT. Despite chairing the "Love has its limits" inquiry, Mr Doszpot is unable to support an implementation date on the motion that I have put forward.

There have been a number of negotiations, obviously, between offices today. Mr Doszpot did want an amendment to go forward about detailed costings being available by May, and I believe this was really all about fitting in with estimates, but would not come at part of my motion which talked about a starting date, having some commitment to some action taking place. At the end of the day it really is hollow and empty if we do not take action. That is what we need to do.

This idea of a business case and that this has to stack up in some way to be profitable of course is a nonsense. What government does is to sit down, look at the needs and make decisions based on priorities. Governments make these decisions every day, and in this case we should be seeing this as a priority. It is a priority need for many families across the ACT. I spoke about 1,995 students in our special schools. That is a lot of families out there who need some assistance. Not all of them will want the

after-school care or the vacation care, but many will, and it certainly will make their lives a lot easier.

Mr Doszpot is very fond of getting out to herald himself as a champion of people with disabilities, but unfortunately when it comes to action Mr Doszpot stumbles at the first hurdle. I guess we would need to go to last week—

Mr Hanson: What about the Shepherd Centre?

MS HUNTER: The Shepherd Centre I did a lot of work with, Mr Hanson, but it is my turn to speak. Last week we had a motion about the wheelchair accessible taxis. Again, Mr Doszpot and the Canberra Liberals did not support that. This is something that has been called for for years and years by community groups advocating on behalf of people with disabilities who need access to the WAT taxis, and also people with disabilities whose only form of transport is these taxis.

So, unfortunately, we saw a stumble down at that hurdle. Then this week, when we are talking about families who need that support, teenagers with a disability who want to have that option also of having some recreation, having some fun, having some social engagement—again Mr Doszpot stumbled at the hurdle. Right at the end he stumbled at that hurdle, could not quite make it over, and it is very unfortunate

I have here an extract of an email I received from a woman constituent about what she needed to do in order to get a place in an after-school program for primary students. It very much spoke about the difficulty, the lack of options and the desperation that the family was feeling in not being able to access after-school care, particularly on the north side of Canberra. The mum had tried to get her son into the Warehouse at Gungahlin. Her son has been on the waiting list there for two years and he has been unable to get a place. The only other after-school care that she knows of is Black Mountain school, and that is only for children in wheelchairs. So this is yet another example of a mum trying to do the right thing by her son, trying to also earn money, who cannot access after-school care.

This mum booked her son into the after-school program in Rivett, more than 20 kilometres away from where they live. She says, "As you all know, the ACT department of education provides transport for children with disabilities to and from school." They organised a taxi to take her son over to Rivett. But he is not able to travel in a taxi on his own because he wriggles out of the seatbelt, he unlocks the doors and so forth. So this of course has caused a lot of problems around transport. Again this is why we need to be able to provide after-school care, hopefully at a place close to where they go to school or close to where they live. This really does assist these families.

So it is very disappointing that the Canberra Liberals really stumbled at having an implementation plan, a sort of starting date and that—

Mr Doszpot: We have agreed with the implementation plan, Ms Hunter.

MS HUNTER: No, this is when—

Mr Doszpot: We have—

MS HUNTER: Mr Doszpot is interrupting. But what I am saying is that when we put our motion up Mr Doszpot did not want to support the motion unless we took out our starting date.

What has happened along the way is that we have had some negotiations with the government and I am very pleased that Minister Burch has lost that terminology around business case. I really do think that what we have got here is a scoping study. It is an assessment very much in my motion, talking about models of service delivery and so forth. We do need to look at all those options and we do need to get it right. It was quite clear in my motion that we were going to do this work to see what models were out there. We do have a lot of documented models. We have already got models that are operating.

It is good to see we have moved away from that idea of a business case, this idea that it has to financially stack up and pay for itself in some way. So I do appreciate that clarification and that part of the amendment from the minister. Once Minister Burch had tabled this amendment, we had a further discussion and Minister Burch agreed that there should be some sort of implementation date that we are working towards that gives some sort of certainty for families that have been waiting for years and years for assistance in this area. It is unfortunate that the Canberra Liberals could not come at that. But I am pleased to see that Minister Burch has then agreed to revise her original amendment to add in an implementation plan with a view to starting first term in 2012.

I know that there will be many families out there who will really welcome this work being done and a commitment to get on with it, to have a look at what can be done and the type of models, to ensure that we have got a far better coverage right across the ACT but particularly plugging a very big hole, that big gap, here on the north side of Canberra.

I know that it will also be a great thing for them to see that there is going to be an implementation plan and a starting date. I have had several parents visiting me for quite some time now. Different parents will come each time, but one of the mums who have been pretty constant has been begging and begging: "Please do something about this because my child is in primary school after-school care at the moment but that will not be too much longer. He will be off to high school. We will not be able to continue that arrangement and I am desperate. I really do want to continue my employment. I do not have the highest ranking job in the area I work in, in the federal public service, but I love my job. My job is so important to me. It is such an important thing to be able to get out to spend time in a workplace and to be able to also earn some money."

So I say thank you to Minister Burch. We will be supporting your amendment. We will not be supporting Mr Doszpot's amendment. I very much look forward to hearing updates along the way about how the work is going and look forward to having these services operate for these families who really do need this support. Hopefully we will see it in the first term of next year. I very much hope that is the outcome.

Question put:

> That **Mr Doszpot**'s amendment to **Ms Burch**'s proposed amendment be agreed to.

The Assembly voted—

Ayes 4		Noes 9	
Mr Coe	Mr Seselja	Mr Barr	Ms Hunter
Mr Doszpot		Ms Bresnan	Ms Le Couteur
Mr Hanson		Ms Burch	Mr Rattenbury
		Mr Corbell	Mr Stanhope
		Mr Hargreaves	

Question so resolved in the negative.

Amendment negatived.

Ms Burch's amendment agreed to.

Motion, as amended, agreed to.

Bimberi Youth Justice Centre—educational services

MRS DUNNE (Ginninderra) (4.11): I move:

> That this Assembly:
>
> (1) notes the claims of current and former staff and teachers, including contract staff and trainers, at Bimberi Youth Justice Centre that:
>
> (a) they are not always made aware of policies and procedures prior to commencing work at Bimberi;
>
> (b) they are not always made aware of amendments to those policies and procedures in a timely manner;
>
> (c) they do not always receive proper training in respect of those policies and procedures and the amendments thereto; and
>
> (d) they nonetheless are expected to know how to deal with situations as they arise;
>
> (2) expresses its concern that the ACT Government is failing those staff and teachers, including contract staff and trainers;
>
> (3) calls on the Minister for Children and Young People to table, by the close of the current sitting period:

(a) all policies and procedures developed by the Department of Disability, Housing and Community Services (DHCS) as appropriate to Bimberi Youth Justice Centre and currently in force;

(b) a schedule setting out the timeline covering the period from the drafting of those policies and procedures and all and any amendments thereto to the versions currently in force;

(c) a schedule setting out when policies and procedures were made available to staff of the DHCS, including contract staff, working at Bimberi Youth Justice Centre at all stages mentioned in paragraph (3)(b);

(d) a statement outlining the procedure by which those staff and contract staff are notified of policies and procedures and any amendments thereto, including the procedure that must be followed by staff and contract staff in acknowledging them;

(e) a statement of the training that is given to those staff and contract staff in respect of the operation of those policies and procedures and any amendments thereto; and

(f) a statement outlining whether the DHCS has promulgated policies and procedures and amendments thereto to those staff and contract staff in a timely manner and, if not, why not;

(4) calls on the Minister for Education and Training to table, by the close of the current sitting period:

(a) all policies and procedures developed by the Department of Education and Training (DET) as appropriate to Bimberi Youth Justice Centre and currently in force;

(b) a schedule setting out the timeline covering the period from the drafting of those policies and procedures and all and any amendments thereto to the versions currently in force;

(c) a schedule setting out when those policies and procedures were made available to staff of the DET, including contract trainers, working at Bimberi Youth Justice Centre at all stages mentioned in paragraph (4)(b);

(d) a statement outlining the procedure by which those staff and contract trainers are notified of policies and procedures and any amendments thereto, including the procedure that must be followed by those staff and contract trainers in acknowledging them;

(e) a statement of the training that is given to those staff and contract trainers in respect of the operation of those policies and procedures and any amendments thereto; and

(f) a statement outlining whether the DET has promulgated those policies and procedures and amendments thereto to all those staff and contract trainers in a timely manner and, if not, why not; and

(5) calls on the Minister for Children and Young People and the Minister for Education and Training to table, by the close of the current sitting period:

(a) the relevant policies and procedures as appropriate to Bimberi Youth Justice Centre that were prepared prior to the transfer of detainees from Quamby Youth Detention Centre to Bimberi Youth Justice Centre;

(b) a statement as to when those policies and procedures were promulgated to staff, including contract staff, who were to work at Bimberi Youth Justice Centre;

(c) if those policies and procedures were not prepared in advance of the move from Quamby to Bimberi, a statement outlining the reasons for this failure; and

(d) if the relevant policies and procedures were not promulgated to staff and contract staff in advance of the move from Quamby to Bimberi, a statement outlining the reasons for this failure.

This is an important but fairly straightforward motion in relation to the Bimberi youth justice system. It seeks to obtain, for the information of all members here, the whole swag of programs and practices documentation that underpins the operation of the Bimberi youth justice system.

Many people that the Canberra Liberals deal with have a constant and repeated cry of dismay—that is, that the policies and procedures that underpin the operation of the Bimberi youth justice system are not transparent and they have not been made available to staff.

An allegation that I have heard on more than one occasion is that, when people have disciplinary action taken against them, by whatever means, that is the first time they have seen a particular procedure or practice—when they are accused of having breached that procedure or practice. This is not something that I have heard on a one-off occasion; it has been repeated to me on a number of occasions. It raises concerns with me, as it should with all members of this place, that the process of commissioning Bimberi Youth Justice Centre and the ongoing administration of Bimberi Youth Justice Centre have been flawed.

Last week the minister made a statement in relation to the inquiries that followed on from the attack on an MSS security guard on 5 February. There was a long litany of things that the minister now proposed should happen at Bimberi. That was highlighted by the two inquiries that she put in place as a result of this attack. Many of the things that were highlighted should have been things that were happening as a matter of course. I made the comment at the time, and I do not resile from it, that it appeared that the government had spent a lot of money, $42 million, on the capital structure, the bricks and mortar, and had not spent the money, the time, the manpower and the thinking power on how you would actually run Bimberi Youth Justice Centre and how it would be different.

This was highlighted for me quite recently in a discussion that I had with a number of Bimberi workers, some past and some present, who talked to me about the whole

process of the transition from Quamby to Bimberi. At the time the minister made the point that they were not going to advertise ahead of time when the staff and inmates would be transferred from Quamby to Bimberi, and that makes sense.

At that time Mr Coe raised the fact that we seemed to have had another sham opening, as with the opening of the AMC, and that Bimberi Youth Justice Centre had been open for two or three months and it had not been populated. Very soon after Mr Coe made those comments, in the lead-up to Christmas, the inmates were transferred to Bimberi Youth Justice Centre. Staff who worked there at the time have told me—and I have not found that this has been denied anywhere—that they turned up on a particular day at Quamby and they were told, "Today is the day that everyone is moving to Bimberi." The trucks arrived, the transport for the youth detainees arrived and everybody moved over to Bimberi.

When they got there, most of the people had not been familiarised with the layout of the place and they had no procedures. So the staff at the time said: "Well, we don't know what the new procedures are; we'd better continue to do what we did at Quamby." Still, to this day, some of those staff who were there with the turnover have said to me that they have not seen new procedures for the operation of Bimberi Youth Justice Centre and they are doing essentially what they did when they worked at Quamby, because they have no other material to rely upon.

This motion today calls for information to be provided by the Minister for Children and Young People and the minister for education. It calls on both ministers to provide, by close of business tomorrow, all current policies and procedures developed by their department, as they relate to Bimberi, that are currently in force. In addition, the motion calls for a schedule setting out the time line covering the period from the drafting of those policies and procedures and all and any amendments that have been made to those policies and procedures that are currently in force.

We also ask for a schedule setting out the policies and procedures and when they were made available to staff within the department and staff at Bimberi Youth Justice Centre, and outlining the procedure by which staff, both in the department and at Bimberi Youth Justice Centre, were notified of the policies and procedures; how they were notified of any amendments, including what was done to ensure that staff were made aware of them; and that they acknowledge that there had been changes to procedures.

In addition, the motion calls for a statement setting out training that was given to staff, both in the department and at Bimberi Youth Justice Centre, in respect of the operation of those policies and procedures, and any training from time to time that would result from there being amendments. The statement should also outline whether both the Department of Disability, Housing and Community Services and the Department of Education and Training had promulgated the policies and procedures and amendments thereto to staff and had contacted staff in a timely manner; and if not, why that had not been done.

This motion is about getting information. This motion ensures that all members of this place have a clear understanding of what the policies and procedures are. There are

many. Some of my colleagues this week have been asking Mr Barr questions about some of the policies and procedures of his department and how they relate to operations in Bimberi Youth Justice Centre, and the minister cannot answer the questions.

A number of issues have been raised with me by staff in relation to bullying, and in relation to mandatory reporting. There is a very comprehensive lack of understanding about how mandatory reporting should operate in the environment of Bimberi Youth Justice Centre. Ms Hunter spoke about this last week and on other occasions—that there seems to be a failure in communication in relation to mandatory reporting.

So that all members of this place have a clear understanding of what the policies and procedures are, for the most part they should be, as Mr Barr pointed out today, on departmental websites. If there are policies and procedures that are not published and that for some reason should be kept confidential, I have not proposed in this motion that they be published or that they be authorised for publication; rather, this motion proposes that the information is made available for the information of members of this place.

It would be reasonable for the departments, in providing this information via their ministers, to highlight those which are on the public record, those which are not and why that is the case. It would be incumbent upon us as members not to divulge things which essentially go to the security of Bimberi Youth Justice Centre. That is not what this is intended to be about. This is intended to ensure that everyone is fully aware of what the myriad policies and procedures are and what processes the departments of Education and Training and Disability, Housing and Community Services have gone through to ensure that the staff that they employ and that work at Bimberi are aware not only of the procedures but of when those procedures change, and that they have been trained to fully implement those.

The constant message is, "We didn't know that this was a problem," or, "We didn't know that this was a procedure." And the only time they find out about it is not through some training process or anything like that, but if someone thinks they have done something wrong, they produce a set of procedures and say, "Why haven't you complied with this before?" The answer usually is, "Because I didn't know that that's what the policy was."

I am mindful of the amendment that Ms Hunter has foreshadowed, which the Canberra Liberals will not be supporting. It would be useful, to comply to some extent with the spirit of Ms Hunter's amendment, if the information provided for the information of members is also provided to the human rights commissioner and the Children and Young People Commissioner, who are conducting reviews into the Bimberi youth justice system and the youth justice system in general. Then we will all know that everybody has the same information and we are all singing from the one hymn sheet.

I was surprised to see Ms Hunter's circulated amendment—and I will address it a little later—because she seems to not want members of this place to receive information, and I have to wonder why. Much has been said about the management

and operational practices at Bimberi and there has been much criticism of this government in relation to its handling. The criticisms have heightened in recent months. Because people who work at Bimberi have been utterly frustrated by a government that is incapable of listening to them and incapable of taking action, I think it is time that this information is placed on the table.

My concern, as I have said, has been heightened because some of those people have been driven by frustration to take the drastic step of making their concerns public. The former art teacher, in the *Canberra Times* last week and on radio, talked about how procedures were not notified and that people were acting in ignorance of procedures. As I have said before, the Canberra Liberals have been approached by a range of frustrated Bimberi workers who found it necessary to bring their concerns directly to the attention of members of the Legislative Assembly. And it is not just to me. I happen to be the person who has listened to them, as have my colleagues. But most of the concerns that have been brought to me have previously been brought to the attention of the minister. I have seen the correspondence; I have seen the letters that have been sent to her which have been ignored until they were brought to light in public and then the minister showed some interest.

In addition, we have seen the rather shambolic—which seems to be the word of the day—treatment of text messages and the provision of information to the minister's senior staff and the way that the senior staff have not responded to high-level, important information that was brought to their attention. The minister said yesterday in question time that she was looking at procedures about how her office might deal with text messages, but it does not actually address the issue of what she has done to address the issues of concern that have been brought to the attention of herself and her staff through text messages.

The minister and Mr Barr, who are both referred to in this motion, have very onerous responsibilities in many areas of the administration of their departments, but none more so than in relation to the administration of services at Bimberi Youth Justice Centre. As we have said before, and I think there is general agreement on it in this place, the Bimberi Youth Justice Centre is a place where some of our most vulnerable young people spend some time, and it is incumbent upon us to ensure that they are safe, that they live in an environment that can help them get back on track and so that their educational outcomes can be enhanced.

That there is a belief that there has been a failure to do so that has resulted in the current spate of inquiries is obvious by that spate of inquiries. It is incumbent upon these ministers, who have primary responsibility for the care and education of those young people, to provide as much information as possible for the information of members. *(Time expired.)*

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) (4.26): I think I will start by stating the obvious, that the government will not be supporting Mrs Dunne's motion. We will be supporting the proposed amendment put forward by the Greens, which affirms the government's commitment to transparency in providing documents and other

information as part of the Bimberi inquiry. The proposed amendment also acknowledges the inquiry is the appropriate body to consider any allegations.

There are a number of reasons why we will not be supporting Mrs Dunne's motion as it is presented. Firstly, the government has always been transparent about policies and procedures in place at Bimberi. The documents that Mrs Dunne is seeking, the youth detention policies and procedures, are already available publicly, as notifiable instruments on the legislation register. They have been there since they took effect on 9 September 2008.

These policies were in place for the commencement of the new Children and Young People Act 2008, which took effect on 9 September 2008. They took effect at Quamby and applied to Bimberi from the date Bimberi commenced operations on 23 December 2008. The policies and procedures at Bimberi have been provided to the Commissioner for Children and Young People and the human rights commissioner as part of the inquiry, and we will be cooperating with the inquiry in any further requests for documentation.

The Bimberi review team has been provided with a copy of all the 21 notified policies and procedures under sections 143 and 144. There are 21 notifiable policies and procedures under section 143 of the Children and Young People Act 2008 relating to the operation of Bimberi. These policies and procedures commenced on 9 September 2008 and, with the exception of the escorts policy, which commenced on 20 February 2009, there have been no amendments to policies and procedures since their commencement and, as I understand it, the policies and procedures have certainly been developed for the needs of Bimberi.

In preparation for the opening of Bimberi in 2008, two successive induction programs were conducted for new staff, on 10 June 2008 and 8 August 2008. Existing Quamby staff were included in the training conducted on the new Children and Young People Act 2008 and the new policies and procedures for the centre as part of the induction program. Successive induction programs have been conducted since the opening of Bimberi. All new youth detention officers and team leaders receive training in the policies and procedures as part of their induction training. Induction training is compulsory for all new operational staff, including youth detention officers, team leaders and unit managers.

I advised the Assembly only last week of the multitude of initiatives that are underway at Bimberi and the comprehensive change management strategy that has been underway since late last year. I am also advised that copies of the youth detention policies and operating procedures have been reissued to all operational staff and they have been asked to sign off that they have received them.

In addition to permanent staff, Bimberi engages casual staff to undertake youth detention officer roles. Casual staff are engaged through a contract with Drake Australia. All casual youth detention officers are required to undertake the same induction training as permanent staff. They also receive training in and a copy of the act and all policies and procedures. In relation to MSS Security staff, personnel from MSS are provided with their own specific orientation and training program prior to commencing duties at Bimberi.

The other major reason I will not be supporting the motion without amendment is that there are two inquiries underway to review the policies and practice in place at Bimberi. These inquiries are the appropriate forum for the analysis of policies and procedures and for the analysis of their implementation, currency and training for staff.

We must wait for those inquiries to do their work, to conduct their inquiries and to draw conclusions, make recommendations—recommendations that are based on considered, detailed and informed analysis. I am confident that, in conducting these inquiries, the human rights commissioner and the Children and Young People Commissioner will canvass a wide range of people with good knowledge of Bimberi, what has happened and what is happening there, rather than rely on the views of a very limited number of people.

I know that the human rights commissioner and the Commissioner for Children and Young People are speaking to current and former staff members from Bimberi, to youth detention officers, to team leaders, to unit managers, to young people, to operational and program staff and to relevant professionals who have a good understanding of the issues and complexities facing staff and the young people at the centre. We know that it is not the review that Mrs Dunne wants but it is the review that has been endorsed by this Assembly. These inquiries are underway and the reports from these inquiries are due by 30 June of this year and we should allow them to run their course.

I also have concerns about the intent of this motion in its present form, and I say that, if Mrs Dunne has allegations regarding the policies and procedures in place at Bimberi, she needs to bring them forward so that they can be dealt with by my office, the department or the review process. Mrs Dunne also referred to text messages and I want to thank Mrs Dunne for tabling that material last night because, in my view, it confirmed that my office has acted appropriately.

So let me summarise, Mrs Dunne, based on what you have said and the material you have provided. The individual you referred to sent a text message to my staff member making a number of serious allegations. My staff member indicated that it was not appropriate to respond by a text message and advised the individual formally to put his concerns to the relevant department, noting that the allegations related to both DET and DHCS and that the department would respond. The individual was advised to put such concerns in writing and the relevant department would respond. The individual chose to ignore this advice and, despite having been told that text messaging was not an appropriate medium to be making such allegations, he proceeded to send another text message, making a further allegation.

Yesterday and again today, you said my staff did not respond to that text message. I think it is fairly self-evident that text messaging is not an appropriate medium to be making serious allegations, and my office's position has not changed. It is something that needs to be put quite formally. No reasonable person here would assume or accept that text messaging such serious allegations is appropriate; nor would Twitter or Facebook, in my view, be considered an appropriate place. I do wonder what formats Mrs Dunne uses. We know she shops online. I often wonder what sort of other appropriate or inappropriate activities she does with her computer here.

But the government does not believe it is appropriate for Mrs Dunne to use the Legislative Assembly to conduct her own inquiries and to undermine the public perception of the work that is being performed at Bimberi, to undermine the public perception of the efforts of hard-working staff at Bimberi who every day operate in complex and difficult circumstances and who, I have been informed, are finding the politicisation of the issues by certain members of this Assembly to be debilitating and demoralising. This motion again puts at risk the positive mood for change at Bimberi while this inquiry is taking place, and the government will not support it.

In conclusion, I would like to read out, for the benefit of the Assembly, a letter to the *Canberra Times* editor by the Official Visitor to Bimberi, Ms Narelle Hargreaves, that was published in the *Canberra Times* on 1 April. I would advise members to listen carefully. The title of the letter is "'Fear does not rule' at Bimberi Youth Justice Centre: Insider". It states:

> As the Official Visitor to Bimberi Youth Justice Centre I was unimpressed at reading the sensational and inaccurate heading to the article on the front page of *The Canberra Times* (March 29) that stated: "Fear Rules at Bimberi: Insider".
>
> My experiences in dealing with the youth justice issues for a number of years, in my role as the Official Visitor to both Quamby and the Bimberi Youth Justice Centre, enables me to reassure the ACT community that fear does not rule at Bimberi.
>
> I regularly visit … and speak with the staff and the young people. I am encouraged by the new procedures and practices the staff and management have in place, which are working effectively. When I visit the centre, I speak with every young person in residence. I find the young people to be forthright, respectful and open when speaking with me.
>
> My reports on my visit to management are promptly and effectively handled to my satisfaction. As a former ACT Director of Schools, I am qualified to assess the educational provisions that are put in place by the dedicated teaching staff working with the young people, who display a wide cross-section of academic abilities and life experiences.
>
> I am impressed with the current range of schooling provisions, led by the dedicated staff.
>
> The current public and media discussion regarding the operation of the Bimberi Youth Justice Centre would appear to be a gross overreaction and an injustice by certain activists.
>
> I have participated in the current review and the inquiry process by the ACT Children's Commissioner and I feel very comfortable with the way the inquiry is being conducted.
>
> It is regrettable that there have been inaccurate facts, sensational headlines and political opportunism in this matter, when the situation requires dedicated, informed decision-making on the part of all stakeholders in the community.

That is the letter to the editor by Narelle Hargreaves, Official Visitor to Bimberi.

As I have said, we will not be supporting Mrs Dunne's motion. We will be supporting the proposed amendment by Ms Hunter. I finally say to Mrs Dunne that we are wanting this process to be rigorous, to be open, to have as much input as possible from a range of people and, if those making contact with her office have evidence that needs to be put to the inquiry, they should do that.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.38): It is very positive that so much attention is being given to youth justice and I think there will now be significant and positive change as a result of this attention. But enough is enough. The time is now well past to let the independent body conducting the review do their job. The Assembly has resolved on three separate occasions now that the best way to identify the problems and find the solutions that will deliver better outcomes for the young people who come into contact with the youth justice system is through the current inquiry process.

I hope that this is the end of the political interference and that Mrs Dunne and the Canberra Liberals can accept that a process is underway and that it should be allowed to run its course. If she is unhappy with the outcome then of course she should bring the issue back to the Assembly. But until that time, the best thing that can be done for the young people and the staff at Bimberi is to let the inquiry run its course, without interference or further undermining from the Assembly.

On the substance of the motion and the call for all those documents, firstly I have to say it does reflect quite poorly on Mrs Dunne that she is calling for a range of documents that are freely available on the legislation register and have been for around two years now. The Children and Young People Act 2008 provides that policy and procedures for the Bimberi Youth Justice Centre are notifiable instruments. This of course means that not only are the current versions available but all the point-in-time versions and the dates that they were effective are also available. An extensive range of policies are available on the register at www.legislation.gov.au/NI, I believe. But they are there for all to see.

Examples of the policy and procedures that are currently listed include Children and Young People (Escorts) Policy and Procedures 2009 (No 1), the Children and Young People (Health and Wellbeing) Policy and Procedures 2008 (No 1), the Children and Young People (Minimum Living Conditions) Policy and Procedures 2008 (No 1), the Children and Young People (Official Visitor Complaint) Guidelines 2009 (No 1), the Children and Young People (Provision of Information, Review of Decisions and Complaints) Policy and Procedures 2008 (No 1), the Children and Young People (Records and Reporting) Policy and Procedures 2008 (No 1) and the Children and Young People (Safety and Security) Policy and Procedures 2008 (No 1).

These are just some of those policies and procedures. I readily acknowledge that I have not double checked all of them thoroughly, but it appears that none of them have been changed. Perhaps with one or two exceptions all were adopted before Bimberi was opened. The dates are on the front page of the instruments. I would also make the

point that a number of the relevant policies are available on the Department of Education and Training website—this is the other part of Mrs Dunne's motion, though certainly not everything that Mrs Dunne has requested in her motion.

More generally on the existence, use and awareness of policies and procedures, I would go back to the minister's statement last week in response to the assault of the MSS guard. I said that it was very concerning that the minister's statement implied that a number of basic policies or procedures were not being applied. I do reiterate my concern on that. I would also make the point that the Greens readily recognise that the best written policies and procedures in the world mean absolutely nothing if staff are not educated on how they are to be applied and continually supported to ensure they are fully aware of any updates or revisions. As well as this, there of course needs to be a means of ensuring that staff follow the requirements; that there is some sort of compliance enforcement of these policies and procedures.

Again, I think we heard last week from the minister that each staff member was being given a copy of the policy and procedures manual. This is quite a thick document, and I do not think you can just hand a large document over to a staff member—although I do think it is good practice for them to have easy access to the manual. Really it is about how you build that into an ongoing training and information program, to ensure that everybody does know what the policies are and that everyone is on the same page as to how those policies and procedures are to be implemented.

The most appropriate way to ensure that this is occurring, and that things are right at Bimberi, is the Human Rights Commission inquiry. There have been a large number of complaints and issues raised about Bimberi and there is no doubt that they need to be addressed. But Mrs Dunne running a parallel inquiry each sitting week in the Assembly is not the way to do this. We have an extraordinarily highly skilled team working on the review. I have no doubt that they are the most highly skilled team that we could ever have hoped for, and we should be using that expertise.

On 30 March 2011 the Human Rights Commission released information about what they had achieved at the halfway mark of the review. The inquiry team reports that they have made significant progress. They have spoken in person to over 20 young people currently and formerly resident at Bimberi. They have spoken in person to more than 24 current or former staff and received 12 completed responses to an anonymous online survey for current and former staff. They have spoken in person to more than 20 key government and non-government stakeholders. They have received a range of written submissions, with the deadline of 15 April still some weeks away. They have conducted a one-day community forum with 32 participants representing government and non-government services from youth, health, mental health, justice and legal sectors.

The Greens will not be supporting the motion. Instead I have an amendment and I now move the amendment circulated in my name:

> Omit all words after "That this Assembly", substitute:
>
> "(1) notes that:

(a) a number of significant allegations and concerns have been raised about the operation of the Bimberi Youth Justice Centre and the Minister and the Government have an obligation to investigate the allegations and concerns; and

(b) the Human Rights Commission is currently undertaking a comprehensive review of youth justice in the ACT that will consider the allegations as part of the review; and

(2) calls on the Minister for the Children and Young People and the Minister for Education to ensure that their respective departments provide the Bimberi Review Team with:

(a) a copy of all policies and procedures relevant to the operation of the Bimberi Youth Justice Centre;

(b) a copy of all policies and procedures that were developed specifically for the transition of detainees from Quamby Youth Justice Centre to Bimberi Youth Justice Centre; and

(c) a statement explaining how the policies and procedures are or were applied in practice and how staff are trained in, and informed of, the operation of the policies.".

As I have said, there are a number of concerns and I have referred to them in the amendment. They do need to be recognised and they must be addressed by the government, but also we have to recognise that, as I said, there is an inquiry underway and the most appropriate thing to do at this stage is to provide all the information that was set out by Mrs Dunne.

The important thing is to ensure that the Bimberi review team receive that information and that they have a look at that information; that we let the experts analyse it and address any concerns and also develop ways to ensure that any of the concerns or issues that are found to have substance do not occur again; that if there are any gaps in policies, procedures or practice those gaps are filled; and that we do have some sort of ongoing training and professional development program for the dedicated staff. And there are dedicated staff in Bimberi. What we need to remember here is that there are a lot of staff who are feeling pretty upset at the moment, pretty demonised—and I do worry about this constant bringing up of issues in a very political way and the demonisation of the workforce and the demonisation of the young people who are resident in Bimberi.

We have spoken about how vulnerable these young people are; we have spoken about how quite often that contact with the youth justice system, that incarceration, can actually be an incredibly important point to intervene and to make real differences and changes that could well turn a young person's life around. We should be looking at behavioural change, at the sort of lifestyle change that will support them to go on and complete education and training if that is what they want to do. But at least they should be given the chance to reach their potential and to pursue opportunities. That is what we need to ensure at the end of the day happens here. I am getting increasingly

concerned that the more this becomes politicised, the more the people who work in and dedicate their working lives to the youth justice system in this town and the young people who are in that system or have contact with that system and their families are being demonised, the more unfair it becomes.

We should be allowing the inquiry to get on. We are almost there. We are only about two months or so from when they will be reporting to this Assembly. As I have outlined, they have had a number of meetings, discussions and forums. People have filled out surveys. They no doubt are ploughing through a whole lot of information. They no doubt are looking at best practice around the country, best practice internationally and the sorts of supports and professional developments that need to be in place for staff—whether induction can be improved, whether a whole range of policies and procedures, processes, programs, vocational education and training programs and education programs can be developed. But let us just leave them to get on with it. This team is a highly professional team, they have the expertise, so let us let them get on with the job and let us see what comes back once this inquiry finishes in June.

MR SESELJA (Molonglo—Leader of the Opposition) (4.48): The Canberra Liberals will not be supporting this amendment from Ms Hunter. I think it is worth noting that the amendment proposed by the Greens is just a continuation of the cover-up which has been engaged in by this government and which the Greens are now 100 per cent complicit in by not even understanding or bothering to consider the terms of the motion put forward by Mrs Dunne.

Ms Hunter, in seeking to take out all of the words of the motion, is ignoring the central point, and the central point is that there have been significant ongoing claims from current and former staff members and teachers that they are not always made aware of the policies and procedures prior to commencing work at Bimberi. They are not always made aware of amendments to those policies and procedures in a timely manner. They do not always receive proper training in respect of those policies and procedures and the amendments thereto.

That is what this motion is about. It is about the minister providing the information that shows not just what the policies and procedures are but when staff were told about them and how they were given information so that they could use it and so they could implement these policies and procedures. The Greens and the Labor Party are now, in their attempt to cover this up again, going to abolish this whole motion, ignore those concerns and just say, "No, no, we'll leave it to the inquiry." Well, the inquiry is a whitewash. There is no doubt about it. It is a whitewash, and the Greens in their cosy relationship with the Labor Party are far more interested in protecting their Labor mates and protecting their mates in the Human Rights Commission than getting to the bottom of this information.

Let us actually look at what has happened here and what the Greens and the Labor Party are attempting to cover up again today. We had a debate earlier today about open government, and we heard all the principles about open government. But every time it involves the Greens' interests and the Labor Party's interests, they get together to cover it up. This procedure in relation to Bimberi has been one cover-up after

another. We can go through that cover-up. We can talk about why we do not have confidence in this inquiry, either from the perspective of the inquirer's ability to keep information confidential or from the attempts of the government to corrupt this inquiry and to interfere in the ability of this inquiry to actually find out what is the truth and what is going on at Bimberi.

There is mounting evidence. We have minutes which show the government colluding in relation to evidence given to this inquiry. We have minutes which show that collusion. The Labor Party and the Greens endorsed that. They endorse it again today. They have endorsed that right the way through. We have witness after witness saying that they have been told not to cooperate with the inquiry. So we have got documentary evidence. We have got witness after witness coming and saying: "We were told not to cooperate. We were discouraged, or we were sort of told which way we should go." We have got the documentary evidence that backs that up and says, "Let's get together and work out our strategy to make sure they do not get to the bottom of the information at Bimberi."

Then we have got allegations of a departmental cover-up put directly to the minister's office and ignored—nothing done with them: "No, you didn't put it in the proper form." After the minister's office told this individual that any concerns in any form would be actioned: "No, not if it's in a text message." How serious is the minister, and how serious are the Greens, about public administration when they seem to think that allegations of departmental cover-up can just be ignored, can just be swept under the carpet?

That has been the ongoing way in which this has been handled. And the Greens wonder why it is that the community is losing confidence in them and why, when people have an issue, they no longer go to the Greens. They go to the government initially, which would seem sensible to most people—you have got a concern, you have got a minister in charge, so go to the minister. They go to the minister; she blocks her ears. They go to the Greens; they do nothing. And they go to the opposition, and the opposition raises these issues and tries to get the most open and transparent inquiry possible—a judicial inquiry.

How else do you get to the bottom of whether or not the claim after claim after claim of interference and corruption of this process is true? How else is that going to be found without an inquiry which has all of those powers to get to the bottom of it? Do we really expect that those who have allegations against them that they have been interfering and have come forward are going to come forward of their own free will? This is where we need a proper inquiry.

This amendment from Ms Hunter really confirms the cosiness of this relationship. It is starting to occur very clearly to the community that the Greens are really just there as an extension of the government. They have a different name for their party, but when it comes to the interests of the government and the interests of the Greens, they are in lock-step and they are tied together. That is why the Greens continue to be complicit in this cover-up of information. How are we to have confidence in an inquiry when the information is leaked, when we have mounting evidence, including documentary evidence, that the department and the government have attempted to actually corrupt

the inquiry, to actually interfere in the inquiry? What do the Greens and the government say to that? "Well, look, that's okay—you know, there's not much we can do about that; we're not really going to do anything about that."

The minister right now, if she wanted to, could actually get to the bottom of those claims. Claims of cover-up have been put directly to her office. She could actually get to the bottom of them if she wanted. I think as the individual concerned said, if they can get access to these documents, the minister can far more easily get access to these documents—unless she does not want to; unless she actually does not want to find out what is going on. Of course, that is far more likely. The minister has shown that from the start, from when she was first approached, and she said she was just there to cover her backside, and she covered her ears because she did not want to know.

It is difficult to imagine another parliament where there is apparently a minority government which would endorse this kind of behaviour. But that is what we are seeing again today with the amendment from the Greens, and no doubt they will be supported by the Labor Party. It is the majority of this parliament, the Labor Party and the Greens, getting together to endorse this litany of cover-up, this consistent attempt to cover up these issues. They say, "Oh well, the inquiry is doing its work." Well, the inquiry is not doing it work because it cannot, even with the best will in the world. We have got staff being told not to bother. How are they going to get to the bottom of what is happening if the staff are being directed what to say; if we are having memos put out so that government can strategise on its response?

This process has become a whitewash, and it has been intended to be a whitewash since it was watered down in this Assembly by the Labor Party and the Greens. These amendments simply are a continuation of that process. They ignore what is in the motion and Ms Hunter's remarks ignored what is in the motion. I go back to that in conclusion. I go back to what Ms Hunter completely ignores because it is convenient for her to do so. She ignored the part of the motion that talks about the claims of former and current staff that they are not always made aware of the policies, that they are not always made aware of amendments, that they do not always receive proper training. What would be the problem with getting this information out there? What would be the problem with that? Maybe it would be inconvenient for the government. Maybe it would be embarrassing for the government. That is at the heart of this amendment from Ms Hunter. She continues to try to cover up for the government. We will not be supporting this amendment and Mrs Dunne's motion should be commended. *(Time expired.)*

MRS DUNNE (Ginninderra) (4.59): Ms Hunter's amendment, as Mr Seselja has rightly said, is yet another attempt to have a whitewash of this inquiry. It beggars belief that on the day that the Liberal Party and the Greens voted that we should have a charter of open government, at the very first hurdle the Greens fall. It actually beggars belief. Ms Hunter says, "All of this stuff is up on the webpage." Yes, it may well be up on the webpage, but what is not on the legislation register is the way in which this information has been promulgated to the staff. People have been assured, for instance, that all of the information has been got across and that people have an understanding.

The motivation for this motion today is the number of significant complaints the Canberra Liberals have received from staff who say: "We don't know what the procedures are. We don't know what the mechanism is. We haven't been trained." It is not just in relation to DHCS procedures. It is in relation to procedures in the department of education. I raise this because it was topical yesterday. Yesterday Mr Doszpot, I think, asked Mr Barr about the reporting of child abuse and neglect in public schools and what was the policy. The minister tabled it in here today and said, "You can find it on the webpage." He did not go to what was in the policy because he thought that it was too long. But we will go to the crux of it. It says what principals at public schools are required to do.

Mr Barr: All the teachers, everyone who is in contact with young people; not just principals, Mrs Dunne—everyone.

MRS DUNNE: All teachers have a role in mandatory reporting. If the minister read his own guidelines, the guidelines of his department, he would see that junior teachers do this in concert with senior teachers, deputy principals and principals. The role of the principal is to provide annual training in mandatory reporting processes and procedures and in codes of conduct for all staff, to keep a record of attendance of staff attending mandatory reporting training, to induct new staff who have missed training in their responsibilities under this policy, to inform visitors of the requirements to report to the principal suspicions or beliefs of abuse et cetera, to ensure lessons for children and young people in protective and safe behaviours are delivered, to implement the providing safe schools P-12 and associated policies and to ensure appropriate pastoral care and protective behaviours programs are delivered.

That is what the principal has to do. Yesterday Mr Doszpot and Mr Coe asked the minister whether that was done at Bimberi, to which he replied, "Principals are supposed to do this, so, yes." But what this motion today will do is require the minister to table a schedule that says, in relation to this policy, that the principals provided training on such and such an occasion. The register will show that such and such staff have received training, that there have been follow-up staff for new and inducted training and that there has been protective behaviours training provided for the young people who attend the Murrumbidgee Education and Training Centre.

It would cover all of those things. As things currently stand, there are teachers—current and former—contractors and the like who tell me that they have never been told about mandatory reporting. While they have worked with the Murrumbidgee Education and Training Centre they have not received annual training in mandatory reporting practices. To the best of their knowledge, they are not aware of protective behaviours programs provided for the children and young people. When you consider the vulnerability of the young people who go there and the turnover, it would have to be a fairly constant process of providing protective behaviours training for young people at the Murrumbidgee Education and Training Centre.

That is just one example—an example that arose in question time yesterday. It is not sufficient to say, "Go and look on the webpage." This motion calls on the minister, in addition to providing the policies and procedures, to inform the Assembly in accurate

detail of the extent to which the training and the familiarisation have been provided. The fact that they will not do it and that Ms Hunter and the Greens are prepared to support them in not doing so shows that they do not care, that they are complicit in a cover-up.

It is interesting that Ms Burch said that she is not going to support this motion because this information has already been provided to the inquiry. If it has been provided to the inquiry, why is it not good enough for the same information to be provided to members of the Legislative Assembly? What is so special about the inquiry that it has more rights than members of the Legislative Assembly? I would like the minister for education and the Minister for Children and Young People to actually come clean with the inquiry about the extent to which people are familiarised with what is in these policies and procedures.

Ms Hunter, in speaking against my motion and in favour of her amendment, actually supported the proposal that I put forward. She said that it was not enough just to give people a manual; we had to ensure compliance. "You can't just hand over a manual," she said, "There has to be a training and information program that goes with that." That is what Ms Hunter said. That is what we are asking for. We are asking for the evidence of the training and the information program that goes with the manual to be provided. This motion calls for the provision of material and a schedule that shows that the staff have been made aware of it, that they have been familiarised and that there have been regular updates to ensure that they comply with the procedures.

Time and time again staff are saying to us, "We don't know what the policies and procedures are." Quite frankly, if the minister can come in here and table a range of policies and procedures and a schedule that shows that on a regular basis the staff are provided with an update and a refresh on this, it will prove that I am wrong. It will prove that the information being provided to me is wrong. I would be happy to find out that the information being provided to me is wrong because it would show that the administration, the management, at the Bimberi Youth Justice Centre is not as dysfunctional as is being portrayed by many people in the community. I would love to be proved wrong. I challenge the minister to prove me wrong. If she does not have the guts to prove me wrong, it is because I suspect that I am not wrong.

If there was any shadow of a doubt that the information that I was given was in any way off the mark, the minister would be down here so fast your eyes would bleed to prove that I was wrong. The clear pattern of behaviour has been that people come to us, I look into the matter as closely as possible, we talk to people, we try and confirm it, we ask questions, we inquire into it, we make a statement and the minister says, "You can't say that; that's not right." But to this day she has never once proved that information that I have been provided with by staff that I raised in the Assembly is wrong. Prove me wrong, minister. I hope you can. If you cannot, you should support this motion and make it clear to all in the community the extent of the failings to provide people with information.

Ms Hunter needs to be condemned because, when it comes to the first hurdle about open government, she fails. You, Madam Assistant Speaker Le Couteur, came in here and spoke eloquently about open government. Your leader has let you down. On the

very day that we resolved that we should have a statement on open government your leader let you down. It is a great shame that you have been let down by your leader.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.09): As my colleague Ms Burch outlined, the government will be supporting Ms Hunter's amendment. When we reflect on what we have learnt in the last half an hour, perhaps there is no end to the Liberal Party's campaign to politicise this issue. For all the pontificating of Mrs Dunne, Mr Seselja's speech was where the Liberal Party is really at in relation to this. It was just a series of slanderous rehashing of salacious gossip, innuendo and a complete—

Mrs Dunne: Prove us wrong.

MR BARR: I prove you wrong by tabling Mr Harwood's statement in relation to a key element of Mr Seselja's contribution. I table the following paper:

> Aboriginal and Torres Strait Islander Services—Team meeting 2 March 2011 minutes—Copy of letter to the Chief Executive, Department of Disability, Housing and Community Services, from the Director, Aboriginal and Torres Strait Islander Services, dated 28 March 2011.

In spite of all of Mrs Dunne's pontifications about wanting to get a better outcome for people at Bimberi, Mr Seselja's contribution was a 10-minute diatribe about trying to get a better political outcome for the Liberal Party. Ms Hunter is spot on in her assessment of what this is about. Yet again it is the Liberal Party seeking to squeeze every last drop of a perceived political advantage out of some of the most disadvantaged people in our community and the people who work with those young people to try and make a difference in their lives. That is what this is all about—again.

Were Mr Smyth here we might get the benefit of a speech about the will of the Assembly. He is not, so I might indulge myself for 20 seconds to advise those opposite about the will of the Assembly on this matter and the number of times that this has been addressed in this place. Ms Hunter is correct. The will of this Assembly is for an inquiry by the Human Rights Commission. That process is underway and it should be allowed to run its course. There are these constant attempts by the Liberal Party to drag themselves back into some sort of political relevance in this place. Mrs Dunne has set herself up as the alternative inquirer and is demanding that she be proved wrong—as if it is all about her. We have heard a lot about the rights of members in this place and we have heard a lot about Mrs Dunne's rights throughout this debate, but we have not heard that much about what is really important here, and that is, ensuring that the Bimberi juvenile justice centre and the Murrumbidgee education centre operate to the best of their capacity and that they make a big difference in the lives of those—

Mr Seselja: And that's a roaring success?

MR BARR: Not for any want of your contribution, Mr Seselja. You have contributed absolutely nothing to ensuring better outcomes. Your involvement has been to rehash

tired old stories that have been disproven by the officers concerned. Again, for the benefit of Mr Seselja, Mr Harwood's letter goes to one of his allegations—

Mr Seselja interjecting—

MR BARR: Madam Assistant Speaker—

Mrs Dunne: One of the allegations?

MR BARR: One of the allegations. I have dealt with a number of the other allegations in question time. I do not intend to waste the Assembly's time now in going over all of them again; we have got better things to do. I think it is important, Madam Assistant Speaker, to call this for what it is. They do not like it—they do not like hearing it—and their reaction speaks volumes. The content of Mr Seselja's speech went entirely against everything Mrs Dunne has protested was the real reason for moving this motion.

On the specific issue of what Mrs Dunne was calling for—and that was statements explaining how policies and procedures were applied in practice and how staff are trained in, and informed of, the operations of those policies—point (2)(c) of Ms Hunter's motion is there for it to be provided. Both Minister Burch and I acknowledge that. In supporting this amendment, we are committing to doing so. That is the important point.

Mrs Dunne is all about this information being available to those who are conducting the inquiry. That is exactly what this amendment does. I think that is important. It is consistent with everything Minister Burch has said throughout this debate and everything that she has endeavoured to do in order to address some significant issues that we have all acknowledged. It would appear that the one element of unanimity within this place is that there are challenges that need to be addressed in one of the most complex working environments that anyone could imagine. In that context this amendment and the way in which the Assembly has dealt with this matter on the previous two or three occasions are the appropriate way forward. For those reasons, Madam Assistant Speaker, the government will be supporting Ms Hunter's amendment. It is eminently sensible, it is consistent with previous decisions of this place and, dare I say it, it reflects the will of the Assembly.

Question put:

> That **Ms Hunter's** amendment be agreed to.

The Assembly voted—

Ayes 9		Noes 4	
Mr Barr	Ms Hunter	Mr Doszpot	Mr Seselja
Ms Bresnan	Ms Le Couteur	Mrs Dunne	
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

Amendment agreed to.

MRS DUNNE (Ginninderra) (5.18): To close, we now have a motion that calls on the Minister for Children and Young People and the minister for education to ensure that their respective departments provide to the Bimberi review team a copy of all policies and procedures that were developed specifically for the transition from Quamby to Bimberi and a statement explaining how the policies and procedures are to be applied in practice and how staff are trained in and informed of the operation of the policies.

It is interesting that Ms Hunter spent a lot of time saying we are halfway through the review. Is it possible that the review have not asked for this before and that they do not have it already? And you need to ask the question again, and I ask the question again: why is it that the Bimberi review team can receive this but it cannot be provided for the information of this place?

We have Minister Burch and Minister Barr trying to run a program accusing the Canberra Liberals of politicising things. And it has been a pretty constant message here today from the Chief Minister and Mr Corbell. Every time the Canberra Liberals say or do something that disconcerts the ministers, they say, "You are trying to politicise it." Their politicisation, or what they say is politicisation, is the Canberra Liberals shining a light on the maladministration of the Stanhope government.

We have seen it today with the AMC and we see it here again with Bimberi. There is a theme here, and what it boils down to is that this government is pretty appalling when it comes to dealing with people in the criminal justice system, whether they are young people or whether they are adults. It has been an abysmal failure.

This motion today, despite everything that Mr Barr said, was not a political motion. This was a motion that called on the government to make it perfectly clear how people were educated about policies and procedures at Bimberi Youth Justice Centre. And the ministers still, although they had the opportunity, could not tell this place whether the principal of the Murrumbidgee Education and Training Centre has in fact conducted and ensured the conducting of protective behaviours programs for young people there, whether in fact there is annual training in mandatory reporting and whether in fact he has set up the procedures in the Murrumbidgee education centre in relation to mandatory reporting. But if you listen to the staff who, through frustration, have gone to the media, you rather get the impression that the programs have not been set up.

This is the minister who is responsible for care and protection policies inside the Murrumbidgee education centre. He cannot answer the question. He will vote with Ms Hunter to ensure that that question is not answered in this place. Why? Because this government cannot manage corrections. It cannot manage adult corrections and it cannot manage youth justice services for young people in the ACT. And what the Canberra Liberals have been doing today, in trying to find out information about how they manage this inside Bimberi Youth Justice Centre, has again shone the light on the failures of this government.

Mr Hanson did it this morning. Mr Hanson has done it very ably through question time, through the fact that we receive information that the Greens do not receive, that the government does not want us to receive, because the people of Canberra know that we are prepared not to roll over when the government says roll over, that we are prepared to stand up to the government and shine a light on their inadequacies, on their failures, on their incapacity to ensure that staff are properly trained and properly equipped to do the job that they have to do in a very difficult area.

It is a disgrace today that this motion, a motion seeking information for all members of this place, should be voted down. It is a day when this government and their Green cronies will be condemned by the people of the ACT and the people who are working in the Bimberi youth justice system, because it shows that they want to cover things up.

When we talk about the cover-ups, Mr Barr again says, "I will table a statement that explains away the claims of collusion in those minutes." But if you talk to the staff who were at that meeting, they actually will tell you that those minutes were a very mild representation of what they were told at that meeting. Staff at that meeting are prepared to pass on to the opposition the information that we are on the money, that there was a serious attempt to prevent them from going to the inquiry. And that is not the only one.

Mr Seselja is correct. Because the inquiry is conducted in the way that it is, the inquiry does not have the power to compel witnesses. It can only deal with people who come forward of their own volition. So if anyone comes forward and makes an allegation of malfeasance, mismanagement or anything like that, the inquiry does not have the power to call the accused person and require them to answer questions in relation to this.

So this is an inquiry that does not have any powers. And the inquiry, if it wanted to, does not have the power to go to the Aboriginal and Torres Strait Islander group in the Office for Children, Youth and Family Support and get to the bottom of whether there was an attempt to muzzle people who may have wanted to go to the inquiry, because they do not have the power to compel people to give evidence. And this is what is wrong with the inquiry and this is what is wrong with this government. They want to cover up, and this motion today puts a really heavy red line under the fact that they want to cover up.

I go to the Canberra Liberals' narrative, which is not a politicisation of this issue. It is a representation of the workers there who are concerned for their job, who know that they are being victimised by this minister and her officials and who want justice for themselves and the young people who live there.

Question put:

> That the motion, as amended, be agreed to.

The Assembly voted—

Ayes 9		Noes 4	
Mr Barr	Ms Hunter	Mr Doszpot	Mr Seselja
Ms Bresnan	Ms Le Couteur	Mrs Dunne	
Ms Burch	Mr Rattenbury	Mr Hanson	
Mr Corbell	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

Motion, as amended, agreed to.

Students—national concession card

MR HARGREAVES (Brindabella) (5.29): I move:

That this Assembly:

(1) notes:

(a) the National Agreement on Certain Concessions for Pensioners and Seniors Card Holders;

(b) that the ACT Government provides three travel concessions for young people, being:

(i) public transport via ACTION buses;

(ii) special needs transport; and

(iii) the Student Transport Program;

(c) that a significant number of young people from the ACT travel interstate and that ACT student concession cards are not universally recognised by interstate government and private transport systems; and

(d) that cross-jurisdictional recognition of student concession cards is a national problem affecting all young people that study; and

(2) supports the Minister for Children and Young People to bring forward an agenda item on a National Concession Card for students at a meeting of the Community and Disability Services Ministers' Conference.

Members will be aware that this week we have been celebrating National Youth Week in the ACT. As Australia's largest celebration of young people, National Youth Week is a fantastic opportunity for young people to showcase their talents, exchange ideas and act on issues that affect them. And the Stanhope Labor government listens to the young people of the territory. The issue that is always raised is their ability to get around, not just in Canberra but also when travelling interstate or returning home during their college or uni breaks.

It makes sense that transport accessibility is such a big issue for young people because of their inherent reliance on public transport to get around, to get to school or to their part-time job and even to social events. They invariably have limited economic capacity, that is, they do not have a lot of money to throw around, and many cannot, by law, drive themselves if they are under the age of 17.

To this end, the ACT government currently provides three student travel concessions: through ACTION's public transport network, through the student transport scheme and of course through the special needs transport program. The student transport scheme gives free bus travel for eligible primary school, high school and college students during school terms. Eligibility relates to distance from school and possession of a pensioner concession card or a healthcare card by the student or parent/guardian. The special needs transport program supports eligible students with a disability to be transported to their closest special-needs setting.

Today I am seeking the ACT Legislative Assembly's support to deal with another issue facing students in accessing public transport. As a former transport minister, I know that young people have raised issues of paying high, non-concessional fares when they travel interstate. This is because their student card is not recognised, particularly by interstate public transport systems.

A similar issue relating to our seniors and pensioners was addressed in the not so distant past, a group that also depended on our public transport system. In December 2008 the Council of Australian Governments signed the national agreement on certain concessions for pensioners and seniors cardholders. In part, the agreement provided for "the provision by State and Territory government of Designated Public Transport Concessions for all Australian Seniors Card Holders on public transport services, irrespective of the Seniors Card Holder's state of residence". This national partnership has been a great success, providing $650,000 over four years to the ACT for designated public transport concessions for over 42,000 seniors cardholders.

However, there is currently no reciprocal agreement between jurisdictions for student concession cardholders. This is simply not good enough and, in reality, is not too hard to achieve. A national student concession card would simply require an agreement with state and territory governments and with the commonwealth government to deliver this transport concession across every jurisdiction. Today, in National Youth Week, I am seeking the Legislative Assembly's support to have the minister for community services raise the issue of a national student concession card at the next meeting of the community and disability services ministers conference.

The main purpose of a national student concession card would be to encourage students, particularly ACT students, to travel on public transport interstate. This would apply to all students—primary, secondary and tertiary students. This proposal supports the creation of child and youth friendly cities under the children and young people plans. It is in line with the ACT government's commitment to community inclusion, as outlined in the Canberra plan, which presents a vision of "an inclusive community that supports its vulnerable and enables all to reach their potential". It can also support interstate as well as international students to get around our town.

Interestingly, the Australian National University's parking and transport office currently has an arrangement with CityRail to allow its student cardholders to be entitled to concessional fares whilst in New South Wales. If it is good enough for those students, there can be no argument against a similar entitlement for all our concessional students.

There are many students, particularly those that live in colleges and that come from other states, that cannot access concessional fares when they travel home to Victoria or Queensland. I am delighted to say that the ANU Students Association have expressed their full support for this initiative. Their president, Leah Ginnivan, is a classic example of a student disadvantaged by non-recognition of student concession cards. Leah is from the border city of Wodonga and studies and lives at the ANU but is forced to pay adult fares when she regularly returns home to Victoria to study or to see family.

The main beneficiaries of a national card would be tertiary students, given their comparatively greater independence. The other benefits for students of a reciprocal transport arrangement include greater ease of movement within the state, increased social inclusion, reduced student disadvantage and an enhanced sense of personal security. For the receiving jurisdiction, the benefits may include such things as reduced use of private cars, reduced environmental impact and improved safety of students.

But the issue goes further than just providing a discounted rate of travel for these students. I believe a national system should consider the issuing of a standardised card which could be universally recognised by service providers. This is important for several reasons. Many student cards are very basic. They vary in form and are not universally recognised as formal identification. Another reason is that young people that do not drive may not have a licence and therefore may not have any form of identification to use regularly. Right now they would have to seek a state government-issued proof of age card if they do not want to rely on their passport or a birth certificate. A national student concession card could offer students another form of identity to largely replace issued proof of age cards. Service providers may provide services other than transport systems which seek to offer concessional rates to students, and this may include other government agencies.

The theme of Youth Week is "own it", which aims to encourage young people to become involved in something they are passionate about. I encourage young people to take a stand on this issue and make it their own. In the short time since putting this motion on the notice paper, an online petition for a national student concession card has begun, supported by the National Union of Students. Many hundreds of students have already signed the petition, with more being added as we speak. Their actions demonstrate clearly that students want this reform.

Finally, there is no doubt that there is a developing groundswell of support by students across the country. It is imperative that today we send a clear message to our student community that our goal will be to achieve cross-jurisdictional recognition of travel concessions, regardless of whether you live in Canberra, Candelo or Coalcliff. And for those people that do not know where Coalcliff is—

Mrs Dunne: I know.

MR HARGREAVES: Trivia time. Mrs Dunne always wins trivia. Where is it? It is near Bulli. Plainly this is why Mrs Dunne got it right, because it is Bull-I. I got that from, and thank you very much to, Mr Mallett upstairs about Coalcliff.

I ask members to support the students and therefore I commend this motion to the Assembly.

MRS DUNNE (Ginninderra) (5.37): The Canberra Liberals support Mr Hargreaves's motion as brought forward today. It is simple, it is straightforward, it makes a point that I think is worthy of the support of this Assembly. I endorse all that he said, except the bit about Bull-I.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.38): I thank Mr Hargreaves for bringing forward this motion. It raises an important equity issue for young people who want to be able to travel around our cities. The Greens absolutely support the key ask in Mr Hargreaves's motion that the government move forward on establishing a national concession card for students.

In fact, this has been a very public Greens policy for a number of years. Indeed, it was one of the Greens policies that we took to the last federal election. We have been very vocal in calling for federal and state governments to move to establish a national student card through the COAG process. Whilst not strictly a federal issue, implementing a nationwide Australian student card would need to be addressed and agreed to at COAG when federal, state and territory ministers have the opportunity to meet. So we agree with Mr Hargreaves's suggestion to take this issue to the meeting of state, federal and territory ministers. The Greens are very pleased that Mr Hargreaves and Ms Burch are advocating and going into bat for our students to ensure that they are treated fairly all around the country.

As we all know, student disadvantage does not just stop when you get to the border of a state or territory. States and territories should provide consistent concessions to all students across the country. It really is quite absurd to think that a student from the ACT would not be recognised as a concession holder when they travel interstate. We endorse any attempt to get this issue on the agenda. Considering the Greens have been arguing for this scheme for a number of years, it has been disappointing to see there has been a lack of action. We need to move on. We need to get this in place.

This motion does not contain a lot of detail on how this new card should work. That will obviously need to go through a process of agreement through COAG. However, I do want to ask that Ms Burch make a strong case to her state and federal counterparts that the card should be granted to all students—undergraduate, postgraduate, domestic and international—and it must allow concession rates for public transport in every state and territory.

It is interesting to note that the ACT is not currently leading on this issue when it comes to offering concessions. This title actually goes to the Northern Territory. The

Northern Territory will provide a concession rate to all undergraduate, postgraduate, and international students and it will also provide the concession rate to all interstate students. Here in the ACT, though, as I understand it, we do not recognise interstate student concessions. I think that is something that needs to be made clear. I would like to be wrong but as I understand it we do not recognise those interstate student cards, and there is a certain level of, I guess, hypocrisy if we want to be leaders on this issue.

I would ask that the government reconsider this position. We do want to be up there with the leaders on this issue. We should be practising what we are preaching and recognise concession cards of interstate students. We are the national capital. We often have students visit the territory because of the educational opportunities we offer and we should recognise their legitimate right to concessions when they use public transport.

Members may be interested to know that in 2009 the Senate held an inquiry into the welfare of international students. Gary Humphries was part of this inquiry, so he would be well aware of these issues and how they impact on ACT students. As part of this inquiry, the committee received evidence from the broader student community and key stakeholders supporting the idea of establishing a nationally consistent student card for undergraduates, postgraduates and international students.

At the hearings, Dr Withers from Universities Australia talked about the inequalities that face international students in particular and talked about the unsuccessful attempts to have the issue of travel concessions placed on the COAG agenda. Dr Withers said:

> The areas that they most indicated some concerns about were those not completely within university control. Australian employers and state government travel concessions were in fact the two most common complaints in our exit surveys. We sought to have things put on the COAG agenda because, in the case of the travel concessions, they are a state responsibility.

Unfortunately, this still has not happened. I encourage Ms Burch and the ACT government to persist in this endeavour, and they certainly will have the support of the Greens on this issue.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (5.42): As Minister for Children and Young People and minister for community services, I am pleased to support Mr Hargreaves's motion on a national student concession card.

I would be more than happy to take with a large amount of vigour this issue through to the Community and Disability Services Ministers Conference. The development of a comprehensive national system may take some time, but given the recent experience with the national agreement on certain concessions for pensioners and seniors card holders I am confident that it is very possible that we can move forward on this issue. I am also confident because this is an important reform to help young Australians overcome the barriers of our federation.

Our society should support young people while they are undertaking their education. We should encourage them to explore their country interstate and we should encourage them to use public transport as an environmentally friendly alternative to private transport. ACT students often travel interstate to study or for personal reasons such as holidays.

I was pleased to be notified today by Robert Atcheson from the Council of International Students Australia that the council have pledged their support for this motion as we know that it is tertiary students that would be the greatest users of a national student concession card. That is also why the National Union of Students have come forward to support a national student concession card and the motion today, and their response has been quite loud. Overnight, the NUS have launched the "fair fares for students" campaign, and on their website they have welcomed our action on this welfare issue. They note that non-reciprocity has acted as a barrier for students, especially those who have to live far away from university campuses.

From today NUS will be collecting thousands of postcards and organising them to be sent to members of CDSMC, as well as presenting their petition at the meeting later in the year. Cross-campus collectives are being held across the country for both international and local students to look at the issue and how to effectively mobilise students in the lead-up to the CDSMC meeting, as well as to talk about state-specific transport issues and local campaigns.

I look forward to seeing the student community build support for the campaign for a national student concession card. A national student concession card will help students to move around freely while interstate and feel safer while doing so. There are over three-quarters of a million tertiary students in Australia, as well as two million primary students and 1½ million secondary students.

Since notice of this motion was given yesterday, NUS have asked all these students to act now to make sure students' voices are heard, and I encourage all students to sign the online petition and to get involved in supporting this campaign. There is no better time, I believe, than this week, which is National Youth Week.

Finally, as Minister for Children and Young People I urge the Assembly to support this important matter of a national concession card for students and to support me in bringing it forward as an agenda item at a meeting of the Community and Disability Services Ministers Conference. I welcome Ms Hunter's support and the Greens' support and I have to just make note that there is not a member of the opposition in the chamber; therefore they have not been able to offer their support to the national student concession card.

MR HARGREAVES (Brindabella) (5.46), in reply: I thank Ms Hunter for her support and I take it by the absence of those opposite that Mrs Dunne's brief expression of support is good enough for that collective. It is also a shame that the shadow minister for young people is not here in the chamber to lend his physical support as well as, I am sure, his support expressed through Mrs Dunne. He has popped in. Okay—nice to see you.

I would like to very quickly address a couple of things Ms Hunter raised because I think it is important that we all share this. She said there was not a lot of detail put in there. That was quite deliberate. One of the things about taking things to a national perspective is that you go to the ministerial council in the principle stage first up. You get everybody absolutely stoked up in agreement and then what happens is that one jurisdiction will be charged with going away and doing the detail. I would be encouraging our minister to be one of those people that go away and work out the detail, which I would hope would be okay with the Greens.

The other thing is that Ms Hunter made the point that it is sad that people coming from New South Wales into the ACT are not able to use the concessions. The reason for that is a lack of reciprocity. We are not about to give too much free to the people of New South Wales; we give them enough as it is, and have to fight over cross-border initiatives around mental health issues and things like that, without having to give it away. We really need to have a national scheme and have that reciprocity.

In closing, I thank everybody for their support and if anybody is listening and streaming from the National Union of Students I would ask them to start agitating in every jurisdiction they know. Online petitions are fantastic and a lot of noise outside Parliament House in Queensland. I am sure Cameron Newman will support it—about the only thing he will support, because he is almost a student himself. I thank everybody for their support.

Motion agreed to.

Planning—Jamison Group Centre

MR COE (Ginninderra) (5.48): I move:

That this Assembly:

(1) notes:

(a) the important role the Jamison Group Centre plays in the community for residents, shoppers and traders;

(b) the considerable private sector investments made to parts of the Group Centre in recent years;

(c) the poor provision of parking at the Centre;

(d) the inadequacy of the Government's consultation regarding proposed changes at the Centre; and

(e) the lack of clarity about who is responsible for consulting with the community about proposals for development;

(2) acknowledges that a public meeting of more than 200 people took place on 28 March 2011, where the overwhelming sentiment of the meeting was that

attendees were concerned about parking and traffic and supported redevelopment of the old Jamison Inn site, if it was of an appropriate scale with adequate parking; and

(3) calls on the Government to:

(a) undertake broad consultation with the community about changes at the Group Centre;

(b) develop and clearly articulate a policy for who is responsible for consulting with the community about development proposals and the sale of land;

(c) clarify the status of the 2002 Jamison Masterplan and how the Masterplan relates to the Territory Plan;

(d) state what plans the Government has for the sale of land in the Group Centre; and

(e) report back to the Assembly on the above by 5 May 2011.

In recent months many people in my electorate of Ginninderra have contacted my office to express concern about the lack of information about what has taken place in and around many parts of Canberra. One issue which is of concern to many people in my electorate of Ginninderra is the changes that are proposed for the Jamison Group Centre.

The Jamison Group Centre is a lively place and it really has been rejuvenated in recent years. There has been tremendous investment, primarily private sector investment, to revitalise the plaza and other parts of the group centre. This investment has led to considerably more patronage, considerably more business, and indeed has made that community hub, the Jamison Group Centre, a much more lively and sustainable place.

However, there are serious concerns about the parking and traffic arrangements at the group centre, caused in part by some of the redevelopment which occurred at the Belconnen town centre, which pushed patrons away from the town centre during construction and over to Jamison. Whilst the town centre is largely complete, I think the boost that the Jamison Group Centre received really has not subsided. The increased patronage which the group centre is receiving, in particular the increase in car movements, is not being handled very well by the existing infrastructure. It is a matter of not only traffic on Redfern and Bowman streets and other streets around the centre but also the actual number of parking spots.

Unlike many shopping precincts around Canberra, Jamison does not necessarily have a time of day where it is extremely busy and other parts of the day where it is quite quiet. Jamison I think has a pretty steady flow throughout all trading hours. Saturday is of course extremely busy and also Sunday there is very busy with the usual Sunday traffic but also with the trash and treasure market run by the Rotary club, which takes place in the car park at Jamison, outside Jamison Plaza in the group centre. When you have that taking place in addition to the usual traffic and shoppers, it really does get

extremely busy. Many people have contacted my office to express concern about this and to find out exactly what can be done.

In addition, of late there has been a development application lodged to redevelop the old Jamison Inn site. The old Jamison Inn, for those not familiar with it, was a trading establishment for many years and it ceased trading I think about five years ago. It really is an eyesore as it currently stands. There are fears that squatters have been there and that other illegal activity does take place there on occasion.

I think the people in and around Jamison, namely those in Aranda, Macquarie and Cook but also shoppers that come from all over Belconnen and North Canberra, are very keen to see some redevelopment on that site. I think they are keen to see the potential boon to local industry and to the local retail industry that can come about through that kind of positive urban infill. Such positive infill can help make many other existing infrastructure and potential services such as public transport much more economical.

The concerns that have been raised with me about some of the changes proposed for that area are really about the scale of the changes and also primarily I think about the way in which these changes have come about. It is about consultation and that really is what the crux of the matter is here before us today. It is about how this government consults and how this government does communicate with people about their community. I think many people in Canberra are feeling this at the moment. I think a number of residents groups and community councils are discussing this on a regular basis and they are keen to know exactly what role the community plays when it comes to government decision making, whether it be about developments or proposed developments or the sale of land, master planning or indeed territory plan variations and the way the territory plan interacts with other planning mechanisms.

The fact is that there are many, many vagaries with the current mechanisms in place that bring about change here in the territory. You have ACTPLA, you have the LDA, you have Land and Property Services, you have TAMS getting involved, you have the Chief Minister's Department getting involved, sometimes you have the EPA getting involved and you have other agencies getting involved. It is an extremely complex process and for the lay person who is keen to get involved in their community, it is extremely hard to do so when you have such a complex web of organisations to get your head around. It was that behemoth which many people in Jamison or concerned about Jamison confronted when they were keen to find out how they could bring about positive changes to their group centre and how they could actually have a real and tangible impact to make their community a better place.

As I said, many people have contacted my office to express concern about the current arrangements and I thought that the best thing to do would be to actually do what the government did not do and that was facilitate a public meeting for the entire community to attend. So a couple of weeks ago I letterboxed to I think about 3,000 houses a notice of a public meeting. We also put up posters at the Jamison Plaza. It was listed in the *Chronicle* as taking place. On 28 March at the Canberra Southern Cross Club at Jamison I hosted a public meeting with more than 225 people in attendance. I think that is a pretty extraordinary turnout. There would not be many

community councils that get 225 people to their meetings. In fact, there would not be too many community meetings of this sort anywhere in Canberra that get that kind of turnout.

What that means is that all these people care about their group centre, they care about their community and they are keen to play a role in the development of Canberra. All of these people are, in effect, disengaged from the government's decision-making processes at the moment. That is why I called the meeting. I called the meeting to give these people an opportunity to have their say about their community so I could then document it and send it onto the government, because without such a document I am very sceptical that they would actually have got an understanding of what the residents of Aranda, Cook and Macquarie primarily are feeling.

Yesterday a report of the meeting was finalised and copies were sent to Mr Stanhope, Mr Barr, Ms Porter, the planning authority, LAPS and also TAMS. The report does not articulate my own views; it articulates the views that were expressed at the meeting. When you have 225 people at a forum, you are going to get some diverse views. I think it was actually David Doyle who said in the meeting last week that seemingly 223 of the 225 people were of the same view. I am not sure exactly what the numbers would have been, but there was an overwhelming sentiment that consultation on this issue was done poorly. All the people were keen to see the parking and traffic issues at Jamison Plaza rectified and they were keen to see the old Jamison Inn site redeveloped at an appropriate scale with appropriate parking. These people by and large are not anti development. They are not anti change. They just want to be a part of the change process. They want to be a part of consultation here in the ACT.

There was concern about public servants using it for all-day parking and then walking down to Belconnen mall. There was concern about the number of disabled spots at Jamison Plaza. They were talking about how hard it is to cross Redfern Street and they were also saying the status of the 2002 master plan and how that fits into the planning process is not clear. This is a matter which we discussed in the Assembly last year. The opposition is very keen to see master plans play a role in the development of our suburbs. Such master plans, if they are actually adhered to and if they are implemented and designed well, can provide the certainty that residents, traders and others users of the facilities need so they can plan well into the future.

Some of the other comments that were raised indicated concern about green space possibly been taken away and about changes to ACTION buses. Someone said that they were not anti development but the proposal may be—

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR COE: There were concerns about whether the ACT planning system was out of step with other planning processes around Australia. They were interested to know whether it was possible to sell units prior to a DA being approved. There was talk about proposed changes to intersections if any developments were to be approved.

They were curious to know what the process is for the sale of land by direct sale, amongst other things. It was a very constructive meeting. If the government was genuinely interested in doing this sort of consultation, they would have done it before now. However, there just seems to be so much secrecy about the planning process and about how decisions are made in this town. I think that sentiment was very clearly expressed at the meeting on 28 March.

This motion is all about raising this as an issue for discussion in this place. Ultimately it is the Assembly here which determines the processes which are put in place through planning legislation. It is important that we constantly review how we consult and how the government consults. It would be a shame to have to put in very strict requirements on how a government should consult. But, quite frankly, that is what this place may well be forced to do if the government continues to fail to consult well with the community.

We need to know the status of master plans around Canberra. We have so many out there and they are vague. How do they actually interact with the territory plan? Which one overrides the other? Which one is actually providing the certainty for businesses to invest, for residents when they move to an area, for traders, for everyone? I want to know the status of the 2002 Jamison master plan. I would like to know the plans for the sale of land around the Jamison Group Centre. And I really would like to know who is actually responsible for consultation.

We had the Government Architect say last week in an article that developers are responsible for consulting, and that may well be the case. But the fact is that the government have not actually created a culture of consultation or actually demanded that developers consult. Developer consultation is probably sometimes lacking, but so is the government's. That means nobody is actually doing any consultation. ACTPLA state that they notify when they do not consult. Who is actually doing the consultation if they are not doing it?

I urge you all to support this motion. I think it is very important and it sets an important precedent, as we come to other decisions on matters like this in this place, for confronting these issues in a civil and structured manner.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (6.04): I thank Mr Coe for bringing this matter forward this evening. I agree with some elements of his contribution tonight, and certainly in the amendment that I have circulated I pick up on a number of the points that Mr Coe has raised and acknowledge some statements of fact. I also sought through the amendment to clarify the government's position in relation to a number of the pertinent issues that have been raised. I also note that Ms Le Couteur has foreshadowed some amendments as well that I can indicate from the outset the government is supportive of.

It goes without saying that the Jamison Group Centre, as with all of our group centres, is an important focus for the local community in that area of Canberra. They will continue to be important, in part because of the opportunities for improved amenity that will come from enhanced development in many of these areas. Group and local

centres were a very key feature of Canberra's early planning, but their initial role is changing as lifestyles change and the demands that are placed on our city evolve. As has occurred with Jamison, it is vital that we, as an Assembly, plan for that change and that we ensure that our local and our group centres do not struggle but in fact remain viable. In doing that we must ensure the centres have the capacity to adapt to change, and that means ensuring a greater level of flexibility in land uses and urban form.

Tomorrow I will be outlining the government's response to the Assembly's motion on the preparation of a master plan priority program for the territory. Perhaps in the context of that and in this debate tonight the question I would pose to fellow members is this: are we going to commit ourselves to this significant undertaking, which will be many years and many millions of dollars, if we are going to undertake a full and comprehensive master planning process of the kind I will outline tomorrow? If we are going do that, are we then going to suffer political opportunism in several years time—maybe not three or four but longer; maybe five or 10 years time—after the plans have been completed and worked through an extensive process in the community and in this place, and suffer claims, at that point in time, that consultation has not occurred when, in fact, we have been through an extensive multi-year multi-million dollar process?

It was, in part, in response to some of those issues why the independent planning body was established—to remain objective in the analysis of proposals against those exact policy settings that are made by this place that will endure for years after the political attention has perhaps moved away from them and, importantly, to assess development applications against those policy decisions that were taken in this place, often many years previously.

This is, I think, particularly the case in Jamison. The developments in that centre, including recent developments and those that are proposed for the future, are being guided and informed by the 2002 Jamison master plan. It is a master plan which, as stated in its introduction, establishes "a framework for sustainable growth and rejuvenation of the centre for the next 10 to 20 years". This 2002 Jamison master plan was subject to nearly two years of consultation.

The notion that we face that developments which emerge later—in this case nine years after that master planning process has taken place—have occurred in a vacuum of consultation is, I think, unfair. Whilst planning processes will always precede development, often by many years, it is unreasonable to expect them to forecast the precise nature of each development application. Rather, the role of the master plan is to lay the framework in which appropriate development can be encouraged and assessed.

The response specifically to Mr Coe's question is that in March 2003 the spatial and land use planning recommendations of the Jamison master plan were given statutory effect in variation 202 to the territory plan. So, Mr Coe, it is the territory plan that enables redevelopment proposals to be considered by ACTPLA. This place—prior to you, me, Ms Le Couteur and Mr Hanson, including you, Mr Speaker; I think Mr Stanhope would be the only member in the chamber now who was actually in this

place in 2003—agreed to these changes. It put in place a process and, as an Assembly, we expect we will continue to do so for other centres in coming years.

The question again to ask is: what message are we communicating to the community, landholders, investors and service providers if we are then going to turn around on each individual development application that might cause some concern and start to question the basis of the entire master plan policy setting? The adoption by the government and the Assembly of the national development assessment forum leading practice model for development assessment reflected the need to actively engage the community in the preparation of land use and development policies.

To be clear, the government consults and actively engages the community on the development and determination of the policy setting and the land use policies that engender the development and growth of Canberra. Once these policies are adopted, they become the basis on which the independent Planning and Land Authority assesses development applications. In my view, once the policy settings are made, the assessment of individual development applications, individual proposals, should be against those policies.

Part of Mr Coe's motion calls on the government to develop and clarify a policy for who is responsible for consulting with the community about development proposals and the sale of land. So let me be clear: the Planning and Development Act, passed unanimously by this Assembly, sets out how development applications are notified by ACTPLA and how development applications are assessed. This includes taking into account any public submissions received in response to the notification.

The Planning and Building Legislation Amendment Bill that I introduced to this place last week seeks to further clarify the language used for the notification in relation to development applications and to remove what I think has been highlighted as a confusion that is caused with the current use of the word "consultation" in this context. Again to be clear, it is ACTPLA's statutory role to notify the relevant sections of the community that a development application has been submitted to them and to invite submissions on that proposal, to give the community the necessary information so it can raise any concerns or express support for the proposed development.

Let us be clear again. ACTPLA's role is not to advocate on behalf of developers for development applications, nor is it ACTPLA's role to consult on behalf of developers for their development applications. ACTPLA's role is to notify the community and to critically and impartially assess any development application. In my view, for ACTPLA to do any more than this has the potential to compromise its statutory role as the independent assessor. I note in all of the public commentary around these issues that there has been a fair amount of commentary to suggest that ACTPLA is too close to the development industry. I think it is important to send a message that it is the role of the proponent to consult with the community on the proposed development and it is the role of the proponent to advocate for the development.

As has been debated in the public arena in recent weeks, there is no doubt—and I agree with Mr Coe and a number of other people who have commented on this—that developers and the property industry have to do a better job of engaging with the

community on many of their proposals and, critically, to do this well before development applications are lodged. In saying this, I recognise that developers will not be able to meet all of the concerns regarding their proposals and there will be some circumstances in which people will say that they were not adequately consulted throughout a process. I think unfortunately that is the nature of the development assessment process, not just here in Canberra but, in fact, in every jurisdiction in the Western world.

However, to assist in clarifying the responsibility for pre-development application consultation, I can advise the Assembly that ACTPLA has recently introduced a pre-DA lodgement community consultation summary report for significant development proposals. This process requires information from the applicant about the types of engagement and the types of consultation that have been undertaken by the proponent prior to the development application being submitted to the Planning and Land Authority for assessment. This includes things like letterbox drops, community meetings convened and meetings with our community councils.

Further, Mr Speaker, an additional five days of public notification are added for these more complex development applications. We have set the rules at the moment that these five days of additional notification apply to any residential building that is higher than three storeys or consists of more than 50 units, any building where the total floor space is more than 7,000 square metres or any building or structure that is higher than 25 metres.

I look forward to introducing future amendments to the Planning and Development Act that will further clarify the role of the proponent in consulting with the community prior to the lodgement of certain development applications. In relation to the consultation processes for the sale of land, the Department of Land and Property Services has a clear policy of consulting with residents and local businesses when the direct sale of land is being considered by the government. The LAPS community engagement policy includes the distribution of letters advising of the proposed sale and inviting comment, either in writing or electronically through the LAPS website, advertising in the *Canberra Times*, advice to local community councils and advice and feedback forms on the LAPS website.

Mr Speaker, elements of Mr Coe's motion today seek to engage the Assembly in a discussion about an active development application, one that is running its course through the statutory processes and which, in my view, should not be unduly influenced by debate in this place. The planning system depends on certainty, and every time the Assembly wants to engage in discussion at the margins about controversial development proposals we risk creating the opposite effect. I think that is an important consideration. We are here to debate policy settings. We have had a very active debate this year and last year in relation to the need for these master plans. It is somewhat frustrating, when these master plans are put in place and adopted by a formal territory plan variation that very clearly specifies the nature of redevelopment over a 10 to 20-year period, that nine years into that 10 to 20-year period we find motions that contain some elements that clearly seek to reconsider those matters.

I think it is important to note, in relation to the Jamison Inn redevelopment proposal, that there is a public submission period that runs until 5 May, so there is a

considerable period of time for people to make comments. The Planning and Land Authority will assess the development application against the provisions in the territory plan against the legislation and against the legislative framework that is in place.

Having said all of that, I will spend the remaining 90 seconds on the amendment I have put forward. The amendment seeks to make a series of factual statements about the process for the assessment of the particular development application, notes a number of Mr Coe's points and accepts a number of those, acknowledges the public meeting that was held and calls on the Assembly to allow, without interference, the independent statutory authority to assess the development application against the requirements of the Planning and Development Act and the territory plan.

I note in closing that all members of the Assembly received an email from an attendee at the meeting who put forward a range of comments. All I would observe on all of this is that that is obviously the view of one individual. That he rejects that Mr Coe is acting in the best interests of local residents, and is in fact acting only in his self-interest of getting elected, is an interesting view. Obviously there are a diverse range of views. Having been to more than a few meetings like this over my career in this place, I am well aware that there are a variety of different interpretations of what is said and done. I acknowledge receipt of this particular email, as I am sure all members of the Assembly do, and I look forward to Mr Coe's response to it. I formally move the amendment circulated in my name:

> Omit all words after "That this Assembly", substitute:
>
> "(1) notes:
>
> (a) the important role the Jamison Centre plays in the community for residents, shoppers and traders;
>
> (b) the considerable private sector investments made to parts of the Group Centre in recent years;
>
> (c) that a development application has been submitted to the independent statutory authority, the ACT Planning and Land Authority, for the redevelopment of the old Jamison Inn site and is subject to the statutory assessment processes outlined in the Planning and Development Act 2007;
>
> (d) that the development application is currently on public notification and the community is invited to make submissions until 5 May 2011;
>
> (e) the requirements for notification in relation to development assessments is subject to further clarification through the Planning and Building Legislation Amendment Bill 2011 that was introduced to the Assembly on 31 March 2011;
>
> (f) the ACT Planning and Land Authority introduced new requirements for consultation and public notification for certain development applications (in all areas except the City, Town Centres and industrial zones) on 1

February 2011 which requires those applicants to submit a Pre-DA Community Consultation Summary; and

(g) the Minister for Planning has foreshadowed amendments to the Planning and Development Act 2007 to further clarify the role of the proponent in consulting with the community prior to the lodgement of certain development applications;

(2) acknowledges that a public meeting of more than 200 people took place on 28 March 2011 where the overwhelming sentiment of the meeting was that attendees were concerned about parking and traffic and supported redevelopment of the old Jamison Inn site if it was of an appropriate scale with adequate parking; and

(3) calls on the Assembly to allow, without interference, the independent statutory authority, the ACT Planning and Land Authority, to assess the development application against the requirements of the Planning and Development Act 2007 and the Territory Plan 2008.".

MS LE COUTEUR (Molonglo) (6.19): I am in an interesting position in agreeing with large parts of both the original motion and the amendment because basically both of them are largely factual discussions of what is happening in Jamison in particular and the ACT community as a whole.

The major message that I get from Mr Coe's motion is one which the Greens have been saying for a long time and that is that the people of Canberra do not really understand what is happening to their city and they would like better consultation about how Canberra is changing. I think we all acknowledge that Canberra is changing and that some parts of it have to be changed. Change is inevitable. But people feel that they are not part of the change; that it is happening to them rather than their being part of it. That is the big message that I get from Mr Coe's motion and it is something that the Greens have been concerned about from our original engagement in this Assembly.

One of the items of our agreement with the Labor Party was the need to reinstate neighbourhood planning. That has not yet happened and I will talk a little bit more about that when I get to my amendments. I have to agree with Mr Coe that while in a lot of cases, as Mr Barr has said, there is clarity about exactly who is meant to do what, most people out there in the community do not understand what is going on because most people in the community only deal with one planning issue. When they find that something is happening, they do not know what to do. They are suddenly faced with a very quick task of trying to learn planning 101 in a couple of days and it is not easy.

The current situation is complicated, unclear and unfriendly. Even for someone like me who spends quite a lot of time with planning issues and looking at ACTPLA's website and going to the community meetings it is still not easy to work out what is going on. It is even harder in many cases to work out what is the best outcome, taking all things into consideration.

As Mr Coe says, if there is a community meeting with more than 200 people attending it, it is clearly a significant public issue. I think everyone in this Assembly would agree that clearly we have some, at the least, issues of failure of process. Whether or not the particular result of this DA is the best or not, there clearly are some process issues with how we are getting to it. You cannot deny that.

Some of the issues that Mr Coe has raised Mr Barr has gone through in his speech. But one that I will particularly mention is the poor provision of parking at the centre. We should remember also that any additional residential that is done around there will require parking to be provided with it. I know that a number of people have been confused about this and have told me there would be no parking for residential. I think it is a pity that this misinformation has got out.

Moving to Mr Barr's amendment, I must say I was very disappointed. Mr Barr, you did not say even one time "keeping the politics out of planning". I was waiting for it.

Mrs Dunne: Didn't get the bingo.

MS LE COUTEUR: No, no bingo. It is after 6 o'clock. We have got to have something to keep us awake, Mr Barr.

Mr Barr: Next time I will try harder.

MS LE COUTEUR: Thank you. Most of this, as I said to Mr Barr when I first saw this, qualifies as the boringly factual; all these requirements are happening and there was the meeting. At point (3) he calls on the Assembly to allow without interference the independent statutory authority, ACTPLA, to assess development applications against the requirements of the Planning and Development Act and the territory plan 2008. I would like to say with regard to this that I think there clearly is a role for politics in planning. I have said that all along in my time in the Assembly. There is a role for politics in determining the direction that the planning system is going in, the overall direction that we are going and a sustainable direction. But I do not think the role of the Assembly is in approving, one by one, DAs. So I am very happy to agree with point (3) in Mr Barr's motion.

I have circulated two amendments, but I will speak principally to my second one. Both of these are amendments to Mr Barr's amendment. I did in fact circulate original amendments to both Mr Barr's and Mr Coe's offices, but Mr Coe unfortunately did not get back to me, so I felt that in the interests of getting said what I felt needed to be said I would do best to make amendments to Mr Barr's amendment, which after all, as I said, is basically factual.

The first thing I want to say in my amendments is to talk about sustainable transport options. I may have confused people because you will find two amendments have been circulated by me. The first referred to the poor provision of sustainable transport options; it has now been changed to the need to improve sustainable transport options, because this was going to lead to more consensus.

A lot of the problems with Jamison certainly are transport related. I would particularly like to note—as I believe, having read the comments on his website, that some of the people at Mr Coe's public meeting may have noted—that there used to be an express bus from Jamison into the city. There is not anymore. I think we should be having that express bus back again. That is why I say that currently the situation is poor. We need to improve it.

We need to be looking at sustainability of this development and at sustainability of Canberra as a whole. As Mr Barr said, in 2002 when the master planning exercise was done in Jamison there was agreement that this site was a suitable site for much higher density residential development than was there at present and that has been there for 10 years. I do not think that is a matter of dispute. But having more residential development only increases the case for better public transport.

Jamison with additional residential is a great place for a fast, express bus into Civic—something like the Redex. It is not the Redex anymore; it is the 200, which has been such a great idea from Gungahlin into Civic and then out to Russell. The Greens have been pushing very much for a Redex style bus service in Belconnen because Belconnen is not well served by public transport. If we had an improvement in public transport, that I would hope would go a long way to alleviating the concerns of some of the people who were at Mr Coe's meeting.

I agree that we do need to look at the transport and traffic issues of any development, but I do not think that the automatic solution to all of this is more parking. We have to look at what is happening in the bigger picture and, as I have mentioned before, what is happening in the bigger picture is peak oil. We live in a finite world. The oil supplies will peak and then start declining at some point. We can argue about exactly when that is going to be but we cannot really argue about if it is going to happen. I do not want to see Canberra being planned so that the only way that you can reasonably live in it and get around in it is to have a car. I believe we should be planning for much better public transport provision.

The other thing that we need to be planning for is climate change. This Assembly has agreed to a 40 per cent greenhouse gas reduction target and I think that all significant developments such as this should be made bearing that in mind. That is another reason why, instead of looking at more parking, we should be looking at: can we solve the traffic issues of 300 more units worth of residents that will be in Jamison? Can we look at their issues by providing better public transport, by providing better cycling, by providing better walking connections? That is where we should be putting our energy, not just saying that there must be more parking. We need to be a bit more creative. We need to be looking to the future, not to the past.

As I said earlier, public consultation has been a concern of the Greens for as long as the Greens have been around. Some people say that we have been too concerned about consultation and process and that that is all we are interested in. It was part of our agreement, as I said, with the Labor Party and it is an area we are going to keep on pushing.

I will just talk about a couple of things. Last year I put forward a bill to better increase community engagement in planning. It contained amendments to the Planning and Development Act around third-party appeals and notification rights. The Liberal and the Labor parties both opposed this, and in terms of talking about better community engagement I think both of them should bear in mind that that is their record.

Mr Barr talked about the amendments which he has introduced and we will soon be debating in the PABLAB bill. I think it is probably quite positive the change from the word "consultation" to "notification" because I am in favour of calling a spade a spade, even if it is not a spade that I particularly want to have here, and that is what those changes will be doing. I also foreshadow that my intention is to introduce some additional amendments to that, specifically talking about the notification and consultation issue because it is, as Mr Coe has said, a serious issue for our community.

The biggest issue with this development and all developments in Canberra has got to be ensuring that what we do is sustainable and is looking to the future. We need to look at things like the population changes in Canberra. Our population is growing but not very quickly. At the same time our households are shrinking. So things like this proposed development in Jamison cater in many ways to how Canberra is changing. We now have households, on average, of about 2.5 people instead of the average of around five when I was growing up. So there is a need for more medium density, more apartment developments, and I think that the group centre of Jamison and the surrounding suburbs will in fact be enriched by having this diversity of housing accommodation and I think there will in fact be many local residents who will be very happy to move into this development.

I am tempted to make some comments about the actual development but given, as Mr Barr said, that this is something before ACTPLA at present, I do not think it is appropriate. Possibly I have in fact gone too far, and I should really stress that my comments really were meant about generally the need to change Canberra. I specifically do not wish to make comments on the specific DA given where it is up to in its legal process.

Before I forget to do it, I move the following amendment to Mr Barr's amendment to Mr Coe's motion:

(1) Insert new subparagraph (1)(h):

"(h) the need to improve sustainable transport options at and adjacent to the Centre; and".

(2) Insert new subparagraph (1)(i):

"(i) that, on 25 August 2010, the Legislative Assembly passed a motion on improved planning, calling on the ACT Government to develop 'a process for meaningful consultation with the Canberra community on planning' with enhanced master planning processes and report back to the Assembly by the end of June 2011 and looks forward to seeing the report.".

MRS DUNNE (Ginninderra) (6.33): I want to speak on this matter, mainly to congratulate Mr Coe on the superb way in which he has handled a very difficult issue. I think that we on the Canberra Liberals' side have learned a great deal in dealing with these issues from our experience in relation to the Hawker shops. The meeting that Mr Coe conducted the other day was built on the experience that he and I had of conducting a similar meeting in relation to the Hawker shops.

On both those issues, the real points of concern for most of the people are parking and traffic and the process that is gone through to deal with these issues inside the Stanhope Labor government. I think that the take-out message is that people in the community believe the Stanhope Labor government does not listen to their concerns and is not interested in issues, especially around parking and traffic.

Mr Coe called and conducted a very successful meeting the other day. It was extraordinarily well attended and was conducted in very good spirit. I have been to a lot of planning meetings in the 15-odd years I have worked in this building, and I have been to planning meetings where people were shouted down, where people thumped, where people turned off the microphones and all of this. This was a meeting that was conducted in good spirit and with good grace, and everyone had an opportunity to air their views. There were a couple of people who were a bit persistent in airing their views, and they eventually sort of wore out their welcome to some extent with some of the other people. But Mr Coe conducted himself and conducted the meeting in a very good spirit and it was, overall, a very polite meeting.

It is interesting to note the five or six pages of comments that Mr Coe and his staff collected at the meeting about the issues that arose and, as was the case with the meeting that we conducted in Hawker, Mr Coe has presented these as the views of the community and passed them on to the government in the same way. And he has done what we should be doing here, which is passing on and ensuring that the views of the community are made known to the government.

We may not always agree with all of those views but it is the right of people who elect us and who pay our salaries to have us be their intermediary, and I think that Mr Coe did an extraordinarily good job in bringing together the disparate views at that meeting. I think the take-out message from that meeting was that there was no opposition to the notion that the site should be redeveloped but the site should be redeveloped in a way that is sensitive to the substantial investment already made by the De Marco family in the redevelopment, the extraordinarily welcome and vastly improved redevelopment of the Jamison centre, which is now a place which is much frequented and much appreciated by the people in our electorate.

I think that the clear message was that people want to see the investment that has been made in the Jamison centre not undermined by thoughtless processes at the margins of this new redevelopment, and there needs to be care taken to ensure that parking and traffic issues in the area do not undermine either the current proposed development or the past development, the redevelopment of the Jamison shopping centre. It is a fine road that we will have to go down to meet that quite high standard.

I think that it is disappointing that Mr Barr's amendment really takes out all the action. He did everything but say, "Keep the politics out of planning." In regard to his amendments to (1) and (2), you seem to wonder why he bothers, except that the government always likes to delete all words and substitute something else. But when we get to his paragraph (3) of the motion, which is the gist of it, he has basically taken out all the actions that Mr Coe has suggested you need to take on board. And let us just remind ourselves what they are. This is nothing controversial. Paragraph (3)(a) of Mr Coe's motion refers to:

> undertake broad consultation with the community about changes at the Group Centre …

This is what Ms Le Couteur wants, not just what is happening at the Jamison centre but what is happening in that whole precinct. Paragraph (3)(b) refers to:

> develop and clearly articulate a policy for who is responsible for consulting with the community …

Who could have a problem with this? Again, it goes to what Ms Le Couteur has been saying. We need to be able to talk about neighbourhood planning issues in a clear way.

Mr Coe reminds us that there was a 2002 Jamison master plan, which was consulted to death. As a member of this place who participated in the meetings, I know there was a great deal of work done on this and a genuinely high level of agreement that the Jamison master plan was the way ahead. I think that there was a level of bemusement, which was quite clear at the meeting that Mr Coe conducted the other day, among those people who had been involved the in previous master planning meeting. They were saying: "Why do we have to come back, why are we doing this again? If we applied the master plan, we would not necessarily be in this situation."

I think that it is important that the government clarifies the status of the 2002 Jamison master plan and the government should also state what its plans are for the sale of land in the group centre so that there can be planning going forward. I think that these are important issues which, it seems, have been essentially cast aside by both the Greens and the Labor Party today.

The people of Belconnen, my constituents, Mr Coe's constituents, want answers to these questions. They want to know why, if they spent so much time in 2001 and 2002 developing the Jamison master plan, it does not seem to hold water in 2011. They also want to know, when they have a problem, who it is that they talk to about it.

I did say that Mr Dawes was at the meeting the other day and I did say to him that he was welcome back into Belconnen to have another experience of consultation on parking Belconnen-style. And I meant that genuinely. The people of Belconnen have particular issues and concerns. They want to be able to take it up with the government. Mr Coe's motion today says to the government, "Make it clear to our constituents whom they talk to and how they can resolve these issues."

But Mr Barr does not want clarity. Mr Barr does not want to clarify the status of the Jamison master plan. Mr Barr, it seems, on behalf of the government, does not want to make it clear what the government's plans are for land sale. And the problem with that is that if these amendments pass, as they currently will, we will throw out all the good work that the government could do and replace it with a platitudinous comment of the sort that we have seen in Mr Barr's amendment, which is to allow, without interference, the independent statutory authority to assess a planning and development application. No-one is gainsaying that. There is a role for the Planning and Land Authority to do that, and that stands outside Mr Coe's motion.

Mr Coe's motion in no way interferes with that process. There is nothing in this motion that could give anyone any concern that Mr Coe or the Canberra Liberals want to interfere with the assessment of the development application. What we are saying, on behalf of our constituents, is: give us clarity in relation to parking matters, in relation to land sales, in relation to how this development application stands in relation to the 2002 master plan. How do we ensure that our constituents who have spent considerable money in investing in the Jamison centre, taking it from a wreck of a place, with appalling public toilets—they were appalling—to a really pleasant place to shop, with great facilities and improved services? That considerable investment should not be thrown aside in this process.

So the Canberra Liberals cannot support Mr Barr's amendment but I do commend Mr Coe for his work on this matter.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (6.44): On Ms Le Couteur's amendments, and very briefly, I would not have had to rise again but Mrs Dunne obviously did not listen to what I said last time, so I will repeat this for her benefit, and for the record: in March 2003 the spatial and land use planning recommendations of the Jamison master plan were given statutory effect in variation 202 to the territory plan. So that is the status of the Jamison master plan, incorporated into the territory plan—now planning law. That is the fourth time I have said that in this debate this evening. Can I get a nod of understanding, Mrs Dunne?

Mrs Dunne: I was on the phone, obviously, last time you said it. Okay, Mr Barr.

MR BARR: Okay, you were on the phone and you did not hear, but I just want to make that clear—very clear, I would hope. The Department of Land and Property Services has a policy around consultation on land that it sells. With respect to that information, I will not repeat everything I said last time, but I refer you, Mrs Dunne, to the *Hansard.* You will see the detail of that policy and the process that LAPS goes through in relation to government-held land within the Jamison centre.

Finally, in relation to the specific development application that ACTPLA is currently considering, it is on notification; comments are open until 5 May. Today is 6 April, so there is an entire month available now for consultation on that development application that will be assessed against the territory plan and the Planning and Development Act. Having reiterated that for the third and fourth times in this debate, I

commend Ms Le Couteur's amendments. The government will accept them into my amendment and I hope the will of the Assembly will prevail in relation to my amendment.

MS LE COUTEUR (Molonglo) (6.46), by leave: Very briefly, I just realised that, while I spoke a lot about consultation and the need for it in general, I forgot to specifically speak about the second part of my amendment, which draws everyone's attention to the fact that, on 25 August last year, we actually passed a motion about improved planning. We called upon the ACT government to develop a process for meaningful consultation with the Canberra community on planning within an enhanced master planning process and report back to the Assembly by the end of June 2011.

We did decide to do something, so we should assume that the government will actually do what the Assembly asked it to do. I think there is an excellent chance, given what Mr Barr has said, that the government is working on this. We should let the processes which we have already set in place play out for a little bit longer before doing ad hoc planning. We set in place a process last year; let us see what comes of that before we start doing ad hoc, group centre by group centre, issue by issue planning on the floor of the Assembly. It is not the way to plan Canberra.

MR COE (Ginninderra) (6.47): The opposition will not be supporting either amendment, because what is being proposed here is to take the meat off the bone, when it comes down to it. What is being proposed is to pretty much abandon the call which the opposition is making on behalf of many hundreds, if not many thousands, of people in Ginninderra who want answers. They are not getting answers.

Do the Greens or the government actually think that, by passing the amendments which are on the table now, it will actually provide the information and assist the people of Ginninderra, in my electorate, in Mrs Dunne's electorate, to be able to comprehend where they sit in this whole process? What is being proposed here is really quite a gutless motion.

Going through what the amendments contain, there is nothing overly offensive in them, but what they have done, as Mrs Dunne described, is to take away the call to action. It is extremely disappointing that you can get 225 people, taking an hour and a half out of their evening, to come in a very civil manner and put their views forward, call for action, and then you have members representing Ginninderra in this place, and others, just ignoring them, in effect. That is in effect what is happening.

We have an opportunity here to send a very clear message to the government to get answers. Mr Barr has said that all of these answers are going to come. I am not convinced of that at all. I am not convinced that that will occur. If it is so easy to provide all of this information, why are they not actually allowing it to go through and providing that information? They have not provided all of the information.

It is interesting that Mr Barr should say that the 2002 Jamison master plan has been incorporated; therefore that is that. In the briefing that I received on this issue, the government officials could not be that clear, and they are the experts on this. They

could not be that clear. They ummed and ahhed a little bit and they said, "Both influence each other," et cetera. Does that mean the 2002 master plan can be torn up because what is in the territory plan is final? Is that what you are actually saying?

Mr Barr: The territory plan is the document, yes.

MR COE: The 2002 master plan is completely dead?

Mr Barr: That is right.

MR COE: Mr Barr is saying yes, it is completely dead.

Mr Barr: The territory plan is the document and the territory plan variation that this place—

MR SPEAKER: Mr Barr, thank you. Order!

MR COE: It is very important that that is on the record, that Mr Barr is saying the 2002 master plan is completely dead.

Mr Barr: No, that is not what I am saying.

MR SPEAKER: Order!

Ms Hunter: It was incorporated into the territory plan.

Mr Barr: I am saying it was incorporated by variation 202 into the territory plan.

MR SPEAKER: Members, we are not debating across the chamber. Order!

MR COE: So you are saying the master plan has been incorporated into the territory plan and therefore the original 2002 master plan, the actual document, should not be referred to anymore.

Mr Barr: It is now in the territory plan, Alistair.

MR SPEAKER: Mr Barr, we might give you leave in a minute.

MR COE: I find that very interesting because that information was not provided to me in a briefing. That information could have easily been provided to me in a briefing but it was not. If I am getting two messages from the government, how do you expect a punter in Belconnen who is trying to decipher all the different information sources—as I said, ACTPLA, TAMS, LDA, CMD, Environment and others—to navigate their way through all of those agencies if I, as a full-time legislator, struggle because I get mixed messages?

When it comes down to it, this whole process highlights the need for us, as members of this Assembly, to start being prescriptive in terms of getting information from this government, because if we do not do that, we are not going to get it. That is why

removing my paragraph (3) from the motion is so disappointing. It is very disappointing. What message does that send to the people of Belconnen who went to the meeting? What message does it send to other people in Canberra when they want to seek information?

Of course, the opposition will not be supporting the amendments proposed by Labor and the Greens. It seems inevitable that they will be passed, but I do hope that, regardless of what this Assembly does pass, the government will be compliant in providing all the information necessary to at least put all the facts on the table for concerned residents in Belconnen.

Question put:

> That **Ms Le Couteur's** amendments to **Mr Barr's** proposed amendment be agreed to.

The Assembly voted—

Ayes 9		Noes 4	
Mr Barr	Ms Hunter	Mr Coe	Mr Hanson
Ms Bresnan	Ms Le Couteur	Mr Doszpot	
Ms Burch	Mr Rattenbury	Mrs Dunne	
Mr Corbell	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

Question put:

> That **Mr Barr's** amendment, as amended, be agreed to.

The Assembly voted—

Ayes 9		Noes 4	
Mr Barr	Ms Hunter	Mr Coe	Mr Hanson
Ms Bresnan	Ms Le Couteur	Mr Doszpot	
Ms Burch	Mr Rattenbury	Mrs Dunne	
Mr Corbell	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

MR SPEAKER: The question now is that the motion, as amended, be agreed to.

MR COE (Ginninderra) (6.57): In conclusion, it is very disappointing, as I said earlier, that the motion has been watered down to, in effect, let the government off the hook with regard to providing information to the constituents of Ginninderra. What we have seen today is really what this Labor-Greens alliance is all about. It is a coalition in everything but name. We have seen the Greens, who claim to be

third-party insurance, who claim to represent their constituents, in effect just kowtow to the Labor Party.

What has been said today is that all of this information is going to come or that it is absolutely not essential or that we should not get involved in the planning process—or whatever. The fact is that there are very many people in Ginninderra that are very concerned about the situation in Jamison and they want information. And I do not think that is unreasonable. The motion I had on the table was deliberately very reasonable. I did not put political spin in it. We could have. We did not do that. We asked for five very simple things.

Some people at the meeting wanted this place to go much, much further than what has been presented here. But what we have said is that these five requests are actually quite reasonable. Instead, Labor and the Greens, as they so often do, have teamed up to let the government get away with not providing information to the community.

We heard that it would be good to have an express bus back to Jamison. I agree; it would be good to have that. That is more likely to actually increase the parking required at Jamison, because if you have an express bus, it turns into a park-and-ride facility and you need more parking there, Ms Le Couteur. We also heard, "It's demographic change, there are two new residents in a house et cetera." I am afraid that does not quite cut it with the people who attended the meeting.

At the end of the day, the 225 people who went to that meeting actually want answers. The take-out message from this debate is that Labor and the Greens were unable to represent the constituents of Ginninderra who so desperately want information. That is clearly the take-out message. It was a very reasonable request. Instead, Labor and the Greens have teamed up to not allow this information to flow on to the residents of Aranda, Cook, Macquarie and others who use the Jamison Group Centre.

Motion, as amended, agreed to.

Adjournment

Motion by **Mr Barr** proposed:

> That the Assembly do now adjourn.

Youth Homelessness Matters Day

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (7.01): I would like to bring the attention of the Assembly to Youth Homelessness Matters Day, which is today. On any given night in Australia 105,000 people are homeless and about 44,000 of these people are under the age of 25 years.

Youth Homelessness Matters is about raising the public awareness about youth homelessness and to celebrate the resilience of young people who are experiencing homelessness in our country. The day is linked to the activities held during National Youth Week. The National Youth Coalition for Housing, or NYCH, adopted the

theme "Hide and Seek: the hidden nature of youth homelessness", to reflect the fact that many young people who are homeless are couch surfing. In fact, only a small proportion of young people who are homeless are sleeping rough.

The theme for Youth Homelessness Matters Day 2011 links to the Australian Bureau of Statistics campaign for the census 2011, "What about me?" It is important that the message goes out at census time that if you are homeless it is important to answer "none" to the question on the census form about your usual address. This includes those who are couch surfing, and that is staying temporarily with friends or relatives or at a friend's parent's home.

While the theme Hide and Seek aims to highlight the strategies we need to use nationally to reduce homelessness as identified in the report *The road home: a national approach to reducing homelessness* and that homelessness is everyone's responsibility, it is important to recognise that the national agenda has a very strong focus on rough sleeping. Rough sleeping, of course, is primary homelessness and is often the only visible part of youth homelessness. Yet this does not recognise the majority of homeless young people who generally experience what we call secondary homelessness. This means young people who are likely to be in school, who are sleeping on friends' couches and moving from friend to friend; a young person in a youth shelter who is on income support; or a young person who is in an apprenticeship or traineeship who is living in a tent.

It must also be recognised that there are some groups of young people that face particular challenges due to cultural or social factors, such as Indigenous young people who are living in substandard or overcrowded conditions; culturally or linguistically diverse young people who may have language difficulties, learning new cultural norms and the need to understand different political and social systems; lesbian, gay, bisexual or transgender young people; and young people leaving out-of-home care.

However, research has identified that if young people are not properly supported when they first experience homelessness, they have a higher chance of becoming homeless in their adult lives. For this reason I want to highlight that homeless young people are often not the stereotypical street person and need appropriate supports to be put in place earlier rather than later. Support is much more than just the bricks and mortar of a house or accommodation. It is about living skills, relationships, health, hygiene, wellbeing, education, family, interdependence on others and a raft of other skills that enable us to function within our own communities.

The ACT needs to maintain a presence in the discussions on the national agenda to ensure that we are able to continue to improve on the work being done to reduce youth homelessness across Australia and also in our community, here in Canberra.

There are a number of different reforms and changes going on in the youth sector. There is review on modernising youth housing and homelessness services in the ACT; the youth and family service delivery framework; the Bimberi internal review; the Bimberi Youth Justice Centre Human Rights Commission inquiry and the "Towards a diversionary framework" discussion paper. I want to know whether these are linked;

whether they are being developed in silos or whether they are actually being developed together as a comprehensive response to many of our young people, and in this case our young people who are homeless.

When we talk about youth homelessness, all of these elements are part of our service system response. They must be linked and need to be considered to ensure we are going to have an intervention into the lives of young people that has an optimal chance of being a positive influence and that is going to actually provide the opportunities and solutions to the issues they face to ensure that they have the best chance to pursue education and training, get a job, have good health and be able to lead healthy and productive and safe lives in this community where they are able to contribute and they know that we value them. That is why it is important today to recognise Youth Homelessness Matters Day.

Australian Running Festival

MR HANSON (Molonglo) (7.06): I would like to speak this evening about the Australian Running Festival which is occurring this weekend, 9 to 10 April, in Canberra. A number of events are being conducted, including the ultra marathon, the marathon, the half marathon and the five and 10 kilometre runs. This is the relaunched Canberra marathon that ceased a couple of years ago. It is going to maintain the continuity from that event. That is good because this is Australia's oldest city marathon, having been established in 1976.

The website for the event states that the event will be supporting over 500 charities. My congratulations and best wishes go to the race director, Fred Taylor, and all of his team. I am particularly interested in this event this weekend because I will be running in the half marathon event with Mr Tony Stubbs, who is well known to most members here. He is the chief executive of the Heart Foundation. I am doing this in my role as a Heart Foundation ambassador. I know that Ms Bresnan is a Heart Foundation ambassador, as is, I believe, Ms Burch.

The Heart Foundation is a great charity and a great organisation. There is a team that is running that includes Tony Stubbs, me and a couple of others, including people who have had heart illness previously. I would like to pay tribute to the hardworking staff and board of the Heart Foundation, in particular the President, Dr Gillian McFeat; the vice-presidents, Mr Andrew Caudle and Mr Mike Sargent AM; the honorary treasurer, Mr Rod Scott; the honorary secretary, Mr Keith Bradley AM; and the directors, Mr Richard Rolfe OAM, Mr John Kalokerinos, Dr Peter French, Professor Leonard Arnolda and Mr Richard Bialkowski.

My best wishes go to Tony Stubbs who is running. We have a wager that we are raising money on the webpage. Please feel free to support either me or Tony and contribute some money for the Heart Foundation, which is a worthy cause. The loser has to donate $50 to the winner. So that is my inspiration. I think that at this stage Tony is probably the favourite runner.

ACT Cricket annual presentation night
Walk and Talk: City with a Soul

MR DOSZPOT (Brindabella) (7.08): Mr Speaker, in yesterday's adjournment debate I spoke briefly about four great contributors to Canberra cricket—John Gallop, Denis Axelby, Reverend Peter Nelson and Ron Axelby—who were presented with their 50 years of service awards. But I ran out of time to talk about their contributions, which I will now address.

John Gallop AM QC RFD came to Canberra in 1963 and joined Kingston Cricket Club. He was captain of first grade for about five years and was also captain of the ACT team for about the same period. He played for a New South Wales country team which played a three-day game against the England touring team in Newcastle in 1964 and was also chosen to play in the Prime Minister's XI team against South Africa at Manuka in 1964.

After an injury John retired from playing in 1974. However, he was always involved in the administration of the game. When he was at the Waverley club he was on the general committee of the club for about five years. In Canberra he was the honorary solicitor for the ACTCA for 10 years, and then became the president. John held that position for 28 years and did not seek re-election in 2010-11. The one-day club competition in the ACT is known as the John Gallop Cup.

Denis Axelby has had an uninterrupted and distinguished association with Canberra cricket as a player since 1959 and administrator from 1966. His passion and commitment to the on and off-field success of his club, his love of cricket, the manner in which he plays the game and his fierce competitive spirit are legendary across the ACT region and beyond. As a member of North Canberra Gungahlin and its predecessor entities, Denis served his club with distinction as treasurer for a continuous period of 32 years while also contributing to club cricket for many years as grade captain, selector, curator, equipment manager, fundraising officer, junior coach and association delegate. Denis has also held the position of ACT Cricket Association Vice-President. He has taken more than 850 wickets and scored around 5,500 runs during his grade career and is now the leading wicket taker for NCGCC since its formation in 1989. In 2007-08, at the age of 59, Denis was awarded the Dene Moore Medal as the ACT's best fourth grade player as voted by his peers. He continues to play in the ACT fifth grade.

The third nominee was Reverend Peter Nelson, who has scored around 27,000 runs in turf grade cricket since he began his playing career with Riverside in the Northern Tasmanian league in 1960. He later moved to Melbourne, where he represented Malvern Cricket Club in 141 matches over 12 seasons. Peter was one of just 40 nominees for the Malvern team of the century, which included five players who had played for Victoria. In 1983 he moved to Canberra, where he represented the City District and North Canberra Gungahlin clubs. Peter is also a member of the ACT Over 60s team.

Ron Axelby first played cricket in 1959 for the Ainslie Cricket Club as a junior and has taken more than 1,200 wickets at grade level, an astonishing feat in its own right and unparalleled in ACT cricket. He has won many team and club bowling awards and has played in numerous premierships, including as captain. Ron was club champion of North Canberra Gungahlin in 2005 at the age of 58, having taken 49 wickets that season as a member of the club's fourth grade team. Ron is a much-liked and highly sociable figure around ACT cricket circles and his stories of yesteryear continue to foster a strong respect for club history and tradition among the current playing group at NCGCC. Ron will also, later on this year, captain the Australian Over 60s team when that team travels to England for a three-test series.

Mr Speaker, on Sunday 3 April I attended a media conference for Walk and Talk: City with a Soul. The media conference was at 2 pm at the Centre for Christianity and Culture in Barton, ACT. The media conference was followed by the launch of Walk and Talk: City with a Soul. This is a new event which is being pioneered by South Tuggeranong priest Father John Armstrong, who has a simple aim—he wants to get people across the globe to walk and talk together. Father John's goal is to have at least 250,000 from around the world take part in Walk and Talk for one hour on 15 May between 2 and 3 pm.

The media conference also saw the launch of a great song written by Beth Doherty, called *City with a Soul*—and compliments to Beth for a great song and a great performance. On Sunday Father John was assisted by Sue Orchison and Beth Doherty but no doubt that small committee will now grow in numbers and ensure a great turnout for the 15 May event.

Calvary Hospital community open day

MR COE (Ginninderra) (7.14): I rise this evening to briefly put on the record my support and congratulations for the community open day held at Calvary hospital on 20 March.

It was a fantastic opportunity to go into a hospital in circumstances that are a little bit different from usual. Usually when you go in there you are either sick or you are visiting someone. You are in a hurry; you have got mixed emotions. But to go into a hospital to simply have a look around and to see the enormity of what takes place there really was a fantastic occasion and I do hope that it becomes an annual event, if not periodic in some form.

It was a great initiative by the Chief Executive Officer, Mr Ray Dennis, and all involved to put this on. It was a quite a feat. They opened up quite a few different areas of the hospital: the endoscopy suite, the birth suite, theatre 7, the new ICU and also the refurbished mortuary.

I went on the mortuary tour. I think it was one of the most popular parts of the day and it really was quite extraordinary just to see the innovation and the consideration that they have put into that facility to accommodate people of different faiths and people of different shapes and sizes—just to be really as accommodating as possible to families and to deceased people.

They also had Calvary's chemical biological radiological decontamination tent set up out the front and were giving demonstrations of what it actually means, giving people in the community reassurance that Calvary are able to respond to that kind of emergency.

They also had the gardens and grounds opened up and many different community groups and guest speakers were available for the community to interact with. Calvary's pastoral care team, the artist in residence, Save Calvary Group and many others were there to give an insight into the role they play to make Calvary the great institution it is.

In conclusion, I thank everyone who was involved in the open day. But more broadly I commend Calvary for the great role it plays in our community. I know Mrs Dunne and the rest of the opposition are very much supporters of the great and positive role that Calvary plays in Ginninderra, in north Canberra and right across Canberra in providing services. We hope they will continue to play a positive role in delivering healthcare and other services well into the future.

Question resolved in the affirmative.

The Assembly adjourned at 7.16 pm.