



Debates

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Tuesday, 21 February 2012

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

**Leader of the Opposition
Statement by minister**

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services): I seek leave to make a statement in relation to the Leader of the Opposition's statement of last Thursday in the Assembly.

Leave not granted.

Standing and temporary orders—suspension

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (10.01): I move:

That so much of the standing and temporary orders be suspended as would prevent Ms Gallagher (Chief Minister) from making a statement concerning the statement made by the Leader of the Opposition last week.

Mr Speaker, we are faced with highly unusual circumstances. We had a concession from the Leader of the Opposition last Thursday of a highly unusual staffing arrangement which means that a member of his staff, paid for by the taxpayer, does not have to work in the Legislative Assembly, and, further to that, we had an acknowledgement by the Leader of the Opposition that the staffing arrangements in his office have been irregular for an extended period of time.

These are serious matters, and this morning we see further revelations that the assertions made by the Leader of the Opposition in relation to the activities of his director of electorate services have not stood up to the scrutiny that he claims they should, and the *Canberra Times* revelations this morning make that clear. All of these circumstances demand that standing orders be suspended—

Mr Smyth: A point of order, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

Mr Smyth: The minister is debating what may or may not be in the minister's statement. He has to make a case as to why standing orders should be suspended, not troll through what he purports to be the facts.

MR SPEAKER: Yes. I can imagine Mr Corbell's defence on this point. Mr Corbell, let us try and speak to why we need a suspension of standing orders specifically, thank you.

MR CORBELL: Yes, thank you, Mr Speaker. Of course, the preamble is important because it goes to the heart of why this suspension is important. All of these circumstances demand that standing orders be suspended so that the Chief Minister can make a statement to this place outlining the government's concerns and the government's position in relation to these matters.

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth, you will get a chance in a moment.

MR CORBELL: These are some of the most serious allegations that have ever been made about a member of this place in the history of self-government. They are serious matters, and they warrant a serious response.

Opposition members interjecting—

MR SPEAKER: Order, members! Mr Corbell, one moment, thank you. Stop the clocks, thank you. There will be a chance for members on the opposite side of the chamber to debate this in a moment. I expect Mr Corbell to be heard.

MR CORBELL: Thank you, Mr Speaker. They are serious matters. They demand a serious response. The Chief Minister wishes to make a statement in this place outlining the government's position and view in relation to these allegations because they go to the heart of the integrity of this institution and the operation of self-government as a whole, and the Chief Minister should be permitted to make such a statement.

MR SESELJA (Molonglo—Leader of the Opposition) (10.04): The standing orders should not be suspended, in part because Ms Gallagher has already made this statement. She has responded to the statement which I made in the Assembly. She was granted leave to do so. We know that it was not a very strong statement, which is why she has gone away and made up all sorts of new material.

Let us go through the process. The Assembly passed a motion. We disagreed with that motion. We believed that if the government were going to apply one standard to us, they should also apply it to themselves. They refused. But the motion nonetheless was passed, it was complied with and there is now a review in place. Ms Gallagher had the opportunity, and was given leave last week, to speak to this issue.

She is now saying that she did not get it right last time, she did not make her case, so she would like a chance to re-litigate it, despite the fact that she voted, along with the Greens, to impose a review. And that process is now underway. She is seeking to undermine the process that the government has put in place and that the Assembly has put in place and she is seeking to re-litigate an issue she has already had the opportunity to speak to in the Assembly last week.

Let us put that into context, Mr Speaker. This is mud-slinging in an election year. Ms Gallagher and her colleagues have hidden behind parliamentary privilege in order

to make unsubstantiated allegations. Those allegations will be tested and I am very confident they will be found to have no substance. But what Ms Gallagher is seeking to do, ahead of that process, is to re-litigate it. How many times is the Assembly going to be asked to deal with this during this process because Ms Gallagher wants to have another debate and another go at the same issue she has already dealt with? This is mud-slinging by a grubby Labor government who have nothing to back it up, and that is why they do it in the chamber.

Mr Hargreaves: A point of order, Mr Speaker.

MR SPEAKER: Yes, thank you.

MR SESELJA: And who is standing up to defend?

MR SPEAKER: Order, Mr Seselja! Mr Seselja, sit down, thank you.

MR SESELJA: Mr Hargreaves—

Mr Hanson: The grubbiest man in the Assembly.

MR SPEAKER: Mr Seselja! Stop the clocks, thank you.

Mr Hargreaves: Mr Speaker, I would like to take two points of order, if I may. The first one is that I would like you to ask Mr Hanson to withdraw his comment that I am the grubbiest member of this Assembly.

MR SESELJA: You don't think it's true?

MR SPEAKER: Order!

Mr Hargreaves: I will just widen that now, Mr Speaker. I would like you to ask the Leader of the Opposition to withdraw, "Yeah, it's true though."

MR SESELJA: No, I didn't say that.

MR SPEAKER: Order! Let us hear Mr Hargreaves, thank you.

Mr Hargreaves: The other point of order, Mr Speaker, is that you have called the manager of government business to order and to be specific to the motion about why this suspension should go on. I would ask you to ask the Leader of the Opposition to be a bit more relevant too, please.

MR SPEAKER: Thank you. Mr Hanson, I would ask you to withdraw the comment Mr Hargreaves has asserted you made across the chamber, if you made it.

Mr Hanson: I withdraw.

MR SPEAKER: And Mr Seselja, you can do the same while you are on your feet, thank you.

MR SESELJA: In relation to the Labor government?

MR SPEAKER: No. Whilst Mr Hargreaves was taking the point of order you voiced your addition to Mr Hanson's comment. I think it was somewhat inappropriate.

MR SESELJA: I think the words I said to Mr Hargreaves were, "Don't you think it's true?" I asked a question of him. I did not make an assertion.

MR SPEAKER: You know it was inappropriate, given that Mr Hargreaves has taken—

MR SESELJA: I withdraw.

MR SPEAKER: Thank you. Can we focus on the suspension of standing orders, Mr Seselja.

MR SESELJA: I am, Mr Speaker. I have gone in some detail to the fact that they should not be suspended because Ms Gallagher has already responded to this very point. She has had the opportunity in the Assembly. I think what we are seeing today is a demonstration that the process that has been put in place is not going to be respected by the Labor Party, that it is simply part of a political witch-hunt in an election year, making grubby allegations in the Assembly under parliamentary privilege that you are not prepared to back up outside. Now she is desperate to continue to have the conversation in the chamber and to waste the Assembly's time because she did not get her statement right last week, because she must have been informed that she looked a little bit pathetic when she had screamed blue murder a couple of days before and then she came back and said, "Well, you know, what do you say about all this?" That was the response, because she had the opportunity and she had nothing.

She has now gone away and she is going to presumably manufacture further allegations and seek to undermine the very process that has been put in place. If the opposition are going to be asked to comply with a process that is not applied to our political opponents, that is clearly part of a political witch-hunt, then at the very least the people who put in place that political process should respect the process that they have put in place. Otherwise this will have absolutely no validity and it will be seen as the election year political mud-slinging of a Labor Party that are desperate, as we see this morning, to talk about anything but their record in office, desperate to talk about anything other than the massive deficits that they are racking up.

Mr Corbell: Relevance, Mr Speaker. He is debating the matter.

MR SESELJA: Well, it goes to your motivation. She has had the opportunity to speak. Why does she want the opportunity to speak again?

Mr Hargreaves: A point of order, Mr Speaker.

MR SPEAKER: Order! One moment, Mr Seselja, thank you. Mr Hargreaves.

Mr Hargreaves: Mr Speaker, you did ask that relevance be the go.

MR SESELJA: Could we stop the clock, Mr Speaker?

Mr Hargreaves: This suspension of standing orders debate is not about the government's record. It is about reasons why it should or should not take place.

MR SPEAKER: At this point there is no point of order. Mr Seselja is going to the motivation of why this matter has been brought forward.

MR SESELJA: So we see the Labor Party continuing to want to make grubby claims rather than actually talking about the issues that are of concern to Canberra families. They do not want to talk about those things. That is why Ms Gallagher wants turn after turn after turn to re-litigate her case that she failed to make last time, to re-litigate unsubstantiated, cowardly allegations that are made under parliamentary privilege. That is what the Labor Party will be seen to be doing in this case. That is what they are now seeking to do again and they are undermining the very process that they claim to support and that they, along with the Greens, have supported in this place. They have put in place the process and just today they are undermining that very process which has been put in place.

MS BRESNAN (Brindabella) (10.11): The Greens will not be supporting the suspension of standing orders. This is actually not the place to be making this statement. There will be plenty of opportunities to address the matters at hand. The Greens are actually keen to get on with the business of the day—in fact, business we did not get to last week. So we are keen to get on with it. There will be other opportunities to make these statements.

MRS DUNNE (Ginninderra) (10.11): This is another tawdry attack by the Labor Party on the Liberal Party. The Chief Minister is attempting to attack the Liberal Party today through seeking to speak on this matter again because they have nothing else. They have an appalling record which they are trying to detract from.

Let us look at all the things that this Chief Minister has not wanted investigated but from time to time has been forced to. There was the 10-year war on obstetrics where she said that there was nothing going on but she was eventually forced into an investigation. She got the investigation she wanted last week by supporting the motion moved by Mr Hargreaves, but it is not working out the way she wanted, so she wants to undermine that process. She wants to derail it, to perhaps get in the ear of whoever the auditor might be to make sure that her message gets across. That is not how this place works. There is a process in place. Now that there is a process in place it is up to the auditor, the reviewer, to do their job without the political interference of the Labor Party.

What this is about today is political interference. If the Chief Minister wants to talk to the auditor, she is entitled to do that. There will be a process whereby that is done, whereby people will have an opportunity to look at draft reports, I presume, and comment on them if they are adversely commented upon. These are the processes that

this Chief Minister asked for this time last week. But since then the wheels have fallen off. She looked pretty pathetic the other day in response to Mr Seselja's motion. She was rattled, she did not hear what she wanted to hear and she is attempting to come back here for another bite.

There are many things in this place which are serious and which have been moved under the carpet by successive Labor ministers. There has been the use of staff for graffiti-ing around town, the use of staff for logging into community groups' emails and purporting to spam community groups' emails. That was done by staff. There was the use of hospitals and schools for political advertising, and the 10-year war in obstetrics. There was the time it took for us to build relationships with people at Bimberi, both staff and residents, the work that we had to do to bring it to this government's attention. There was the "la, la, la" from the minister over there. The bullying, the assaults—all of these things were swept under the carpet until it became insufferable and even this government had to agree to an inquiry.

We agree that there is going to be an inquiry. We have to agree on a process and Ms Gallagher is now trying to undermine the process that has been agreed by the Assembly. This Assembly has agreed on a process and she is trying to white-ant it because she is afraid that it will not give her the political mileage that she is expecting. That is why the standing orders should not be suspended.

MR SMYTH (Brindabella) (10.15): Mr Speaker, it is unfortunate that we are here today doing this, but I think it is more of a reflection on the Chief Minister than it is on anybody else in this place. The Chief Minister had her shot at this. She asked for leave after the Leader of the Opposition gave his statement last week and she got up and mumbled some words, because she was incapable or she was inept in her ability to actually analyse what was said on that day and put a cogent argument to this place.

Since this issue has arisen some 10 days ago, we have seen the gradual backsliding from the original position where a gleeful Chief Minister was calling this the greatest scandal in the history of the Assembly. She forgets about VITAB, where a minister lost his job. She was looking for inquiries. There was murmuring about inquiries under the Inquiries Act. Inquiries under the Inquiries Act are for important things—for instance, the Gallop inquiry into disability, which had some outcomes that I think the community truly accepted.

And slowly it deteriorated. She could have written to you, Mr Speaker, and sought privilege, but she did not do that either. There are so many things that this Chief Minister said she would do or could have done and has not. The reason is that she knows what this is, and it is simply politics. We hear the cries: "You don't do this sort of thing lightly." You are a politician. I am sure we all understand your motivation.

What we have seen is the slow backsliding from the original position where the Chief Minister shot her mouth off, she overreached and she has overreached on several occasions since. Then, last Thursday, what we saw was the inept approach and inept ability of the Chief Minister to put together an argument that said, "Well, here's the document and we should do something more with it." She could not do it then, so she has gone away and no doubt the staff have been burrowing away for the last four or five days to come up with a renewed position.

In a way, this attempt to suspend standing orders today is a reflection on the vote from last week. The vote from last week said that there will be a process. That process has been agreed to by the Assembly, but we have a Chief Minister who does not like the process that she set up.

MR SPEAKER: The time for the debate has now expired.

Question put:

That so much of the standing and temporary orders be suspended as would prevent Ms Gallagher (Chief Minister) from making a statement concerning the statement made by the Leader of the Opposition last week.

The Assembly voted—

Ayes 7

Noes 10

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

Question so resolved in the negative.

Petition

*The following petition was lodged for presentation, by **Dr Bourke**, from 20 residents:*

Roads—parking—petition No 128

To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that the parking at Curves Gungahlin is inadequate.

Your petitioners therefore request the Assembly to rectify the situation by supplying more medium term parking.

The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.

Justice and Community Safety—Standing Committee Scrutiny report 48

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

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 48, dated 20 February 2012, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: I thank members. Scrutiny report 48 contains the committee's comments on 36 pieces of subordinate legislation, the education and care services national law regulation and one private member's response. The report was circulated to members when the Assembly was not sitting.

In the report the committee has commented on the education and care services national regulations. The committee would like to draw to the attention of members that these regulations are disallowable by the Assembly, but are not an ACT disallowable instrument. Rather, the regulations appear on the New South Wales legislation website. The regulations were tabled in the Assembly last week, but there was no indication to the Assembly at the time that those regulations were disallowable. The committee will be writing to the Chief Minister to explore ways in which it and the Assembly can be apprised of the existence of disallowable national law instruments. I commend the report to the Assembly.

Climate Change, Environment and Water—Standing Committee statement by chair

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Climate Change, Environment and Water.

The Standing Committee on Climate Change, Environment and Water recently resolved to inquire into, and report on, current and potential ecotourism in the Australian Capital Territory and region, including the following matters:

- a) The extent to which organisations currently deliver ecotourism activities in the region.
- b) The extent to which these organisations' ecotourism activities demonstrably contribute to, and detract from, conservation and restoration of ecosystems throughout the region.
- c) The extent to which these activities contribute to the region's economy.
- d) The industry self-regulation and government regulation, including, but not limited to, accreditation and licensing, which is most likely to incentivise ecotourism activities that assist in the protection and enhancement of the region's ecosystems.
- e) The industry and government measures that are most likely to promote understanding of the biodiversity and other benefits of ecotourism organisations explicitly basing their processes and outcomes on principles of ecological sustainability.

f) Any other relevant matter.

The committee will report to the Legislative Assembly on this inquiry in August 2012. The committee is issuing a media release that clearly presents the inquiry's terms of reference and the committee's open invitation for submissions. The committee will draw this information to the attention of the many individuals and organisations whom the committee has identified as having been involved in the matters specified in the terms of reference. The committee will also alert business, tourism, environmental and other groups who may have members and other contacts that have engaged with these matters.

Children and Young People (Transition from Out-of-Home Care) Amendment Bill 2011

[Cognate bill:

Children and Young People (Transition to Independence) Bill 2011]

Debate resumed from 16 February 2012, on motion by **Ms Burch**:

That this bill be agreed to in principle.

MR SPEAKER: I remind members that in debating order of the day No 3, executive business, they may also address their remarks to private members' business order of the day No 14.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (10.24), in reply: In December last year I tabled the Children and Young People (Transition from Out-of-Home Care) Amendment Bill 2011. I am pleased to be able to talk on this issue today, which builds on the work that the ACT government is already doing to support young people transitioning from out-of-home care.

There are important differences between the government's bill and Ms Hunter's bill, which I will make comment on over the next little while. I am pleased to note that the Canberra Liberals support the government's bill.

The government's bill amends the Children and Young People Act to ensure that young people transitioning from out-of-home care are provided with key supports and assistance they need, and extends these supports up to the age of 25. For the territory parent, it will involve providing supports similar to those which most parents of the ACT provide after their children turn 18. Evidence shows that optimal outcomes for young people transitioning from out-of-home care to adulthood are more likely to be achieved when the process is a gradual and well-supported one, based on strong preparation and planning, with access to tailored support to consolidate living skills and promote independence and support after leaving care to foster resilience and stability.

The government bill supports the work we already are doing to implement a new service delivery model to achieve the best possible outcomes for young people

transitioning from out-of-home care. Key elements of the service delivery model include establishing a support and assistance service; aligning the services, assistance and supports available to young people as they enter out-of-home care through to transitioning to adulthood; and giving young people priority access to targeted services.

We have committed over \$2 million over four years to implement the first element of this service by establishing a support and assistance service for young people transitioning from out-of-home care, in the Office for Children, Youth and Family Support. This service will be delivered by the youth support and transition team. Positions will also be available in the non-government sector. The government bill embeds in legislation that there will be assistance and supports for young people transitioning from care; this is a significant achievement by the government in developing a best practice model that supports young people in the ACT.

Earlier in the debate we heard from Mrs Dunne quite a list of negative stories. I would like to share some positive stories. I personally have a very high regard for the care and protection workers and the work that they do, and I think the positive stories need to be put on record.

Let me mention the story of an 18-year-old male. Last year a youth and support transition team worked with a young man who was turning 18 to successfully and confidently transition from out-of-home care. This included reuniting him with a number of his family members, who he now has a very positive relationship with. He is now working in hospitality part time; he recently bought his first car, which he himself saved up for; and he is starting a business course at the Australian Business Academy. The young man is very positive about his future. He is looking at moving into private rental with some friends and is currently saving for his first trip overseas, to Thailand. He was one of the first people to access the transition and support team and wants to help set up the program to ensure that it is achieving the best possible outcome for young people.

Another positive story is about a young woman who recently contacted the transition team to get back in contact with a caseworker, as she wanted to let her caseworker know how well she is doing. The young woman spoke about her great difficulties in her teenage years and said that it was the phone calls and contact from her caseworkers or a surprise visit that helped her to keep going and reminded her of all the good things happening in her life. She is now a qualified hairdresser engaged to be married and sees a very bright future for herself.

So there are very good stories. I could mention many more but we are here today to talk about the transition bill.

The first main provision in the government's bill is about improving the operation of the Children and Young People Act. I propose removing section 455(b)(vii) from the Children and Young People Act; it makes a reference to "planning and services" when a child or young person leaves out-of-home care. Section 455 is about care plans. The government bill updates the language of "leaving care" to contemporary best practice of "transitioning from care".

In contrast to the government bills, Ms Hunter's bill proposes to keep this section and amend it to refer to "a transition plan" for young people in out-of-home care. We believe that this amendment is not necessary.

The government bill creates a new part in the act, part 15.5. The government recognises that young people transition from out-of-home care to a variety of environments. A focus on where a person transitions to is desirably reflected in legislation; for this reason, the new part in the government's bill is entitled "Transition to adulthood".

Clause 8, proposed section 529A, defines a new object for part 15.5, that the language used should emphasise an empowering and self-determining approach for young people and young adults. As outlined in the government's bill, the object of transition planning is to "promote, strengthen and foster" the wellbeing of young people transitioning from out-of-home care.

As I have already stated, the government is delivering post-care supports to young adults up to the age of 25 through the government-funded transition from out-of-home care program. The government's bill is consistent with this practice; in clause 8, proposed section 529B defines a young adult as someone up to the age of 25, noting that the national framework recognises this vulnerable group of young people being up to the age of 25 years.

In defining transition plans it is important to be consistent in the language used. In section 529C(1)(a) of the government's bill we maintain the language of "transition" by stating that a transition plan is for a young person or young adult "preparing to begin the transition from out-of-home care".

Regarding the transition plan process, the government bill, in clause 8, proposed new sections 529E through to 529H, provides the legislative framework that outlines the director-general's responsibilities and services and supports for young people transitioning from out-of-home care. This framework sets the parameters while enabling a flexible and responsive approach to meet the needs and wishes of each individual young person.

The transition plan process should promote that the young person leads the planning, recognising that they are approaching adulthood and seeking independence. The transition plan is the young person's, not the director-general's. This process should not be prescribed to such an extent that it would require processes to be followed which are not appropriate to the individual needs and circumstances of each young person.

Transition planning is in place in the Office for Children, Youth and Family Support. From 1 July last year to date, 21 young people transitioned from out-of-home care; transition plans are in place for all young people except two who did not wish to have a transition plan.

The government bill outlines the review process for a young person for whom the director-general has and does not have parental responsibility, in clause 8, proposed new sections 529F and 529G. When reviewing transition plans it is necessary to distinguish the responsibilities of the director-general when he has and does not have parental responsibility. When the director-general has parental responsibility a transition plan must be reviewed at least once each year, in consultation with the young person and other relevant stakeholders. When the director-general does not have parental responsibility the transition plan review process will be voluntary and a decision for the young person. This differing approach recognises that the director-general is no longer the territory parent, the young person is no longer residing in state care and a carer or family member may have enduring parental responsibility for the young person.

The government's bill outlines assistance for young people after leaving out-of-home care, up to the age of 25 years. The supports will be voluntary, and assessment will be based on the young person's needs. The focus of this support will be advice, referral and assistance to access commonwealth and ACT services, accessing their personal records and accessing counselling as required.

The government's bill enables young adults who were in out-of-home care to access the same rights and responsibilities as all young adults in the ACT.

In clause 8, proposed new section 529I, the government bill states that the director-general "may provide services that the director-general considers appropriate". This language is clear and consistent in outlining the responsibilities of the director-general, while not extending the obligations of the ACT government. These amendments ensure that services can be provided within the allocated resources.

Ms Hunter's bill also provides for post-care supports. Clause 19, proposed new section 529J(1), states that the director-general must provide services they consider appropriate. However, at section 529J(3), the bill states:

This section does not require the director-general to pay for any service.

These provisions in the bill are unclear in their intent and may create a conflict for caseworkers when they are administering the bill.

The government's bill clearly articulates our support for providing stronger support for children as they exit from out-of-home care up to the age of 25. Quite clearly, our budget appropriation over four years to put in place a transition team puts us well and clearly on the map of providing those supports to young people as they exit from out-of-home care.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Clauses 1 to 7, by leave, taken together and agreed to.

Proposed new clauses 7A to 7I.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.36): I move amendment No 1 circulated in my name on the yellow sheet, which inserts new clauses 7A to 7I [*see schedule 1 at page 549*].

I have a number of amendments to insert some of the provisions of my bill into the government bill. The substance of the amendments does not necessarily line up neatly with the amendment numbers they are being moved in, but I will do my best to explain this and to identify what they are doing as I speak to each one.

First, amendment No 1 inserts a new section 5(1)(i)(a). This amendment creates a charter of rights for children and young people in out-of-home care. The charter is to include young people and young adults in, or previously in, out-of-home care to ensure that the charter provides for the rights of young people leaving care until the age of 25 years.

The bill creates an obligation on the part of the territory and out-of-home carers to uphold the rights conferred by the charter and creates an obligation on the director-general to promote compliance by out-of-home carers.

I have previously gone through the nature of those rights and obligations, but I would also make the point that other jurisdictions have seen fit to legislate to protect these rights and ensure that the standards are met. Young people in Queensland and Western Australia have these rights protected in legislation. So it is very difficult to understand why it would be appropriate to provide a lesser standard of care for Canberrans.

The decision not to include the charter of rights reflects badly on the government. Children do not choose to be placed into these situations. It is not their fault, nor do they have any control over it. As a community, we should be able to tell them what we are going to provide to them and how it will be provided to them—and, most importantly, live up to our word.

We are dealing with a big system where people can get lost. It is a great shame that the government is not willing to create a set of protections for these children and young people and young adults to ensure that they are not lost in the system and that there are mandatory minimum standards. The government has produced a series of posters, postcards and so forth which display the charter of rights for children and young people in out-of-home care. These have been distributed right around the community. They clearly state that young people in out-of-home care have these rights.

Yet today we see a government clearly backing away from this commitment. The government claims to have a commitment to openness, transparency and

accountability for its actions. Yet today it is very clearly stating that that commitment does not apply to this group in regard to the charter of rights. It is particularly disappointing that the government is acknowledging that it is prepared to not stand by and include this charter in legislation.

They have been very proud of that charter. There was a launch. There were a number of young people in out-of-home care who attended that launch. I find it very disappointing that we have not, like Queensland and Western Australia, been able to include it in our legislation.

The second part of this amendment, which is also addressed in amendment No 3, is to ensure that children and young people in care have an entitlement to their possessions and information about them. There are a number of parts to this amendment, and it does cover a number of clauses within the bill, but the outcome is quite straightforward. The amendment ensures that young people, their carers and the directorate are very clear about their obligations to keep the possessions of young people and young people's entitlement to those possessions.

This clause seeks to insert a new division, which provides when a young person or young adult has an entitlement to personal items and access to protected information. If, during the course of a placement, information or items have been kept by a care entity and not previously given to the director-general, this clause provides that the director-general can direct the care entity to give the child or young person the information, items or access to them if it is considered on reasonable grounds that it is in the best interests of the child.

The director-general may place conditions on the direction if they believe that this would benefit the child or young person. For example, this may include ensuring that adequate support is available for the child or young person accessing this information for the first time. The provision around entitlement to possessions has been modelled on the Western Australian act and reflects the fact that young people and young adults have the right to their own things and the right to know about their family and cultural history.

Feedback from the discussion paper that I put out some time ago made me aware that many kinship and foster carers are already doing this for children and young people in their care. I know parents who do this for children in the community. I believe that there is a reasonable community expectation that the territory should collect and store these items for those few young people and young adults who do not have significant adults to do this for them.

We cannot and should not underestimate the significance of this to help in reconciling many difficult issues these young people have experienced in their past and the benefits that these items and information can have. This amendment also ensures that support is given to children, young people and young adults to make sure their memories, information, history and stories are preserved for their future.

We need to acknowledge that when we talk about personal items we are not talking about every piece of clothing and soft toy a person has ever had. We are talking about

significant items. They could be sporting trophies, educational certificates, merit awards, school reports, photographs, birthday cards, letters and so forth.

As I said, many kinship and foster carers who have met with me have told me that they already have a box in which they keep these important items for young people. Parents do this for their children in the community. I think it is quite a reasonable community expectation that the territory should collect and store these items for those few young people and young adults who do not have anyone else to do this for them.

MRS DUNNE (Ginninderra) (10.42): I move amendment No 1 circulated in my name on the pink paper, which seeks to amend Ms Hunter's amendment No 1 by omitting proposed new clause 7A [*see schedule 2 at page 553*].

The Canberra Liberals will be supporting Ms Hunter's amendments except relating to clause 7A and, later on in the piece, clause 12B. I will address both of those now. These clauses seek to enshrine in legislation a charter of rights for children and young people. This goes to the comments I made in the in-principle stage that it is better to keep legislation to expressions of policy rather than to prescriptions of process.

I am aware that the government has already published the charter of rights for children and young people, and this is a positive. However, as I noted in my in-principle speech, this publication is an output; it is not in itself an outcome. The output needs to be translated to outcomes of direct benefit to our children and young people by positive delivery on the promises made in this charter.

In my in-principle speech I called on the government to deliver these outcomes. I foreshadow that I will be watching this minister and this government like a hawk to ensure that these outcomes are delivered. The challenge now sits with the government to demonstrate that it is capable of turning outputs into outcomes without having to be guided or directed by prescriptive legislation.

I will now comment briefly on the Greens' other amendments, which the Canberra Liberals will be supporting. These amendments fall into two subject areas. The first goes to the central theme of this bill. It establishes the principle for the development, consultation and review of plans to transition young people and young adults from the care and protection system to independence in adulthood. It also establishes the kind of assistance that the government will provide to our young people and young adults, including financial assistance. Importantly, it should be noted that these plans and this support will be available to young people beyond the age of 18—in fact, until they turn 25.

Recent studies show that children today stay at home with their parents for much longer—indeed, into their mid-20s, if they are lucky. This, of course, is partly because of the increasing cost of living, the continuing fall in housing affordability and because parents want to try and give their kids a bit of a leg-up into their adult life. It is also often the case that parents will extend other assistance, including financial assistance, to their children as they struggle to make ends meet in these days of

increasing costs of living and falling housing affordability. This assistance can continue well into young adulthood.

So there would be no reason why the ACT government in its parental role would not extend the same kinds of support to young people and young adults for whom it carries parental responsibility. This financial support also goes to the question of whether the government should charge interest on any loans made to a young person or young adult. The Greens' amendments would prevent the government from doing so.

It is frequently the case that parents would loan money to their children and agree on a repayment program. It is also frequently the case that parents would not charge interest on those loans. Once again, there is no reason to expect that the government should have any different a parental role in this regard.

The second group of amendments that the Greens are proposing seeks to clarify and strengthen the information and items that must be kept by carers of children and young people. There are provisions that relate to the requirements both during and after placement. There are provisions relating to the arrangements for access that children and young people have to that information and those items as well as to protected information.

As I said in my in-principle speech, this information is vital to a young person as they transition through young adulthood to their future life as a well-adjusted adult. Sometimes it may need to be given with a level of care and counselling and with sensitivity for it can include information that is quite confronting. Nonetheless, this can be crucial for a young person to be able to resolve mistakes or reconcile injustices.

It may equally be important for the celebration of achievements which will serve to balance those negative aspects of their young lives. They are critical in that very important process of transition to adult life. These amendments add value to the services provided to children and young people in their formative years and provide the kind of foundation they need in their preparation for adulthood and in planning their future contribution in our community. With the exception of the issues that I have raised before in relation to the charter of rights, the Canberra Liberals are happy to support Ms Hunter's amendments.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (10.48): I will speak briefly. We will be supporting Mrs Dunne's amendment. The government considers Ms Hunter's proposed amendment to be—it is not supported by government. We have clearly a charter of rights for children and young people and adults in care or previously in out-of-home care. Our charter of rights was launched in 2009 and it is certainly a clear statement of our government's intent.

Young adults previously in out-of-home care have the same rights, entitlements and responsibilities as other adults in the ACT. The proposed amendments from Ms Hunter possibly extend the obligations of the ACT government and out-of-home

carers regarding the proposed charter of rights for children, young people and young adults in, or previously in, out-of-home care.

It should be remembered that carers cease to have carer responsibility for a young person beyond the age of 18 years. The expectation of additional requirements may impact on the future availability of carers, the duration of care placements and further funding to undertake ongoing responsibilities beyond the current requirements. The government's bill clearly outlines the supports and assistance young people transitioning from out-of-home care can access, including post-care support up to the age of 25.

The government has already committed over \$2 million over four years to put into practice these supports by establishing a young people's support and transition team within the office and is delivering on the government's commitment to supporting young people in transitioning from out-of-home care. We believe it is inappropriate to incorporate a charter of rights into the Children and Young People Act. We believe that this is a matter of policy, including how such a charter would be administered.

I will talk briefly to the other amendments that go broadly into information and access to information and personal items. The Children and Young People Act already requires care entities to keep information, including personal information, such as birth certificates, school reports, medical reports and photographs.

Further, the Children and Young People Act is clear. When a placements ends, a care entity is to give all personal information and records about the child or young person to the director-general. This includes personal items and protected information. Also, the Children and Young People Act already states that the director-general may authorise a care entity to give the child or young person access to personal information and records if the director-general considers this to be in the person's best interests.

Whilst I will be supporting the amendments on the table with the exclusion of those proposed by Ms Hunter, I think our position is that a number of the allowances and conditions are already within the act.

Question put:

That **Mrs Dunne's** amendment to **Ms Hunter's** proposed amendment be agreed to.

The Assembly voted—

Ayes 12

Noes 4

Mr Barr	Mrs Dunne	Ms Bresnan	Mr Rattenbury
Dr Bourke	Ms Gallagher	Ms Hunter	
Ms Burch	Mr Hanson	Ms Le Couteur	
Mr Coe	Mr Hargreaves		
Mr Corbell	Ms Porter		
Mr Doszpot	Mr Smyth		

Question so resolved in the affirmative.

Amendment, as amended, agreed to.

Proposed new clauses 7B to 7I agreed to.

Clause 8.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.57): I move amendment No 2 circulated on the yellow sheet in my name [*see schedule 1 at page 551*].

This clause may seem like a minor amendment. However, this is an amendment that can significantly impact on young people and young adults as they transition from out-of-home care in the ACT. The Greens were pleased that the government had followed our lead and included financial assistance in the bill. However, we were uncomfortable with the fact that the government had not addressed the issue of interest payable on any loans or financial assistance provided to young people or young adults.

It is concerning that the government would consider charging interest on this financial assistance. We are not talking about large amounts of money, and the bill provides for the director-general to set out the conditions on which loans may be made. We can all appreciate that many young people or adults need a hand at times and it is very common for parents to lend their children some money to help them get organised. Providing financial assistance to young adults is seen as an effective way of assisting young people to develop life skills and acquire items necessary to make their way through life. Many parents provide small loans and financial assistance to their children in the community and do not charge interest or any fees.

I am pleased that this bill has included the ability of the director-general to provide financial assistance that can be used to fund a range of different purposes. It is, however, disappointing to see that the government was not prepared to ensure that interest on such financial assistance could not be charged. The absence of such a limitation raises concerns about how interest could be calculated and what factors or risk assessment guidelines are to be used.

For all those reasons, the Greens do not believe interest should be charged on these loans and therefore have moved this amendment.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (10.59): I just want to put on record that the \$200-odd million over a number of years for that support arrangement as young people transition is to enable the director-general to provide financial assistance to young people. This involves funding of one-off expenses not provided by other agencies. It has been noted here by a number of us who have spoken that young people when they transition into independence require some financial assistance, and that is what the government has already put in place, with no interest.

MRS DUNNE (Ginninderra) (10.59): I think this is an important aspect of this transition process. It may seem like small beer to the minister, but it was interesting that, in the discussions I had with officials, there was a level of reluctance to do for young people for whom the territory has had parental responsibility the sorts of things that an average parent would do. I raised the example of someone who may be an apprentice who has to get to work at an early hour in the morning when public transport is not available. I actually asked the officials what might happen in these circumstances. And they said, "Well, you know, we could help them get their drivers licence and we could perhaps put them in touch with some carpooling arrangements and we could help them talk to their employer about their transport needs." But the real thrust of it is that apprentices, generally speaking, need a car to get to work. They are often young people who are just out of school who are not earning very much money, because apprentice wages are not very high, and they need a reliable car to get to work.

That is where, in the normal scheme of things, parents step in. They might guarantee a loan; they may dip into their own savings and loan their children the money if they have the means to do so. But these young people who are most vulnerable, who have the least support and who need these really important elements to make everything fit together, cannot keep their apprenticeship if they cannot turn up on a building site at half past six in the morning, and they cannot get public transport to get there. Sometimes they might be able to ride a bike, but with building sites you essentially move from site to site. Sometimes it might be easy to ride a bike and less easy later on in the piece. To ensure that these young people can keep the jobs that we help them get into, sometimes we might have to make those sorts of arrangements.

I thought it was interesting and revealing that the department could not concede that as a possibility, and I thought it was interesting and revealing in discussions with the minister last week when she said: "We can talk about loans all you like, but there is no money for loans. We have the mechanism, but we don't have the money. We have the mechanism, but we don't have the will." This is an example of why I say we will watch this government like a hawk to ensure that they actually create the systems necessary to ensure that young people are able to transition effectively to independent adulthood.

Taking the example of an apprentice in the building trade, they will often need to get to out-of-the-way places at times when there is no public transport. There is not going to be wholesale reform of the public transport system so that these young people who are transitioning out of care into independence can get to work on time, so from time to time somebody may actually have to ante up with the money so these young people can meet their work commitments.

This is what we are saying: from time to time there will need to be loans. If there are loans, the government, like any reasonable parent, should not be charging interest against them. Also, I flag that the government shows very little will to address this issue. The minister herself says, "There's no money for this." Well, it is about time the minister started looking into what is in the department and finding a means to find that money.

Amendment agreed to.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.04): I move amendment No 3 circulated on the yellow sheet in my name [*see schedule 1 at page 551*].

As I said earlier, this is the second half of the amendments that create the requirements for information and personal items to be kept and then provided to the young person or young adult. The amendment creates the entitlement to the information and the process for that information being provided.

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 to 12, by leave, taken together and agreed to.

Proposed new clauses 12A to 12E.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.05): I move amendment No 4 circulated in my name on the yellow sheet which inserts new clauses 12A to 12E [*see schedule 1 at page 552*].

This is the last of the amendments that insert definitions into the dictionary to give effect and complete previous amendments that we have agreed to. Just to finish these amendments, they are an attempt to strengthen this very important piece of legislation.

I have had many approaches from young people, foster and kinship carers, advocates and others in the community who have all given the clear message to me that we need to look after young people who are transitioning out of the out-of-home care system. The Greens want a system that is underpinned by the philosophical concept that it is a responsibility of state and territory authorities to introduce legislation, policies, structures and roles that actively compensate children and young people in care for their traumatic pre-care experiences as much as possible and offer them the same ongoing nurturing as typically experienced by their peers who have not been in care.

MRS DUNNE (Ginninderra) (11.06): I move amendment No 2 circulated in my name on the pink paper which amends Ms Hunter's amendment No 4 by omitting proposed new clause 12B [*see schedule 2 at page 553*].

This is a procedural amendment that is brought about by the success of my previous amendment. The previous amendment deleted references to the charter of rights for young people, and new clause 12B inserts in the definitions the charter of rights for young people. As the bill as a whole does not refer to it, it is inappropriate to have it in the definitions, so it is just a consequential clean-up.

Mrs Dunne's amendment to **Ms Hunter's** proposed amendment agreed to.

Proposed new clauses 12A and 12C to 12E agreed to.

Remainder of bill, by leave, taken as a whole and agreed to.

Bill, as amended, agreed to.

Children and Young People (Transition to Independence) Amendment Bill 2011

Debate resumed from 16 February, on motion by **Ms Hunter**:

That this bill be agreed to in principle.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.08), in reply: Obviously now that we have passed the Children and Young People (Transition from Out-of-Home Care) Amendment Bill there is no longer any need to continue with this debate. But I would like to speak briefly about my bill—the Children and Young People (Transition to Independence) Amendment Bill. I would like to thank all of the people who have been involved in the process along the way. It was quite some time ago, late in 2010 or so, that I was able to do some consultation with a wide range of people—young people in out-of-home care, those who had previously been in out-of-home care, carers, care providers, foster carers, kinship carers—to discuss this issue of independence.

That was put into a discussion paper that received responses from right across the community, and that then informed the Greens' way forward, which was to draft the bill. This was a bill that, of course, I tabled in August of last year.

I am pleased to see that the government has picked up almost all of that bill. What we debated with the amendments to the government bill this morning was where there were some differences, and I am pleased to have had support, particularly from Mrs Dunne, to ensure that for things like possessions there will be a clear list and it will be clearly kept and that we will not have interest on any financial assistance given, for instance.

The one area which, of course, I am disappointed about is the charter of rights for children and young people in out-of-home care. We have gone over that debate earlier. But, apart from that, I think it is a great moment in the Assembly that we have got this legislation through. We have changed what we are doing with young people in that transitioning stage. We were the only jurisdiction to stop that support at the age of 18 in legislation. All other jurisdictions were at 21 and up to 25 years. It is a great day where we have made significant reform to ensure that those young people are going to be, as much as possible, on equal footing with their peers who have not been in out-of-home care.

Many of us here are parents. We know that once a young person turns 18 that does not mean that our parenting role and responsibilities and care end—it goes on for many years after that. It is good to see that we are now acknowledging that with the children

that have been taken into our care and protection system and that they are also going to be afforded the same sorts of opportunities to be able to seek assistance if they choose to.

As I said, there is no reason to go on with this debate at this time. I thank everybody involved in getting this reform through, and I am very pleased that we have been able to pass legislation on this matter.

Question resolved in the negative.

Food Amendment Bill 2011

Debate resumed from 8 December 2011, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

MR HANSON (Molonglo) (11.12): I foreshadow that the Canberra Liberals will be supporting this bill. We have seen some spin from Katy Gallagher trying to suggest that somehow the evil Canberra Liberals are against food safety. Again, I would urge members and members of the community to acknowledge that for what it is—a politically motivated press release from Katy Gallagher. The point I have made consistently is that we must not allow the spin that we have seen, the PR, as a result of this piece of legislation, regardless of its merits, to cover up for some significant failures in the administration of food safety in the ACT, and I will talk more about that as I move forward.

Generally speaking, we can be very confident in the ACT that food safety standards in our restaurants are good. Some 99 per cent, or some high number, are doing the right thing, and it is a very small number that do not. It is important as we have this debate that we do not move into any sort of hysterical fear that when we go out to eat in Canberra we are not safe. In the great majority of cases and places we have very good standards of food safety.

We need to be confident that the authorities are doing what they need to do to maintain food safety across the ACT and that we have an effective legislative regime. What this bill does not do is address some of the failings that were identified in the Auditor-General's report into the management of food safety in the ACT, and I will quote from that:

... there are shortcomings in the regulation and administration of food safety that need to be addressed to provide the community with assurance that the food they buy and eat is safe.

What the Auditor-General found is that the Health Protection Service of ACT Health had poor documentation and record-keeping practices, was unable to inspect food premises within targeted time frames, enforcement documentation on files on the database was incomplete or inaccurate, and, worryingly, that it did not have the policies or procedures in place to respond to food-borne illnesses and outbreaks. This bill does not address those concerns. I have been assured by staff that they are being

addressed, but it seems that it took an Auditor-General's review and the elevation of this matter in the media for a number of these items to be identified and perhaps addressed.

Typically, when this issue arose in the media, Katy Gallagher went to ground. She often does when there is a bad news story, and she pushed out one of her bureaucrats who, at the time, said that they did not think the findings in terms of food safety outcomes or the way they manage acute responses were, in fact, adverse but there were things they can work on improving. The Auditor-General found some quite significant failings, and I guess it is a matter of interpretation whether they were adverse or just "some work that we can improve".

The Auditor-General found that consumers are potentially at risk right now because the government was not putting in the right procedures, the right policies, to inspect food safety across eateries in the ACT or did not have the policies and procedures to respond if there was an outbreak. The Auditor-General found that; there is no political spin on that at all.

I quote again from the Auditor-General's review:

There has been a sharp decline (almost 30 percent) in the number and proportion of scheduled inspections of registered food businesses, and an increase in inspections triggered by complaints or following-up enforcement actions.

In other words, what we were seeing is a reactive approach rather than a proactive approach. Indeed, the Auditor-General found that in relation to monitoring of noncompliance.

I have sought assurances from the government that these concerns are being addressed. I have received a briefing and I have been assured that all those matters are being addressed, and one would hope so. It is a government, though, that we have found difficult to trust in the past. It seems to me that some of this legislation coming forward and some of the media hype around it were pretty neatly planned and timed to come out at the same sort of time that we saw the Auditor-General's report.

Whilst we had the Auditor-General saying the government was not managing its food safety practices in accordance with the requirements, we had Katy Gallagher coming out saying: "Look, we're doing something. Don't worry about that. Look, we've got something over here." That is the context in which this legislation has been framed.

We certainly support the measures contained within this legislation. We just need to understand the context in which it has been presented. One issue this bill includes is, where an establishment has been closed due to noncompliance, that that be made clear to the public. That is an issue of transparency where the reason for the closure is to be put on the front of the premises, and I support that. I think that is a good idea.

Another issue is of a food safety supervisor being present in every business. Again, this has been rolled out in other jurisdictions and has merit. But my real concern is about how this will be implemented. I raised a number of issues regarding this—the

Greens were in the briefing as well—about whether, for example, existing qualifications would count or not. Another issue is about size. As many of these establishments are quite small and have a regular changeover of staff, if your food safety supervisor moves on, is there a period of grace between them moving on and you getting a new food safety supervisor? They are the sorts of questions that were not answered.

Again, I have been told that that will be resolved, negotiations are going on, there is engagement with the community and that will be advised. But I am concerned that the government was unable to provide those answers. Although we have assurances from the government that those two issues will be addressed, the Canberra Liberals are supporting this legislation today on the presumption that it will be addressed. But I look forward to receiving assurances and looking at that in the regulations and in further briefings and seeing that those issues have been resolved.

There will be a website—this is the sort of name and shame element of it—where breaches will be recorded and it will be accessible to Canberrans. The problem at the moment is that that website is not up and running. Again, we have got pretty vague responses in terms of when the website will go live with that information. And again, the Canberra Liberals support this on the presumption that this will be done in a timely manner.

I do not think we should overstate the importance of this legislation. The important thing is to make sure that what we are doing on the ground is working effectively. Although these are incremental measures, they will not necessarily make a difference on the ground if we do not have that proactive regime of making sure that food establishments are complying with the act and food safety standards. That is particularly true of restaurants where language can be a barrier and an understanding of the requirements is not necessarily clear. I know that is an issue we have addressed at the briefings. It remains a challenge for the government and the Health Directorate to make sure they translate these additional steps of legislation into effective implementation on the ground.

We have seen a number of issues in this area. We have seen some public issues where there have been some concerns where people got very sick. In fact, we have had an issue where people were hospitalised and another issue which ended in tragedy. But we have also seen the Auditor-General's review, and that has made it quite clear that there are some measures that are just not being effectively implemented. I have sought assurances that they are being addressed, and at some stage, no doubt, we will follow up and get a more up-to-date review on how that is being implemented.

Today the Canberra Liberals support these legislative amendments. If they are implemented correctly, if they are done with the intent that has been suggested by the government, then they will be effective. But there is a risk that if we do not implement them effectively, what we will see on the ground in reality with things like the food safety supervisors is additional regulatory burden, additional expense for business, but no real and tangible improvement in food safety for ACT residents.

Yes, we support this legislation today. There are gaps in terms of information and how it is going to be implemented, and they need to be addressed. We need to be assured that this legislation will be effectively implemented on the ground, because the Auditor-General has told us that the current regime is not. We support this bill with those quite significant caveats.

MS BRESNAN (Brindabella) (11.23): The ACT Greens will be supporting the Food Amendment Bill. The ACT Greens believe that when a person buys a food product, they should be assured of its quality and safety, and we are keen to see improvements in the regulatory system which prevent unsafe food from being served. There have been some alarming cases locally regarding safety in the last few years, with people becoming ill. Other jurisdictions have strengthened a consumer's right to know about a food provider's safety record and it is right that the ACT should do the same. The legislation today provides some clear reforms that, while not as extensive as those of other jurisdictions, will provide consumers with more information.

The ACT Greens agree that closure notices should be prominently placed on a food provider's premises if and when they are closed because they have become a risk to public safety. One important consideration with the closure notices is what they will actually look like and say. It was not entirely clear from the bill whether the information would be provided in plain English.

ACT Health provided a briefing on the bill, as Mr Hanson mentioned, which was very helpful, and we thank them for that briefing. Examples were provided of closure notices used overseas that ACT Health was seeking to replicate. The signs were fairly easy to understand, and it was clear that ACT Health recognised the need for plain English notices. The ACT Greens support the legislation's proposed requirement for food providers to have someone from their business qualified as a food safety supervisor. Some of the food safety issues that have occurred in recent years have been because of a lack of awareness on behalf of food operators, and significant education is needed within their businesses if they are to comply with food health and safety laws.

While there will be compliance costs for private businesses associated with this move, in that businesses will have to pay for someone from their organisation to undergo the prescribed training, it appears that this is a necessary step across the food industry for compliance rates to improve.

A benefit with regard to costs, however, is that the introduction of food safety supervisors will reduce the amount of resources ACT Health needs to spend on educating and warning businesses about food safety, as more businesses will be aware of the food safety standards that they must adhere to. A degree of flexibility will, of course, be required around small businesses, in that a food safety supervisor may sometimes be away on leave or there may be turnover in a small number of staff. I am, however, satisfied from the ACT Health briefing that this concern will be considered during the implementation phase and that ACT Health has experience in dealing with this kind of situation.

With regard to the introduction of a public register of offences, the Greens support the move to make more information available to consumers. New South Wales has gone a step further than what is proposed for the ACT, in that New South Wales also has a public register of fines. We queried ACT Health as to why the ACT government bill did not include this kind of register. ACT Health noted that registered offences were more serious than fines and were the manner in which threats to public safety were responded to. Fines traditionally were for less serious matters which did not pose a reasonable threat to food safety.

ACT Health also noted that it had not been able to issue fines in the past, as the relevant laws did not prescribe strict liability offences. This is something which is being corrected through schedule 1 of the bill, which seeks to harmonise the Food Act with the Criminal Code. Once strict liability offences have been established in the legislation, ACT Health will be able to issue guidelines about fines and put them into practice when necessary. We expect it will be a useful regulatory tool for food safety inspectors.

I would just like to refer briefly to last year's Auditor-General's report into the management of food safety. While ACT Health was able to meet the bottom line when it came to containing threats to public safety, there were issues in maintaining a regular number of basic site inspections and conducting record keeping. Like many other government services, prevention strategies are minimised when staff have to work with minimal resources and respond to emergencies.

The Auditor-General went on to explain that the reason for this was ACT Health's difficulties in retaining staff and a redirection of existing personnel towards other urgent issues. There simply were not enough food safety inspectors available to maintain regular inspections. ACT Health noted to us in the briefing that it has sought to address this problem by quarantining food safety inspectors from other work, and this seems like a good approach to address these issues.

The program for scores on doors is not in the current bill. The Greens would like to see a system established in which members of the public are able to see how well a food provider tested at their last food safety inspection. Such a system will reward those businesses who do the right thing and identify to the public those that do not. I do understand that some businesses have raised concerns about a scores on doors program. Scores on doors has, however, been implemented already in a number of jurisdictions, both overseas and in Australia, and we can learn from their experiences about how to develop a system which is fair to both businesses and consumers.

Again, we do very much believe that this would be a good program which we should have in the ACT. KPMG is currently drafting a regulatory impact statement on the matter, and we look forward to seeing its release. So just to reiterate, the ACT Greens will support the bill today.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (11.29), in reply: I thank members for their contributions to the debate. I am pleased to see that the Legislative Assembly will be

passing the Food Amendment Bill 2011 unanimously. This is a bill which aims to improve food safety in the ACT and increase transparency for consumers. Food safety is incredibly important. The food industry is an important contributor to our community, but the community also has the right to feel safe when dining out in Canberra. I do not think I have to remind the Assembly that poor food handling can lead to serious illness. Food-borne illness is a burden to the community and can have consequences for individuals, businesses, the government and the economy.

The ACT has around 2½ thousand registered food businesses. Every year new food businesses open, providing opportunities for work and contributing to the ACT economy. I want to emphasise again that the vast majority of food outlets operate safely and are in compliance with the Food Act 2001 and the Australia New Zealand Food Standards Code. It is a dynamic industry, but, unfortunately, over the past year gaps in the knowledge of the people who work in the industry have been discovered. In particular, the Health Directorate has been concerned that there is a lack of knowledge around safe food handling and preparation.

There has been a sharp rise in businesses that are noncompliant with the Food Act and the food standards code and the Health Protection Service has been taking the appropriate action in relation to these businesses. Food safety is a priority. With this bill the Assembly can address some of the issues by improving food safety knowledge through the introduction of food safety supervisors. It will also make the enforcement actions taken by the Health Protection Service more transparent to the general public.

The Health Directorate undertook consultation on these amendments with registered food businesses, industry bodies and the general public. The comments received in writing and at public forums were considered during the bill's development. I will just briefly go through the four amendments in the order that they appear in the bill.

The display of closure notices is a transparency measure. At present, if a food business is believed on reasonable grounds to pose a serious danger to public health with its premises or food handling practices, the Health Protection Service can take action and serve a prohibition order. At the moment, the only people who might be aware of the action will be the affected food business and the regulator.

Last year we had an example of where a business that had been served with a prohibition order chose to disclose that they had been closed with a sign on their door. This bill will authorise the Health Protection Service to place a closure notice on the public entrance of a food business that is served with a prohibition order. It is intended to inform members of the public that might visit the business or are passing by that the business has been closed because it was considered a public health risk.

I would like to assure the Assembly that the closure notice will only remain up on the premises until such time as the business has addressed all the issues contained in the prohibition order. During the consultation there was some concern expressed by some owners and operators about closure notices. It is acknowledged that it is a change from the previous situation of a prohibition order being able to be kept quiet. For most businesses who comply with food safety standards there will be no effect, as there will be no reason for closure.

The next amendment is essentially a housekeeping amendment. It will make it a requirement that food businesses display their registration certificates. This will make it easier for members of the public to identify registered businesses. If a business is not displaying a current registration, the public can then inform the Health Protection Service that they suspect the food business is operating without being registered. Registration is required under the Food Act.

As I noted earlier, the Health Directorate has been observing in its inspections gaps in food safety knowledge. It is, therefore, proposed to introduce in the ACT a scheme that has been operating in other Australian jurisdictions. The requirement to employ suitably trained staff has been successfully introduced in Victoria, Queensland and New South Wales. The government is confident that, with the introduction of food safety supervisors, it will be a tremendous benefit for food businesses to ensure that food safety standards are able to be implemented and followed. It will allow food businesses to resolve food safety issues in-house before they become an issue that results in regulatory action. It is acknowledged that it will take time to implement and train food safety supervisors in each individual food business. This is why the commencement of the food safety supervisor provision will be delayed for 18 months. Further consultation is proposed with food businesses, registered training organisations and other relevant stakeholders on any implementation issues.

The fourth amendment proposed by the bill is to update a provision in the Food Act to provide for the publication of details of food businesses convicted of offences to be entered onto a register. This will mean that, rather than a one-time notice concerning food safety offences being placed in a newspaper, a register is maintained by the Health Directorate. It is proposed that this information will be available to the public for up to two years from the date the information is entered on the register. The register will not be retrospective. Therefore, the online register will not be operational until the commencement of this act and, indeed, once an offence has been proved.

The schedule to the bill will harmonise the Food Act to the principles of the Criminal Code. This schedule is an important part of the bill, as it will bring all of the offences in the bill up to date. It is acknowledged that there are offences in the bill that apply strict liability and have penalties that are higher than usual. However, the Food Act is regulating an important aspect and protecting the public health and it is important that appropriate penalties be applied.

Members may be aware of the public attention food regulation has received recently. The Health Directorate is refining its approach to food safety by re-prioritising the use of internal resources, increasing availability of information to food businesses and working more closely with food business proprietors. A dedicated food safety inspectorate has been formed at the Health Protection Service to drive these improvements. I can advise the Assembly that a number of initiatives to address food safety are also underway, some of which are beyond the scope of this bill.

The Health Protection Service will continue to work closely with food businesses and provide relevant information to help food businesses to maintain compliance with food safety standards. The passage of the bill today is a pivotal step forward in

improving food safety and regulatory transparency. I consider it is important that we raise and keep food safety awareness high, as it is the most effective way of keeping the community safe from the illness and harm caused by unsafe food and unsafe food handling.

I would just like to place on the record my thanks to the health protection staff for the work that they do every day inspecting these venues and working with the local business community to ensure the safest food safety standards are met in the ACT. I also thank them for the extensive work that they have undertaken in response to the Auditor-General's report in drafting this legislation and, indeed, continuing to work with me to look at further improvements that we can make to food safety. So to John Woollard and his team, thank you very much for the work you do.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Transplantation and Anatomy Amendment Bill 2011

Debate resumed from 27 October 2011, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

MR HANSON (Molonglo) (11.37): I foreshadow that the Canberra Liberals will be supporting this legislation today. Indeed, the Canberra Liberals will support any sensible legislation to aid and facilitate organ and tissue donation in the ACT. We have been long-term supporters of our local community members who have passionately advocated for organ donation awareness and support. Their job is not easy. They are tasked with asking people to think about the inevitable and the painful. They are tasked with encouraging people to talk about death and they are tasked with facilitating the discussion once the loss of the family member is imminent.

DonateLife has facilitated the government funded positions of 160 doctors and nurses in 77 hospitals to work specifically on organ, eye and tissue donation. The DonateLife network also includes a further 72 staff, such as state medical directors, organ donor coordinators and donor family support coordinators. It is important as we discuss this bill today, on the eve of the DonateLife walk, that we acknowledge not only these paid staff and the volunteers, but the families who have made the difficult but valuable decision to donate the organs and tissue of one of their loved ones.

I, along with my colleagues—no doubt I will see some of you out there tomorrow—will walk around the lake tomorrow in the DonateLife walk. It is nice that we can have something that we all agree on in this place, Madam Deputy Speaker. We recognise the contribution of these people and support for the great work of

DonateLife. Hopefully we can encourage people to register as organ donors and to speak to their families about their decision to do so.

Indeed, I had that conversation with my wife the other day as we were talking about my diary. I can confirm that if I am to die in an untimely fashion then I gladly would give my organs so that someone else can enjoy a more fruitful life. There it is. It is in *Hansard* if someone needs it.

This bill today, although largely technical, is an important step in streamlining the process of organ and tissue donation. The intention of the first amendment in this bill is to increase the number of designated officers who can authorise the removal of organs and tissues from the body of a deceased person. The amendment allows a greater number of health professionals to hold the responsibility of this important task. It will hopefully increase the availability and accessibility of designated officers within the donation process.

The second amendment will allow authorised retrievalists to retrieve all tissue, not just eye tissue, for the purpose of corneal transplantation. In the *Canberra Times* today we see the story of Frank Villegas, who is the recipient of a successful corneal transplant in his left eye. He is quoted in the paper as saying, "You feel incredibly humbled by someone donating tissue." I think this sentiment is shared by all of those fortunate enough to be a recipient.

Calvary hospital began their corneal transplant program 12 months ago, but have chosen this week to officially launch the program to coincide with DonateLife Week. The success rate in donations puts Australia amongst the top five in the world. In 2008, 1,096 people donated corneas, giving 1,696 people the gift of sight. Australia has amongst the highest survival rates for transplant recipients. This success rate is growing every day.

I take this opportunity to congratulate Dr Salim Okera, the head of the program at Calvary hospital, and his staff on the fantastic work that they carry out. The *Canberra Times* today also states that 55 Australians benefited from eye tissue donations from ACT residents and their families, which is an extraordinary figure. We should be proud of this and work hard to continue its growth.

The amendments contained in this bill today are not isolated to the ACT. They are part of the national reform package titled "A world's best practice approach to organ and tissue donation for transplantation". This package aims to coordinate eye and tissue donation, retrieval, processing and storage. The importance of facilitating donation across Australia has been recognised.

It is important in the ACT that we continue to contribute to increasing the rates of organ and tissue donation. Importantly, the legislation we are passing today is consistent with the New South Wales Human Tissue Act 1983, which is important given the high level of cross-border activity that we share. Of course, this legislation is redundant if Australians do not take the time to register as organ donors and then speak to their families about this decision. In Australia 79 per cent of people are registered as organ donors and 76 per cent are tissue donors.

There are several ways in which you can make your decision clear. The organ donation register was established in 2000. It is the only national register of your decision to donate. The register ensures that medical personnel can access this decision seven days a week, 24 hours a day. Anyone over the age of 16 can register by visiting their website or by popping in to their local Medicare office. Not only does this make your decision about organ donation clear, but it also allows you to nominate just what you would like to donate.

You can donate organs—this includes your kidneys, heart, lungs, liver and pancreas—and tissue—this includes your heart valves, bone tissue, skin and eye tissue. Registering your decision allows you to make it clear to medical personnel about your decision. However, worryingly, the family consent rate in Australia is low. Fewer than 60 per cent of families give their consent for organ and tissue donation to proceed. This low consent rate is most likely linked to the fact that 43 per cent of Australians do not know or are unsure of their loved one's wishes in regard to organ donation. It is important that we take time to discuss with our loved ones our decision to register.

A successful transplant not only increases the quantity of a recipient's life but also increases the quality. It increases the time that they have to spend with their family, to enjoy time with their friends and to achieve their goals and aspirations. The bill today makes a small but significant enhancement to the organ and tissue donation program. I hope that these amendments, along with the continued advocacy in the community, will ensure that our organ and tissue donation rates continue to increase.

The Canberra Liberals will be providing their support for this bill today. I look forward to participating in the DonateLife walk around Lake Burley Griffin tomorrow and I look forward to seeing a number of you there.

MS BRESNAN (Brindabella) (11.44): The ACT Greens will be supporting the Transplantation and Anatomy Amendment Bill. Organ donation is an ongoing issue of concern in Australia, as the rate of donations is low compared to some other countries. We have spoken in the last 12 months in the Assembly about the impact of organ donation on the community, so I will focus my comments today on the areas of reform that are being discussed in the bill.

The key elements of the bill are fairly simple and straightforward. They include expanding the number of designated officers in ACT hospitals who can approve organ removal for the purpose of donation and expanding the amount of tissue that can be removed for the purpose of a corneal transplant.

I note and appreciate the role of the ACT organ and tissue donation task force whose purpose recently has been to consider the manner in which the ACT could improve its donation rate. It is their recommendations which have resulted in the legislation today. I would be interested if the task force has put forward any other recommendations to the government, because places such as New South Wales are considering other reforms that do go a bit further than what we are seeing today.

A discussion paper released in December 2011 by New South Wales Health puts forward several proposals, the most topical being an opt-out donation system.

Evidence shows that countries which have adopted the opt-out system did not significantly improve their organ donation rates until they had better coordination of donations in hospitals. It would be interesting, however, to see if there are studies about whether, once appropriate supports are in the hospitals, an opt-out system makes a difference.

Another difficult area is that of family consent. The discussion paper says that in New South Wales family refusal rates for organ donation are over 45 per cent. There is obviously an extremely tough conversation to be had about whether the right of a family to refuse donations should be revoked and whether the intention of the person who is dying should be the principle in relation to that decision.

The success of the organ donation process does depend on the manner in which a family is supported through the process of losing a loved one. I know that we do that very well here in the ACT. But we do need to ensure that is in place. I also believe that we need to have that conversation about the role of the family in the decision-making process and respecting the wishes of a loved one who has died.

The New South Wales paper also considers whether a person who has consented to organ donation via an advanced care directive, but has not placed their name on the organ donor register, can be considered eligible for organ donation. I would have thought that would be the case, as consent has been provided, but that again may need to be an issue which requires some further discussion in the ACT.

A number of other items are discussed in the New South Wales Health paper and the debate is likely to have an impact on future reforms in other jurisdictions. To reiterate, the Greens are supporting this bill today.

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Territory and Municipal Services) (11.47), in reply: Again, I thank other members for their support for this bill today. As I indicated to the Assembly in October of last year, this bill will provide for amendments to part 1, sections 5(1) and (2), of the Transplantation and Anatomy Act 1978, which governs the appointment of a doctor to be a designated officer for a hospital conducted by the territory and for a hospital other than a hospital conducted by the territory, and for amendments to part 3, section 31(2), of the act, which currently governs the removal of tissue for the purposes of corneal transplantation.

The objects of the amendments to part 1 of the act are to improve the efficiency, effectiveness, timely delivery and quality of services in the organ and tissue donation sector in the ACT. The amendments seek to increase the number of designated officers who authorise the removal of organs and tissue from the body of a deceased person located in an ACT hospital for the purpose of transplantation to the body of a living person or for other therapeutic, medical or scientific purposes.

Part 1 of the act specifically covers the appointment of a doctor to be a designated officer in an ACT hospital. The amendments to part 1 of the act are required to allow the appointment of other health professionals as designated officers. This would increase the number, availability, and accessibility of designated officers for the

purpose of organ and tissue donation in the ACT. This will also increase the efficiency of obtaining family consent for organ and tissue donation in the ACT.

I mention that the amendments to part 1 of the act are in line with the COAG endorsed national reform package for organ and tissue donation. In light of considerable cross-border activity, the proposed amendments will also be consistent with the relevant corresponding legislation in New South Wales; namely, the Human Tissue Act 1983.

I now turn to the amendments to part 3 of the act. The object of the amendments to part 3 of the act is to allow authorised and trained tissue retrievalists to retrieve all tissue, musculoskeletal, cardiovascular, eye and skin tissue, and not just eye tissue, for the purpose of corneal transplantation. Section 31(2) of part 3 of the act covers the removal of eye tissue for the purpose of corneal transplantation. The amendments to part 3 of the act are required to allow authorised and trained tissue retrievalists to retrieve all tissue, not just eye tissue, in a timely manner.

These amendments will help bring the ACT requirements for tissue retrieval into line with the equivalent New South Wales Human Tissue Act 1983 and will also help to increase the retrieval rates of tissue for donation in the ACT. Essentially, the amendments will expand the role of existing tissue retrievalists and will not require the recruitment of additional retrievalists at this stage. The amendments to part 3 of the act are in line with our COAG-endorsed national reform package for organ and tissue donation.

It is anticipated that these reforms will increase organ and tissue donation and retrieval rates in the ACT, a much needed reform for the organ and tissue donation sector in the ACT, and for all citizens who rely on the timely delivery of these services in this region.

In conclusion, it is important to note that we are in DonateLife Week this week. There are a range of events to promote organ and tissue donation across the community. Obviously the legislation is well timed for that but there are a series of events over the next week to promote organ and tissue donation. I think as leaders of the community in this place we should all be ensuring that we are on the register ourselves as a first thing, because we cannot urge other people to be organ donors if we are not registered to be organ donors ourselves.

The second thing is to ensure that people close to us, people we talk to, are discussing organ donation and their own wishes with their families and their loved ones, because all the evidence shows that the single biggest thing we can do to support continued improvements in our organ donation rates is to ensure that those around us who might be put in a position where they have to make a decision about organ donation actually are aware of what an individual's wishes are. That very difficult decision, often needing to be made fairly quickly, is a lot easier if loved ones and family members of an individual in that situation are aware of what their loved one's wishes were.

I think they are the two important messages that the Assembly, after passing this legislation, could go out to the community and promote. I thank members for their support for this bill.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 11.53 am to 2 pm.

Questions without notice

Schools—Gonski review

MR SESELJA: Mr Speaker, my question is to the minister for education. Minister, I refer to the release of the Gonski review yesterday. Minister, will you provide the Assembly with the government's position on the review, including what implications the adoption of the review will have on the funding of both government and non-government schools in the ACT? When was the ACT government first made aware of the findings of the review, and what work has been done to date?

DR BOURKE: I thank the member for his questions; there seem to be a lot of them now.

Mr Hanson interjecting—

MR SPEAKER: Thank you, members. Let's continue with the question.

DR BOURKE: The Gonski review, as everybody knows, was released yesterday. It is a review for the federal government.

Opposition members interjecting—

MR SPEAKER: Dr Bourke, just continue, thank you.

DR BOURKE: Thank you, Mr Speaker. The Gonski review warns us that changes are needed to make sure that our students do not fall behind the rest of the world and to stop the gap between advantaged and disadvantaged students growing wider. The essence of Gonski is to produce an equitable distribution of commonwealth funding for students, to produce equitable funding for students that is delivered in a transparent manner. Student funding based on need is the essence of the ACT government's submission to Gonski. Therefore, our position on Gonski is to be in agreement that there should be a funding scheme which is transparent and which is equitable. We will be working with the commonwealth and stakeholders, through the consultation process which was announced by Prime Minister Gillard yesterday, to develop appropriate outcomes for the ACT, making sure that our students get the best.

MR SPEAKER: Mr Seselja, a supplementary question.

MR SESELJA: I thank the minister for his non-answer. Minister, do you and the government support ongoing indexation of funding for non-government schools and, if so, at what level?

DR BOURKE: As I said, the essence of Gonski is to develop a transparent system of school funding that is equitable and fair; a system which is based on supporting students in need. This is what the ACT government supports.

MR SPEAKER: Mr Doszpot, a supplementary question.

MR DOSZPOT: Minister, will you commit to no school losing funding in the ACT as a result of this review in both real and actual terms?

DR BOURKE: I thank the member for his question. It is difficult to know what the outcome of the review will be because it has not been accepted or agreed to by the federal government—therefore how can we know what the effects of that review will be?—although I am pleased with the review’s recommendation that no single jurisdiction should be disadvantaged as a result of any future changes.

Education—Murrumbidgee education and training centre

MS HUNTER: My question is to the Minister for Education and Training and relates to the Murrumbidgee education and training centre. Minister, was the community-based outreach program of the Murrumbidgee education and training centre established and formalised in time for commencement of semester 1 this year?

DR BOURKE: I thank the member for her question. That is a particularly specific question and I will have to take it on notice.

MS HUNTER: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, is this program designed in accordance with recommendation 12.8 of the Human Rights Commission’s youth justice system report relating to conditional day release for the purposes of education, training and employment?

DR BOURKE: I thank the member for her question. Once again, this is a particularly specific question and I will need to take it on notice.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, do you know where the Murrumbidgee education centre is and what it does?

DR BOURKE: I thank the member for her question and the answer is yes.

MS BRESNAN: A supplementary.

Members interjecting—

MR SPEAKER: Order! Ms Bresnan has the floor.

MS BRESNAN: Minister, have family members and carers been consulted on the design of this program, in accordance with recommendation 12.10 of the Human Rights Commission's youth justice system report relating to increased parental involvement in young people's education?

DR BOURKE: I thank the member for that question. This is a specific question which I will need to take on notice.

Schools—Gonski review

MR DOSZPOT: My question is to the minister for education. Minister, yesterday the commonwealth government released the findings of the Gonski review of funding for schooling. In the review, recommendation 27 states that students with a disability should have an additional entitlement and that entitlement should be fully publicly funded and applied equally to students in all schooling sectors. Minister, do you support this recommendation?

DR BOURKE: I thank the member for his question. The essence of this recommendation, indeed the essence of Gonski, is funding children in need—funding according to needs—which we therefore support.

MR SPEAKER: Mr Doszpot, a supplementary question.

MR DOSZPOT: Mr Speaker, I guess my question required a yes or no answer. Can I ask a yes or no supplementary, because he did not answer either way. Minister, if you support this recommendation, which we are dying to know, why do you and the government continue to provide less funding for students with a disability in the non-government sector? If no—so you have time to think about it, minister—why do you and the government believe that students with a disability attending a non-government school should receive less financial support than those in government schools?

DR BOURKE: I thank the member for his question. Within the context of the Gonski review, which included a \$4 billion increase in commonwealth funding for education in Australia—

Members interjecting—

DR BOURKE: Within that context, school funding is going to be based on need. It is our position that it is dependent upon those commonwealth initiatives which we are going to negotiate—

Mr Doszpot interjecting—

MR SPEAKER: Mr Doszpot, you have asked your question.

DR BOURKE: That we are going to negotiate through the process that has been outlined by the Prime Minister and Minister Gallagher.

MRS DUNNE: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, why has your government continuously rejected calls for equal funding for students with a disability? Why are you incapable of answering this question today?

DR BOURKE: Mr Speaker, I thank the member for her question. Within the context of the Gonski review, this is an overall transformation within the educational funding landscape. I am sure that the member can appreciate the difference in a funding landscape which has a major injection of commonwealth funding and a funding landscape which is based upon needs, which we support, and which is transparent, which we support, without that commonwealth change, which is what we need.

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, what is the essence of Gonski?

DR BOURKE: I thank the member for his question and I will repeat myself: the essence of Gonski is needs-based funding—funding according to student need—and a transparent process, neither of which we have from the commonwealth at the moment.

National ICT Australia—funding

MS PORTER: My question is to Minister Barr. Minister Barr, can you please inform the Assembly of today's announcement of the new ACT government funding package for National ICT Australia?

MR BARR: I thank Ms Porter for the question. I am very pleased to announce today that the ACT government has made an in-principle decision to enter into a new four-year funding agreement with NICTA, Australia's information and communications technology centre of excellence. The proposed arrangement will provide up to \$12 million in funding. This consists of grants and payroll tax waivers over a four-year period, starting on 1 July 2012. This is a direct investment in the territory's economic future and it builds on and extends the ACT government's previous support for NICTA.

National ICT Australia, known simply as NICTA, is Australia's information and communications technology research centre of excellence. Its goal is to build and

deliver excellence in ICT research and to create future wealth and commercial outcomes for Australia. NICTA has five major research laboratories, with one in Canberra.

The proposed funding increase is \$1.8 million over the current funding agreement. This will build on the significant support that the ACT has already provided to NICTA. It is worth reminding members that we were a founding member of NICTA and that the government's contribution has been a total of \$26.35 million over the past decade. This funding helped to establish NICTA's Canberra research laboratory a decade ago and has allowed it to continue its excellent work since then.

NICTA's Canberra staff include 55 full-time researchers and 50 PhD students. They are working with government agencies, the Australian National University, the University of Canberra and Canberra-based businesses to develop the technologies that will meet the current and future needs of the territory as well as of the nation.

An important feature of this new funding agreement is the government's and NICTA's joint desire to deepen research and support relationships with ACT government agencies and articulating NICTA's undertakings about Canberra-centric projects. Over the next few months the government and NICTA will establish a number of projects where NICTA's advanced ICT expertise can add value to the issues that we face as a service deliverer.

I am delighted that the ACT government's long-term commitment to the NICTA Canberra research laboratory will continue. We as a government are committed to fostering the development of world-class, high-tech and innovative industry and research in the territory. We recognise NICTA as a key partner in our desire to establish Canberra as a centre for world-class ICT research, commercialisation, business development and usage.

I look forward to maintaining and building on the already close partnership between NICTA, the ACT government and our local partner organisations.

MR SPEAKER: A supplementary, Ms Porter.

MS PORTER: Yes. Minister, can you please explain the benefits of the ACT government's involvement in NICTA?

MR BARR: The ACT government's involvement in NICTA will bring considerable benefits—for the government, for local businesses and for the Canberra community. Not only does NICTA provide jobs and training in highly skilled and specialised fields, it provides research and development that will help governments and citizens in Canberra and around Australia, and also will attract research and development funding to the territory.

Over the next few months the government and NICTA will establish a number of projects where NICTA's advanced ICT expertise can add value to the issues we face as a service deliverer. For example, we are keen to see NICTA's progress in its e-health living lab concept here in Canberra, and draw in the research and clinical

expertise across our universities and the hospital system. The e-health living lab is an exciting concept to develop and test bed technologies and training systems for the next generation of clinicians.

In addition, NICTA is developing advanced technology to make transport systems more efficient, with the potential to save millions of dollars in direct costs and also reduce carbon emissions. Our interest is to see this exciting new developing technology applied to local transport issues for the benefit of the Canberra community.

Another key focus of NICTA is e-government. NICTA's work with the e-government technology cluster and its research in the field of software systems can help government understand and take advantage of a range of emerging opportunities to deliver new and better online services to residents in the ACT—and, of course, the opportunity to commercialise these developments and sell to the rest of Australia and the world.

MR HARGREAVES: Supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, can you inform the Assembly how this funding aligns with the government's other priorities, please?

MR BARR: I thank Mr Hargreaves for the question. The ACT government regards NICTA as a key partner in our desire to establish Canberra as a centre for world-class ICT research, commercialisation, business development and usage. Integral to the government's vision are the research capabilities of our universities, the business acumen of our locally grown and ACT-based multinational ICT firms, and the buy-in of our national and local government agencies.

Although all of the ACT government's funds will be used to support research activities at NICTA's Canberra research laboratory, a portion will be directed to projects of specific interest to ACT government agencies, some of which I mentioned in my earlier answer. This is consistent with the ACT government's strategic plan for ICT 2011-15. This plan notes that ICT should be supported by a level of targeted research and development investments to help directorates realise the potential of ICT.

NICTA's Canberra research laboratory is one of the highest performing laboratories in the group, and over the past 10 years has made significant contributions to the ACT in five key areas: economic development, research, skills, collaboration and engagement.

In summary, NICTA has attracted \$90 million in Australian government funding to the territory between 2003 and 2011. The Canberra laboratory leads the world in a number of disciplines and has been actively involved in about half of NICTA's many national research projects. It continues to develop an ICT skills base in the ACT by employing 50 researchers and 55 PhD students. It collaborates with multinational and local companies and government agencies, it engages on many levels and in many

ways with the ACT business and research community and it has attracted more than \$3 million in contract research and grant income during the 2010-11 financial year.

MS HUNTER: Supplementary question, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, is this one of the strategies you are pursuing in order to diversify the economy?

Members interjecting—

MR SPEAKER: Thank you, members! We do not need conversation.

MR BARR: Thank you, Mr Speaker.

Mr Hanson interjecting—

MR SPEAKER: Order!

MR BARR: I thank Ms Hunter for the question. I am, indeed, delighted that we have been able to continue the ACT government's investment in NICTA.

Members interjecting—

MR SPEAKER: Members! Mr Barr has the floor, thank you.

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth!

MR BARR: I do note the interjections of the great diversifier over there, the man who is big on the talk but very weak on the action. If we are looking for very practical examples of where the ACT government can make strategic investments, not only to improve the efficiency of our own service delivery but also to strengthen the ACT economy in areas where we have a distinct comparative advantage—and undoubtedly research and development in the ICT sector is such an area—this decision I would hope would be warmly welcomed by all in the chamber.

I know there will be the usual level of cynicism from the great diversifier, but it is important to recognise that the government has made this decision. It is a Labor government that has continued to invest in this sector. It will always be a Labor government that puts the interests of the ACT economy ahead of the interests of narrow sectional interests that Mr Smyth, the great diversifier, seeks to support through his usual carpetbagging activities.

Visitors

MR SPEAKER: I would like to acknowledge in the gallery today that we have five graduates from the ACT Treasury Directorate. I would like to welcome you to the Assembly and wish you luck in your career in the ACT public service.

Questions without notice
Government—triple bottom line assessments

MS LE COUTEUR: My question is to the Chief Minister and is in regard to the government's use of triple bottom line assessments for cabinet decisions. Chief Minister, last year you announced that triple bottom line assessment was going to be used on a range of major government decisions from August to December last year. Minister, can you inform us what cabinet decisions have been informed by triple bottom line assessment?

MS GALLAGHER: All of them are required to be now.

MR SPEAKER: Ms Le Couteur, a supplementary question.

MS LE COUTEUR: Minister, was this triple bottom line assessment applied to the ACT waste management strategy and, if so, what were the relevant considerations?

MS GALLAGHER: I will need to have a look back at how it applied. Obviously we have a lot of submissions coming every week and I cannot specifically recall all of the issues. We obviously discuss significant policy documents in very close detail over a number of presentations to cabinet. Some of the issues that we looked at in waste—and I do not think it will be a surprise to anyone—were issues of equity, issues around the most efficient use of the available dollar. I know there is some difference of opinion about that. Certainly, the ideas about who should pay were very closely looked at in terms of the cabinet discussions around this policy document. But I am happy to go and refresh myself on this. It is hard specifically to recall all the issues that were discussed but I can certainly bring that back. It was along the lines of what I have just outlined.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Chief Minister, how is progress going in developing the triple bottom line assessment process and tools in order for it to be used in the 2012-13 budget process deliberations in cabinet?

MS GALLAGHER: I do not recall that we got a great lot of feedback from the discussion paper. I think we had a submission from the Greens, and that could have been it, I think. I am not sure it had a huge—

Mr Hanson interjecting—

MS GALLAGHER: We do not expect one from you people.

Mr Hanson: “Youse” people?

MS GALLAGHER: No, I said “you people” not “youse people”, which is different. It is different, Jeremy, if you are trying to put a bit of a slant on that.

Mr Hanson: Remember not to listen to my interjections; you tell yourself not to listen to my interjections.

MS GALLAGHER: I do tell myself but then you constantly interject and behave like the bad boy of the Liberal frontbench.

Members interjecting—

MR SPEAKER: Thank you. Let us focus on the question at hand, Chief Minister.

MS GALLAGHER: Mr Speaker, it is very difficult when there is constant interjection, particularly by one member of the opposition, who has, I think, been given a specific job to do in question time, which is to be the bad boy of the frontbench, the bully of the Liberal Party.

Members interjecting—

MR SPEAKER: Order! Ms Gallagher, the question, thank you.

Mrs Dunne: On a point of order, the accusation that Mr Hanson is a bully should be withdrawn.

MR SPEAKER: Yes. Ms Gallagher, I would ask you to withdraw.

MS GALLAGHER: I withdraw, Mr Speaker. We did not get a lot of feedback in response to the discussion paper that was put out, and I am happy to provide you with an update. I only recall your submission, in actual fact. But I have no reason to believe that the work will not be complete for all of our budget initiatives. In fact, it really is embedded in the cabinet process now for all submissions to have a look at a whole range of impacts—on gender, on social equity, on environment, on economic. That is very much a part of the scrutiny of all submissions and the budget will be no different.

MS BRESNAN: Supplementary.

MR SPEAKER: Yes, Ms Bresnan.

Mr Hanson interjecting—

MS BRESNAN: Chief Minister, can any use of triple bottom line assessment in cabinet decisions be included in the cabinet summaries provided on the government's website?

MS GALLAGHER: I did not catch the first part of it because of Mr Hanson's continued interjections, but I think the end of the question was could we include it in the cabinet summaries. I am happy to look at that. I have been looking at ways to improve the information we provide through that cabinet summary process. It is being well utilised, but not by as many people as we had hoped. If we can provide more information—we are in a process of continuing to build the open government strategy,

and we have started regularly adopting links to reports that are informing other decisions that cabinet has taken. I think that it is a good suggestion, and it is one that I am happy to discuss with officials from CMCD, about how we could incorporate that detail.

Taxis—licences

MR SMYTH: My question is to the minister for regulatory services. Can the minister confirm that all applicants for a taxi licence in the ACT must complete a language skills assessment through the Canberra Institute of Technology? When was this new requirement introduced?

Mr Hargreaves: Point of order, Mr Speaker.

MR SPEAKER: Yes.

Mr Hargreaves: Is there a “minister for regulatory services”? I think not, in which case the question is out of order.

MR SMYTH: I said “minister responsible for regulatory services”.

Mr Hargreaves: No, that is not what he said.

MR SPEAKER: I will use my discretion. I believe the question is to Mr Corbell and I will allow the question.

MR CORBELL: Thank you, Mr Speaker, but Mr Hargreaves is right: there is no “minister for regulatory services”. The Office of Regulatory Services, including transport regulation, falls within the Attorney-General’s portfolio.

My recollection is that, yes, a new standard has been introduced. This is consistent with a national arrangement, if I recall correctly, whereby all transport ministers around the country have agreed that there should be a minimum standard of English applied in assessing an applicant’s suitability for undertaking work as a taxi driver. On the details of that and confirmation of that I will seek further advice from my directorate.

MR SMYTH: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Minister, what is the cost of this course? Where is it conducted and what is the length of time involved in doing the course?

MR CORBELL: Mr Speaker, I do not have any of those details to hand. I would have to take the question on notice.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, is any applicant able to seek an exemption, and what evidence do they require to support their exemption request?

MR CORBELL: Again, I would need to seek advice on the specifics of the scheme.

MR COE: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, are there any other professions which require a government issued licence that you are planning to introduce a language skills assessment for?

MR CORBELL: I think there would be a range of professions where an adequate demonstration of the capacity to speak the English language would be a fairly important prerequisite—certainly, for example, in the medical profession.

Roads—drug testing

MR HANSON: A media release dated 17 February 2012, titled “New road safety operations team expands drug driving capability”, states that, since the introduction of random roadside drug testing, 300 tests have been conducted, with 10 tests returning positive results. Attorney-General, has random roadside drug testing legislation been an effective means of addressing those drivers who are driving under the influence of illegal drugs?

MR CORBELL: There is no doubt that random roadside drug testing is an important capability for ACT Policing. It was for that reason that the government ultimately took the decision that it was important to support the legislation.

MR SPEAKER: Mr Hanson, a supplementary.

MR HANSON: Attorney-General, what is the projected number of random roadside drug tests that will be carried out in 2012?

MR CORBELL: ACT Policing anticipate that they will continue to ramp up their capability in terms of the delivery of random roadside drug testing. Last week I announced that ACT Policing have expanded the capability to deliver it alongside their RAPID capability—that is, the capability associated with the detection, through licence plate recognition technology, of unlicensed or unregistered drivers. This expands the number of tests that can be delivered by a larger number of authorised officers, noting that police officers have to be authorised to administer and undertake a random drug test, in the same way that they are required to be authorised to administer and undertake an alcohol breath test. I will come back to Mr Hanson on the exact number, but the police have advised me that the number will be expected to climb to over 1,000 per year.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, can you advise the Assembly what the average cost per roadside drug test is actually?

MR CORBELL: I thank Mr Hargreaves for the question. The cost will vary depending upon whether or not a second or third test is required. Obviously, tests that are undertaken in the laboratory come at a much higher cost than the throwaway test by the roadside.

For those people who test negative by the roadside, no further test is required. For those who test positive by the roadside, additional tests are required which increase the cost. So it would depend on the circumstances and the number of negative versus the number of positive tests.

MR SMYTH: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Smyth.

MR SMYTH: Attorney-General, does the increase in the number of officers trained in random roadside drug testing procedure indicate that the ACT Labor Government has backflipped on its opposition to this initiative and now supports random roadside drug testing?

MR CORBELL: You will recall, Mr Speaker—and Mr Smyth should recall—that the government had to come back into this place and significantly revise the legislation that was passed by the Assembly because it was unworkable. Let us just remember that it was this Labor government that made sure the scheme could be delivered on the ground by ACT Policing. Those opposite can try to take some sort of credit for this, but the fact was, and the fact is, Mr Speaker, that they legislated for a scheme that could not be implemented by our police.

Mr Hanson: I am seeking your advice, Mr Speaker. In the course of the answers to the question I believe that the minister may have misled the Assembly. I am seeking your guidance on the procedures for dealing with that. In my view, the issue was that the minister claimed that the government supported the legislation. My understanding is that they did not. I am seeking your advice on the procedures to follow on that.

MR CORBELL: There is no point of order, Mr Speaker.

Mr Smyth: We are seeking advice.

MR CORBELL: On the matter raised by Mr Hanson, my answer was “ultimately supported the legislation”—and that is indeed the case.

MR SPEAKER: There is no further discussion in the sense that there is no standing order to continue this conversation, unless you want to move a substantive motion, Mr Hanson. I am afraid that is the only option open to you.

Mr Hanson: Thank you.

Planning—Hawker shops

MR COE: My question is to the Minister for Economic Development. Minister, regarding the Hawker shops proposal, which is now on hold for three years, how much money was spent by the ACT government on plans, reports, meetings, models, media and consultants? Is it true that around \$1 million has been spent so far?

MR BARR: That is not my understanding. I think that that figure would be inflated. There would be some difficulty, obviously, in costing the exact number of hours and minutes that some staff within the Land and Development Agency and the Economic Development Directorate would have spent in relation to the proposal. Clearly community consultation on the proposal has led to inconclusive outcomes. The various drafts of the master plan and the various community input opportunities delivered a fairly split outcome in relation to approval or otherwise for the particular various iterations of the draft.

I am happy to provide some further information to the member. It is important to note that, as this issue will undoubtedly come up again in the next Assembly, the work that has been undertaken to date is not in any way wasted and in fact provides a useful base for further consideration. But it is clear from where the process had got to at the beginning of 2012 that there was not a community consensus. There was an important opportunity for a moment to pause and reflect upon the issues that have been raised and I had a decision to take in relation to the need to undertake work in other parts of the city.

I know Ms Le Couteur, amongst others, has been interested in wanting to see the Downer project get underway and to have that process developed further, and it is the same staff who are ultimately engaged. We have finite resources. It became clear to me that there was not going to be an outcome from Hawker at this time, that it was best to provide a cooling-off period, an opportunity for people to reflect upon the issues that have been raised, and from there it became important to focus on the variety of other town centres and local shopping centres and group centres that require attention.

As members opposite would be aware, when I was planning minister I undertook a master planning process, set in place a framework in relation to master planning exercises for each of the territory group centres and put in place a process that would facilitate the orderly master planning of all of the group centres in the territory. Consequential from that is a role for the Economic Development Directorate and the Land Development Agency where ACT government land is part of any master planning process and where any land sales or associated development may need to be facilitated.

Members would be aware that there are certainly priorities in the Tuggeranong town centre, in Erindale, in Kambah, in Weston Creek, in Downer—in a variety of areas—and so my response in relation to the outcome in Hawker of the most recent round of community consultation was that that particular shopping centre and that particular community were not at a point of agreement in relation to a way forward so we would pause, take the opportunity for a period of reflection on those issues, focus the government's resources on all of the other areas that I have just outlined, and have the opportunity in the next Assembly to resume a discussion in relation to the Hawker proposals.

My advice to the Friends of Hawker and Hawker traders is that if they can find a consensus in this period that would be a very good outcome.

MR SPEAKER: Mr Coe, a supplementary question.

MR COE: Minister, when did the government decide that the community did not want the proposed plans to go ahead, and will all government decisions in the future require community consensus?

MR BARR: Following the closure of the most recent round of consultations on the Hawker group centre, which I understand was at the end of January this year, my directorate prepared a report for me, and I made a decision on that basis.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, in the context of consultation around the Hawker shops project, did Ms Porter facilitate some of the consultation around the project? Was consultation done with the Friends of Hawker or with the director of electorate services in the office of the Leader of the Opposition?

MR SPEAKER: Just focus on the first half of the question, thank you, Mr Barr.

Mr Hargreaves: Mr Speaker, the Friends of Hawker in fact have come out and talked about their involvement in the consultation process, and indeed so too did the director of electorate services purport to be involved in the consultation process around that. I think it is reasonable that we find out whether that happened or whether it did not.

MR SPEAKER: All right; let's see how we go, Mr Barr.

MR BARR: Thank you, Mr Speaker.

Mr Smyth: On a point of order, Mr Speaker, standing order 118(b) says you cannot debate the subject, and the minister is not responsible for other groups. I ask for your ruling in light of your initial ruling.

MR SPEAKER: My initial comment was a concern about where this question may go. I think Mr Hargreaves makes a fair point that the minister is able to, as he is often asked, talk about who has been consulted and who has been involved in consultation processes. On that basis the minister can proceed with answering the question.

MR BARR: Thank you, Mr Speaker, and I thank Mr Hargreaves for the question. Yes, I am aware of the deep and abiding interest of Ms Porter in relation to this matter. It is well known—

Opposition members interjecting—

MR SPEAKER: Order members! Mr Barr has the floor.

MR BARR: They are very sensitive about Ms Porter's effectiveness as a local member—very sensitive. One can normally read into the level and volume of interjections from those opposite, which give you a pretty fair indication of their level of sensitivity on issues.

Mr Coe interjecting—

MR SPEAKER: Mr Coe, thank you.

MR BARR: We see again the catcalling. It is like an episode of *The Muppets*. That is what we are seeing—Statler and Waldorf on the backbench there, just yakking away, throwing in the interjections. That is what we have come to expect from the Canberra Liberals.

MR SPEAKER: Mr Barr, the question, thank you.

MR BARR: In terms of consultation—

Mr Smyth: A point of order, Mr Speaker.

MR SPEAKER: Yes. Stop the clocks, thank you.

Mr Smyth: Standing order 118(b) says he cannot debate it. You warned him in your initial comment not to go ahead. I asked you to rule on it. He has now gone there. Will you sit him down or will you make him stand by the standing orders?

MR SPEAKER: At this point there is no point of order. In light of the interjections, I think Mr Barr was waylaid. But let us focus on the question, thank you, Mr Barr.

MR BARR: Ms Porter has, amongst other MLAs, it appears, been engaged in the community discussions. I understand that Ms Porter has attended a number of the meetings. There was one when the Friends of Hawker requested that MLAs not be present, and I understand that Ms Porter respected that, along with other MLAs, I hope.

In the context of consultation, undoubtedly there has been a significant level of engagement, not just with the group known as the Friends of Hawker but also throughout the broader community in that part of south-east Belconnen. I think it is worth noting that the level of engagement has been high and that we do respect the capacity for MLAs to be engaged in this process. It was interesting to read, though, this morning that the director of electorate services, the great consulter, was not known at all to this group, yet it has been such an issue of focus for the Liberal members for Ginninderra. *(Time expired.)*

MS LE COUTEUR: Supplementary.

MR SPEAKER: Ms Le Couteur has the call.

MS LE COUTEUR: Minister, how will the lessons from Hawker inform other consultations the LDA is doing, such as Yarralumla brickworks and Downer, as you mentioned?

MR BARR: I think it is important, in the context of master planning exercises, that the ACT Planning and Land Authority, now through the Environment and Sustainable Development Directorate, undertake those processes and that the Economic Development Directorate has responsibility in relation to land sales and economic development. It is important to draw that distinction and recognise that, for some specific projects in relation to specific blocks of land, the LDA will undertake site-specific consultations. My approach—a view I know is shared by Mr Corbell—is that for group centre, local centre and town centre master planning exercises the appropriate response is, in the first instance, for the planning authority to undertake that consultation. Then the Economic Development Directorate has a role in the actual doing of a development and implementing a master plan.

Water—catchment management

MRS DUNNE: My question is to the Minister for Sustainability and the Environment. A matter that has been exercising the minds of bureaucrats and the Chief Executive Water Group since at least 2004 is the question of governance arrangements for water catchments in the ACT. Proposals were advanced by Professor Gary Jones either to establish an independent water catchment management authority or to place the responsibility for catchment management in the hands of a single senior public servant. It was proposed that the government appoint a catchment management commissioner under the auspices of your directorate. Minister, what is the status of this proposal?

MR CORBELL: I thank Mrs Dunne for the question. I am not in a position to announce government policy on this matter at this time.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Mrs Dunne, a supplementary.

MRS DUNNE: Minister, why has it taken so long—since at least 2004—to resolve the issue of catchment management in the ACT?

MR CORBELL: I refer the member to my previous answer.

MR SPEAKER: A supplementary, Mr Hanson.

MR HANSON: Minister, the matter dropped off the agenda for the Chief Executive Water Group for its meeting held on 3 November 2010. Has it re-emerged as an agenda item since then?

MR CORBELL: It would not be appropriate for me to comment on matters that will be the subject of cabinet consideration.

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, when can we expect resolution of this issue?

MR CORBELL: Mr Speaker, I refer Mr Hanson to my earlier answer to Mrs Dunne's question.

Long-stay caravan parks

MS BRESNAN: My question is to the Attorney-General and concerns the tenancy rights of people living in caravan parks. Minister, one of the key learnings from the situation at Narrabundah long-stay caravan park was that people living in or owning property in caravan parks across Canberra require improved legislative protection. However, no such legislation was mentioned last week in the Chief Minister's 2012 legislative program. Minister, what work has been undertaken by the government to develop a bill around tenancy rights for people living in caravan parks?

MR CORBELL: I thank Ms Bresnan for the question. I can confirm that my directorate is preparing policy options for the government in relation to improving protections—

Members interjecting—

MR SPEAKER: Thank you, members.

MR CORBELL: I must have hit a sore point, Mr Speaker. The government is developing policy responses to this matter. It is the case that people who live in long-term accommodation, such as long-stay caravan parks, do not currently have the same level of statutory protection in terms of their tenancy or occupation arrangements as do people who live in accommodation that is covered by the Residential Tenancies Act. For that reason, a range of policy responses are being considered by my directorate. I expect further advice from them in due course.

MR SPEAKER: Supplementary, Ms Bresnan.

MS BRESNAN: Minister, has there been consideration of changes being made to the Residential Tenancies Act or should completely new legislation be drafted specifically which deals with caravan parks?

Mrs Dunne: Mr Speaker, on a point of order, I would ask you to rule whether Ms Bresnan's question is asking the minister to announce policy.

MR SPEAKER: I do not believe that to be the case. I think the minister has the latitude to answer the question without announcing government policy, just by a commonsense reading of the question.

Mrs Dunne: Mr Speaker, the question was: does the government propose to change the Residential Tenancies Act? This is not something that has been announced. If the minister is considering doing that, it is clearly an announcement of government policy, and the standing orders clearly do not allow us to ask the minister about issues of government policy, under standing order 117(c)(ii).

Mr Hargreaves: On the point of order, Mr Speaker, my hearing of the question from Ms Bresnan was: has the government given consideration to an issue? If the government is giving consideration to an issue—it is only the conclusion of that consideration which is a policy statement, not whether or not consideration is being given.

MR SPEAKER: Ms Bresnan, you did use the words “have they given consideration to”? Yes?

MS BRESNAN: Yes; I did actually say “had the government given consideration”. That was my question.

MR SPEAKER: There is no point of order then. Minister, the question, thank you.

MR CORBELL: I thank Ms Bresnan for the supplementary. Amendments to the Residential Tenancies Act, as well as a stand-alone piece of legislation, have been given consideration.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, what appeal rights are currently in place for people living in private caravan parks if the park owner decides to evict them?

MR CORBELL: Can I get some clarification in relation to that question? Appeal rights? You mean in terms of statutory review through the ACAT? Is that what you are referring to?

MR SPEAKER: Ms Hunter, do you wish to elaborate? Mr Corbell was seeking clarification of the question.

Ms Hunter: The question was around appeal rights and if there are any appeal rights, through any sort of legal process, around eviction from caravan parks in the ACT at the moment.

MR CORBELL: It will depend on the nature of the specific occupation agreement.

MR COE: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Is the issue of residents of long-stay caravan parks before cabinet at the moment or has it been before cabinet?

MR CORBELL: It is not for me to disclose what is on the cabinet agenda.

Roads—bus stops

MR HARGREAVES: My question is to the Minister for the Environment and Sustainable Development in regard to his responsibility for transport planning. Minister, I understand that you announced the start of community consultation on a bus stops study in Adelaide Avenue. You need to be congratulated on talking to the community in the contemplative stage, which is something that those opposite have not noticed yet. Minister, can you please tell the Assembly what this project is about?

MR CORBELL: I thank Mr Hargreaves for his question. I was very pleased today to announce the start of the public consultation process on options to develop bus stations on Adelaide Avenue and Yarra Glen, in the south of Canberra. This project is part of a number of targeted actions by the government to focus on improving access to high frequency public transport services for Canberrans. Adelaide Avenue is a very heavily used corridor when it comes to public transport. Buses run during the peak times, and indeed throughout the day, with a frequency of five to seven minutes along this corridor.

The real problem is that at the moment a large number of residents, and indeed people who work in areas immediately adjacent to the corridor, do not have good access to these high frequency services and instead need to rely on the slower and often more circuitous local area services.

To address this problem the government is now looking at options to establish bus stations at the Carruthers Street, Kent Street and Hopetoun Circuit bridges along Adelaide Avenue and Yarra Glen. This will provide excellent access for residents and for people working in areas such as the Deakin business precinct in terms of being able to use a high frequency bus service to get them between Civic and Woden and points further afield.

This has been funded in the most recent budget, with \$200,000 allocated for the feasibility and public consultation processes. This includes the engagement of an engineering firm to assist us with the various options that should be considered. And importantly, it is about giving the community a say on what they think about this proposal. To that end, on Saturday there will be a public information stall at the Curtin shops, where residents will be invited to have their say about the proposals. There will be illustrations on hand to explain the nature of the different proposals and seek community feedback. Of course, we also welcome community feedback through the online forums available.

This is all about making sure that more people can access public transport. It is about making sure that more Canberrans can use a high frequency public transport service that delivers a rapid and effective service along the Blue Rapid route, five to eight minutes throughout the working day, and indeed at a 15-minute interval on the weekends. So it is a very important service if we can get it right, and I look forward to the feedback from the community on this initiative—another example of this government focusing on delivering practical projects to improve access for public transport and give Canberrans more transport choices.

MR SPEAKER: Mr Hargreaves, a supplementary.

MR HARGREAVES: Yes, Mr Speaker. Before Mr Coe wants one up the middle of Barry Drive, minister, can you tell us why Adelaide Avenue and Yarra Glen and not any of the other major commuter routes in and out of Canberra?

MR CORBELL: I thank Mr Hargreaves for the question. I can disabuse him that it is not just Adelaide Avenue and Yarra Glen that the government is focusing on. Adelaide Avenue-Yarra Glen is a very important corridor because of the very large number of public transport services that use that corridor. The Blue Rapid service is one of the busiest services in the city when it comes to the delivery of public transport. The government is not just focusing on that corridor; it is also focusing, for example, on the Canberra Avenue corridor. A study is currently underway looking at how we can deliver bus priority measures along Canberra Avenue. We are seeing significant growth in that corridor, particularly commuters coming through from Queanbeyan. The government is doing the detailed work on that now.

We are also focusing on delivering better bus infrastructure in the parliamentary triangle. Right now a feasibility study is underway for a new bus station in Barton to be a central point for people working in the parliamentary triangle to have a comfortable, safe and well-lit space for them to sit or to wait before the bus collects them. This is also about making sure that we provide better bus infrastructure for Canberrans.

Of course, this builds on the government's other investments—investments such as the Belconnen town centre bus station, a fantastic new bus station facility supporting people who live in the Belconnen district. There are the dedicated bus lanes on Barry Drive and a new major bus station due to open very soon at city west within the Australian National University exchange campus. So there is a very important series

of investments, all designed to give Canberrans better transport choices, better public transport services and better amenity in the infrastructure they use every day.

MS PORTER: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: What else is the government doing to increase public transport usage in Canberra?

MR CORBELL: Of course, the government currently is finalising its transport for Canberra policy which will set out the long-term targets for improving and continuing to grow the number of people who use public transport, walking and cycling here in the ACT. In addition to that in terms of what actions the government is taking right now, of course, the government has focused very strongly on improving the network of buses running through the main corridors, in particular the Red Rapid and Blue Rapid services.

We have invested significantly in new additional park and ride and bike and ride facilities. This morning I was very pleased to see the bike and ride facilities on Melrose Drive. A very large number of bikes are now using that facility on a day to day basis. Cyclists are clearly seeing the value of being able to cycle a short distance from home, park their bikes in a safe and secure storage facility and then get on the Blue Rapid service to head north or south. That is a great example of this government's investments making a difference.

Of course, there are the park and ride facilities at Mawson and at EPIC. It is worthy of note that we have had strong support from our colleagues on the crossbenches in relation to these measures. I thank them for their support and their advocacy of those proposals.

These are all part of the government's commitment to continue to improve the provision of public transport services and infrastructure in the city. I am very pleased to remind members that this year a park and ride facility will open in the new Molonglo development, with new stops on Streeton Drive and the Cotter Road. This will provide people living in that new area of the city, as well as people in Weston Creek more generally, with the advantage of a park and ride facility so that they too can avoid the need to pay parking fees in the city or the town centres and use the bus instead. *(Time expired.)*

MR SPEAKER: Mr Coe, you have the call.

MR COE: Minister, you said that proposals and options would be on display at the weekend at Curtin shops. If those options and proposals are already available, is \$200,000 not extremely expensive for concept plans that are perhaps already drawn up, and it does not include construction of any bus stops?

MR CORBELL: I simply pose the question in response: does Mr Coe think that consultants do this work for free?

Mrs Dunne: Point of order—

Members interjecting—

MR SPEAKER: Order! Mrs Dunne has a point of order.

Mrs Dunne: Mr Corbell does not ask questions. His job is to answer the questions posed by members.

MR SPEAKER: The minister has sat down. I think we will just leave it at that.

Ms Gallagher: I ask that all further questions be placed on the notice paper.

Rostered ministers question time Minister for Police and Emergency Services

ACT Policing—crime statistics

MS HUNTER: My question is regarding the crime statistics available on the ACT Policing website, which compare the number of reported crimes over the last two financial years. How much further back do the crime statistics reach?

MR CORBELL: I can advise Ms Hunter that ACT Policing's operational records are maintained on the PROMIS system, which was activated in November 1998. ACT Policing will shortly be launching a redeveloped interactive crime map. This will provide statistics available online at police.act.gov.au and will cover statistics across a range of crime types. Initially these maps will cover a five-year period, but it is anticipated there could be future extensions of the data period provided. These new crime maps will differ from those that were recently published in the *Sunday Canberra Times*, in that crime data will be available at the suburb level, updated quarterly, provide trends over five years and include data for a greater range of offence types.

MS HUNTER: Minister, given the public interest in crime rates, I am wondering why the longer term data has not been displayed and whether it might be displayed. Can we have a time line?

MR CORBELL: I just answered that question, Mr Speaker. ACT Policing are about to release—and it is imminent—a new online capability that will deliver crime stats over a five-year period, including trends on an offence by offence categorisation as well as at a suburb by suburb level.

Bushfires—prescribed burning

MRS DUNNE: Minister, there are recent reports from a number of scientists, including Michael Clarke, the professor of zoology at La Trobe University, that policies for prescribed burning may be deeply flawed. Minister, are you aware of these reports and what credence do you attach to these reports?

MR CORBELL: I thank Mrs Dunne for the question. I am aware of these reports. I understand that the comments by Professor Clarke relate to broadacre prescribed burning proposals in Victoria. Professor Clarke recently made some public comments on the current prescribed burning total of five per cent that has been set for Victoria. His criticism, as I understand it, is based on this target being achieved by broadacre burning of large areas of Victorian public land, much of which is well away from communities.

The ACT has no policy of five per cent. Instead, through the strategic bushfire management plan we adopted an approach which is in line with recommendations scientists have made regarding a coordinated plan that treats all areas of the landscape. The ACT strategic bushfire plan version 2 identifies protections that are implemented at a household level through inner asset protection zones, building controls in line with the Australian standard, and education about household planning and maintenance.

Beyond this, the plan identifies outer asset protection zones. In these zones, a combination of burning and grazing can occur. In particular, the prescribed burns conducted in these areas are the very activities that Professor Clarke has said are required to protect the community in Victoria. The ACT plan also requires strategic broadacre hazard reduction to occur. These large areas are in strategic locations to provide broad protection to the community. This is not inconsistent with the current debate that is currently underway in relation to the way planned and coordinated elements of the strategic bushfire plan should be implemented and is different from the five per cent target approach suggested in Victoria.

It is worth highlighting that recent research by the Fenner school at the ANU and research from the Bushfire Cooperative Research Centre supports the approach of the government in terms of the actions outlined in our strategic bushfire management plan.

MRS DUNNE: Minister, how has the Victorian government responded to the royal commission's findings about prescribed burning and has the ACT government assessed its response?

MR CORBELL: It is not for me to comment on how the Victorian government is responding to this matter, but in relation to whether or not the ACT government has assessed its response the answer is yes and we believe that our strategic bushfire management plan represents best practice in Australia when it comes to the use of hazard reduction in all of its forms to help to ameliorate the risk of bushfire.

Queensland flood emergency—assistance

MR HARGREAVES: Can the minister outline what assistance is being provided by the ACT to assist Queensland with its flood emergency?

MR CORBELL: As members would be aware, significant flooding occurred in inland Queensland and northern and western New South Wales during late January and early February this year. Some of that flooding is still ongoing, although the threat to large settled areas has now passed.

Following a request from the Queensland Red Cross, ACT ESA has provided support to Queensland through the provision of specialist mapping support—MAPS volunteers as they are known—as part of their major incident management team. Our MAPS volunteers have undertaken four deployments. A total of nine volunteers have been sent to Queensland to assist the Queensland Red Cross in the development and distribution of various mapping and other geospatial information products that are used by Red Cross and other emergency services on the ground. Deployments of our volunteers commenced on 5 February this year and they will actually cease this evening, on 21 February.

I would like to take this opportunity to pay my respects to and give my thanks for the work of our mapping volunteers. They are often unsung volunteers in our emergency services but they, just like our volunteer firefighters and SES personnel, give up their time to lend their expertise as mapping specialists to support other jurisdictions in a time of emergency. It is a capability unique to the ACT, it is one that is highly regarded across Australia and it is frequently called upon by other jurisdictions when it comes to a response in an emergency. I commend our mapping volunteers and thank them for the very important work that they continue to do.

MR HARGREAVES: Minister, what steps are taken in the ACT to ensure volunteers are appropriately trained to carry out their vital work?

MR CORBELL: In relation to our mapping and planning support volunteers, we have a range of training provided to them. For example, they have recently undertaken a specialist two-day course, which is undertaken every year, that covers all the duties they would be required to perform for all hazards. We also have been encouraging our MAPS volunteers to attend the Australasian interservice incident management, AIIMS, training annually to give them skills in the incident management framework that is used across emergency services. We also make other training such as first aid available to our volunteers.

Civic—violence

MR SESELJA: The Sunday *Canberra Times* on 19 February 2012 reports that Civic has the highest number of reported assaults in the ACT. Given the high level of violence in Civic, how are police officers in this violent environment protected?

MR CORBELL: The level of violent crime in the Civic area is of course decreasing and has been decreasing significantly since the introduction of new liquor licensing laws. The number of alcohol-related arrests, the number of offences committed due to alcohol-related matters, has significantly declined over the last 12 months. But, regrettably, we still see these incidences of violence occur against our police.

The government is providing a range of resources and support to help police and protect police as they undertake this very important job. For example, we are providing more police on the beat. So, as a result of the new liquor licensing laws and the new fee structure that comes with it, those fees are paying for additional police to be on the beat in our alcohol crime targeting team every Friday and Saturday night in

particular, but indeed throughout the week, across the ACT, not just in Civic, providing an additional operational capacity to deal with alcohol-related offences and to provide additional capacity to crack down on antisocial and violent behaviour before it gets out of hand. That is a very important protection to police and we are seeing that it is working. For example, alcohol-related arrests decreased by 17.16 per cent between 1 November 2010 and 30 November 2011, so there has been a very significant decrease in the number of alcohol-related offences. That is a very important protection for police, obviously—less crime, less violence, less risk to our police—and that is the investment that this government is making.

Of course, the government has also supported the decision of police to roll out conducted energy weapons, or tasers, to front-line sergeants. This is particularly important for the city beat in providing an additional capability to deal with events in that location.

MR SESELJA: Do you support legislation aimed at increasing deterrents for assaults against police?

Mr Hargreaves: On a point of order, Mr Speaker.

MR SPEAKER: Yes?

Mr Hargreaves: Is that legislation on the books for debate? If so, it is anticipating debate.

MR SPEAKER: Let me just seek some advice. Mr Hargreaves, you are showing the wisdom of your years here. We did have that standing order but it no longer is in the standing orders. So I am afraid that Mr Seselja's question stands. Minister, you have the floor.

MR CORBELL: Mr Seselja may be asking me to announce the government's policy in relation to that bill, but I think I can answer the question nevertheless. The question for the government—and, the government believes, for this Assembly—is to be convinced that measures will act as a deterrent to reducing violence against police officers, and that will be the matter that we will be giving consideration to in relation to such matters.

ACT Policing—tasers

MS BRESNAN: What steps will the ACT government take to review the expanded deployment of conducted energy weapons, as was announced in August last year?

MR CORBELL: As ACT Policing have indicated and as the Chief Police Officer indicated when the decision was made in August last year to roll out conducted energy weapons or tasers to 15 sergeant positions across the ACT, there would be a review of that rollout, of the first six months of use by front-line sergeants. That review is expected to be completed in March this year and I look forward to the results of that review.

MS BRESNAN: Can you confirm that all the conducted energy weapons in use by ACT police have camera mounts fitted to them, as was suggested by the Ombudsman?

MR CORBELL: That is not the case. They do not have camera mounts at this time and that is not the announcement made by ACT Policing. The Chief Police Officer has indicated that he will give consideration to the use of camera mounts and he sees some utility in that. But at this point in time the conducted energy weapons do not have cameras on them.

Visitors

MR SPEAKER: Members, I draw your attention to the fact that we are joined by outgoing members of the Ministerial Advisory Council on Ageing in the gallery this afternoon. I welcome you to the Assembly and thank you for your contribution on the council.

Supplementary answer to question without notice Budget—lease variation taxation

MR BARR: In question time last week I took a question without notice from the Leader of the Opposition in relation to lease variation charge payments. I can advise the Assembly that, as at 8 February 2012, \$6.498 million had been received for the lease variation charge on 82 applications. Of that \$6.498 million, \$3 million was determined prior to 1 July 2011 but paid after 1 July, and the second part, of \$3.498 million, was determined and paid after 1 July, so after the new system came into place.

I can update the Assembly that there are currently 86 applications in the system that have been determined but not paid. Those 86 applications add up to \$15.231 million. This includes 58 residential applications totalling \$4.225 million, 13 commercial applications totalling \$3.549 million, four industrial applications totalling \$637,000, and 11 mixed use applications totalling \$6.82 million. That takes the total amount paid in this financial year and the total amount determined to \$21.7 million.

Personal explanation

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing): I seek leave to make a personal explanation under standing order 46.

MR SPEAKER: Yes, Ms Burch.

MS BURCH: Last Friday on ABC radio's political panel Mr Seselja made the following claim in relation to Mr Hargreaves's statement on the Tuggeranong Community Council: "Mr Seselja: He was being egged on by Joy Burch and the other member for Brindabella. Solly: So Joy Burch was encouraging Mr Hargreaves? Seselja: Yes, she was." Mr Speaker, this is a complete fabrication. As Mr Seselja knows, I made the following statement in the adjournment debate:

... just for the record I do attend the Tuggeranong Community Council. I will continue to attend the Tuggeranong Community Council to support the good people of Tuggeranong. I am also very pleased to support Darryl Johnston in any activity that he puts forward to us.

I predicted then that the Liberals would be out there misrepresenting me and how right I was, Mr Speaker. It is really quite inappropriate for Mr Seselja to continue to misrepresent members of this committee.

Paper

Ms Gallagher presented the following paper:

Leader of the Opposition's office—Staffing arrangements—Administration of the Legislative Assembly (Members' Staff) Act 1989, dated February 2012.

Financial Management Act Paper and statement by minister

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development and Minister for Tourism, Sport and Recreation): For the information of members I present the following paper:

Financial Management Act, pursuant to section 16B—Instrument authorising the rollover of undisbursed appropriation of the Health Directorate, including a statement of reasons, dated 10 February 2012.

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

Mr Smyth interjecting—

Leave granted.

MR BARR: I thank the shadow treasurer for his enthusiastic endorsement of section 16B statements.

Mr Smyth interjecting—

MR SPEAKER: Thank you. Let us just hear from Mr Barr.

MR BARR: Section 16B of the Financial Management Act allows for appropriations to be preserved from one financial year to the next through instruments signed by the Treasurer. As required by the act, I table a copy of a recent authorisation made to roll over an undisbursed appropriation from 2010-11 to 2011-12. Due to an administrative error within the Treasury Directorate, this instrument was not tabled last Thursday within the required three sitting days. I apologise to the Assembly for that. This package includes one instrument signed under section 16B. The appropriation being rolled over was not disbursed during the 2010-11 fiscal year and is required for the 2011-12 fiscal year for the completion of the projects identified in the instrument.

The instrument authorises a net total of \$36.018 million in capital injection rollovers and payments for expenses on behalf of the territory for the Health Directorate. The rollovers include \$38.311 million underspent on the controlled capital injection appropriation, offset by the acceleration of nine capital projects totalling \$2.552 million, and \$259,000 of payments for expenses on behalf of the territory appropriation.

These rollovers have been made as the appropriation relates to project funds where commitments have been entered into, but the related cash has not yet been required or expended during the year of appropriation. The capital injection rollovers include \$14.546 million for the continuation and completion of the e-healthy future project, \$4.963 million for the continuation and completion of the provision for project definition planning, \$4.528 million for the completion of the linear accelerator procurement and replacement project, \$2.517 million for the financial completion of the Canberra Hospital new multistorey car park, \$2.356 million for costs associated with clinical equipment for the Calvary hospital and \$2.142 million for costs associated with the women's and children's hospital. Details relating to these and the other rollovers and overspends are provided in the instrument. I commend the paper to the Assembly and again apologise for the delay. I move:

That the Assembly takes note of the paper.

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

Justice and Community Safety—Standing Committee Report 7—government response

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development): For the information of members I present the following paper:

Justice and Community Safety—Standing Committee—Report 7—*A Review of Campaign Financing Laws in the ACT*—Government response.

I move:

That the Assembly takes note of the paper.

I am pleased to present to the Assembly the government's response to the Standing Committee on Justice and Community Safety's report into the inquiry into campaign finance reform. On 3 December 2009 the chair of the committee wrote to MLAs, inviting submissions to the inquiry into campaign finance reform, and the inquiry was held throughout 2010.

On 22 September 2011 Mrs Dunne presented the committee's report, *A review of campaign financing laws in the ACT*, to the Assembly. The report made 21 recommendations, all of which proposed substantial changes to the ACT's electoral campaign funding and disclosure laws. The primary purpose of the recommendations

was to cap political donations and political expenditure and to increase the level of public funding provided to parties, MLAs and candidates.

As the response to the report states, while the government is committed to supporting reform of reporting of campaign funding for political parties, it does remain concerned about a number of the committee's recommendations, particularly in relation to the proposed caps on donations and expenditure. This has required careful consideration by the government before finalising the government response. The government is supportive of the principles underlying a number of the recommendations but is wary of over-committing to initiatives if their implementation involves resources that have not yet been made available.

Therefore, the government response that I table today sets out the government's position on each of the 21 recommendations. In summary, the government is agreeing to six of the recommendations, agreeing in principle to four, noting seven and not agreeing to five.

As the government response indicates, its submission to the inquiry considered six main issues. These were the terms of reference for the inquiry and the relevance of the commonwealth government's electoral reform green paper, relevant issues raised in the ACT Electoral Commission's 2008 report into the 2008 ACT Legislative Assembly election, recent legislative changes, the issue of disclosure thresholds, the issue of anonymous donations and related human rights and privacy issues.

Broadly, the government's submission concluded that any reforms of the current electoral system must achieve an appropriate balance between the need for transparency in our system and the right of a person to engage in political activity, that it would not be appropriate to make changes to the system that result in additional public cost unless there is a demonstrated and pressing need and that it would be appropriate to await the outcomes of consideration of the recommendations of the Australian government's electoral reform green paper before commencing changes to the ACT system.

The government's response to the committee's report reflects the government's conviction in these matters, but also reflects its understanding that a degree of compromise is necessary given the position of other parties in this place. The government's response is, in turn, reflected in the approach taken by the government in relation to the various electoral amendment bills currently before the Assembly, particularly the Electoral Amendment Bill 2012. This bill will be a government bill to introduce reforms to campaign financing and disclosure laws and will be introduced this Thursday. I commend the government's response to the committee's report to the Assembly.

Question resolved in the affirmative.

Older Persons Assembly Paper and statement by minister

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and

Minister for Gaming and Racing) (3.22): For the information of members I present the following paper:

ACT Older Persons Assembly 2011—Report and Government response to recommendations.

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

Leave granted.

MS BURCH: As Minister for Ageing, I am proud to present the report on the 2011 ACT Older Persons Assembly and the government's response to the recommendations. The Older Persons Assembly was an outcome of the 2010 Legislative Assembly resolution to hear and understand the key issues that affect the lives of older people and to encourage them to participate in policy development.

The ACT Older Persons Assembly was held on 30 September last year, on the eve of the United Nations International Day of Older Persons. It was the first of its kind for Australia and provided a unique opportunity for older Canberrans from across ACT electorates to raise issues and propose solutions for the future.

Seventy Canberrans aged 55 years and over, representing a broad cross-section of the community, were selected as delegates to participate in this historic event. On the day, delegates took part in committee hearings, where discussions focused on topics that reflected the seven themes of the ACT strategic plan for positive ageing 2010-14, "Towards an age-friendly city". This included information and communication; health and wellbeing; respect, valuing and safety; housing and accommodation; support services; transport and mobility; and work and retirement. Delegates also discussed innovation and new ideas.

Committee hearings were held simultaneously in the morning and afternoon, with individual hearings chaired by members of the ACT Ministerial Advisory Council on Ageing—I again acknowledge a number of members here today—with support by staff from the Community Services Directorate.

Three key priorities were identified from each of the hearings and reported back to all delegates as motions in the Assembly chamber by the committee chairs. Delegates voted on the motions through a ballot process and presented the results as 24 recommendations for government. A government response to these recommendations has been prepared and is included in the report that I have presented today.

The messages that came from the Older Persons Assembly stressed the importance of effective communication, the need for older people to feel more valued and respected in the community, the need for employment and volunteering opportunities, and the need for community support services. I would like to present a few key recommendations and reflect on how the government is working towards addressing these.

Let me start with information and communication. Recommendations 1, 3, 4 and 6 of the morning committee hearings related to how we communicate with older people to ensure that they have access to relevant and appropriate information. This includes taking into consideration language and literacy requirements and familiarity with different forms of media.

While it is acknowledged that a wealth of information and resources about programs and services exists, the challenge is about how we raise awareness about their existence. Online resources such as the seniors information online portal, the Canberra Connect website and the Health Directorate's "Find a health service" online portal have been developed to provide gateways to information about activities, events and support services.

As a result of the recommendations from the Older Persons Assembly, we will do more to promote online services and further integrate use of social media. And while a number of older people have embraced new technology, the government acknowledges that the older age spectrum covers a range of generations, many of whom may not be familiar with the internet or social media.

With this in mind, the government continues to communicate information about programs and events through traditional media such as printed material, radio and telephone, and offers assistance to seniors who wish to increase their technological skills. For example, Libraries ACT offer an "internet for seniors" class and technology "tasters" that demonstrate social media such as Twitter and Facebook. The government also assists members of the public to access information in alternative formats such as large print or audio.

Another key theme was about respect, valuing and safety. Recommendations 9 and 10 of the morning hearings emphasised the need to feel respected and valued. The delegates expressed a desire to share their experience with younger generations.

The ACT government encourages younger and older members of our community to develop a greater level of understanding and appreciation of each other's experience and perspectives by promoting positive images of ageing and intergenerational activities.

Through our seniors grants and sponsorship programs, we have supported intergenerational activities such as bringing school choirs into aged-care homes and encouraging young people from multicultural communities to learn traditional cooking skills from their seniors. Our popular "Annual life's reflections" photographic competition encourages entrants to present positive images of older people enjoying life, actively participating in their community and staying connected with families and friends. Through the Office for Ageing the government will continue to explore opportunities to highlight the personal experiences and stories of older generations. We also support the establishment of an ACT grandparents day on the last Sunday in October. This celebration will be an opportunity to bring families together to celebrate and honour older people and highlight the contribution that grandparents make to family and community life.

So whilst I believe that we are doing a lot in this area, we will continue to pursue new avenues to ensure that older Canberra residents feel valued and respected, for example by promotion through media and public events.

Housing and accommodation was another key theme. Access to appropriate, affordable and innovative housing choices was another issue that we saw raised through recommendations 2, 5, 7 and 10 in the afternoon hearings. I am pleased to say that the government has undertaken a lot of work in this area in terms of tangible products and policies.

As part of the commonwealth government's national building initiative, the ACT received \$87 million to construct new housing. Under that program, 297 older person units were constructed across eight suburbs of Canberra. Beyond this initiative, properties are being constructed to support the adoption of the liveable housing design under the capital construction program. The introduction of the liveable design features will allow public housing to be easily adapted as people age, supporting the concept of ageing in place.

Earlier this year the government promoted new properties across Canberra that will be available for lease under an ACT government-funded initiative, already easing the rental burden for a number of couples. The "come home" affordable rental scheme, run by the ACT Affordable Rental Office, offers homes within older persons public housing complexes at a 25 per cent discounted rate to older couples and individuals.

In January this year we announced the sale of land parcels in Isabella Plains and Calwell to two prominent operators of accommodation for people over the age of 55 and residential aged care—the operators being Lend Lease and Innovative Care. These property developments form part of the government's ongoing planned approach to providing for the accommodation needs and preferences for older Canberra residents. The construction of these developments is expected to commence later this year.

These are just some of the current and future initiatives of this government. Although we have made significant progress, we acknowledge that there is more work to do to respond to the changing needs of a rapidly ageing population. The outcomes of the Older Persons Assembly will be used together with the results of our recent age-friendly city survey and the report card on the first action plan to develop the next positive ageing plan for Canberra.

The government will continue its commitment to engage with older people to address their issues and needs and to make real and meaningful change that will benefit older citizens and our community as a whole. I thank all of the delegates of the Older Persons Assembly for their enthusiasm and input and for taking the time to inform us of how we can work towards making Canberra an even more age-friendly city than it is.

Before I close, I would like to take the opportunity to acknowledge the members of the ACT Ministerial Advisory Council on Ageing who are present and to give them a

very big personal thank you. The support you have provided to me over the last two-plus years has been quite enormous; it has been you, individually and collectively, who have been instrumental in developing a strategic plan for positive ageing, making the Older Persons Assembly a reality and embracing us as a government and suggesting how we can make Canberra the best it can be for our older Canberrans.

To the retired chair, Alan Hodges, a big personal thank you again for your guidance of the council and also for your advice to me. And thank you to the other council members, and I know some of you are here—Chin Wong, Kenneth Stone, Gayle Sweaney, Vivienne Sinderberry, Adrian Roberts, Marion Reilly, Brian Hill, Pamela Rosenberg and Pamela Graudenz. If you are here, I thank you for all your support over the last couple of years. You have done other older Canberrans proud in the efforts that you have made. Each and every one of you has made a difference to the life of Canberra for people of all ages, particularly for older Canberrans.

I move:

That the Assembly takes note of the paper.

MR HANSON (Molonglo) (3.33): Whilst I agree with the sentiments of the minister—indeed, I was at the opening of the Older Persons Assembly and I popped into a number of the sessions and I certainly agree with the minister’s sentiment in terms of the fine work done by the delegates and by the ministerial advisory council—I cannot help noting the rank hypocrisy that is occurring in this place today. This is a minister who is standing up and saying that this government supports respect for older people, supports introducing a program into the ACT school curriculum to educate students about the importance of respecting elders in our community and further promotes greater respect for older persons through increased public relations. I fully support that. But, Mr Assistant Speaker Hargreaves, you came into this place last week and attacked a community group, using the word “geriatric” as the point of your attack. As you sit there in your chair, pontificating and presiding over this place while the minister—

Mr Corbell: A point of order, Mr Assistant Speaker.

MR ASSISTANT SPEAKER (Mr Hargreaves): Yes, Mr Corbell.

Mr Corbell: It is one thing for Mr Hanson to criticise a member in this place. It is another to criticise the chair. This is exactly what he is doing. It is highly disorderly and he should be called to order on the matter.

MR ASSISTANT SPEAKER: Mr Hanson, I have to ask you to withdraw that. I think your comment that I sit here pontificating was in fact a reflection on the chair. I suggest you withdraw it.

MR HANSON: Certainly I withdraw that. This is not a commentary on your performance as Speaker, Mr Assistant Speaker. This is to make the point that in this Assembly last week you made comments that were derogatory, using the term

“geriatric”, and were aimed at ridiculing and deriding a community group based on their age. My concern is—

Mr Corbell: On a point of order, Mr Assistant Speaker, this is a report on the Older Persons Assembly—a great initiative, an initiative that has engaged a broad number of older Canberrans. It is not an opportunity for Mr Hanson to prosecute some sort of political attack on you on a matter which is completely unrelated to the conduct, the outcomes and the matters at hand in the Older Persons Assembly. He is not being relevant. The motion before the chair is to note the paper. Mr Hanson should be called to order and asked to be relevant.

MR HANSON: Mr Assistant Speaker—

MR ASSISTANT SPEAKER: Mr Hanson, are you speaking on the point of order?

MR HANSON: On the point of order, Mr Assistant Speaker, this is about the government calling on the community to show respect for older people. The concerns that I am raising are that while the government is calling on the community to show respect for older people, a member of the government backbench has shown absolute disregard for older people and has used “geriatric” as a word to slur older people. I think it is entirely—

MR ASSISTANT SPEAKER: Mr Hanson, I think you are starting to prosecute the argument. You put me in an invidious position at this particular time, Mr Hanson, something which I wear with some discomfort. I uphold the point of order that Mr Corbell has raised. The issue before the house is that the report be noted. That, for me, means that you are talking about the content of that report. I ask you to be relevant, otherwise I will have to ask you to resume your seat. Thank you.

MR HANSON: I will come to the point. The minister needs to recognise that actions speak louder than words and that when the government—all members of this government, frontbenchers and backbenchers—take note of this report, they do so seriously and address this not only by their words but by their actions.

MS BRESNAN (Brindabella) (3.37): I will just speak briefly on the report. I thank the minister for tabling it today and acknowledge the members of the Ministerial Advisory Council on Ageing who are here today and who all did a fantastic job on the day mediating all the sessions. There were a lot of different views expressed; it was a fantastic job to keep that together, put it together in a report and come out with the recommendations. I would like to acknowledge the great work they did on that.

I attended most of the sessions on the day. Obviously I was not able to go into all the break-out sessions, but I went into some of them and there were some really interesting discussions had by everybody there. A really wonderful thing about this was that everyone took part in the spirit that was meant. They came, everybody contributed, and I do not think there was anyone left feeling that they had not actually played a part in what came out in this report.

We were really pleased, obviously, that it was a Greens motion that led to this being held. We were really pleased that we got support from all the Assembly for that and that we had unanimous support for this to go ahead. As I said, I will go through the responses to the recommendations in more detail. It is good that we have now got this report. We can go through the recommendations and, hopefully, get further feedback from MACA and anyone else who played a part in the assembly—and look to whether we hold another one in the future.

I think it was very successful. It was a great day. There was a lot of fantastic input. As we have seen from overseas, with Scotland, it has been something they are looking at holding again. It is a great way that we can allow older people in the community to play a direct part—not just members of the council but other members of the community. Again, I think it was a great thing that we had a wide breadth of people from the community involved.

Again, I thank the minister for tabling this today. It is great that we have got this report and we can act on it.

Question resolved in the affirmative.

Papers

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Children and Young People Act—

Children and Young People (Death Review Committee) Appointment 2012 (No 1)—Disallowable Instrument DI2012-6 (LR, 27 January 2012).

Children and Young People (Death Review Committee) Appointment 2012 (No 2)—Disallowable Instrument DI2012-7 (LR, 27 January 2012).

Corrections Management Act—Corrections Management (Indigenous Official Visitor) Appointment 2012 (No 1)—Disallowable Instrument DI2012-5 (LR, 16 January 2012).

Education Act—

Education (School Boards of Schools in Special Circumstances) University of Canberra High School Kaleen Determination 2012—Disallowable Instrument DI2012-2 (LR, 9 January 2012).

Education (School Boards of Schools in Special Circumstances) University of Canberra Senior Secondary College, Lake Ginninderra Determination 2012—Disallowable Instrument DI2012-3 (LR, 9 January 2012).

Electoral Act—Electoral Commission (Chairperson) Appointment 2012 (No 1)—Disallowable Instrument DI2012-8 (LR, 2 February 2012).

Electricity Feed-in (Large-scale Renewable Energy Generation) Act—Electricity Feed-in (Large-scale Renewable Energy Generation) FiT Capacity Release Determination 2012 (No 1)—Disallowable Instrument DI2012-1 (LR, 5 January 2012).

Financial Management Act—Financial Management (Territory Authorities) Guidelines 2012 (No 1)—Disallowable Instrument DI2012-4 (LR, 9 January 2012).

Magistrates Court Act—Magistrates Court (Working with Vulnerable People Infringement Notices) Regulation 2012—Subordinate Law SL2012-3 (LR, 2 February 2012).

Nature Conservation Act—Nature Conservation (Species and Ecological Communities) Declaration 2012 (No 1)—Disallowable Instrument DI2012-11 (LR, 2 February 2012).

Public Sector Management Act—Public Sector Management Amendment Standards 2012 (No 1)—Disallowable Instrument DI2012-9 (LR, 2 February 2012).

Road Transport (General) Act—Road Transport (Offences) Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-2 (LR, 27 January 2012).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Regular Route Services Maximum Fares Determination 2012 (No 1)—Disallowable Instrument DI2012-10 (LR, 31 January 2012).

Road Transport (Public Passenger Services) Act and the Road Transport (General) Act—Road Transport (Public Passenger Services) Amendment Regulation 2012 (No 1)—Subordinate Law SL2012-1 (LR, 19 January 2012).

Petition—Out of order

Petition which does not conform with the standing orders—Yerrabi Pond waterfront area—Parking—Dr Bourke (163 signatures).

**Youth justice—prevention, diversion and young offenders
Discussion of matter of public importance**

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

Prevention, diversion and young offenders.

MS BRESNAN (Brindabella) (3.40): The ACT Greens have raised this matter of public importance today because we believe it is important that we have strong leadership and a clear vision for the youth justice system. In recent times we have seen a continued focus on incarceration, and strengthening a system to ensure we can fit them all in. We live in a city where, for the most part, young people make a positive contribution. Indeed, the majority of young people in the ACT are seeking education, training or employment and continue to make positive contributions to our

community. The ACT Greens want to build on these contributions by watching young people share their energy, enthusiasm, creativity and the appetite for lifelong learning to their communities.

I would like to note that the ACT is a small jurisdiction and we have access to some of the national critical thinkers in the area of youth justice. The ACT Greens believe we should be seeking out these people in order to gather more information about how we carry these reforms forward. The current task force which is responsible for implementing the recommendations from the youth justice inquiry is made up of representatives from the government and community sector. In December 2011 the ACT Greens called on the Assembly to pass a motion calling on the government to establish a youth justice advisory panel made up of experts in the areas of child and youth psychology, vulnerable families, trauma and abuse and youth justice.

In recent times with the release of the Human Rights Commission's report into the ACT youth justice system there is a wealth of information on better practices in youth justice from Australia and internationally as well as promising practice from the local community, information we can use to address young people's offending behaviours. The challenge here is to embed this as a standard practice and consistently drive our expectations and aspirations for performance so it is also in the best interests of the young person and, therefore, the best interests of all of us.

It seems a simple thing to achieve, yet we continue to struggle to achieve good outcomes for this small group of young people in the ACT. In fact the latest report from the Australian Institute of Health and Welfare, *Juvenile detention population in Australia 2011*, shows that over the four years from the June quarter 2007 to the June quarter 2011 the rate of detention increased in the ACT from 0.29 to 0.5 per 1,000. As noted in the Human Rights Commission's report, we currently do not have a clear picture of how many of these young people were first-time offenders or recidivists. It is clear that there needs to be a focus on prevention and early effective intervention. This includes managing high risk, victims and community confidence and planning and performance improvement.

For children and young people at risk, prevention and support services need to be put in place to divert them from environments where they are likely to offend and to provide more positive and life-affirming alternatives and choices. Current or previous offenders being held under bail or remand need diversion, rehabilitation and support. These services can be effectively supplied only by the community, police and community services working collaboratively.

Of particular concern is the pattern of the most vulnerable and disadvantaged young people being more likely to be remanded in custody, especially those contending with difficulties such as homelessness, mental illness or substance misuse. It is important to understand that the root causes of crime, such as poverty and social disadvantage, cannot be ignored and left unaddressed because the result is that long-term cycles of offending continue.

The debate around young people who offend is often unhelpful and polarised—needs and deeds, victim and offender, individual and community, prevention and

intervention. In reality, the evidence tells us that the only way to prevent the deed is to address the need. We also know that young people are more likely to be victims than they are offenders. Ultimately, when we read the literature, the message is that prevention is the most cost-effective and successful approach. Prevention demands that we intervene to stop the so-called offending and, in turn, create a better future for young offenders, families and their communities.

When we commit to preventing offending by young people, we need to ensure we have developed a system that rejects these polarisations and engages children and families in voluntary interventions that consider young people as part of the broader culture, who they are and where they fit within their community. The published data for 2007-08 shows that the ACT has the third highest rate per 1,000 young people aged 10 to 17 in detention and the second highest rates of youths under youth justice supervision in the community. The vast majority of them are charges against government procedure and government operation—in other words, for breaches of bail or breaches of good behaviour orders and not for the often sensationalised charges of assault or robbery.

Other Australian states such as Victoria display more successful and lower rates of youth crime and imprisonment, and it is important that we draw from these experiences. Victoria has the lowest rates of youth remand and imprisonment in the country and is a leader in juvenile justice and legislative and practice reforms. The recent Australian Institute of Health and Welfare report again shows that only 22 per cent of young people in detention in Victoria are on remand. Victoria appears to be leading the way in finding community alternatives for young people that may otherwise be in unsentenced detention.

The Victorian youth justice system encourages greater judicial accountability and provides programs to support defendants at risk of being remanded in custody. Victoria has implemented several programs to support and aid young offenders to prevent them from becoming imprisoned. These programs include the court integrated services program designed to ensure support and services to defendants and make communities safer by addressing the underlying problems and associated criminal behaviour. These programs have had huge social benefits and are cost effective. For example, the court integrated services program has projected cost savings of \$4.46 million from the criminal justice system, money which could then be better spent on strengthening their community.

In developing a diversion prevention system it is important to understand that one approach will not capture all and that a range of services needs to be offered to have the biggest impact. A lack of accommodation is one of the most significant obstacles to young people being granted bail. An after-hours bail support service has recently been introduced to the ACT. While a welcome addition, it must be noted that the service does not in fact offer young people any more supported accommodation beds and does not address the onerous conditions of bail.

In most jurisdictions if accommodation is not available the young person will be remanded in custody. In Victoria, however, lack of accommodation does not provide grounds for refusing bail. During office hours the Department of Human Services

assists with accommodation, while the Victorian central after-hours and bail placement service supports facilitation of bail as a diversion from remand for young people arrested out of normal court hours.

Under police standing orders in Victoria police must notify the central after-hours and bail placement service when they are considering remand of a young person and allow the young person to be in contact with a worker from the organisation. In this system, remand is considered a last resort, and if offenders have access to a service to secure bail and overcome issues preventing bail—for example, finding accommodation—rates of youths on remand and in prison will be greatly decreased. It is my understanding that most of the young people who will need this service in the ACT are children who are involved with the care and protection system or are being breached by accommodation providers.

While the ACT government funds community agencies to provide a range of accommodation support options for young people, in the recent paper, “Towards a diversionary framework”, the ACT government states that it appears demand for accommodation exceeds supply for young people with a range of complex needs and is partly or wholly contributing to some young people being remanded to the Bimberi Youth Justice Centre. This view was also backed up in the Human Rights Commission report.

This paper also noted that a service model which provides a small amount of additional crisis accommodation beds could reduce the number of young people remanded to Bimberi. This service model involves a small number of crisis accommodation beds, such as four to six beds, coordination with existing service providers and intensive case work and longer term accommodation brokerage and support.

Another program proving very successful in the UK is youth offending teams. The success of the program has hinged on a significant financial and social investment into prevention of crime and reoffending. The number of young people aged between 10 and 17 receiving their first reprimand, warning or conviction in England and Wales stood at 100,210 in 2007-08 compared with 79,260 in 2008-09, a decrease of approximately 21 per cent. There have been significant decreases in reoffending rates, and incarceration rates have fallen substantially. These results are from the investment and prevention funding that began in 2003.

In the example of another program, the young offending program, when a young person is arrested, the on-call youth worker conducts an assessment which considers the gravity of the offence, where the young person resides, offending history and age. From here the young person is placed in one of three streams. The early diversion category is when the young person has committed a relatively minor crime. In this stream the protective and risk factors are verified and young people are released to family or carers.

The second stream involves a joint risk assessment, and this is when a moderate offence has been committed. A rapid assessment is conducted and includes a sweep of databases and assessments to check for risk and protective factors. This information is

then used to make a joint decision between the police, youth offending team and the care and protection services. This team may refer back to the criminal justice system or recommend bail.

If the young person is released on bail, they are referred to the youth offending team program the next working day. It is part of the bail conditions that they must comply with this referral. The young person receives a full assessment by the youth offending team and is then engaged in a range of diversionary interventions, such as youth services, schools, youth inclusion programs and family support.

The third stream is for serious offenders, and they are required to follow normal criminal justice procedures through the youth courts. The benefit of a program such as this is diverting and reducing the number of young people in custody. The concept of justice reinvestment, which is proving to be so effective in the United States, is another strategy we need to explore in much more detail and work towards implementing in the ACT.

In raising this matter today I note the work being done by the ACT government in regard to the development of a youth justice blueprint and the establishment, after a motion raised by the ACT Greens, of a youth justice advisory panel. These are all important steps towards ensuring that young people are diverted away from the youth justice system, but it needs to go further.

The most critical time of intervention is at the first contact with police, and from the experiences in England and Wales we can see that a timely assessment of the young person allows them to be diverted from further contact with the system. Most importantly, this also means that young people are not held on remand unless it is absolutely necessary. The ACT Greens are committed to achieving better outcomes for young people in the youth justice system through approaching crime prevention in an evidence-based way. Some of this will take time, but the message today is that change takes real commitment and vision—a commitment to ensuring young people have better outcomes in the ACT, and a vision of a cohesive, rehabilitative and preventative-focused criminal justice system.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (3.54): I thank Ms Bresnan for bringing this motion on and for the opportunity to speak. I believe that we are in furious agreement in respect of the way forward in youth justice. The delivery of better outcomes for young people relies upon prevention, early intervention and diversion—that is, doing our best to prevent young people from entering the youth justice system and supporting them with opportunities.

Indeed, the message on the importance of prevention, early intervention and diversion is clear. This is a message that is understood by the ACT government, the Human Rights Commission and the broader community. Prevention and diversion are established features of the ACT government's response to children and young people at risk of entering the ACT youth justice system and young people within the ACT youth justice system.

The ACT youth justice system comprises a range of early intervention, prevention and diversion approaches ranging from family support, child and family centres, Parentlink, schools and communities. Secondary diversion programs target young people who come to the attention of police, schools or other agencies as being at risk of or exhibiting antisocial behaviours.

However, the national data published by the Australian Institute of Health and Welfare highlights some significant and specific challenges with the ACT youth justice system, including the number of young people involved in the system, the nature of their involvement including frequent periods of short-term incarceration, and their extended duration in the system. Alongside other jurisdictions, the ACT also has the challenge of unacceptably high rates of overrepresentation of Aboriginal and Torres Strait Islander young people within our youth justice system.

The ACT government is committed to improving outcomes for young people in the ACT. We are committed to ensuring that as few people as possible come into contact with the youth justice system. For those young people who do come in contact with the system, we want to provide the right support to foster their positive re-engagement in the community and prevent further involvement within the youth justice system. In essence, this is about early intervention, prevention and diversion.

The government is involved in a comprehensive and intensive dialogue with the community on youth justice. In February last year the Community Services Directorate undertook consultation on the discussion paper “Towards a diversionary framework in the ACT”. This process sought feedback on strategies to divert young people away from the criminal justice system, particularly in relation to diversion from custody. Feedback was also sought to understand what programs and practices are working well and where services could be improved at all points in the youth justice system. The release of the discussion paper represented the first commitment by this government to engage the community to look seriously at these issues.

We know that we need to embed diversionary principles and practices across the ACT government and the community. The principles of early intervention, prevention and diversion are well understood. The challenge we as a community face is to craft effective responses to give effect to these overriding principles.

It is to this end that the Youth Justice Implementation Taskforce is involved in intensive dialogue with the community around addressing these important principles in the blueprint for youth justice in the ACT. This dialogue is being led by the Youth Justice Implementation Taskforce. It engages a number of critical stakeholders. This is occurring with people from a range of backgrounds and diverse experiences.

In the coming month the task force is holding five open community forums. These are targeted activities for children and young people and their families. They are hosted by the Youth Coalition of the ACT and Families ACT. Aboriginal and Torres Strait Islander children and young people and their families are hosted by the Aboriginal Justice Centre. The youth and community sector is being hosted through the Youth Coalition of the ACT and government and oversight agencies.

In developing the blueprint, the task force is working towards establishing a whole of government and community framework to support approaches to early intervention and prevention and diversions at all points in the youth justice system—primary, secondary and tertiary. Partnerships across justice, health, education and the community services sectors will be strengthened to support the best interests of young people engaged in the youth justice system.

The dialogue is not only between the community and the task force. It is between local, national and international experts who will be engaged through the expert youth advisory panel. The panel will provide input to the task force on the development and implementation of the blueprint. Whilst planning the way forward in youth justice, the government has not been idle in implementing practical actions. Indeed, this government has invested significantly in initiatives to support early intervention, prevention and diversion. I will provide a few examples.

Acknowledging that many young people's difficulties have their roots in the early years, the government has enhanced services and supports to families with young children through the child and family centres. The third centre opened at West Belconnen in May of last year. The government youth commitment is a whole of government and community commitment to ensuring that no young person is disengaged from meaningful education, training and/or employment opportunities.

As part of the 2011-12 budget the ACT government has committed approximately \$2 million over four years for the establishment of an after-hours bail support service. This service assists young people already on bail and those young people facing fresh charges outside business hours where bail is being considered. It has assisted, for example, a 15-year-old girl recently involved in the criminal justice system for the first time, leading to her arrest for an assault late one evening. The watch-house sergeant referred the girl to the after-hours bail support service. It accessed overnight crisis accommodation and arranged for transport to the court the following day. As a result, the young person was bailed and released into the care of her family without having been exposed to the experience of overnight detention in Bimberi. The young person is currently on bail with supervision by a youth justice case manager.

The after-hours bail support service has been operating since October of last year. While it is early days, there is growing evidence that the program is diverting young people from remand at Bimberi Youth Justice Centre. As of last week, 68 young people had been directly assisted by the after-hours bail support service, with 17 young people being directly diverted from remand in Bimberi. I think that is a pretty good outcome for the service in its early days. A single case management model has been introduced within youth justice services in the Community Services Directorate. The model provides enhanced through-care and more seamless service for children and young people who often move between the community and custodial settings.

Our case management staff are trained in evidence-based assessments to determine the best approach to deal with the criminal behaviour that young people present with. This allows us to provide appropriate individual programs and services at the right

time. Already, this is reducing the number of young people who are requiring supervision orders, as reported recently in the report on government services.

A range of improvements have been introduced to support young people in the Bimberi Youth Justice Centre. This includes a significant investment in increasing the number of staff at the centre as well as a focus on staff training and development. The key worker model at Bimberi ensures that each young person has an advocate for their needs on a day-to-day basis at Bimberi. Anecdotal evidence suggests that this has been a very successful program and it will be further developed.

Another significant initiative to bring about positive cultural change at Bimberi is the integrated management system. This project brings together all of the elements of operations at Bimberi, including compliance and risk management, communications and data, and record-keeping and reporting.

Improved learning and training outcomes for young people in 2011 point to the significant change at Bimberi. In 2012 a transition program has been established at the Murrumbidgee Education and Training Centre with the appointment of an Aboriginal and Torres Strait Islander transition coordinator and a lead teacher. This program will follow and support young people to develop education and training opportunities as they transition from Bimberi into the community.

These improvements are exemplified by case studies like that of a 16-year-old young man who was sentenced to Bimberi for substantial property offences and who had not attended formal schooling for over 12 months. He had chronic cannabis use and a diagnosis of a mental illness. This young man while at Bimberi engaged with the education program and achieved accredited training qualifications. While at Bimberi he developed his musical talents and is now a recording artist. He is currently living independently with the support of a transition program in a place he considers his first home ever, and he is continuing his education. This is a significant success story for the single youth justice case management system.

I could also speak of the progress we have made in the last 12 months in the assessment of young people with drug and alcohol problems. During 2010-11 an interagency working group progressed the development of an evidence-based assessment and referral pathway for young people in the youth justice system who may have alcohol or other drug-related needs. Under the pathway developed, all such youth justice clients are referred to the court alcohol and drug assessment service within the Health Directorate for assessment and referral to the most suitable service for any identified drug or alcohol needs.

Our message is very clear. We recognise the importance of prevention, early intervention and diversion. We understand that, as does the broader community. I would hope that all here understand the benefits of that. Prevention and diversion were established features of the government's response to children and young people at risk of entering youth justice and young people in the youth justice system.

The ACT youth justice system comprises a range of early intervention and diversion approaches ranging from family support, child and family centres, schools and the

community. We also target secondary diversion programs for those young people who come to the attention of police or other agencies for exhibiting antisocial behaviours.

The government is committed to improving the outcomes for young people in the ACT. We are committed to ensuring that as few young people as possible come into contact with the youth justice system. For those young people that do come into contact with the youth justice system, we want to provide them with the right supports to foster a positive re-engagement with the community and to prevent further involvement in youth justice. That will benefit them if they get on with their life and have fulfilling lives participating broadly in the community in whatever their endeavours and aspirations could be.

A key part of diversion and redevelopment of youth justice is our blueprint. The implementation task force is going out and having direct conversations with the community as we look to develop the blueprint that will set out the broad, sweeping aspirations not only of my directorate but of all directorates within government so we understand clearly the intention of the community about supporting young children at risk to prevent them from entering the youth justice system. The youth justice commitment is a whole of government and community commitment ensuring that no young person is disengaged from meaningful education or training and employment opportunities, so they can continue to be positive and engaged members with our community.

In conclusion, I would like to say that we are delivering on prevention and diversion strategies. It is a loud and clear message that we hear across the community and from our expert advisers. The challenge for the government, the community and this place is to harness this clear message and to move forward collectively to achieve positive outcomes across the youth justice system in the interests of young people.

Finally, again, I would like to thank Ms Bresnan for bringing this matter forward. It is indeed an important matter of public interest. I am pleased to confirm the ACT government's commitment to support our young offenders and our focus on early intervention and diversion in the youth justice system.

MRS DUNNE (Ginninderra) (4.07): I congratulate Ms Bresnan for bringing forward this matter and for the persistence of those on the crossbench in the area of prevention and diversion of young offenders. As with all things in this place it is incumbent upon the non-government members to keep this minister honest in these matters. We have a lot of talk, but the figures do not speak very well, and the history of this minister's oversight of this part of her portfolio does not speak well.

It is within recent memory that we had a minister who was so intent on covering up the failings of the youth justice system that even when she went out to talk to staff at the Bimberi Youth Justice Centre she said that she was going there only to cover her backside. And when she heard things that she did not want to hear, we know that she stopped her ears and said, "La, la, la, la, la."

The figures in the ROGS report show that there are matters that should be of considerable concern for all legislators and all parents in this territory. The rate at

which we have young people in detention is extraordinarily high and is in many cases the highest rate in the country. It is particularly the case with Indigenous young people; given the small proportion of Indigenous people in our population, the representation of Indigenous people in the youth justice system is a disgrace.

There are many things that need to be done to address ways to best divert young people out of the youth justice system and to ensure that they do not get there in the first place. Much of the responsibility for this falls in many ways into the minister's portfolio, and action should start at the youngest possible age. The minister is keen to say that the first five years of a child's life last their whole life, or words to that effect; she has said it repeatedly. This is perhaps where we should be first talking about intervention.

We also see from the ROGS data that there has been a substantial and continuing decline in the amount of money provided to targeted family assistance for families at risk. Families at risk are much more likely to have their children end up in the youth justice system. But the ACT government is spending a paltry \$20 per child on integrated at-risk programs.

All of these things go towards a fundamental failing by the ACT government in the area of youth justice. Following considerable pressure from the opposition and the crossbench, we have seen some programs which, if appropriately implemented and appropriately resourced and supported, may provide a welcome turnaround in our poor performance in the area of youth justice. But there is still a long way to go. As with most things in this minister's portfolio, we will have to see considerable work from this minister, and the members of the crossbench and the opposition will have to be vigilant to ensure that this minister is doing more than providing lip-service.

The Labor government says that the implementation of the report of the Human Rights Commission into the youth justice system will take some 10 years to complete. This is underscored by the 224 recommendations of the inquiry of the Human Rights Commission into the youth justice system. That in itself—224 recommendations—is a demonstration of the depth of the failure of the youth justice system and the depth of the failure for the young people who come into contact with the youth justice system.

When you look at the population of young people in the ACT, those people who come into contact with the youth justice system are relatively few. We are a small and compact jurisdiction and we should not have a dysfunctional youth justice system. It should be the gold standard. It should be the place where people come to admire our successes. That is not the case now in the current system. The work of this minister and this government to turn this around is important and it will take a long time. In fact I can confidently say that we will not see the improvement in the youth justice system that the people of the ACT should be demanding in the life of this government. It will be successive governments—a Seselja Liberal government—who will actually have the capacity and the will to turn around the youth justice system, to prevent young people from entering the system, to divert those young offenders so that they do not reoffend and they do not end up in the adult prison system.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.13): I welcome the opportunity to contribute my thoughts on the issue of preventing and diverting young offenders from the youth justice system. We know there is a large amount of literature and international research in the area of youth justice. What we strongly know and is well documented is that any interaction of a child or young person with the youth justice system can have potentially negative outcomes.

History shows that many jurisdictions continue to invest heavily in tertiary prevention through strategies such as child protection and community youth justice, and the capital investment into buildings to house and detain young offenders. But this is all at a cost. The consequence is a lack of investment in the primary and secondary prevention and diversion strategies.

This is an area of public policy that needs lots of attention, as the ACT has recently had many reminders that we are not diverting or preventing young people from entering our youth justice system. The ultimate aim of prevention is to guide young people away from the life paths that are likely to lead them towards developing difficult life experiences and exacerbate the risk factors in their lives. Those difficulties and risk factors are the common issues we hear about all the time: unemployment, adult criminal behaviours and entry into the adult justice system, and mental and physical disease. These same issues make people vulnerable and socially isolated from the one thing that has the ability to guide and assist them to find better outcomes—the community.

Too often in here we hear about the negative outcomes for young people, some of which include educational underachievement, economic disadvantage, social isolation and myriad poorer health outcomes, including substance misuse and involvement in offending. These are financial costs that we should not have to pay, and social and community costs we cannot accept in this day and age.

So the ultimate benefit of prevention for young people is access and opportunity to achieve better outcomes with positive life choices. The benefits for the community are that we are safeguarded against antisocial and undesirable future consequences and we avoid the cost of lost productivity, higher crime rates, larger detention and prison populations and increased costs to the health system.

Something that strikes me in the literature is that many, if not all, young people involved in the tertiary end of the youth justice system have been known to the prevention system and community services for some time. International research would indicate that many of the young people in custody have sustained some kind of trauma through childhood abuse and neglect. We continue to see a number of young people whose brain development has been interrupted and as such live in a hypervigilant state of fear in their everyday lives. We also know that increasing numbers of young people with foetal alcohol symptoms or syndrome are committing crimes due to poor impulse control and consequential thinking and are incarcerated with very little recognition or support provided that is backed up by clinical assessments and treatment.

There is also a strong association between offending, substance misuse and mental health. A high proportion of detained young people frequently have substance misuse issues. A high proportion of young people in detention also have diagnosable mental health conditions, including major depressive disorders, mania and conduct disorders and substance dependence. The co-morbidity issues continue to be of escalating concern within this cohort.

With these issues in mind, it is important that we understand that there are many opportunities, before a young person comes into contact with the justice system, to put in place measures which will avoid these poor outcomes. A young person with a mental health issue will present within the community with issues such as poor school attendance, strained family relationships, poor physical health and a range of related concerns. These concerns almost always put them in contact with people who can provide referrals and assistance to deal with the issue, rather than waiting for poor choices to place them in the spotlight and on that path towards involvement in the criminal justice system.

To ensure that we have a prevention system which is well resourced and aware of its role within the community, we need to ensure that we have invested heavily in these early prevention services and programs. If young people do come into contact with the youth justice system we need then to shift our focus onto diverting them away again and back to their communities, with supports and resources to avoid longer term poor outcomes. We need to do this quickly and with adequate resources provided to community services in order for rapid and flexible interventions to occur, because we know that a referral does not guarantee support if there are long waiting lists.

Most offending by young people is episodic and transitory, with the majority of young people maturing out of criminal behaviour. However, for those who spend time in custody there is a proven negative effect. The research indicates that incarceration leads to social isolation, institutionalism and an increase in the likelihood of reoffending. I have concerns about the level of stigmatisation and the negative impacts that incarceration has on the young person, their family, their relationships, education and future work.

The Greens have a strong commitment to ensuring that detaining a young person in custody is used as a measure of last resort and then only if it is in the best interests of the child as stated in the legislation. In the ACT, young people who are charged with an offence are far too often taken into custody and held by police, with little coordination of diversion processes that currently exist such as drug diversion or verbal warnings. What is particularly concerning is that a large number of young people are placed in custody on remand or sentenced to a period of incarceration for offences relating only to bail and breach of community youth justice orders.

I note that in the Human Rights Commission inquiry report into the youth justice system there are strong recommendations against young people being held in cells during any of these diversionary options. While the announcement of the after-hours bail coordination service is a positive step, the service does not in fact create more beds and, while it is part of the response, we need to ensure that we also address the underlying issues here.

The Greens would like to see a greater focus on prevention and diversion in the ACT. While we acknowledge that work is being done at the moment, a lot of the work is in regard to the development of the blueprint for justice and the integrated management system. The Greens believe it is important that we are inclusive of as many stakeholders as possible, and these include young people, victims of crime, community sector workers, teachers and education staff, health workers, youth justice workers, families and extended kin, researchers in youth justice, child development and psychology and other experts such as criminologists who have an interest in this area.

This is why the Greens called on the government to establish a youth justice advisory panel comprised of experts in the areas of child and youth psychology, vulnerable families, trauma and abuse, and youth justice. The blueprint for justice and the integrated management system will form critical and integral frameworks which the future ACT youth justice system will work with for many years to come. The development of these frameworks cannot be kept in-house and should be used as a way of engaging others to strengthen our system for the future.

I also want to raise today that shifting a culture or developing a new, agreed way of working does not happen overnight. Reforms that are as important as this need to be based on solid evidence, not processes that can be rushed. We have been given the opportunity to get it right through the comprehensive review of the youth justice system. The Human Rights Commission's report provides us with the opportunity to look at that incredibly important investment in the primary and secondary interventions that not only benefit young people in the ACT but will be of great benefit to the community in general.

We have an opportunity to invest in the territory's future—an investment that I believe will bring great benefits to the whole community in the longer run. We know about investing up front and the huge economic benefits, along with social benefits, that we gain from that.

I urge the government to look at this area. I certainly will be doing work in this area myself and engaging with a range of the stakeholders. It is not just around community youth justice, it is not just around the Community Services Directorate; there are broader players in all of this area and we do need to be looking at what role they play in that early intervention and prevention framework, whether it be programs or police diversion. We need to get this right.

MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for the Environment and Sustainable Development) (4.23): The government is serious about preventing crime and reducing recidivism, and young people play a major role in the government's efforts. Statistically the ACT has the highest proportion of 15 to 19-year-olds of any jurisdiction in the country. This is also the peak age at which property crime is committed, so this cohort is central to many of the strategies developed by the government to deal with property crime and crime more generally.

It also stands to reason that, if you want to prevent crime, young people are critical. In fact, they are the linchpin. Another element to add to the mix is that crime is often transgenerational—that is, children of offenders are more likely to offend themselves. The programs and services provided by and through the Justice and Community Safety Directorate focus on offenders and their families. Cycles of offending continue unless we do something to break the cycles of vulnerability and disadvantage, and, once again, young people are central in this.

I would like to speak briefly today about the specific and important elements the government is putting in place through its policies to tackle issues relating to crime and young people and, in particular, those at risk and those who have already offended.

The government operates its criminal justice system incorporating justice reinvestment principles, using evidence-based approaches to criminal justice involving three elements: firstly, an analysis of the causes of crime and incarceration; secondly, the implementation of targeted policies and programs to address these causes, such as prevention and diversion; and, thirdly, an evaluation of the impact of these measures to inform future work.

Through justice reinvestment a small reduction in recidivism can result in significant improvements in community safety, contributing to enhancing the community's confidence in the criminal justice system. The government will continue to look at how we can further incorporate justice reinvestment approaches into the criminal justice system.

Let me turn now to the issue of property crime, which is, regrettably, an issue that continues to require significant attention. As I said in opening, young people are more likely to commit property crime than any other crime, or more than any other demographic of people here in the ACT. The government has prioritised the development of a whole of government ACT property crime reduction strategy to address property crime rates in the territory.

This strategy, which will be finalised shortly, sees young people as key to this type of offence, and so it has a strong youth focus. The property crime reduction strategy embodies the government's commitment to build on and cement the achievements of ACT Policing, which have been highlighted in the 2010-11 crime figures compared to previous years.

Let us just look at the achievements to date in terms of identifying offenders and taking action to reduce crime types. In the past 12 months motor vehicle theft offences have declined by 37.3 per cent. That translates to 776 fewer offences in the 12 months to June 2011 compared to the 12 months to June 2010—776 fewer motor vehicles stolen because of that work.

Let us look at burglary offences. They have declined by 32.4 per cent over the last 12 months. That translates to 1,683 fewer offences in the 12 months to June 2011

compared to the 12 months to June 2010—1,683 fewer burglaries. These are fantastic results and, again, I place on the record my thanks and the support of the government for the important work being done by the ACT Policing volume crime targeting team, who have delivered these significant improvements when it comes to the level of these property offences.

But building on that, we need a new property crime reduction strategy. The strategy which I will shortly release provides a comprehensive and collaborative response to reducing and sustaining these lower rates of property crime in the territory. To do this, the property crime reduction strategy will be driven by three objectives: stopping the cycle of offending through justice reinvestment, engaging those who are disengaged through early intervention, and creating a safer, more secure community by supporting victims of crime and making buildings and public places safer and cars more secure.

Stopping the cycle of offending and breaking the associated cycles of vulnerability—including low levels of education, unstable or no employment, unreliable or lack of housing—requires a collaborative cross-agency approach to working with those with high and complex needs and their families. There are three core strategic focus areas with priority work. One is enhancing and sustaining a multi-pronged, intelligence-led police method for locating, apprehending and monitoring recidivist property offenders. The second is to focus on reducing the overrepresentation of Aboriginal and Torres Strait Islanders in the criminal justice system through the related actions contained in the Aboriginal and Torres Strait Islander justice agreement. The third is through developing, designing and delivering justice reinvestment and through-care programs for adult and juvenile recidivist offenders.

The property crime reduction strategy will also focus on the role of early intervention and engaging young people who are disengaged from education, from employment and from their community. We will focus on diverting more young property crime offenders away from the courts towards diversionary options, including at-risk programs and restorative justice programs. We will look at ways to identify, refer and comprehensively support at-risk young people and their families, and we will enhance and develop a variety of new pathways and strategies to ensure that these young people actually stay at school, stay in training or are able to stay in a job. All of these things help prevent them from getting back into the cycle of crime.

The third objective of the strategy will focus very strongly on reducing and preventing property crime by supporting victims of crime, designing out crime from people's homes, public places, the work environment and reducing opportunities for car theft.

I would like to turn to another program that the government has already put in place to help implement this approach—that is, the high density housing safety and security project. This project has been funded in previous budgets because it is well documented that public housing estates, particularly high density public housing estates, have increasingly become sites of economic and social disadvantage, physical deterioration and criminal activity.

There is evidence that disadvantaged people are more likely to be both offenders and victims of crime and that the concentrations of economically disadvantaged young males in particular are a major factor in crime. So the high density housing safety and security project is a multi-agency program to improve the lives of and reduce recidivism rates for people who live in high density housing sites.

The project has focused on improving personal safety and reducing crime, enhancing the housing and physical environment, providing better access to government and non-government services, and promoting occupants' health and wellbeing, because that is such an important driver too. How people view themselves and how people have respect for themselves drives so much of the rest of their behaviour.

The project is collaborative. It has been facilitated on the ground through a project manager and it focuses on community development, law enforcement and security and better service delivery. Our research reflects a growing recognition of the importance of tenant participation in these programs as well. So this program focuses very strongly on tenant participation in helping to promote health, social and economic benefits of things like physical activity, social inclusion and participation in common activities. The high density housing safety and security project has significant social and justice benefits, and we are already seeing excellent outcomes from this program.

I could speak further about programs such as restorative justice, our Indigenous guidance partner, the Aboriginal and Torres Strait Islander justice agreement and, indeed, the involvement of Aboriginal and Torres Strait Islander young people in restorative justice. Time does not permit me today, but I commend these programs to members.

MADAM ASSISTANT SPEAKER (Mrs Dunne): There being no more speakers, the matter of public importance has expired.

Adjournment

Motion by **Mr Corbell** proposed:

That the Assembly do now adjourn.

Canberra and District Historical Society

MR COE (Ginninderra) (4.34): Today I would like to say a few words about the Canberra and District Historical Society. The society, well known to many for hosting the annual Canberra Day oration, is dedicated to encouraging the study of the history of Canberra and district and how our history connects with that of Australia as a whole.

The society is one of Canberra's oldest community organisations, founded on 10 December 1953. Seventy-three people attended the first public meeting, with 60 foundation members signing up within a matter of weeks. The aims of the society

that were adopted back in 1953 still hold true for the society today: to encourage the study of the history of Canberra and district and of Australia in relation to it, to promote the compilation of authentic historical records and the preservation of historical material and places of historic and aesthetic interest, and to foster the interchange of information through addresses, discussions, excursions and exhibitions.

The society calendar is full of events every year that include monthly lectures held on the second Tuesday of each month at the National Archives of Australia. I notice from the CDHS website that February's lecture held last Tuesday featured Neville Potter and was centred around Neville's booklet about Goulburn's little known brush with royalty in the early 1800s. A browse of the society's informative website will provide a fascinating insight into the history of our region and includes a detailed chronology of the Canberra district history, beginning in 1820 with the first known European settler, Joshua John Moore. I encourage all Canberrans to visit www.canberrahistory.org.au to find out more. I look forward to attending the 2012 Canberra Day oration on 12 March at the National Library theatre and urge the Canberra community to make this event part of their Canberra Day celebrations.

Finally, thanks must go to the following office-bearers for their contribution to the society and all that it does in preserving and sharing Canberra's history: the immediate past president, Dr Alan Roberts; vice-president, Marilyn Truscott; vice-president, George Scott; treasurer, Alan Jordan; and councillors, Tony Corp, Esther Davies, Julia Ryan, Allen Mawer, Nick Swain, and Dr Daryl McIntyre. I commend the society for all it does in preserving the history of the capital region.

Melba Men's Shed
Belconnen Arts Centre
Create Foundation
Sexual violence and institutionalisation forum
Forgotten Australians

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (4.36): I would just like to let the Assembly know about some great engagement I had with community organisations last week. My colleague Shane Rattenbury and I went out to meet with the Melba Men's Shed and had a fantastic session answering questions and engaging with the fantastic men that are part of that shed out there in Melba. I would like to thank Harry and Stewart.

I also attended the opening of some fantastic exhibitions out at the Belconnen Arts Centre, and I encourage people to pick up their most recent program. It is just a beautiful space and it is a great place for people to be able to pursue their art and to display their art. It was a great night on Friday night.

I also went to visit the Create Foundation, which is the organisation for young people to support those young people in out-of-home care. I visited their offices out there in Belconnen and had a great discussion around the transition from out-of-home care bill, the legislation that was going through the Assembly. Of course, we successfully passed that legislation this morning, which was very, very pleasing.

Another forum I was involved with yesterday—this is an incredibly important one—was about exploring sexual violence and institutionalisation in the ACT. It was held at the National Library, and I was one of the speakers at this forum. I would very much like to thank the Women’s Centre for Health Matters for inviting me along and also for organising the event. I also congratulate the ACT Women’s Services Network for their work on the summer of respect, which was a summer-long anti-sexual violence campaign.

There were a range of speakers at this forum, and the stories were quite horrific and heartbreaking at times. Some of them were very personal stories. I would like to thank Marcia from the Women’s Centre for Health Matters and Joanna Sassoon from the National Library of Australia, which is taking down the oral history of the forgotten Australians.

Of course the forgotten Australians were those children—around about 500,000 children—between the 1920s and the 1980s who were taken into out-of-home care. Most of them were put into refuges, institutions or other such facilities. For many of them it was quite horrific and they suffered enormous trauma and abuse. Those stories are being recorded by the National Library in their oral history.

This goes along with the exhibition that is on at the moment at the National Museum of Australia, “Inside life in children’s homes and institutions”. I encourage people to go along and see that incredible exhibition. I went there last week and was really very moved. One of the things I did not know was that many of these children were actually used as guinea pigs in drug experimentation. These stories need to get out; they need to be told.

Another other speaker at the forum yesterday was Wilma Robb, a fantastic Canberran who has been out there pushing for the rights of the forgotten Australians, a forgotten Australian herself. Wilma has also been representing the ACT on a national group. We also had Cathy, who gave a personal story from the perspective of someone who has been in prison. She was in prison for most of her sentence in New South Wales but also spent part of it at the AMC.

Toni and Marianna spoke about the mental health system. Marianna also gave a personal story. I thank all these women. They are very brave women. Sue Salhouse spoke about women with disabilities and the sorts of issues they can face when they are in institutions and the sorts of issues we should be addressing to ensure that those women do not become locked in their own homes or put into facilities where they do not have the sort of autonomy they should expect out of life.

As I have said, they were quite amazing stories and it was a wonderful afternoon. It was a great time to be able to raise awareness of this issue. I encourage people to get to the exhibition. I really felt it was important to let the Assembly know about the forgotten Australians and also about the issue of institutionalisation and sexual abuse.

Corneal transplant program

MS PORTER (Ginninderra) (4.41): I was pleased yesterday to officiate on behalf of the Chief Minister and Minister for Health at the launch of the corneal transplant

program, which is overseen by Dr Salim Okera at the Calvary hospital. As we know, corneal transplants can transform people's lives and can now be performed locally in Canberra. But eye tissue donors are vital to sustaining this program.

We heard yesterday from both Frank Villegas and Emma De Landre about their personal experiences in receiving corneal transplants and the difference it made to their lives. They were very moving talks from those two people. A person's life is affected when their vision is dramatically reduced as a result of any condition where the cornea becomes cloudy from disease, injury or infection.

I have had two relatives lose their sight in their 60s. I know how it affected them. Last year in Australia, as we have heard today, 1,144 people donated their eye tissue and 1,730 people had their sight improved with corneal transplants. As a result of the generosity of eye tissue donors and their families in the ACT in 2011, more than 55 people received the gift of sight.

This demonstrates the generosity of the ACT community, who see that organ and tissue donation supports and improves the lives of other Australians. As we know, this week is a week when we are all called upon to make the decision to become an organ and tissue donor if we have not already done so, which I have.

Also I would encourage all Canberrans to ask for and to know what your loved one's wishes are. This is again very important, as the Chief Minister alluded to this morning. Of course, I have done that. The reason why it is important for people to talk about the fact that they have registered to be an organ or tissue donor, or to donate both, and to share that donation decision with the people closest to them is that people will be asked to confirm the wishes of their loved ones.

That is what happens in Australia at the time when a person is deceased. Families are asked to confirm that and there is a discussion at a very difficult time. If they do know that already, of course it is much easier for everyone concerned.

I want to thank all those involved in organ and tissue donation in the ACT, in particular Dr Okera and his team, the organisations and the volunteers that support the donors' families and the donors' families themselves. To discover more about organ and tissue donation, I suggest that people, if they have not already done so, go onto the website www.donatelife.gov.au. I will see you all hopefully at the walk tomorrow.

North Canberra Gungahlin Cricket Club Mr Keith Tournier

MR DOSZPOT (Brindabella) (4.45): Last Sunday, 19 February I was invited to the annual North Canberra Gungahlin Cricket Club Keith Tournier volunteers day. Keith Tournier was a volunteer with norths for many years. The particular annual day is not only in memory of Keith Tournier; it also gives the club an opportunity to thank all the volunteers across their complete cricketing community. The day started with a junior development match, which was then followed at 2 pm by a twenty20 match between their first XI and a selection of 11 players from all other first grade clubs in Canberra.

Keith Tournier's dedication to sport crossed several boundaries. He was a very keen cricket lover and official. He was also very heavily tied up in soccer at Majura soccer club where I first got to know Keith. He passed away in 2006 at around 76 years of age. I would just like to read out a little bit of the biography that was incorporated into the naming of the Keith Tournier enclosed oval in 2007 when the former Majura enclosed oval was named the Keith Tournier enclosed oval:

Keith Tournier was born in Geelong, Victoria. On leaving school he trained as an A Grade Electrician.

He was a member of the Civilian Military Force for over 20 years. He joined the regular Army in 1971, remaining until his retirement in 1983 as Warrant Officer Grade 1. Keith served in Vietnam in 1971-72.

After his retirement he worked at General Electric Corporation and then HPM Industries Pty Ltd using his past electrical knowledge until 1994.

Keith was heavily involved in sport and sporting clubs, including the Majura Junior Soccer Club (from 1981), the North Canberra Gungahlin Cricket Club and the Northern Suburbs District Cricket Club. He was involved in both the junior and senior level. He gave his time tirelessly fulfilling all roles possible from President to Team Manager.

For the last decade of his life his main passion was the preparation and upkeep of the Majura Enclosed Oval turf pitch. He could be found nearly every day throughout the summer working on the pitch or oval, manning the canteen, cleaning the canteen and change rooms and making sure the magpies had their water bowl full on a hot summers day.

His passion to work without any recompense or recognition inspired many members of the North's cricket club and the various other ACT sporting associations he was involved with to contribute more of their time to make sure the sports future was in safe hands for the children of tomorrow.

Keith's children, Chris and Helen, are still involved with the club. North Canberra Gungahlin Cricket Club is a community-focused cricket club that can provide an environment where cricketers of all ages, backgrounds and skill levels can enjoy their cricket and develop their skills. They participate in Cricket ACT men's, women's and juniors' competitions. They have approximately 150 senior members and supporters, 22 junior teams and more than 100 "in2cricket" participants aged eight years and younger, making them the largest cricket club in the ACT.

Historically, they have been based in close proximity to the centre of Canberra. Over the last decade they have developed a strong presence in the growth suburbs of Gungahlin and have recently opened their new clubroom and ovals at Harrison, while still retaining their traditional home grounds of Keith Tournier memorial oval and Reid oval.

The Keith Tournier legacy is now in the capable hands of the following club officials: Phil Coe, the senior president; Allan Hall, the senior secretary; Linus Ryrie, the junior

Secretary; Miles Boak, the junior chairperson; Denis Axelby, the general manager of cricket; Donna Wah Day, the communications officer; Jill Shepphard, the chairperson, women's committee; and Bob Hall, the chairman. The men's first grade captain is Sam Gaskin and the women's contact is Jill Shepphard.

I commend to our Assembly the work that is carried out by all of the volunteers and people associated with this fine community club—the North Canberra Gungahlin Cricket Club.

Energy—solar

MR RATTENBURY (Molonglo) (4.49): I rise this afternoon to share with the Assembly an interesting article that appeared recently in the BusinessDay section on 17 January this year in the *Sydney Morning Herald*. The article was by Matthew Wright, who is the executive director of think tank Beyond Zero Emissions. It is headed, "Creating electricity at home the cleanest and most sensible option under the sun". The subheading is "Solar energy benefits the state"—in this case, New South Wales—"by providing electricity at much cheaper rates than those of traditional sources". I am going to take the opportunity to quote some of the sections of the article. He starts by saying:

It may appear counterintuitive, but getting millions of solar panels onto rooftops saves more money than it costs. Feed-in tariffs enacted by state governments have enabled ordinary Australians using their savings to build a solar power station at home benefiting the community.

When those solar households who had saved to get their panels installed under the solar feed-in tariff programs export their solar production to the grid, which occurs mostly during higher demand daytime periods, they are given a slightly higher than average retail rate for the electricity they are selling. The prices they have been paid are relatively meagre when compared with the ridiculously high rates paid to big coal or gas power plants.

At the same time that little solar households who have invested their money in a rooftop power station are being paid between 44c and 60c per kilowatt hour, the old power companies with their dirty belching coal and gas plants are receiving as much as \$12.50.

In other words, the coal and gas guys are being paid as much as \$11.90 more than a home solar generator for just one unit of electricity.

I will skip ahead a little bit. He goes on to say:

This is not the full story. At other times when your home solar system is generating, the coal plant may be receiving 6c, 8c, \$1, \$3 or \$5 but you're still getting a steady 44c to 60c. The reason customers were getting an average price under the state programs is because it's too difficult for ordinary home owners to set up a trading desk and participate in the national electricity market. So the 44c to 60c range is much more reasonable when you take into account the wild fluctuations that occur daily as power generators use their market power to game the electricity market, which ultimately is costing consumers.

He goes on:

All that said, the most important contribution from rooftop solar is through the “merit order effect”, explained in a recent paper by the University of Melbourne’s energy research institute, which showed electricity production from rooftop solar is brilliantly timed for when we’re inside and running our airconditioners and can substantially reduce the wealth transfer from ordinary electricity consumers to big power generators. Eighty-five per cent of the time, during peak demand periods when the highest prices occur in the electricity market, rooftop solar is there to dampen, reduce and keep a lid on extreme prices.

At just 3000 megawatts of solar, which is what Germany installed in December during the Christmas holiday break, we would be paying at least a billion dollars less for our electricity, amounting to a more significant saving on bills than if we choose not to encourage people to put more solar on their roofs.

Today the government—

the New South Wales government—

through IPART ... is performing a review into feed-in tariffs to find a “fair and reasonable” price to pay enterprising householders for the solar electricity they produce. In the government’s terms of reference they were asked to recommend a price with “no resulting increase in electricity prices in NSW” and to make the scheme so that “the government would not pay”. They also asked for it to support a competitive electricity market. The University of Melbourne paper showed that a net feed-in tariff price of 35c to 40c a kilowatt hour, handled by the distribution companies, would lower electricity prices by more than it would cost to fund it and that the government’s existing low-income household rebate could be increased slightly to accommodate any shifting in network costs from solar to non-solar households.

He concludes his article by saying:

The reward from the merit order effect should not be handed to dirty fossil fuel generators as they are able to withdraw their service, choosing whether to supply and game the electricity market, sending electricity prices spiralling while on the whole solar households will reliably generate, day in, day out.

I think this is a very interesting article. So often we have debates about the cost of encouraging renewable energy, but we all know—and, in fact, this article demonstrates this—that the electricity market is very complex, and it is not a simple thing to come in here and say, “Feed-in tariffs will push up the price of power.” We need to look deeper into the operation of the market. I commend this article to members of the Assembly to read and to consider. I seek leave to table a copy of it in the Assembly today.

Leave granted.

MR RATTENBURY: I present the following paper:

“Creating electricity at home: the cleanest and most sensible option under the sun”—Copy of article from *The Sydney Morning Herald*, 17 January 2012.

Mary MacKillop school—trade training centre

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Gaming and Racing) (4.54): I rise to make comment on a wonderful opening of the trade training centre at the Mary MacKillop school down in Isabella Plains. I can see from the school's website that they are very pleased with their trade training centre. The website says:

Prime Minister Julia Gillard opened the St Joseph the Worker Campus of the Canberra Regional Pathways Trade Training Centre, located at MacKillop's Isabella Campus, today.

Ms Gillard commended MacKillop on its role as lead school in the joint initiative with St Clare's College, Merici College, and St Francis Xavier College, and spoke of the importance of presenting students with a wide range of opportunities—much like the opportunities offered at MacKillop.

Principal Michael Lee thanked the Government for sticking to its promise to make education a priority, despite dealing with a tough economic climate, and congratulated the many parties involved in making the Trade Centre possible.

After the Official Ceremony, Prime Minister Gillard inspected the facilities, mingled with students and guests, and shared a brief afternoon tea in Cafe Bella, which had been upgraded in 2011 as part of the construction of the Trade Training Centre.

I encourage people to go to the Mary MacKillop website to have a look at the trade training centre.

There were many guests who celebrated this wonderful addition to the college in my electorate of Brindabella. Other people who were there to celebrate at the official opening included the member for Canberra, Gai Brodtmann, along with the minister for school education, Peter Garrett, who joined Prime Minister Julia Gillard to officially open the trade training centre.

The Gillard government has provided \$5.7 million for the trade training centre, which is a facility for secondary students not only from MacKillop but also from other colleges, such as Merici, St Clare's and Francis Xavier. The students will now be able to gain qualifications in construction, hospitality and manufacturing while they complete year 12 and prepare to enter the workforce. The centre will help address skill shortages in Canberra, boost national productivity and give our young people rewarding career options as they advance through school. That was a comment by the member from Canberra, Ms Brodtmann.

I was there at that opening. Indeed, the auditorium at the college was full. It was fantastic. All the children were looking with great excitement at the opportunities that this trade training centre facility will provide them with. It just goes to show the investment that the federal Labor government and this government, individually and collectively, make within the education system, through the BER and through our

own resources, to make sure that Canberra students, Canberra children and young people, have the best opportunities in the education environment.

Question resolved in the affirmative.

The Assembly adjourned at 4.58 pm.

Schedules of amendments

Schedule 1

Children and Young People (Transition from Out-of-Home Care) Amendment Bill 2011

Amendments moved by Ms Hunter

1

Proposed new clauses 7A to 7I

Page 3, line 5—

insert

7A New section 511A

insert

511A Charter of rights for children, young people and young adults in, or previously in, out of home care

- (1) The director general must prepare a charter of rights for children, young people and young adults in, or previously in, out of home care (the *charter of rights*).
- (2) The director general must give a copy of the charter of rights to each child and young person in out of home care.
- (3) The director general must uphold the rights conferred by the charter of rights.
- (4) The director general must promote compliance with the charter of rights by out of home carers.
- (5) Out of home carers must uphold the rights conferred by the charter of rights.
- (6) The charter of rights is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

7B Division 15.4.3 heading

substitute

Division 15.4.3 Information and items to be kept by foster carers and residential care services

**7C Definitions—div 15.4.3
Section 526, definition of *personal information***

omit

7D Section 527 heading

substitute

527 Information and items must be kept during placement

7E Section 527 (2)

substitute

- (2) Each care entity for the child or young person for the placement must keep the following things during the placement:

- (a) protected information about the child or young person that the care entity possesses because of the placement;

Example

records made by the care entity about the child or young person because of the placement

Note 1 **Protected information**—see s 844.

Note 2 An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (b) personal items of the child or young person that the care entity possesses because of the placement.

Note **Personal items, for a child, young person or young adult**—see the dictionary.

7F Section 528 heading

substitute

528 Information and items must be kept after placement ends

7G Section 528 (1) to (3)

omit

personal information or records

substitute

protected information or personal items

7H Section 528 (4) and (5)

substitute

- (4) If protected information is given to the director general under subsection (3), the protected information is a record of an agency under the *Territory Records Act 2002*, section 9 (Meaning of *record* of an agency etc).
- (5) This section is subject to division 15.5.4 (Entitlement to personal items and access to personal information).

Note Div 15.5.4 applies to young people who have left out of home care.

7I Section 529

substitute

529 Child or young person may have access to information and items

- (1) This section applies if—
- (a) a care entity for a child or young person for a placement keeps protected information or personal items under section 527; and
- (b) the care entity has not given the protected information or personal items to the director general under section 528.
- (2) The director general may, if satisfied on reasonable grounds that it is in the child's or young person's best interests, direct the care entity to give the child or young person—
- (a) the protected information or personal items; or

- (b) access to the protected information or personal items.
- (3) A direction may be conditional.
- (4) If the director general gives a care entity a direction, the care entity must comply with the direction.
- (5) If the direction is subject to a condition about the access to be given, the care entity must comply with the condition.
- (6) This section is subject to division 15.5.4 (Entitlement to personal items and access to personal information).

Note Div 15.5.4 applies to young people who have left out of home care.

2

Clause 8

Proposed new part 15.5, new section 529J (3A)

Page 9, line 29—

insert

- (3A) However, if the director general provides financial assistance in the form of a loan to a young person or young adult, no interest is to be payable on the loan.

3

Clause 8

Proposed new part 15.5, new division 15.5.4

Page 10, line 4—

insert

Division 15.5.4 Entitlement to personal items and access to protected information

529K Entitlement to personal items

A young person, or young adult, who has left out of home care is entitled to have and keep, free of charge, all of the young person's or young adult's personal items that are held by—

- (a) the director general; or
- (b) an out of home carer for the young person or young adult.

Note Some out of home carers are required to keep personal items during placements (see div 15.4.3).

529L Access to protected information—young person

- (1) This section applies if a young person who has left out of home care asks for access to protected information about the young person that is held by—
 - (a) the director general; or
 - (b) an out of home carer for the young person.

Note 1 **Protected information**—see s 844.

Note 2 Some out of home carers are required to keep protected information (see div 15.4.3).

- (2) The director general may, if satisfied on reasonable grounds that it is in the young person's best interests—
 - (a) give the young person access, free of charge, to the protected information held by the director general; and

- (b) direct the out of home carer to give the young person access, free of charge, to the protected information held by the out of home carer.
- (3) A direction under subsection (2) (b) may be conditional.
- (4) If the director general gives an out of home carer a direction, the out of home carer must comply with the direction.
- (5) If the direction is subject to a condition about the access, the out of home carer must comply with the condition.

529M Access to protected information—young adult

A young adult who has left out of home care is entitled to have access, free of charge, to protected information about the young adult that is held by—

- (a) the director general; or
- (b) an out of home carer for the young adult.

Note 1 **Protected information**—see s 844.

Note 2 Some out of home carers are required to keep protected information (see div 15.4.3).

529N Access to protected information—support and assistance

- (1) If a young person or young adult seeks access to protected information under this division, the director general must provide an appropriate person to support and assist the young person, or young adult, accessing the information.
- (2) The Minister may make guidelines about appropriate people and the support and assistance they may provide to a young person, or young adult, accessing protected information under this division.
- (3) A guideline is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

4**Proposed new clauses 12A to 12E**

Page 10, line 23—

insert

12A Dictionary, definition of *care entities*

substitute

care entities, for a child or young person for a placement, for division 15.4.3 (Information and items to be kept by foster carers and residential care services)—see section 526.

12B Dictionary, new definition of *charter of rights*

insert

charter of rights—see section 511A.

12C Dictionary, definition of *personal information*

omit

12D Dictionary, new definition of *personal items*

insert

personal items, for a child, young person or young adult—

- (a) means—
- (i) any of the following items belonging to, or about, the child, young person or young adult:
 - (A) a birth certificate;
 - (B) a passport;
 - (C) a school report or other report relating to the child's, young person's or young adult's education;
 - (D) a medical report;
 - (E) a copy of a photograph; and
 - (ii) anything else prescribed by regulation; but
- (b) does not include sensitive information about another person.

Note **Sensitive information**—see s 845.

12E Dictionary, definition of *placement*

substitute

placement, for a child or young person, for division 15.4.3 (Information and items to be kept by foster carers and residential care services)—see section 526.

Schedule 2

Children and Young People (Transition from Out-of-Home Care) Amendment Bill 2011

Amendments moved by Mrs Dunne to Ms Hunter's amendments

1
Ms Hunter's Amendment No. 1
Proposed new clauses 7A to 7I
Page 3, line 5—

omit 7A

2
Ms Hunter's Amendment No. 4
Proposed new clauses 12A to 12E
Page 10, line 23—

omit 12B
