DEBATES

OF THE

LEGISLATIVE ASSEMBLY

FOR THE

AUSTRALIAN CAPITAL TERRITORY

SIXTH ASSEMBLY

WEEKLY HANSARD

8 MARCH

2005

Tuesday 8 March 2005

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MR SPEAKER (Mr Berry) took the chair at 10.30 am, made a formal recognition that the Assembly was meeting on the lands of the traditional owners, and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Legal Affairs—Standing committee
Scrutiny report 4

MR STEFANIAK (Ginninderra): I present the following report:

> Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 4, dated 7 March 2005, together with the relevant minutes of proceedings

MR STEFANIAK: I seek leave to make a brief statement.

Leave granted.

MR STEFANIAK: This report contains the committee's comments on eight bills, 32 pieces of subordinate legislation and one government response. The report was circulated to members when the Assembly was not sitting. The regulation part consists of about 12 pages. Might I formally welcome on board Mr Stephen Argument, who will be assisting the committee. I think that is a great step forward. We have already had, for many years, the excellent services of Peter Bayne, and Stephen Argument has now come on board.

There is a very detailed report in relation to the subordinate legislation. He has picked up a number of problems—many minor ones but problems nevertheless—which I would certainly commend the government and its agencies to have a good look at. Might I formally welcome Mr Argument on board—and I commend the report to the Assembly.

Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill 2004

Debate resumed from 9 December 2004, on motion by Mr **Stanhope**:

> That this bill be agreed to in principle.

MR STEFANIAK (Ginninderra) (10.33): Since 2003 there has been a single set of classification guidelines for both films and computer games. Some months ago the relevant commonwealth, state and territory censorship ministers met and came up with the current national classification code. The national classification code is established under commonwealth legislation. Decisions in relation to particular films are made by the commonwealth Office of Film and Literature Classification. The states and territories are responsible for the enforcement of classification decisions in relation to films, computer games and publications. Hence you will see, in this piece of legislation, quite a large number of provisions relating to what people can and cannot do, and indeed penalty provisions as well for people who do the wrong thing.

The national classification code has some underlying principles, which I am sure all members would agree with: fundamentally, that adults should be able to read, hear and see what they want; that minors should be protected from material likely to harm or disturb them; and that everyone really should be protected from exposure to unsolicited material they find offensive. There is also, of course, the need to take into account community concerns about depictions that condone or incite violence, especially sexual violence, and also films or material that might portray people in a demeaning manner. Other states have already made these amendments, or are in the process of making them, as has, of course, the commonwealth.

I think it is important to have national legislation such as this. I was pleased to see, in 2003, computer games also included for classification. I think the highest classification for those is a sensible one. It will mean that, unlike some films where you have classifications for audiences over 18, you will not get that in computer games. I think that is a sensible safeguard. I believe there is an MA 15+ classification for computer games and, whilst that is a relatively high one, I think the reason for that is the recognition that minors, especially, might be able to play computer games when the adults might not necessarily know they are doing so. So it is important to ensure that computer games are perhaps a little bit more regulated than films.

The scrutiny of bills committee has made a number of comments in relation to this, which I commend to members, setting out the various positions, given the fact that we also have a duty now to the Assembly in relation to section 38 of the Human Rights Act. Late last night I received a copy, and have now received an original, of the Attorney-General's comments in relation to the scrutiny report, and I thank him for that. Members hopefully will have read the scrutiny report by now. I think it provides helpful insight into the scrutiny issues in relation to this important bill. This is a vexed issue. There are probably still a number of people in our community who would wish classifications to go further, whilst there would certainly be a number of people who do not want that. It is a question of balancing rights. The opposition is happy to support the national approach taken by all states and territories, which this bill replicates.

DR FOSKEY (Molonglo) (10.37): This bill provides for the enforcement of a national classification scheme for publications, films and computer games in the ACT. As the minister said, this bill follows on from the modified classification system, with each state and territory responding appropriately. The explanatory statement for the bill and the scrutiny of bills report discuss the frequent use of strict liability offences and the several absolute liability offences in the bill. I was a bit concerned that the government had not provided a response to the scrutiny of bills report until this morning.

As noted in the report, it would be useful for the explanatory statement to provide reasons for imposing a legal burden of proof on the defendant. The explanatory statement goes into reasons for the use of strict liability offences, but I would like to note our concerns about these provisions. The scrutiny of bills report notes the guidelines from the Senate for use of strict liability. Firstly, it says that strict liability may be appropriate where it is necessary to ensure the integrity of a regulatory regime such as those relating to public health, the environment, or financial or corporate regulation, or where its application is necessary to protect the general revenue. Second, strict liability

may be appropriate to overcome the knowledge of law problem where a physical element of the offence expressly incorporates a reference to a legislative provision.

Third, strict liability may be appropriate where it is proved difficult to prosecute fault provisions, particularly those involving intent. As with other criteria, however, all the circumstances of each case should be taken into account. Last, strict liability offences should be applied only where the penalty does not include imprisonment and where there is a cap on monetary penalties. The general commonwealth criterion of 60 penalty points appears to be a reasonable maximum.

This bill does not include any strict liability offences where imprisonment is a possible punishment and in no case does the penalty exceed 60 points, but I note that there are concerns about the number of strict liability offences. The bill also creates a number of offences of absolute liability. In some cases imprisonment has been noted as a possible punishment. I note that, for each instance, there is a provision for the defendant to avoid conviction if he or she proves certain matters—generally if they acted with reasonable care in some respect.

The bill also contains some offences where the legal burden of proof is borne by the defendant. This occurs in instances to protect children. The main concern was for clause 13 (4) covering private exhibition of films in the presence of a child. The saving grace is that you only have to demonstrate, on the balance of probabilities, that you believed that that person was a child.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (10.40): Essentially this legislation does a couple of things, one of which is to bring us in line with what other jurisdictions are already doing, as the Chief Minister said in his presentation speech. The states and the Northern Territory have either made, or are in the process of making, these sorts of amendments anyway as part of a national cooperative scheme. It seems to me that we need to be absolutely sure that we are not the ones left behind in this.

To take the points Dr Foskey made, she talks about strict liability offences. I think scrutiny of bills spoke about strict liability offences ad nauseam, Mr Stefaniak, if my memory serves me correctly, in the last Assembly. We were particularly cautious at that time to make sure that the punishment fitted the crime, sort of thing. We have got to be careful about just how we apply strict liability. There also needs to be a link about the liability and the jurisdiction in which it applies. If we, for example, are talking about strict liability offences we want to make sure that the other states and territories also have strict liability as a rider for this offence.

Essentially, though, with this legislation it becomes more explanatory. We all see it on the TV guide, for example. When you look up the movie of the day, it will have MA, MA, L, V, SX, WC and "change" probably even whacked on the end. These classifications make it even more explanatory for parents when they are talking about picking up a video, taking the kids to the movies, or even going to somebody else's house because their kids are going to have a movie night, or something like that.

These classifications make it more obvious to parents what the content is all about. I reiterate what the Chief Minister said in his presentation speech about R-rating—that this will become R 18+. It is an advisory, saying that you have to be over 18. We thought that that was what R meant anyway. Where it has its greatest significance, of course, is where you have the G, the PG and the M ratings, not to mention the restricted category X. Those will have MA 15+ and those sorts of appellations. Of course, people can then say, "If my child is going to be exposed to this, I agree with it," or, "I disagree with it." I think it is a much more comprehensive explanation of what is going on.

I also think advisory classifications are important. These are not restricted to anyone, regardless of age; they are advisory. These are not things that are imposed. The classifications are recommendations only, and parents can be encouraged to advise their kids that these movies, computer games and publications are suitable for their particular ages. They also help adults to make informed decisions or choices prior to viewing a film or purchasing a publication. If you go down to the video store you may find a leftover there. Sometimes it is not as easy as you might think.

If you go to some of the games stores and video sales stores, you might not want to look at a thing before working out for yourself whether it is suitable for your children. These advisories assist parents in doing that. Australian legislation recognises that some movies, games and publications require a mature perspective. This is what the Chief Minister was talking about before.

The protection of kids from exposure to unsuitable and explicit content is really one of the major points about the Australian classification system. Of course, this material is classified in legally restricted categories. That is a message from society to parents and people picking up items for showing to young people that society, as a whole, rejects the exposure of young people to this sort of explicit material, and so makes it illegal. I support that very strongly. There is, of course, a civil libertarian argument about whether or not people can have a choice and whether or not parents should have a choice about allowing their children to have exposure to stuff. I reject that out of hand, when talking about explicit material with respect to kids. I think we need to send a loud and clear message about that. This legislation supports that as well.

The changes follow on from the creation of a single set of classification guidelines for both films and computer games in 2003. Members will recall that when the Chief Minister presented the legislation the highest permissible classification for computer games remained at MA 15+. Anybody who has seen the violence in some of the computer games surely cannot have any difficulty with a minimum of MA 15+.

I have been absolutely appalled about some of the material in computer games. We try to teach our kids not to be violent. There is a movement about, saying, "Don't give your kids toy guns for Christmas." By the way, we then enrol them in a paintball bloody fight. So I have to say there is a bit of inconsistency there. The emergence of computer games has revealed some pretty ugly games, some based on Iraq, some based on Afghanistan, some based on the sorts of horrors Martin Bryant engaged in. Some of the American stuff, for example, that I observed when I was in New York is absolutely mind-boggling. They ask participants to conduct that horror scene all over again. I think this legislation goes some way to stopping that happening in this country.

The legislation also has a transitional measure in it that minimises inconvenience to business. One of the things that I note this government has done which other governments in the past, regardless of colour, seem to forget is that, when you impose a regime on business, what can happen is that the businesses have that stock on their shelves. If they cannot shift that stock they have an instant loss, and, if they make a claim for compensation, in 100 per cent of cases that claim is rejected. So I note the transitional measures in this legislation that protect them. Mr Speaker, you might recall that, when we were talking about the restrictions on fireworks sales, one of the big issues was making sure that bona fide business people did not suffer because of the introduction of restrictive legislation regarding their businesses.

As I indicated a little earlier, there is always some concern that we might be breaching people's civil liberties. We have here an absolutely classic example of how a piece of legislation going to the rights of parents over the governance, if you like, of their children has to be measured up against the Human Rights Act. In the past we argued about that but we do not have to argue that now. We have a Human Rights Act, and every piece of legislation has to be measured against it. If there is an infringement of somebody's liberty, there has to be a very good explanation for it. In this case I do not think there has been.

I do not think this classification system should be regarded by the community as a rank act of censorship. It should not be regarded as a big brother attempt to tell parents what to do with regard to their children. This legislation provides guidance, in most cases, for parents in respect of the material their kids will be exposed to, with the slightly hard edge that, when we are talking about explicit and violent material, this society brooks no nonsense. We are just going to say no to it.

I think this is a very responsible piece of legislation. I take Dr Foskey's point about being careful about liabilities, and the very different types of liabilities you can have. I also note that the scrutiny of bills committee did a very good job in looking at this piece of legislation, and I think that committee needs to be congratulated for that; I think it is a great move. I think that, at the end of the day, we have to make sure we have legislation that takes into account community concerns. The community is concerned about the depiction of violence.

Those computer games do nothing short of inciting kids to violence. I think we should do anything we can to stop that. Some of the explicit and not so explicit material portrays people in quite a demeaning manner. It depicts relationships between adults that are quite inappropriate and inexcusable. I think, whilst we have to be careful about banning those things outright, we need to make sure that the explanations contained on that material for the guidance of responsible people work. I believe this piece of legislation does just that, and I commend it to the Assembly.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs) (10.52), in reply: Members will recall that I presented the Classification (Publications, Films and Computer Games) (Enforcement) Amendment Bill on 9 December. The bill will amend the Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 to

implement changes to the national classification code and to harmonise the act with the Criminal Code 2002. It will also make some other technical amendments.

Changes to the national classification code were agreed recently by the commonwealth, states and territories at a censorship ministers meeting. The modified classification system will enhance consumer awareness of the age restrictions associated with particular films and computer games by including an age specification as part of particular classification symbols so that, for example, R will become R 18+. These changes will highlight the distinction between the advisory categories, to which no age specification is attached, namely G, PG and M, and the restricted categories of film—X 18+, R 18+ and MA 15+.

Advisory classifications are not restricted to anyone, regardless of age. These classifications are a recommendation only and parents are encouraged to advise their children if these movies, computer games and publications are suitable. They also assist adults in making informed choices prior to viewing a film or purchasing a publication. Australian legislation recognises that some movies, games and publications require a mature perspective. Protection of children from exposure to unsuitable and explicit content is an important objective of the Australian classification system. Such material is classified in legally restricted categories.

The amendments to classifications made by this bill are complementary to the changes to the national classification code made by the commonwealth earlier this year following, once again, the agreement of censorship ministers. The states and the Northern Territory have either made, or are in the process of making, these amendments as part of the national cooperative scheme.

As Mr Hargreaves mentioned, a system of transitional measures under the commonwealth act will allow films classified under the old system to continue to be exhibited. That will minimise any inconvenience to businesses involved in the film and computer game industry in complying with the new classification system. Amending the classification act has also given us the opportunity to introduce some technical amendments that will streamline the act with the Criminal Code 2002 and resolve a potential difficulty with evidentiary certificates issued by the commonwealth Office of Film and Literature Classification.

For the information of members I think it is fair to say that, at the censorship ministers meetings in relation to this issue, as there always is in relation to any issue to do with censorship, there was a vigorous discussion, to the extent that there was a determination to ensure that video games are, essentially, regulated according to the same set of principles and the same classification regime.

There was a lively debate about the impact of explicit material on games and the extent to which it was necessary for classification regimes to remain or to come into step with new technologies, new games and new pursuits. I think it is appropriate that I respond to the issues raised by the shadow attorney and by Dr Foskey in relation to issues raised quite explicitly by the scrutiny of bills committee in relation to the legal burden of proof issue and the issue in relation to stricter absolute liability in relation to particular elements of offences.

This is a live and continuing debate. It is a very important and valuable part of the role the scrutiny of bills committee undertakes. It raises issues for the consideration of members in relation to all legislation with regard to issues such as the legal burden of proof. These days, of course, there is a further role in relation to whether or not provisions that are being introduced by the government are indeed compatible with the Human Rights Act. I think we are all aware that we have had a debate—certainly over the seven years that I have been in this place—in relation to strict liability provisions.

I will just touch on both the issues raised by the shadow attorney and Dr Foskey. They are issues of continuing interest at least, if not of continuing concern. It is the case that, in relation to this bill, there are a number of provisions—or at least in the existing legislation—that have specific defences that require a defendant who wishes to rely on the defence to prove the existence of the circumstances of the defence; that is, that the defendant bears the legal burden of proof.

Imposing the legal burden of proof on the defence does—and Dr Foskey went to this point—on its face present an infringement on the procedural rights of an accused. Indeed, it is relevant that we now note that those procedural rights of the accused are protected by section 22 (1) of the Human Rights Act of 2004. That is a provision within the bill of rights that we have legislated in the ACT. I find it interesting, but I think it is important that we now acknowledge the role that a bill of rights, or the Human Rights Act, has in the discourse or conversation that is occurring within government and within the committees of this place in relation to human rights.

Of course, the government has always insisted that the great strength of our model or version of the bill of rights or the Human Rights Act is the dialogue it creates between arms of government. This is a fantastic example of that model at work—not just at work but working—in that it now forces members of this place, public servants, decision-makers and the minister to have regard, in a most explicit way, for whether or not a particular action has human rights implications.

For myself, in the face of those who continue to argue against a bill of rights, it is a classic but quiet example of the strength and importance of a bill of rights, of a human rights act. Here we are, as a legislature, debating the implications for human rights of a particular provision. Isn't that a good thing? I insist it is. I think it is one of the great strengths of a bill of rights. It is quiet, it is unassuming, but it is there. Public servants in their work are now forced to ask the question and answer the question. They talk about it, and we as legislators are forced to deal with the issues.

In this particular case with the provisions, it is the government's assertion—and I believe it is essentially the position of the scrutiny of bills committee, who did not come to a final resolution on the issue but raised it for the consideration of members—that it is arguable, on the basis of international jurisprudence, and I think there was reference to a New Zealand case, that the provisions in relation to the legal burden of proof as applied in the Classification (Publications, Films and Computer Games) (Enforcement) Act fall within permissible limits under section 28 of the Human Rights Act because the purpose of the provisions for protection of children is an important and legitimate objective which will be achieved by the provisions.

The use of the legal burden is a proportionate measure to achieve that objective. Of necessity, the application of the Human Rights Act in circumstances such as this requires value judgments to be made, there is no doubt about that. In this case the judgment to be made by the Assembly is about the value to society of procedural rights of the accused, as opposed to the value to society of ensuring that our children are safe.

It is a classic stand-off between competing rights. We go then to a discussion around proportionality. Is it reasonable: acknowledging the right of an accused or defendant not to have to bear the burden of proof, perhaps as an incident of their procedural rights, against the rights of children to be protected? Of course, we come down on the side of children. We weigh the competing procedural rights of a defendant against the right of a child to be safe.

That is how the Human Rights Act works. In a case such as this, as we contemplate and consider the issue around the legal burden of proof which we impose in relation to certain offences under this legislation—and we say that this is appropriate—the limitation of procedural rights of the accused and the result of retaining a legal burden of proof in these provisions is justified by the greater protection from exposure to violent and sexually explicit material that it affords to children.

The protection of children from exposure to unsuitable and explicit contents is an important objective of the Australian classification system. It is appropriate that cinemas and video shop owners show due diligence in ensuring that their businesses comply with the classification system. There is perhaps no more important role, responsibility or function of government than to protect children.

I will just go to the other issue that both the shadow attorney and Dr Foskey raised in relation to strict liability or absolute liability in relation to elements of offences. Certainly this bill does include a number of offences where strict liability applies to the offence or to a specific element of the offence. Section 23 of the Criminal Code provides that, if a law that creates an offence provides for strict liability, there are no-fault elements for the physical elements of the offence. Essentially this means that conduct alone is sufficient to make the defendant culpable. However, if strict liability applies, the defence of mistake of fact is available where the person considered whether or not facts existed and was under a mistaken but reasonable belief about the facts. Other defences such as intervening conduct or event are also available.

Offences incorporating strict liability elements are carefully considered when developing legislation and generally arise in a regulatory context where for reasons such as public safety or protection of the public revenue, the public interest in ensuring that regulatory schemes are observed requires the sanction of criminal penalties. In particular, where a defendant can reasonably be expected, because of his or her professional involvement, to know what the requirements of the law are, the mental, or fault, element can justifiably be excluded.

The rationale is that professionals engaged in producing or distributing films, videos or publications as a business, as opposed to members of the general public, can be expected to be aware of their duties and obligations. The provisions are drafted so that, if a particular set of circumstances exists, a specified person is guilty of an offence. Unless

some knowledge or intention ought be required to commit a particular offence (in which case a specific defence is provided), the defendant's frame of mind at the time is irrelevant. The penalties for offences cast in these terms are lower than for those requiring proof of fault.

An absolute liability, of course, is similar to strict liability in its nature but also removes the defence of mistake of fact. Essentially, this means that conduct alone is sufficient to make the defendant culpable. However, some defences such as intervening conduct or event are also available. Absolute liability has been provided for an element where mistake of fact by the defendant would not be the appropriate defence in the circumstances. However, in all cases where absolute liability has been applied, a particular defence with either a legal burden or an evidential burden has been specified in the further provisions of the offence.

I think this is an important piece of legislation. It is not particularly controversial. It does make our classification system, I think, perhaps a little bit truer in its depictions or descriptions in relation to the advisory categories, as opposed to the restricted categories. The basis or rationale for the changes was the subject of some significant public research by the Office of Film and Literature Classification. It was discovered by the OFLC that there was enormous confusion or misunderstanding within the community around exactly what the classifications meant and what the restrictions implied.

The new system really is designed to meet the level of ignorance that existed within the community about exactly what each of these categories, G, PG, M or MA mean. At one stage there was an intervening category that was essentially meaningless. I believe the amendments to the classification legislation are warranted. They are not particularly controversial, but it is a very interesting subject and one that is always of lively interest to the community. I thank members for their support and certainly commend this bill to them.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Disability Services—Board of Inquiry
Paper and statement by minister

Debate resumed from 15 February 2005, on motion by **Mr Hargreaves**:

> That the Assembly takes note of the paper.

DR FOSKEY (Molonglo) (11.08): In my first real sitting day in the Assembly in December, I raised, as a matter of public importance, the importance of comprehensive and effective statutory oversight of services for Canberra's vulnerable people. These same issues are before us again in debating the fourth six-monthly report on the implementation of the government response to the Gallop report.

The Gallop report itself called for quite a massive change in the approach of disability services in the ACT. Looking at this report on implementation, I am pleased to note there is a commitment to exploring a range of ways of delivering support to people in a more individuated and a more empowered way. The way the goals of this service are defined from individual service packages at a program level to the *Challenge 2014* vision document, that takes its direction from the disability reform group set up by the ACT government, really tries to put in the foreground the expectations of people with disabilities.

On the other hand, despite this commitment to a different vision, the level of respect or responsiveness often seems to be missing in nursing homes and in the delivery of services. A case in point is the recent story in the *Canberra Times* of Canberra resident David Lazarus, trapped in an aged persons nursing home in Queanbeyan, with the ACT government, who is responsible for him, unable to help. Figures from the Australian government's Australian Institute of Health and Welfare website show that David Lazarus is not alone in his predicament.

The proportion of people under 65 in aged care facilities in the ACT has gone up from less than 3 per cent to 3.6 per cent between June 2001 and June 2003, an increase of more than 25 per cent. The proportion of male residents under 65 was 7.5 per cent in June 2003 and, from anecdotal evidence, it looks as though the numbers will continue to grow.

Sally Richards, who is a parent of a very disabled young person, wrote to the *Canberra Times* in response to that article on 3 March to argue that policies are not delivering what they promised and that the comment by disability services minister John Hargreaves "The policies and funding we have in place are addressing the long-term needs of disability clients" is simply not true. Mrs Richards wrote:

> Just because you say it doesn't make it true …
>
> The long-term needs of people with a disability in the ACT are far from being met, and neither are the short-term needs.

In addition to pointing out that only a quarter of applicants for individual support packages were successful, she reminded us that the level of unmet need is actually much higher.

> Many people did not apply for support—

and I am quoting from her letter—

> because they did not find out about the ISPs, there are culture or language barriers, they were younger than 16, or they had personal reasons such as privacy issues, illness and/or exhaustion.

Before calling for the government to make good its promises to people with disabilities, Mrs Richardson made the point:

> People with disabilities who apply for an ISP are forced into competitive misery.
>
> Those who are most capable of proving that their life is more miserable, or their crisis is more immediate, than anyone else's have the best chance of receiving the most funding.
>
> David Lazarus's life is obviously not miserable enough.

I understand that change needs to happen at a number of levels at the same time, but we need to be wary of the situation where administration or management appears to be expanding to develop these positive new programs while people working on the ground feel they are simply being squeezed, as they have in the past.

Perhaps more concerning, given the genesis of the Gallop inquiry, is that there are issues of safety for residents while there remains no flexibility in housing. The board of inquiry recommended a move away from group houses. Yet the group house model is one that can work very well for the right group of residents with appropriate support. If there is no room in the housing system, however, then conditions will be much less than satisfactory. So the vision of individually appropriate housing is relegated for another 10 years, to join *Challenge 2014* as somewhere we hope to be aiming, while inappropriately housed residents—rather than living in the competitive misery of the ISP process—live in competitive need or danger. For residents now and their families and for staff, *Challenge 2014* is a long way off.

The whole issue of competitive resources and of fairly limited communication can be read into Advocacy Action's letter to the Chief Minister in December last year about looming staff shortages. It argued that the impact of unexpected staff changes was enormous and that the loss of opportunities to engage with the community and the world that the staff shortages delivered was, in terms of quality of life, substantial. Similarly, in my office, we are aware of occasions on which, presumably due to limited resources, time constraints and so on, vulnerable clients of Disability ACT find themselves with inappropriate staff.

There is another complex issue that warrants care. The shift towards community-based programs sees more resources going to the community sector. There is a problem if Disability ACT delivers two-thirds of the services and funds the other third. In such situations, community organisations can face or fear retribution or intimidation from the department if they criticise it.

While the report we are debating catalogues a list of developments and innovations that are comprehensive in their scope, I do not believe that this should be the final report. More useful at this stage would be to design some performance measures to apply to this development work so that we can see over time how effective this response has been on the ground, in the houses and in the community in increasing the safety of people living with disability and in the fulfilment in their lives. In other words, having seen the new directions for Disability ACT articulated, we now need to track their effect.

A further response to the Gallop inquiry has also been the ACT government's commitment to creating a new human rights and service review commission, incorporating a disability services commissioner. One of the key concerns of people

suffering adverse events in hospitals, or who are caught up in catastrophic events, is the desire to safeguard against such events in the future. This makes the quality of our statutory oversight, service improvement and complaints agencies crucial.

It is worth remembering that, following the board of inquiry, momentum built for a review of the complaints and oversight organisations, which was supported and pushed along by many disability connected organisations and individuals in the community sector and by the Greens through Kerrie Tucker here in the Assembly.

The government commissioned a review of statutory oversight and community advocacy agencies by the Foundation for Effective Markets and Governance that reported in mid-2003. In its response to that report, in August 2004, the government proposed more effective protection for vulnerable people in our community through the establishment of its human rights and service review commission, which incorporated the notion of a disability commissioner, similar to one proposed by Gallop, and other commissioners, such as a children's commissioner, most recently supported by the Vardon report on children in the territory's care.

In August, the ACT government released a discussion paper outlining its intention to create a new human rights and service review commission and, as part of that, a new disability services commissioner. I understand there is legislation to set up the commission, to be introduced next week or perhaps in April. As far as I am aware, there has not been any wide-ranging consultation or circulation of the legislation until now. So I am calling on the Attorney-General to present the bill to the Assembly as an exposure draft so that the community response to the legislation itself can help the government to get it right.

The proposed disability services commissioner, as described in the paper last August, is a case in point and is particularly relevant to this debate. The commissioner's duties would be to inquire into matters relating to disability services, but not perhaps many of the broader systemic issues important to people with a disability, their family and friends.

Under this model, the commissioner would not be able to consider all the circumstances in the life of a person with a disability, to ensure that they are being appropriately cared for—for example, that their nutritional or medical needs are being met—nor would the commissioner be in a position to identify gaps in the provision of vital services or to identify systems failure by linking together a wide variety of issues and occurrences.

The commissioner's lack of broad-ranging functions will have even greater significance in the future, as the government moves into the implementation phase of its future directions. The disability document referred to in this implementation report. The intention of future directions is to progressively shift support for people with a disability away from specialised disability services towards community networks, community services, family and friends and, in so doing, to create a society which is truly inclusive of the needs and interests of people with a disability.

It is hard to understand why the government has chosen to establish a commissioner focused on the quality and effectiveness of disability services when it is actively moving away from the use of disability services. Surely we need a commissioner with the mandate to monitor the impact of the proposed changes and to make it clear when

change is not progressing or working well for people with a disability. Particularly while the changes are taking place, robust and comprehensive oversighting mechanisms have to be established.

The commissioner needs to look at the totality of services and supports provided for individuals with a disability and make recommendations in areas where the problems are found. If the commissioner is limited to inquire into disability services, as proposed by government in August, the ability to safeguard the lives and wellbeing of people with a disability will progressively diminish over time. The other significant problem with the proposed model is the failure to establish any enforcement mechanism for the commissioner's recommendations, that is, the commissioner has no teeth.

The government has, instead, proposed a shaming mechanism whereby the human rights and service review commission is given the power to publish the names of non-compliant organisations. While shaming can be useful in certain circumstances, it is not always effective, as the Community Advocate found when trying to highlight the situation with children in care. The commission or a complainant also needs to be able to apply to a tribunal to have recommendations enforced where they are not being implemented within a reasonable time period.

In establishing the disability commissioner, there is the opportunity to create a powerful mechanism to improve the life opportunities for people with a disability. Systems, bureaucracies and service providers are notorious for becoming inward looking and failing to respond to the needs of the people they are supposed to serve. The natural tendency of bureaucrats and services is to fear the appointment of strong independent commissioners with broad oversight and powers. Yet, as a community, we should welcome the opportunity that they provide for ongoing learning and improvement to our system of services and supports to vulnerable people.

If the government is serious about establishing commissioners to safeguard the lives and wellbeing of our most vulnerable community members, including young and old people, people with a disability, people from diverse cultures and so on, then it must give these commissioners the necessary jurisdiction to do their work well. It must also ensure that the work they do is effective and must provide a mechanism to make their recommendations enforceable.

I am sure the government is confident that it has a good, workable model, but I would be disappointed if it was not prepared to entertain some feedback and possible changes to the legislation that has been drafted. The right legislative framework for the commission is a critical part of the response to the Gallop report, to the Vardon report and for the wellbeing of all our community's most vulnerable people.

MS MacDONALD (Brindabella) (11.22): I would like to make the following point: the government has actually carried out a fundamental shift in the approach to the provision of disability services in the ACT, an approach built on respect for the views of people with disabilities and a commitment to community partnership. I would also like to observe that some significant milestones have been reached in the areas of community input into planning, such as the release of the ACT framework for disability, *Future directions: a framework for the ACT in 2004-2008*, and the community-driven documents *Challenge 2014* and the *Vision* and v*alues* s*tatement*. It was my great

pleasure, Mr Speaker, to actually attend the launch of those documents—the future directions document and the *Challenge 2014* document—last year.

The ACT government has made a funding commitment of an additional $22 million towards disability initiatives in the ACT over the period July 2003 to July 2007, including initiatives such as reform and funding of individual support packages and assistance for people with high and complex needs; the digital divide for people with a disability; the ACT taxi subsidy scheme; funding to establish a local area coordination service in the ACT; funding contracts and capacity building in the non-government sector; the innovations grant; and the establishment of the community linking and needs assessment service.

I would personally like to congratulate Disability ACT for their continued hard work across the ACT government to create opportunities for people with disabilities. And, of course, Mr Speaker, I am sure we all appreciate this is not always an easy thing to do. Two of the major achievements across the whole of government include the access to government strategy and the ACT public service employment framework.

The access to government strategy, including an audit and information kit, was produced collaboratively with the ACT Disability Advisory Council and enables government departments to identify and address any barriers that are preventing people with a disability accessing services. This strategy covers areas such as physical access, information, training and business process.

In September of last year, the Chief Minister's Department and Disability Housing and Community Services jointly produced the ACT public service employment framework. It assists people with a disability to access secure and sustainable employment opportunities within the ACT. The Department of Disability, Housing and Community Services is currently working on implementation plans for this strategy, with a view to increasing the number of people with a disability gaining employment.

Mr Speaker, Disability ACT continues to foster community partnerships and undertakes consultations with individuals and the community to inform the development of policies and services. In consultation with the community, Disability ACT and the disability reform quality and standards working group are developing ACT quality standards and guidelines for specialist disability services. It is anticipated that this will be completed within the next 18 months and will include pilot testing of a self-assessment process.

I would also like to mention Disability ACT's participation in community life, with the successful co-hosting of the International Day of DisAbility—and the emphasis on "ability" in that case—in December 2003, including the inaugural ACT inclusion awards and, more recently, the continuation of involvement in this important day through the Canberra DisAbility—once again, the emphasis on "ability"—Arts Festival in Garema Place last year.

I had great pleasure in attending the inaugural Canberra DisAbility Arts Festival last year, Mr Speaker, and my congratulations sincerely go to people within the department who helped coordinate that, members of the community and to Arts and Recreation ACT who, I know, coordinated the running of the arts festival in Garema Place. It was a great success and I know that everybody is hoping that it will continue. These are just some of

the many recent initiatives undertaken by the government to better support people with disabilities.

The fourth progress report, which was tabled in the February sitting, contains a comprehensive record of the initiatives taken in the two years since September 2002, when the government responded to the recommendations of the board of inquiry. This Labor government remains committed to implementing the remaining recommendations and advancing the reforming process through the future directions framework to which the minister referred when he tabled the report in February.

Mr Speaker, we have come a long way but of course there is still much to be done to meet the vision of people with disabilities so that they achieve what they want to achieve, to live how they choose to live and to be valued as full and equal members of the ACT Community.

MRS BURKE (Molonglo) (11.28): Mr Speaker, firstly, I will make a few comments on the contributions of a couple of earlier speakers. I realise that the preparation of the report has been a monumental task. We are still seeing many layers of discussion and I know that there are concerns and rumblings in the media that all is still not well within the sector. Dr Foskey has alluded to those concerns. Ms MacDonald has spoken about the need for a fundamental shift in our approach to the provision of disability services in the ACT, an approach built on respect for the views of people with disabilities and a commitment to community partnership.

We have a long way to go to achieve that goal, and I will mention that later. I recognise the government's commitment to a four-year cycle of funding, totalling $22 million. Again, though, I would say that we seem to see a government focused on simply trying to throw money at a problem in the hope that it will solve it, without trying to change the cultures sometimes involved in departments or in a community. So we really need to be mindful that throwing money at something is not necessarily going to give us the outcome that we want.

I am very pleased to see that digital divide funding of $50,000. Ms MacDonald referred to that also. I congratulate the government for starting the taxi subsidy scheme, and for increasing it. I agree with Dr Foskey that we have to be careful that many of the community initiatives that Ms MacDonald alluded to are not being used perhaps as smokescreens, if I can give them that title, to give the impression that all is well. Dr Foskey did comment, as do I, because of the feedback I get from stakeholders, from consumers, from parents, that the needs of people with disabilities are not being met. People are falling through the cracks. I am sorry that I have to make that statement. I wish that I was standing here saying that, with this, the fourth and final report into the implementation of the government's response to the Board of Inquiry into Disability Services, things are going perhaps better than I feel they are. I will talk about that later, too.

It is disappointing to note that a quarter of the applicants for ISPs, independent support packages, are unsuccessful. Many people either do not know about the packages, or there is a language barrier. These and other issues that Dr Foskey alluded to earlier are of great concern to me. People continually talk to me about them. What a thing it is that we have

to stand here saying that parents have to be competitive in their misery or that people with a disability must compete to get the services they need.

I am sure that the government will be taking all these comments on board in a way that will perhaps better address the issues as we move on, trying to make continual improvement in this very challenging area. People with a disability are still being inappropriately housed. We have seen that. I do not need to comment further. People see it in the media. They see letters to the editor. Other members have people ringing their offices, I am sure, saying that there are still real problems in terms of flexibility within housing to match people to areas where they live and/or follow up people with a disability, mental or otherwise, with relevant and appropriate support and care. I also agree with Dr Foskey's thoughts on the notion of group homes. I will talk about that later, too.

If we look back at the first report in April 2003, five joint community and government reform working groups were established to assist Disability ACT, as well as the community advisory body that was formed after that date. All are doing a fantastic job. I want to put it on the record that I am not downplaying the magnificent effort by the community. The groups were to investigate a broad range of issues: eligibility, funding, housing quality standards, and work force and legislation reform. As we all know, there were 50 recommendations in total from the Gallop report. Many of these recommendations have unfortunately, from where I sit, really only been devolved, if I can put it that way, to discussion paper, option paper or policy proposal level.

The government, in its first report back to the Assembly on 1 April 2003, stated that, "It is vitally important that people with disabilities have appropriate access to government programs, services and facilities." In his opening statement of the snapshot of community attitudes on disability in the ACT on 3 December 2003, Craig Wallace asked all of us to take responsibility for improving the outcomes for people with disabilities, families and carers in the Canberra community. It is interesting to note in the snapshot report that some 97 per cent of residents said they would be comfortable about helping a person in a wheelchair carry groceries to the supermarket checkout. I see the community raising its efforts. I am, however, most disappointed that, despite all the talk and hype that we have heard from the government, beefing this thing up, saying, "We're doing lots of things, we've got lots of paper and things are happening", we still see 45 per cent of ACT residents indicating that people with a disability do not have the same access to services as other people in the ACT.

We have come a long way down the track since Gallop. Two years on people are still saying these things. Forty-four per cent of residents suggest that people with a disability do not have the same opportunities to participate in community life as other people and 30 per cent indicate that, overall, people with a disability are not treated fairly in the ACT. More than half, 54 per cent, of the community feel that people with a disability do not have adequate government financial support. I put this question to the Assembly: surely the community is doing its bit? Is it not clear and evident that the government is letting people down?

In its fourth and final report the government outlines progress made against the government's response to the recommendations of the Board of Inquiry into Disability Services since the government response was originally tabled in the Assembly in 2002.

The board of inquiry made a total of 50 recommendations for reform intended to result in significant changes to affect the quality of services and quality of life for people with disabilities. I suggest that we do not need any more talkfests about the gaps in the system. We need action. Actions speak louder than words. There is some really good stuff on paper, but it is being said over and over again. I have the four reports here. Many things are repeated over and over.

I would, first of all, like to mention the public servants whose job it is, or was, to compile these reports—indeed, this final report. It has obviously taken many hours of work to put together. I sincerely congratulate them on their tireless efforts and the commitment they have displayed in so doing. I would also like to commend the work of the chief executive of the department, Sandra Lambert, and Lois Ford, Executive Director of Disability ACT. Both ladies have put their best foot forward to try and do whatever they can. Again, I think a lot of this comes down to ministerial leadership.

That having been said, and whilst acknowledging this is by no means an easy area, it certainly is one department that requires strong ministerial leadership. The lack of strong direction in this portfolio has, on many occasions over the last few years, left the department rudderless and without ministerial direction. I do have the feeling that there is a real need for an injection of energy into this portfolio at this time at a ministerial level. In all honesty, I am not sure that we have that. We have somebody who sits opposite who is energetic, but are his energies being truly directed at the front line, at the coalface, where we are seeing so many problems right now, today, despite all the rhetoric? This is made clear in some of the letters the minister is sending out in response to complaints made to his office. I talk to people who are astounded by the responses that they receive. It is obvious that the minister in many cases is really not fully aware of the particular person's problems or deeply entrenched needs. Time will tell.

I note the talk of many positive changes in all four reports and congratulate the government and its department on some of the initiatives implemented to date. I have some reservations regarding the real, on-the-ground progress that has been made outside the government's plans and strategies and the amount of talking that has been, and still is being, done by way of audits, reviews, scoping studies, surveys, evaluations and the like, with still no real actions against some of those things. It is still talk. As one member said, 2014 is a heck of a long way away when you are somebody struggling and suffering on the brink and on the edge.

The ACT Disability Advisory Council, which is doing a magnificent job, I have to say, has recently circulated a snapshot of some research commissioned by the ACT Disability Advisory Council in conjunction with the ACT Department of Disability, Housing and Community Services. I seek a short extension of time. *(Extension of time not granted.)*

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (11.38), in reply: Firstly, I would like to thank Mrs Burke for congratulating the Chief Executive and the senior executives of the Department of Disability, Housing and Community Services for the magnificent work they do. I have to say that congratulations are actually well warranted. In fact, as I go around the community, with all of that lack of energy that Mrs Burke seems to attribute to me, I see Ms Ford and Ms Lambert and many officers within the department. I see them at events advertised in *Contact*, such as

the multicultural festival and individual community events where we actually congratulate people on what they are doing. We actually go and see them. Do you know, Mr Speaker, there has been somebody notably absent, missing in action? When we talk about whether we have energies in the sector, I have to say it is a bit like Mr Pratt in his electorate of Brindabella—missing in action. I think one ought to think seriously about how that actually does work. Mrs Burke talks frequently and loudly, but shouting at me is not going to do any good. I am not going to talk to her any more about that.

Mrs Burke congratulates the government for putting a lot of money into the sector. Then, in the same breath, she says that we are throwing money at the problem and not coming up with cultural solutions to it. She then says that the people in the department have done a magnificent job in changing things around. What have they done? They have changed the culture. Mrs Burke talks about people falling through the cracks. She is, I have to say, the queen of clichés in this place. Very entertaining speeches they are, but they are absolutely hollow, shallow and meaningless nine-tenths of the time. What struck me about Mrs Burke's speech, in fact, was that she stood up here and basically congratulated Dr Foskey. How did she do that? She did it by promptly quoting most of the points that Dr Foskey made, because she is bereft of a single idea.

Mrs Burke quotes statistics. She says that 30 per cent of people say that those with a disability are not treated fairly; 45 per cent of ACT residents indicate people with disabilities do not have the same access. She says, "The community is doing its bit. How about the government?" Does she say how the community is doing its bit? Nope. Does she actually put up any justification for the assertions she makes? Nope. Mr Speaker, if you have a look at Mrs Burke's speech in *Hansard*, you will find a whole stack of unsubstantiated assertions. That is what we see constantly in the media because the fourth estate in this town will, of course, print the babble that comes out of the shadow minister's mouth.

I want to seriously address some of the points that Dr Foskey made. The officers of the Department of Disability, Housing and Community Services are the most dedicated bunch of people I have had the good fortune to work with. Unlike many other people, I have actually gone and met them. I have met 90 per cent of the people who work in that department. I have shaken the hands of 90 per cent of the people who work in that department. I have looked into their eyes. They are dedicated to trying to do something about the plight of disabled people, not making a big song and dance about it and getting their names in the paper.

Dr Foskey is quite right when she says there is concern about the level of independent support package funding. Were we in a position to give money to every single case, we would do so. We have to do it within the resources we have. Fifty something, 58 or thereabouts—I do not want to be accused of quoting an incorrect figure, so I will just qualify that by saying it was approximately that figure—people are assisted. There are quite a number of people who are not. But what the department does now that it did not do before, and this is something which will come as an absolute surprise to Mrs Burke and I am sure she will pop up at some stage of the game and congratulate people for doing this, is contact each and every person who did not get ISP funding and say, "Come in and talk to us and we will look at any number of options that we can." There are community groups that provide various options. There are all sorts of ways in which people's issues can be dealt with to arrest the difficulties people are going through.

I have to say that using emotive terms like "competitive misery" sells newspapers but it is also wrong. It is grossly wrong and I am surprised that members in this place would resort to such arrant nonsense.

What we do know is that every single person who applies for support for an ISP is deserving of that support. There is no competition. What is the picture painted by Dr Foskey and Mrs Burke? They say, "Well if you want an ISP support fund, you can go and chop your leg off. That will make you even worse. Good idea! You'll get some funding." That is arrant nonsense.

Mrs Burke: Shame!

MR HARGREAVES: Mrs Burke yells out "Shame!" Quite frankly, I think she has been to too many Labor Party rallies, industrial disputes, where we talk about the Liberal Party's record, their unfair dismissal of their staff, non-payment of long service leave, those sorts of issues. That is when "Shame!" comes into it. You have been to too many rallies.

This government, as Ms MacDonald indicated, has committed an additional $22 million towards disability initiatives in the ACT. $22 million is not what I call doing nothing. It provided $4.5 million to support people with high and complex needs. That is not falling between the cracks. It committed $1.93 million to the ACT taxi subsidy scheme. What does that do? That adds money so that people can have an increased quality of life. There is $4.25 million for unmet need, including the establishment of a local area coordination service to encourage people with disabilities to become active participants in the planning of their services. It is inclusion, not exclusion. Exclusion was a hallmark of the Humphries-Carnell years.

There is $2.3 million for single therapy services; $1.68 million for respite services so that people can have the strength to look after their relatives with disabilities; $2.69 million for special needs support for clients with complex behaviours and $4.43 million in government infrastructure funding. This is not deserting people with disabilities. Of course we would like to do more. On top of that, of course, from next financial year there is $3.23 million to establish an intensive care and treatment program of people with dual disabilities and complex behavioural problems; starting next year $1.63 million to expand autism assessment and support services. If Mrs Burke wants to talk about energy, I will match my energy in fighting for people with disabilities any day of the week against any member here. I actually take umbrage at the cowardly criticism by Mrs Burke, with throwaway lines criticising former ministers in this place.

Mr Stefaniak: You are obsessed.

MR HARGREAVES: I am obsessed, I have to say, Mr Stefaniak, with the quality service that Mr Wood put in this place. Mrs Burke is not fit to walk in Bill Wood's shadow. She is not fit to walk in his shadow. Mrs Burke would do well—

Mr Stefaniak: Point of order, Mr Speaker. I think that is a reflection on another member. That is a very personal attack, and unfounded, too. It is a breach of standing orders.

MR SPEAKER: Order, members! Mr Hargreaves was commenting on some comments that Mrs Burke made in relation to the former minister and I think it was really a debating point, rather than a reflection on another member.

MR HARGREAVES: Thank you very much, Mr Speaker. I will conclude by saying that this government has done many things to change the culture. It recognises for once that there are an enormous number of people out there who are yet to receive support. We will do that over time as we increase the quality and the quantity of services delivered to these people over and above the zero amount of compassion that they got in former regimes. I commend this report to the Assembly and invite the Assembly to study further reports into future directions in the ACT. That will make compelling reading for Mrs Burke, who clearly knows absolutely zero about what goes on within the disability community in this town.

Mrs Burke: When was the last time you spoke to a parent?

MR HARGREAVES: Yesterday.

Question resolved in the affirmative.

Leave of absence

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

> That leave of absence be given to Mr Quinlan (Treasurer) from 8 March to 10 March 2005 inclusive.

Optometrists Legislation Amendment Bill 2004

Debate resumed from 9 December 2004, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

MRS BURKE (Molonglo) (11.49): The purpose of this bill is to amend the Optometrists Act 1956 and various related legislation to allow optometrists in the ACT to prescribe a limited range of medicines for treatment and to update the legislation to reflect that optometrists routinely use medicines for diagnosis during their consultations. Currently, if a client sees an optometrist complaining of an eye infection or if, during a consultation, an eye infection is discovered, the optometrist can only provide a referral to an ophthalmologist for treatment. Any optometrist wishing to be able to prescribe medications will need to be approved by the Optometrists Board of the ACT. Optometrists with a drug authority will still be restricted to a cycloplegic substance, a local anaesthetic, a mydriatic substance, a miotic substance or a substance prescribed by regulation for diagnostic purposes.

The bill also allows optometrists to use certain medicines for diagnostic purposes. Clients stand to be big winners, as they will no longer have to wait for hours to see an ophthalmologist and pay the enormous fees associated with seeing a specialist for

treatment of minor eye infections. I understand that New South Wales has had this in place for some time. The Liberal Party will be supporting this bill.

DR FOSKEY (Molonglo) (11.51): The Optometrists Legislation Amendment Bill will give optometrists the capacity to prescribe and administer a limited range of drugs consistent with current optometry practice. That means that optometrists in the ACT will be able to prescribe for their patients a specific range of drugs to treat eye disorders, as they can in New South Wales and elsewhere across Australia. Under this bill, ACT optometrists will be able to use diagnostic medicines during consultation, again reflecting contemporary practice.

The key operational mechanism of this bill is the link between the schedule of medicines that optometrists can use or prescribe in the ACT and the conditions or applications they are used for under New South Wales requirements. There is also provision in this bill for the controls on sale and use to echo those in Victoria, which are designed to ensure that optometrists cannot set themselves up as commercial drug suppliers. I understand that the Optometrists Board of the ACT has considered this legislation. I do not see this bill as contentious in any way and I am pleased to support it.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.51), in reply: The Optometrists Legislation Amendment Bill proposes to make amendments to the Optometrists Act and other related legislation to allow optometrists in the ACT to use and prescribe a limited range of medicines for the diagnosis and treatment of eye conditions in their patients.

Under current ACT legislation, optometrists are not able to possess, use or prescribe medicines for their patients. A person who has an eye condition requiring some professional assistance must seek the advice of a doctor or a pharmacist. This means that patients who need medicines for the treatment of an eye condition are limited in terms of the types of health care practitioners to whom they can go. As other members have rightly pointed out, in New South Wales and a number of other jurisdictions, optometrists are permitted to use and prescribe medicines and a legislative regime exists for determining what medicines they may prescribe.

The government's bill will provide for optometrists in the ACT to prescribe medicines for patients who have various eye disorders. A person who has an eye condition requiring treatment will then be able to seek assistance from an optometrist as well as a doctor or pharmacist, just as they are currently able to do in New South Wales, Victoria and Tasmania. This will result in optometrists in the territory being able to provide the best possible care for their patients and will also mean there will be an increased access and choice of professional providers of eye care services. The bill also seeks to update the ACT's legislation to reflect the fact that optometrists need to use medicines for diagnostic purposes during their consultations.

By making sure that the ACT's legislation takes account of recent advances and expansions of optometric education and training, we can remove current obstacles that are preventing ACT optometrists from providing the best possible care. In considering this change, the government has conducted a public consultation and investigated a number of options. The bill has been developed after considering responses to this consultation and due consideration of the arrangements in other states and territories.

The bill recommends that the Optometrists Board of the ACT allow a registered optometrist to prescribe and use certain medicines in the diagnosis and treatment of their patients' eye conditions if the board is satisfied that the optometrist meets the competency standards approved by the New South Wales Optometrists Drug Authority Committee. Under the proposed amendments, an optometrist in the ACT who meets the competency standards would be able to prescribe the same medicines as would an equally qualified optometrist in New South Wales. This means it would not be necessary to establish a separate ACT infrastructure to govern separate administrative arrangements. Most importantly, the people of the ACT will have improved access to, and choice of, professionals to provide them with care for their eyes.

At this stage, it is important that I foreshadow some government amendments to this bill that I have circulated today. The bill, as members would be aware, amends the Poisons Act 1933 to allow optometrists to sell, and therefore supply, medicines for patients in the course of their practice. This means that an optometrist will be able to charge the patient for any diagnostic agent used in the consultation or, if necessary, to supply a patient with a small amount of medicine for use at home. This reflects a similar situation where doctors have the right to sell, and therefore supply, medicines to their patients. The Pharmacy Board of the ACT, the body in charge of maintaining the professional conduct of pharmacists in the territory, has requested that I add a clarification to the bill to make it clear that optometrists and nurse practitioners will only be allowed to sell or supply medicines in the course of their professional practice.

The Optometrists Board of the ACT, the body charged with maintaining the professional conduct of optometrists, has agreed with the position of the pharmacy board. It has also confirmed that optometrists are not seeking the right to sell medicines in a retail setting from their shops. Therefore, to provide reassurance and certainty to both professions, the government's proposed amendment will add two explanatory notes to the relevant sections of the Poisons Act 1933 to make this position clear. I will be moving these amendments during the detail stage. I commend the bill to the Assembly and thank members for their support.

Question resolved in the affirmative.

Bill agreed to in principle.

Detail stage

Bill, by leave, taken as a whole.

MR CORBELL (Molonglo—Minister for Health and Minister for Planning) (11.57): I seek leave to move amendments Nos 1 and 2 circulated in my name together.

Leave granted.

MR CORBELL: I move amendments Nos 1 and 2 circulated in my name *[see schedule 1 at page 741]* together and table a supplementary explanatory statement to the amendments.

As I indicated in my closing comments during the in-principle stage, these two amendments simply provide clarification as to how optometrists will conduct their business in relation to their ability to prescribe certain medications. It clarifies, first of all, that the optometrist only supplies medications in the context of their professional work, their day-to-day work as an optometrist, not in any other capacity. Secondly, it makes clear that optometrists are not seeking to act as a retail outlet for medicines and other prescription medications. It is a clarification made at the request of both the optometrists board and the pharmacy board and I seek members' support for it.

Amendments agreed to.

Bill, as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Rural Leases
Ministerial statement

MR CORBELL (Molonglo—Minister for Health and Minister for Planning): I seek leave to make a brief statement.

Leave granted.

MR CORBELL: Mr Speaker, I refer members to my speech in the Legislative Assembly on 9 December last year in response to a motion by Mrs Dunne regarding rural lessees seeking compensation for their rural properties in the Molonglo Valley.

For the information of members, and following some representations from parties involved in this issue, I would like to clarify a comment I made about the earlier acquisition of rural properties in the ACT by the commonwealth and the without prejudice negotiations with a number of rural lessees in the Molonglo Valley. In my speech I indicated that, for rural properties, the full rights to the lease were purchased by the commonwealth in the 1970s. While the commonwealth was still resuming both residential and rural freehold properties remaining in the ACT in the 1970s, for the Molonglo rural blocks specifically, this compensation process had, in fact, occurred prior to the grants of the 50-year rural leases in the 1950s.

Mr and Mrs Coonan purchased their rural rental lease in the Molonglo Valley in the 1970s when it was transferred from the then lessee, together with the existing tenant improvements. The point I was seeking to make was that their eligibility for any compensation should now only reflect the provisions of the lease they purchased, not any prior freehold title or lease that had been acquired many years before by the commonwealth, at which time compensation was paid by the commonwealth for land and improvements.

For the Coonan's property, the commonwealth improvements, excepting some fencing, were sold back to the rural lessee in the current 50-year lease and that is currently the issue being determined for the amount of compensation due, should the lease be surrendered or expire. In this case, it is not appropriate for the government to compensate

for the whole property, nor would it be appropriate for any of the other rural leases in the ACT with these specific provisions. I trust these comments clarify the statements I made in the Assembly last December.

Mrs Burke: I was just wondering if the minister would be able to table that statement that he has just read from, Mr Speaker, if he would.

MR CORBELL: I am sorry. I do not have a copy to table.

MR SPEAKER: It is a matter for the minister.

Mrs Burke: Just what you were reading from, minister, would be good.

MR SPEAKER: That is a matter for the minister.

Sitting suspended from 12.02 to 2.30 pm.

Ministerial arrangements

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): For the information of members, my colleague Mr Quinlan, the Treasurer, is absent from the Assembly today. I will be happy to take any questions that might otherwise be directed to the Treasurer.

Questions without notice

Mr Rob Tonkin

MR SMYTH: My question is to the Chief Minister. It has become clear through a series of newspaper reports and investigations by the opposition that the Office of Special Adviser, Council of Australian Governments and Intergovernmental Relations was especially created to house and pay the salary of former chief executive of the Chief Minister's Department, Mr Tonkin. Chief Minister, why did you park Mr Tonkin in this department of one and why did you go through this convoluted process to get rid of him rather than just using the termination clauses of his contract?

MR STANHOPE: As I think members are aware, Mr Tonkin has been on secondment to the Prime Minister's department of the commonwealth government for some period—just over a year, I think. The arrangements that were made in relation to Mr Tonkin's secondment are consistent with the Public Sector Management Act. They are consistent with the Financial Management Act. Having said that, I do note that the matter has been referred by the opposition to both the Public Service Commissioner and the Auditor-General for investigation and review. I think that it would perhaps be best for all concerned for the investigation, which I assume those officers will pursue—that there will be some fruits of the requests that have been made of each of them—to investigate all aspects of this. It seems to me perhaps in our better interests if we now allow at least the Auditor-General and the commissioner to respond to the requests for investigation rather than reviewing in this place every aspect of it.

Let me say, however, that secondments by officers of the ACT public service to the commonwealth are not unusual or unique. A number of secondments of senior officers were undertaken during the last Liberal term of the Assembly. I think there were three or four secondments, including, of course, the chief executive of the Canberra Hospital, as well as two other very senior executives of the ACT service, that were arranged by the previous Liberal government of senior officers, to enhance, of course, the operations of both the ACT service and the receiving office. Indeed, the arrangements that were made for the secondment of Mr Tonkin really simply mirror those arrangements that the previous Liberal government made in relation to the two or three senior officers of the then administration.

One of the differences is, of course that this government, when then in opposition, did not engage in the individual character assassination or the unbridled attack on the public service which has become a hallmark of this Liberal opposition. There is one thing that can be said to every single public official, not just within the ACT public sector but indeed within the commonwealth sector within the ACT—in that regard we are talking about 50 per cent of the work force: this branch of the Liberal Party, this Liberal opposition, will not support you, will not protect you, will not stand by you. This is the message that every public servant in the ACT needs to understand: do not expect this Liberal Party, do not expect this opposition, to ever support you. If you are a public servant in the ACT, have a look at the behaviour of this opposition. Have a look at the behaviour of this branch of the Liberal Party in relation to you and your rights and your standing and your position—even to the point of the major criticism launched by the shadow Treasurer just yesterday, that the issues facing the ACT government in relation to the coming budget are all down to the fact that you got a pay rise. That is what the Liberal Party—

Mr Hargreaves: Shock, horror!

MR STANHOPE: Shock, horror! That is a decision that the Liberal Party would not have taken. If they had been in government, they would not have supported a pay rise for you. That is what the shadow Treasurer said yesterday.

Mr Smyth: I raise a point of order, Mr Speaker. I did not ask about pay rises. I asked about the secondment of Mr Tonkin and perhaps the Chief Minister—

MR SPEAKER: Stick to the subject matter of the question, Chief Minister.

MR STANHOPE: I just want to conclude that point, Mr Speaker. I think it is relevant to the point I was asked that this government will support public servants. We will show them due respect. We will stand by them and we will support them. We will not do what Mr Mulcahy did yesterday. We will not stand up in this place–

Mr Smyth: Point of order, Mr Speaker.

MR STANHOPE: and say that the ills that the ACT government might face are a result of a pay rise for public servants.

Mr Smyth: Point of order, Mr Speaker.

MR SPEAKER: I think it is in order for the Chief Minister to talk about the relevant positions of people in respect of their public servants. I think it is relevant.

MR SMYTH: I have a supplementary question, Mr Speaker. Chief Minister, secondment normally means that someone is coming back. Under section 29C of the Public Sector Management Act, secondments are allowed, including executives. Why did you not use that portion of the act instead of creating the myth of the Office of the Special Adviser?

MR STANHOPE: We created no myth. Let me repeat that we supported a reasonable pay rise for our public servants, our hardworking public servants. We would not have taken the attitude that Mr Mulcahy and the Liberal Party have taken of suggesting that public servants do not deserve reasonable pay.

Government expenditure

MR STEFANIAK: My question is directed to the Acting Treasurer. I refer to media reports warning of a horror budget this year. Why has the ACT government increased expenditure over three years by 25 per cent, when inflation has increased by only seven per cent? Why has the government not been able to maintain fiscal discipline?

MR STANHOPE: Just for the sake of completeness and understanding, at no stage did I use the words "horror budget". They are very much the words of the *Canberra Times*; they are not my words. In an interview that I did, I indicated that there would be a tight budget. I indicated that certainly the national economy was slowing; that there are certainly significant problems nationally in relation to the balance of payments and, as a response, interest rates have gone up. Interest rates have gone up because of the management of the national economy by Peter Costello and the Liberal Party nationally, despite the rhetoric of the last election campaign.

I was talking to the journalist about the economic and fiscal outlook, and the suggestions being put by the federal Treasurer about the position in relation to GST payments; the fact that consumption had revved up. There is now an attempt by the Reserve Bank to dampen down, to reduce, consumption. Of course, the greatest tool—the lever moved in relation to that—is a move in interest rates. We have just seen that, and as a result the average mortgage in Australia has gone up by $40 to $50 a month—a little post-election Christmas present from the Liberal Party to the people of Australia.

Mr Smyth: And when you worked for federal Labor, it only got to 18 per cent!

MR STANHOPE: Your mortgage payments have just gone up by $40 or $50 a month, courtesy of Peter Costello. I was talking about these things. I was talking about the evident slowdown in the national economy and the fact that there would be a downward trend in land sales. As a result of slowing in the housing market, there would be fewer stamp duty receipts, fewer conveyancing duty receipts—and that a responsible government—a government such as mine—

Mr Smyth: Profligate spending. Spend it all!

MR STANHOPE: A responsible government would respond to those signals. We would respond to the signs of both the national and the local economy. This year there will not be the receipts that there have been over the last three years. We have had a period of four or five years of very good, strong economic growth reflected through land sales, stamp duty receipts and conveyancing receipts, as well as a range of other very strong economic performances across the board.

Mr Smyth: We've warned you for three years.

MR STANHOPE: I said that any responsible government would respond to those signs by tightening its belt through its next budget. It is certainly the case that our next budget—

Mr Smyth: A responsible government wouldn't have spent it.

MR SPEAKER: Order! Mr Smyth.

MR STANHOPE: Our next budget that we have commenced to work on will be a tight budget. It will not be gloom and doom. It will not be a horror budget, but it will certainly be tight. There will not be the levels of expenditure there have been in previous budgets. We as a government will continue to seek to repair the damage that was done by several years of Liberal government. We will seek to work on those issues of community expenditure that were ignored by the Liberals in government in relation to health and education.

Mr Smyth: What? Make up $340—

Mr Stefaniak: Bring the budget into balance?

MR SPEAKER: Order! Mr Smyth, I have called you to order several times as a result of your interjections. I warn you that if that occurs again, I will name you.

MR STANHOPE: We will continue to support those areas of community expenditure that were neglected in the past and which have warranted the significant boost in expenditure that Mr Stefaniak refers to.

I wear it as a badge of pride and honour that we have increased expenditure in health to the extent that we have. I wear it as a badge of honour and pride that we have increased expenditure in education to the extent that we have. It is a badge of honour to me that we, as a government, have met the needs of this community to the extent that we have in relation to those major areas of expenditure of health and education.

Mr Stefaniak talks about the significant ramping up of expenditure in mental health. The Liberals ignored this to the point where mental health expenditure in the ACT was the lowest of any place in Australia under your government. I am sadly disturbed by your priorities. You left us with the lowest per capita level of expenditure on mental health of any place in Australia.

You begrudge the fact that we have increased expenditure by more than 25 per cent in relation to mental health. You begrudge the fact that we have expended as much as we have in relation to education; that we have initiated some major reforms in relation to class size in support of students; and that we have achieved the significant outcomes that we have. You begrudge us that; you begrudge the people of Canberra that. We have identified the major issues of concern to the people of Canberra and we have responded to those through the wise investment of the funds available to us.

MR STEFANIAK: Mr Speaker, I have a supplementary question. How will the ACT government attempt to rectify its poor budgetary position—by cutting expenditure, raising taxes, or a combination of both?

MR STANHOPE: As I said, the cabinet has commenced its deliberations in relation to the next budget. We will be looking at all the ACT government's areas of expenditure. We will be assessing the priorities as we see them. We will respond to those priorities. We will consider everything in relation to our revenue stream. We will consider everything in relation to our expenditures.

We as a cabinet will make decisions, as we always have, about the priorities, the pressures, the gaps and the areas of major community interest such as health, broadly described, education, community safety and the stimulation of the economy. This government has an incredibly proud record of achievement in these areas. We are determined to build on this record over the next four years.

There is nothing that is not on the table. At this stage we will be looking at every item of expenditure. We will be assessing our priorities. We will be looking at whether there are adjustments we need to make in relation to revenue and our revenue streams, as any cabinet of any political persuasion going into a budget cabinet process does. There is no unique science to this. It is a question of looking at the monies available, the Treasury predictions and the pressing needs of the community.

We will respond to that, consistent with our philosophy and our commitment to this community, consistent with our vision for a fair and just society. Everybody genuinely has an opportunity to participate equally in the fruits of this community. We will respond to that. We will hopefully meet—to the greatest extent we possibly can—the hopes that the people of Canberra have in our government, reflected in that historic vote of confidence that we received just four or so months ago from the people of Canberra. We will not let them down.

Water—Canberra supply

MS PORTER: My question is to the Minister for Health. Minister, I refer to a report in today's *Canberra Times* that makes claims about Canberra's water supply. Can you assure the Assembly that Canberra's water supply is, in fact, safe?

MR CORBELL: I thank Ms Porter for the question. It is a very important question that all Canberrans should rightly be reassured about. The report in the *Canberra Times* this morning is irresponsible and misleading because it suggests that Canberra's water supply is not safe to drink. The simple answer is that that is wrong. I can assure the Assembly

that Canberra's water supply is safe. The Australian drinking water guidelines from the National Health and Medical Research Council recognise, first of all, that sometimes pesticides need to be used in some water catchments. In the ACT this is only done in accordance with the guidelines produced by the National Health and Medical Research Council. Adherence to these guidelines ensures that the water supplied for drinking in the ACT is safe.

As part of the routine water quality monitoring program for Canberra's water storages, ActewAGL undertakes testing for a range of commonly used agricultural herbicides and pesticides on a six-monthly basis. Until recently, as I am sure members would be aware, the Cotter reservoir was not been included in this assessment as it has not been used to supply drinking water. On 7 May last year herbicide and pesticide testing was undertaken in the lower Cotter reservoir when plans were being developed to use this reservoir. The government was planning to draw water from the lower Cotter reservoir for drinking water, so testing commenced of the reservoir.

Prior to its use in December 2004, the Cotter reservoir was again tested for a full range of physical and chemical parameters, including herbicides and pesticides. Testing did not identify the presence of any pesticides or herbicides. I want to stress that—testing did not identify the presence of any pesticides or herbicides. The last sampling and testing occurred on 2 December last year. Routine sampling in the lower Cotter catchment scheduled for March 2005 is being undertaken today—as we speak—and that is a routine sampling program. Additional water samples will also be collected from the outlet of the Mount Stromlo water treatment plant for herbicide and pesticide testing.

ACT Health continues to work with ACTEW, ActewAGL, Environment ACT and ACT Forests to ensure that a safe water supply is provided to the ACT community. The bottom line is that Canberra's water is safe to drink and remains one the best water supplies in Australia. It is regrettable that the *Canberra Times* has chosen to cause undue alarm in the community over such a vital public health matter.

Bushfires—pine replanting

DR FOSKEY: My question is to the Chief Minister and it relates to the decision to replant the lower Cotter catchment with pines. As Mr Corbell mentioned, the *Canberra Times* has given this issue a bit of attention lately and last week scientists gave evidence that clearly indicates that replanting with pines is not a good option. In fact, it is the worst option for catchment management. We have also got economic advice that our pines have not provided, and are unlikely to provide, economic returns. Following the Treasurer's response to my earlier question—notice paper No 6 of 17 February 2005, question 198— it is clear that the insurance policy is not an impediment to replanting with native species of grass and trees. Additionally, in response to that question, the Treasurer indicated that a comprehensive business case had been independently prepared and subsequently independently reviewed. Given the broader concerns being publicly debated about the decision to replant with pines, and the deleterious impact this is having on water quality now and potentially in the longer term, I ask the minister if he will now release the business case study titled "ACT Forests, reforestation review", prepared by Jaakko Poyry Consulting, as well as the work undertaken by ACIL Tasman Consulting, who undertook the review of the business case study that was referred to in the minister's answer to our question on notice.

MR STANHOPE: Thank you, Dr Foskey. I regret that I am not aware of the question you asked of the Treasurer or of his answer. I do not have the level of detail in relation to the business case or issues around it, or essentially of its existence, other than the basis of the question, and I regret that. I am more than happy to take advice on the substance of the question you ask, namely around the release or availability of the business case and its assessment. I am sure you will consider it reasonable of me to take some advice on the nature of the status of the document, as I simply do not know. I am happy to do that at this juncture, unless there are issues around commercial confidentiality or some other confidentiality reason for its non-release. I cannot imagine why it would not be.

Let me address some of the assertions, the statements of fact that constituted a preamble to your question. The debate we are having, or at least that the *Canberra Times* is seeking to generate in relation to the evil of pine forests—and let us be under no illusion about the nature of the journalism that we have all experienced over the last week—is all about an ideological assault on pine forests. The furphy about the quality of our water has just been addressed by the Minister for Health—the furphy about arsenic in the water, or herbicides or pesticides contaminating it and all of us being poisoned in our kitchens. The fright that the *Canberra Times* has generated today—unnecessarily, and in a most unscientific way, as a subterfuge for an assault on a decision to plant pine trees—is just a bit rich. I don't accept this scientific—I mean, who are these scientists who over the last few days have provided the evidence that the worst thing you can do—

Members interjecting—

MR STANHOPE: Well, no, that's not true.

MR SPEAKER: Order! Can everybody please cease with the interjections. It would be better if the Chief Minister did not respond to them.

MR STANHOPE: Thank you, Mr Speaker, and I won't. The range of assertions claimed or notionally asserted as fact in the preamble to Dr Foskey's question really are at the heart of the debate around an approach to the revegetation, the re-establishment and the regeneration of the Cotter catchment. The government sought expert advice and received it. We received it through an exhaustive process—namely, the Shaping our Territory report. The report, in its presentation to me by the chairman of the group, was presented as a document reflecting a consensus—that is, all 13 members of the committee notionally endorsed the document. Thirteen people signed off on this report. They provided a consensus report on a way forward in relation to the rejuvenation of the Cotter catchment involving the planting of pines, appropriately, and that is what is being pursued. The members of the committee included Sandy Hollway, Maureen Cane, Peter Cullen, Robert de Castella, Dorte Ekeland, Ted Evans, Kevin Jeffery, Peter Kanowski, Annabelle Pegrum, Terry Snow—and we know that Mrs Dunne hates Terry Snow—Alan Thompson, Robert Tonkin and Robert Wasson. Those committee members signed off on this consensus report and here we are suggesting that they did not present a rigorous and scientific assessment of all the options and all the issues.

The consultant team was led by project managers Bovis Lend Lease. There were a range of specialist consultants to the committee of inquiry including ACIL Tasman, Alistair Grinbergs Heritage Solutions, Conacher Travers, Create Media, David Hogg, Forestry

Tasmania, Lend Lease Design Group, McCann Property and Planning, the University of Melbourne, Natural Resource Intelligence, Purdon Associates, Research and Design International, Robert Peck von Hartel Trethowan, Ways and Means Consultancy and WordsWorth Writing.

DR FOSKEY: I have a supplementary question. Given that, did the business case for revegetation of the Cotter catchment consider whether a decision on replanting should wait until decisions on the potential use of the catchment for increased water supply had been made?

MR STANHOPE: I have already indicated that, regrettably, I am not aware of the question previously asked by Dr Foskey of the Treasurer, and I was not involved in the preparation of the response. I have neither detailed advice nor have I had briefings on the business case—in fact, I did not have knowledge of the existence of the business case. I will take the question on notice. By way of background, the Cotter catchment covers an extensive area and, even if the ACT government were to accept a recommendation in relation to the construction of a dam on the Cotter—in fact, an enhanced Cotter dam—it would not cover the entire Cotter catchment area. It is an enormous area of land. No new dam at the Cotter is going to cover the thousands of hectares that are incorporated within the Cotter catchment. It is an enormous piece of land and we are not going to build a dam that covers a tenth of the ACT.

Budget strategy

MR MULCAHY: Mr Speaker, my question is to the Acting Treasurer. I refer to recent media reports, which have been quoted and since repeated, blaming increased interest rates and a softening in the housing market as the basis for a predicted tough ACT budget. Given that a softening in the ACT housing market this year was already factored into your last budget and given that as recently as last Thursday your Treasurer made similar confirmations, what has prompted your newly announced budget strategy forecasting either significant tax increases or major cuts in services?

MR STANHOPE: I do not recall saying there would be significant increases in taxes. I think that is a verbal. That is a porky. That is what we call it, do we? I never at any stage said that there would be significant increases in taxes. Mr Mulcahy has just made that up. He did not make up the claim that he does not support the recent pay rises granted to the public service, but he has just made up that I said there would be significant tax rises. There will not be, and I never said it. But Mr Mulcahy did say that he does not support pay rises for ACT public servants. And we need to remember that. Mr Mulcahy's and the Liberal Party's response to budgetary issues facing the territory is to ensure that public servants get no pay rises.

Mr Mulcahy: A real wage decrease under the Labor Party.

MR STANHOPE: Yes, exactly right, a real decrease in conditions as a legacy of the Liberal Party in government. The ACT public service will not forget that for a while.

I have made the point, as I explained before, that, in a situation where there is a lessening in the strength of the national economy and a downturn in residential sales, any good government interested in good governance will tighten its belt. That was the statement

I made—it was in that context—and I stand by it. This is a good government; this is a responsible government. It is the sort of government that the people of Canberra want—a government you can trust; a government you can trust to govern well; a government that the people of Canberra know is interested in good governance.

It is why we got the historically high vote we got just four months ago. It is why you were belted in the comprehensive way in which you were belted. It is why the people of Canberra sent the signal to you: no, we do not want this mob. It is actually why, after a week of intensive advertising "vote Liberal as if your life depended on it"—and guess what the people of Canberra did?—because they knew their life depended on not voting for you, they took you absolutely literally. "Vote as if your life depends on it", and, by jingo, they did.

MR SPEAKER: Order! Come to the point of the question, please, Chief Minister.

Aged care accommodation

MR GENTLEMAN: Mr Speaker, my question is to the Chief Minister. Can the minister please advise of progress with development of the new aged care complex at section 87 Aikman Drive, Belconnen?

MR STANHOPE: Thank you, Mr Gentleman, for that important question. This is another sign of the way in which this government is delivering for the people of Canberra the first major addition, in a greenfields sense, to aged care facilities within the ACT for probably a decade or so. We went through seven years of Liberal government. Do you know how many aged care beds were delivered in the last term of the Liberal government—a four-year term? They delivered 14 beds in four years. That is the record; that is the legacy; that is what we inherited: four years for 14 beds. This is a tremendous achievement for the relevant minister, Mr Corbell, and for the LDA. They have negotiated an Australian first. This is an Australian first. This is a sign of the way forward in relation to the delivery of aged care facilities in the ACT.

Mr Corbell: Even Gary Humphries agrees with it!

MR STANHOPE: Gary Humphries signed up to it, ticked it off and said, "Well done." There was innovative, strategic, lateral, thinking. The LDA said, "Look, we can do this better. We can actually identify land; we can establish a land bank out into the future; we can arrange with the commonwealth for a one-stop approach to the delivery of aged care facilities in the ACT. Let's work together, let's not have the process that has bedevilled the delivery of aged care beds in a timely fashion since the year dot. Let's have a new approach to this, have the states and territories work with their aged care providers to identify the greenfields site, and work with the commonwealth to have beds delivered to the site at the time of the sale or delivery of the land."

That is what we have achieved here. The ACT government, through the LDA, has identified land suitable for 100 aged care beds and 150 independent living units on the one site. That land was identified and made available by the ACT government, working in cooperation with the commonwealth—not against them, not with tension—and the land and allocated beds were delivered to a provider selected through a merit selection process. I am particularly pleased that the provider which, in this instance, has been

selected is the Illawarra Retirement Trust—a major provider of aged care facilities and services, particularly on the south coast and, I believe, in Sydney—which will now be developing that site. It is a tremendous site—section 87 on Lake Ginninderra.

As I say, this is an Australian first. It is the culmination of an awful lot of hard work by an awful lot of people within the ACT government, most particularly within the LDA and through the office of the Minister for Planning, Simon Corbell. They deserve an enormous vote of thanks and congratulations for that—and, to be fair, so does the commonwealth.

I find it interesting that the ACT government has been able to work with the commonwealth government on this Australian first, in that we will now have a site that we can look to moving to fruition within the next 18 months to two years. That site will provide an additional 40 high-care beds, an additional 60 low-care beds and 150 self-care independent living units. There will be communal recreational services, a cafe, recreation rooms, meeting rooms, a concert area, a video room, bowling facilities, a pool, a community bus and significant entertainment and barbecue areas.

The Illawarra Retirement Trust, which I referred to earlier, operates 34 aged care villages in Sydney, Wollongong, Kiama, Shoalhaven and throughout the Eurobodalla. There will be ongoing meetings between ACT government agencies in order to ensure that there are no impediments to the development process and the early construction or commencement of work on this particular project.

This is just the start. The LDA and the ACT government have identified a number of other such sites that will be development ready into the future for developments of this same size and order in each of the years, I think, over the next few years, to the point where we expect to be able to deliver 900 places and 800 independent living units to the people of Canberra over the next five years. I think that is a fantastic achievement, particularly coming off the back of what we inherited—as I say, 14 beds in four years—from the previous Liberal government. Over the next five years we expect to deliver around 900 places and 800 independent living units.

Health—elective surgery

MRS BURKE: My question is to the Minister for Health, Mr Corbell. In December 2001, at the start of the first term of the Stanhope government, there were 3,530 people on the elective surgery waiting list. As at the end of January 2005, there were 5,035 people on the elective surgery waiting list. The monthly average of patients added to the list in 2000-01 was 912. In 2003-04 it was 903 and for the year to date 854 patients have been added to the list each month. So demand has been steady, not growing, as you have stated. Minister, why has the elective surgery waiting list blown out by 1,500 people since the start of the Stanhope government to the all-time high of 5,035 people?

MR CORBELL: This question is about a matter of interest to the Canberra community and I think that it is important that the issue is understood in its entirety. We are seeing increased demand for elective surgery in the ACT. At the same time, we are seeing some of the highest ever levels of throughput for elective surgery in the ACT.

The point that needs to be made in that respect is that in the six months from July to December last year over 4,600 Canberrans got access to elective surgery, the second highest level ever of elective surgery activity for a six-month period. So the government is spending more money on elective surgery and we are getting more people through and providing the elective surgery they need.

At the same time, the elective surgery list continues to grow. It continues to grow because specialists are making decisions that more people need elective surgery. The government is conscious that this is a cause of concern in the Canberra community. So the government, on top of the money it has already spent on elective surgery since coming to office, will continue to consider other ways, including additional resources, of further addressing this need.

It is worth outlining to members how much money the government has spent to date and how much it will spend in the future in terms of addressing elective surgery. Since coming to office, the government has provided an additional $7½ million for elective surgery activity. Over the period between now and 2008 the government will commit an additional $12 million to elective surgery. That level of investment is considerable. In 2004-05 we injected an additional $1 million to provide an extra 200 people with access to elective surgery. This is being targeted at joint and cataract surgery, where there are long category 2 waits.

We are also working in a range of other areas. For example, we are focusing on an increase in the number of general surgeons to provide access to elective surgery and improved management of emergency general surgery. We have also opened three additional intensive care unit beds and support for intensive care services at the Canberra Hospital. That will assist in reducing elective surgery postponements due to demand for emergency intensive care.

The government is undertaking a range of measures to address this pressing and difficult issue, but the government cannot be accused of not putting in the investment to improve access to elective surgery. There is always more that can be done. I am determined that we will continue to work hard on the issue, but the bottom line is that the government's investment speaks for itself and we will continue to provide the investment that is needed to provide as many Canberrans and people from New South Wales as possible with elective surgery when they need it.

MRS BURKE: I have a supplementary question. The Chief Minister said earlier today in question time that he wears as a badge of honour the fact that the government has spent more in areas such as health. Minister, can you please explain why the community is continuing to pay more and receive less in service delivery—not more, as you keep saying—particularly in the area of elective surgery waiting lists?

MR CORBELL: Mr Speaker, is Mrs Burke saying that we should not spend more on elective surgery? Is it the assertion of the Liberal Party that we should spend less on elective surgery? Is that the assertion? It is an absurd assertion. As I have just outlined to Mrs Burke, the government is spending more money and more people are getting access to elective surgery as a result.

In the last six-month period there was the second highest level of throughput for elective surgery in Canberra. It fell short of the record by about 60 people. That was a significant level of throughput for elective surgery. It is simply a false assertion to say that we are spending more and getting less. It might sound good, but it is wrong. The bottom line is that we had close to record levels of elective surgery activity in the past six months.

It is worth noting that about 36 per cent of the people on the elective surgery waiting list are residents of New South Wales. The government will continue to work with the health services of the surrounding area of New South Wales to have, wherever possible and practical, those New South Wales residents have their surgery undertaken in New South Wales hospitals. But we acknowledge that, as a regional hospital, we will need to accept our share of people who cannot get access to surgery in other locations. That is why, of course, the government will continue to invest in improving access to elective surgery, as it has done to date.

Animal pound

MR PRATT: Mr Speaker, my question is to the Minister for Urban Services. Minister, the ACT government operates a pound at which various animals are kept. One important community service of the pound is to operate as a dog shelter. In operating as a dog shelter, the pound can also parallel the operations of the RSPCA animal shelter and even some commercial pet shops.

Minister, does the pound, when it is operating as a dog shelter, comply with all relevant legislation such as the Domestic Animals Act, particularly with respect to the provisions applying to desexing?

MR HARGREAVES: I am stunned. Of all the questions that Mr Pratt was going to ask me, I did not think of that tricky one. I confess I did not see that one coming, Mr Pratt. I seriously did not see it coming. I can see, in fact, you have been lurking around the pound, salivating furiously over these desexed dogs. Good on you.

The answer to your question, Mr Pratt, is that, when dogs are actually taken to the pound, firstly we try to determine whether or not they have an owner. We try to trace that owner and give them back. The short answer is: not in the first instance. When dogs are, in fact, available for sale, the answer is yes.

MR PRATT: My supplementary question is: will you make sure that the government's shelter is complying with this legislation? If it is, is it including all the costs in the price it charges for dogs? Will you ensure that those actions are taken to make sure that that compliance occurs?

MR HARGREAVES: Mr Speaker, I will make it my business, this very afternoon, to determine exactly what heinous activities the dog pound is actually up to. I will make sure, to satisfy Mr Pratt, that the pound is, in fact, doing that.

I also have to say that, when Mr Pratt talks about costs and all that sort of thing, I suspect the next time Mr Pratt opens his mouth he is going to be insisting that the Chief Minister savagely increase the price for people who buy dogs—pardon the pun. He will insist

that—and there will be a media release out before too long by Mr Pratt—those charges have to go up.

Mr Smyth: On a point of order, Mr Speaker: standing order 118 (b) does not allow debate. The minister must answer the question, not debate it. I wish you would bring it to his attention.

MR HARGREAVES: God help us all! And you represent the people of the ACT. Aren't they sorry!

Mr Speaker, the pound is operated by a bunch of really dedicated people. I have to say, with respect to dogs that are deposited there: there are dogs rescued from the streets, they have tags—we hope they have microchips—and they are reunited with their owners. There are dogs that are picked up, roaming around, that do not have owners. They are looked upon as having potential owners. That is when we do the desexing and make them available. After a period of time, when they are not claimed, they are euthanased, regrettably.

The other thing, Mr Speaker, is that there are not thousands of dogs in our dog pound; it would be about 40 or so. I do not know where Mr Pratt is coming from in all this. All I can suggest to you is: no, Domestic Animal Services do not mirror the RSPCA; no, they don't. I will make it my business to make sure that Domestic Animal Services actually provides an efficacious service in accordance with government policy.

I have, in fact, been out there only recently and had a look for myself, Mr Pratt. I invite you to go out there and join your friends.

ACT Forests—use of herbicides

MRS DUNNE: My question is to the Minister for Urban Services. Minister, ACT Forests has confirmed that it uses, in the lower Cotter catchment, herbicides that leave a chemical residue in the soil. Can you provide to the Assembly a list of all the herbicides used in the lower Cotter catchment since January 2003? Can you tell the Assembly what research, if any, was done by the department to discover how long the herbicides would be retained in the soil and how to stop affected soil washing into the water supply and down the Murrumbidgee River?

MR HARGREAVES: Yes, I can, but not right at the moment. I will take the question on notice. There is a fair amount of detail in the question. Mrs Dunne is asking for a list of all these dreadful chemicals that are going into our catchment area and are going to poison us all. My understanding is that the chemicals that have been used as herbicides have been cleared. They are not the chemicals Mrs Dunne would have everybody believe. She will quote, no doubt, a particular chemical that is in use in the United States, not the same one as in the ACT. She is looking for a specific list.

Mrs Dunne: I am asking you for a list.

MR HARGREAVES: She is looking for a specific list of chemicals that are used and she is looking for evidence. Mr Speaker, I will happily provide the answer to Mrs Dunne's question on notice.

MRS DUNNE: I have a supplementary question. Minister, when did ACT Forests realise that the herbicides they use may pose a threat to human health? When did they stop using them?

MR HARGREAVES: ACT Forests have never considered the use of herbicides to be dangerous to the health of the people of the ACT.

Planning—Forde

MR SESELJA: My question is to the Chief Minister. I draw your attention to comments by your planning minister, reported on 25 November 2004, where at the time when the LDA was assessing tenders in relation to the joint venture for Forde he expressed a preference for a bigger operator like those in Sydney and Melbourne. Chief Minister, do you support the sentiments of your planning minister in supporting interstate firms at the expense of local firms? Is it appropriate for the minister responsible to make such comments while a tender process is under way?

MR STANHOPE: I will ask the Minister for Planning to respond to that question.

MR CORBELL: I thank Mr Seselja for the question. The comments I made simply made the point that the government was keen to see as wide a range as possible of potential tenderers for the development of new subdivisions in partnership with the LDA. That was the intention of my comments and that was certainly what I hoped to communicate. It did not in any way seek to express a particular view as to one type of bidder over another. That is entirely a matter for the LDA board, and I can confirm to the Assembly that I was in no way involved in the considerations of the LDA in determining the successful tenderer for that project.

MR SESELJA: I have a supplementary question, Mr Speaker. Does the government have a general prejudice against local firms, or is it just the Minister for Planning?

MR CORBELL: No and no.

Wages

MS MacDONALD: My question is to the Minister for Industrial Relations, Ms Gallagher. Is the minister aware of news articles and comments in the media regarding rises in wages in the ACT in the August quarter? If so, what is your response to these media reports and comments?

MS GALLAGHER: I thank Ms MacDonald for the question. For the benefit of the chamber, I think the media reports Ms MacDonald was referring to were comments primarily made by the shadow Treasurer and shadow Minister for Industrial Relations, Mr Mulcahy. As we are all learning, Mr Mulcahy has an issue he likes to air from time to time. Basically, it is a pretty simple argument. He attacks the ACT government for improving wage outcomes in the ACT public sector and believes that we have an irresponsible approach to wages policy. Mr Mulcahy has been quoted in the media a number of times on this, most recently in February, but the mini-campaign he is running seemed to begin in November last year with a media release he issued called

"Call for government wage restraint". In that media release, Mr Mulcahy used figures from the ABS showing that in the August quarter last year full-time ordinary earnings rose 1.7 per cent in the ACT, driven by a two per cent increase for men and a 1.5 per cent increase for women. Mr Mulcahy attributed this increase to the ACT government, saying:

> the wage growth in the ACT public sector was adding to the pressure being felt by both large and small enterprises within the private sector.

Mr Mulcahy then went on to say:

> I am calling for the Government to exercise restraint when it comes to wages demands.

Mr Mulcahy had read some ABS stats, grabbed them with glee and attributed the increases solely to the ACT government, when in reality the figures used in the August ABS data were solely attributed to the actions of the federal government, not the ACT government.

Members might be interested in an article in the *Age* newspaper last month entitled "Canberra Bristles with New Bureaucrats". It details the increasing wages bill of the federal government as the cause for increasing statistics of average weekly earnings. The article states that the Howard government has increased its head office staff by almost 25 per cent in the last six years, increasing its Canberra-based wages bill by more than $1 billion a year. The article points out that the federal government has cut thousands of staff in regional areas and has centralised public service staff in Canberra, which we think is good. That is good for Canberra; we are not opposed to that. It is Mr Mulcahy who has a problem with decent wage outcomes in the public sector. The annual wages bill for Canberra-based public servants—around 59,000 public servants in the commonwealth public service in the ACT—has risen to $3.7 billion.

We know that Mr Mulcahy is good friends with the federal ministers because he is up at Parliament House all the time.

Opposition members interjecting—

MS GALLAGHER: He puts out a media release saying, "Oh, by the way, at 10.30 this morning—

Mrs Burke: You don't like that, do you? You don't like that.

MR SPEAKER: The opposition will cease interjecting—and that includes you, Mrs Burke.

MS GALLAGHER: When Mr Mulcahy goes up to federal parliament, he issues a media release to let us know that he is good friends with everybody up there. Based on the figures I have outlined today, Mr Mulcahy might best use his time to issue a media release asking his friends up at federal parliament to show a bit of wage restraint. But it is interesting because we are getting an idea from the current opposition about their views on wages policy. They are heading back to those mean days of Carnell and

Humphries—we have quoted these figures in this chamber a number of times—when they had a five per cent wage increase over three years when the CPI increased over the same time by 10.9 per cent. So that was an actual wage cut for those workers. I can see that that is where the opposition are heading. So beware, everyone, if this mob ever gets in, because that is what will happen to the public sector again—one per cent per annum wages increases to public sector workers.

Actually, it is a change in position from the federal opposition, because we had that left-wing shadow minister, Mr Pratt, who was constantly harping on every time there was a wage dispute. He was saying, "Oh, just pay it. Pay the firefighters." He criticised me for not paying the teachers what he believed they should get paid. I miss Mr Pratt in his role as shadow industrial relations minister, because he was a little left wing compared with the other members over there; he is a little bit of a socialist; he wanted to see all the money shared around. We can see where things are heading under Mr Mulcahy. But I do think it is important that the federal government's contribution to wage increases—the only ones used in that August data—is correctly attributed where it belongs.

MR STANHOPE: Mr Speaker, I ask that further questions be placed on the notice paper.

Personal explanations

MR MULCAHY (Molonglo): Mr Speaker, I wish to make a personal explanation under standing order 46.

MR SPEAKER: Proceed, Mr Mulcahy.

MR MULCAHY: During question time, the Acting Treasurer said, I believe, "Mr Mulcahy has made up these statements. I never said that we had the choice of increasing taxes or reducing services." Mr Speaker, it is not my practice to mislead the Assembly. The basis of my remarks was a direct quote of the Chief Minister on the front page of the *Canberra Times* on Saturday in which he said, "The range of options is limited, we are faced with either charging more or doing less … [and] this year we will have to make some very hard decisions." It seems to me that the dispute is between the Chief Minister and the *Canberra Times*, Mr Speaker—not in relation to remarks I may have made. I want to make it very clear that that is where the material came from.

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): I need to make a personal explanation in response to that. I think the record will show that Mr Mulcahy used the word "significant"—not a word I used. We will check the *Hansard* and I will respond tomorrow. We will check the *Hansard* with interest to see whether Mr Mulcahy is in the practice of misleading the Assembly.

Executive contracts
Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): For the

information of members, I present the following papers:

> Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—
>
> Long-term contracts:
>
> Michael Ross, dated 9 February 2005
>
> Short-term contracts:
>
> Ademola Bojuwoye, dated 2 February 2005.
>
> Bronwen Overton-Clarke, dated 15 February 2005.
>
> Malcolm Prentice.
>
> Megan Douglas, dated 16 February 2005.
>
> Megan Smithies, dated 14 February 2005.
>
> Susan Killion, dated 1 February 2005.
>
> Schedule D variations:
>
> Khalid Ahmed, dated 4 February 2005.
>
> Stephen Ryan, dated 27 January and 1 February 2005.
>
> Sue Ross, dated 27 January 2005.
>
> Tony Bartlett, dated 28 January and 3 February 2005.

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

Leave granted.

MR STANHOPE: Mr Speaker, I have presented a set of executive contracts. These documents were tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of executive contracts and contract variations. Contracts were previously tabled on 15 February 2005. Today, I have presented one long-term contract, six short-term contracts and four contract variations. The details were circulated to members.

Administrative arrangements

Papers and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): I present the following papers:

> Administrative arrangements—
>
> Australian Capital Territory (Self-Government) Ministerial Appointments Notice 2005 (No 1)—Notifiable Instrument NI2005-103 (No S1, Thursday, 3 March 2005).
>
> Administrative Arrangements 2005 (No 1)—Notifiable Instrument NI2005-102, dated 2 March 2005.

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

Leave granted.

MR STANHOPE: Mr Speaker, for the information of members, I have tabled revised administrative arrangements that were notified on 2 March and gazetted on 3 March. The principal change was to replace the title of Minister for Economic Development with separate new titles of Minister for Economic Development and Business, Minister for Tourism, Minister for Sport and Recreation, and Minister for Racing and Gaming. This was done in response to feedback from stakeholders.

Other changes made include the transfer of responsibility for the Gas Pipelines Act from the Treasurer to the Chief Minister and the transfer of section 261 of the Land (Planning and Environment) Act from the Minister for Planning to the Minister for the Environment. Seventeen repealed acts have also been deleted.

Chief Minister's Department—annual report 2003-04
Paper and statement by minister

MR STANHOPE (Ginninderra—Chief Minister, Attorney-General, Minister for the Environment and Minister for Arts, Heritage and Indigenous Affairs): I present the following paper:

> Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports—2003-2004—Chief Minister's Department—Corrigendum.

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

Leave granted

MR STANHOPE: Mr Speaker, I raised this matter in the annual report hearings and provided, I believe, a copy of this corrigendum to members of that committee at that time. But, for the information of all other members, I have presented a corrigendum to the Chief Minister's Department's annual report for 2003-04, pages 126 to 131 of volume 1 of the report, to provide information on the department's use of contractors and consultants. Information concerning consultants who were associated with the shaping our territory implementation group was inadvertently omitted from the final published report. As I have just said, details of the omission were forwarded to the Chair of the Standing Committee on Public Accounts prior to the recent annual reports hearings.

Papers

Mr Stanhope presented the following paper:

> Legal Aid Amendment Bill 2005—Revised explanatory statement.

Mr Corbell presented the following papers:

> **Subordinate legislation (including explanatory statements unless otherwise stated)**
>
> Legislation Act, pursuant to section 64—

Community and Health Services Complaints Act—Community and Health Services Complaints Appointment 2005 (No 1)—Disallowable Instrument DI2005-8 (LR, 10 February 2005).

Construction Occupations (Licensing) Act—Construction Occupations Licensing (Fees) Determination 2005—Disallowable Instrument DI2005-9 (LR, 3 February 2005).

Dangerous Substances Act—Dangerous Substances (Fees) Determination 2005 (No 1)—Disallowable Instrument DI2005-5 (LR, 28 January 2005).

Education Act—Education Regulation 2005—Subordinate Law SL2005-1 (LR, 10 February 2005).

Emergencies Act—Emergencies (Fees) Determination 2005—Disallowable Instrument DI2005-18 (without explanatory statement) (LR, 24 February 2005).

Health Professions Boards (Procedures) Act—Health Professions Boards (Procedures) Pharmacy Board Appointment 2005 (No 1)—Disallowable Instrument DI2005-12 (LR, 3 February 2005).

Occupational Health and Safety Act—Occupational Health and Safety Council Appointment 2005 (No 1)—Disallowable Instrument DI2005-15 (LR, 22 February 2005).

Public Places Names Act—

Public Place Names (Belconnen) Determination 2005 (No 1)—Disallowable Instrument DI2005-17 (LR, 24 February 2005).

Public Place Names (Harrison) Determination 2004 (No 2)—Disallowable Instrument DI2004-264 (LR, 17 December 2004).

Race and Sports Bookmaking Act—

Race and Sports Bookmaking (Operation of Sports Bookmaking Venues) Direction 2005 (No 1)—Disallowable Instrument DI2005-11 (LR, 3 February 2005).

Race and Sports Bookmaking (Rules for Sports Bookmaking) Determination 2005 (No 1)—Disallowable Instrument DI2005-10 (LR, 3 February 2005).

Road Transport (General) Act—

Road Transport (General) (Application of Road Transport Legislation) Declaration 2005 (No 2)—Disallowable Instrument DI2005-19 (LR, 24 February 2005).

Road Transport (General) (Numberplate Fees) Determination 2005 (No 1)—Disallowable Instrument DI2005-13 (LR, 15 February 2005).

Schools—bullying

Discussion of matter of public importance

MR SPEAKER: I have received letters from Mrs Burke, Mrs Dunne, Dr Foskey and Ms Porter proposing that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, I have determined that the matter proposed by Mrs Dunne be submitted to the Assembly, namely:

> The impact and significance of bullying in ACT schools.

MRS DUNNE (Ginninderra) (3.31): Mr Speaker, the impact of bullying on the ACT school system is one of considerable and growing concern to many who are involved in education. The government's responses to recent cases of bullying in ACT schools raise a number of worrying questions about the extent of bullying, its impact on students, teachers and parents, and what, if anything, is being done or can be done to address the various issues involved.

Whether there are more bullying and bullies now than, say, 20 or 30 years ago is a moot point. There are those who claim that people are simply more thin-skinned these days, seeking to turn themselves into victims at the drop of a hat, that the slings and arrows of everyday life have become medicalised and we have fallen into the temptation of seeing ourselves as victims, no matter how trivial the circumstances. That is what some people might think.

Some people might think that the cure to that is simply to pull yourself together, to grow up and realise that life is not meant to be a bed of roses, that what is needed is "tough love". That is part of the world view of, for instance, people ranging from Janet Albrechtsen to the former leader of the federal Labor Party. Even if we accept this argument in general, it remains the case that children are being raised in significantly different conditions from those in which their parents and their grandparents were brought up.

Firstly, family structures have altered dramatically. More women are in the work force. There are more single parents, especially single mothers. There is a higher rate of divorce. Working hours are significantly longer and family life in general is far more flexible and unstable, depending upon your perspective.

In itself, that has a dramatic impact on the psychological condition and social outlook of young children. The very diversity of family types, reinforced by increasingly noticeable cultural differences, tends to increase the sense of difference among schoolchildren. Difference, as we know, is a major cause of antagonism and aggression amongst children.

Secondly, technological change has greatly expanded the opportunities for bullying and the means by which it can be exercised. To take the obvious example—one that has come up in New South Wales just this week—mobile phones can now be used to send threatening or demeaning voice and text messages or to take embarrassing photos which can be circulated by various means. Such psychological bullying can cause far more damage than physical harassment. With the help of today's technology, it can more easily become a great threat to children, and it is often done anonymously.

Thirdly, there are broader cultural pressures. Commentators of all political persuasions point to the deleterious effects of advertising aimed specifically at young people; to the increased sexualisation of youth, especially young girls; to the glorification of violence, whether on sports field or in video games; and to the emphasis on rights rather than responsibilities.

The upshot has been a dramatic increase in reported bullying. A survey last year by the University of South Australia revealed that 47 per cent of students saw physical bullying at least once a week, with 70 per cent witnessing verbal bullying. Some 34 per cent said that as bystanders they would ignore an incident, 6 per cent said that they would support the bullying, 40 per cent said that they would support the victim and 20 per cent—only 20 per cent—said that they would tell a teacher. We can see the results of these and similar developments in the growing prevalence of anxiety disorders, depression, obesity, substance misuse and other behavioural and psychological problems amongst young people.

As documented in a paper presented to the ninth Australian Institute of Family Studies conference in Melbourne last week, some 20 per cent of young people have been found to suffer from moderate or severe depression and some 19 per cent were assessed as moderately or severely anxious. In the light of this information, it was strange to hear at an annual reports hearing that there was nothing of this sort of problem in ACT schools.

In answers to questions from Dr Foskey and me, Assembly members received the usual bland assertions that all was right with the world and we had signed up to a nationally accredited framework. When I asked whether there were any problems with bullying in ACT schools, the officials assured me that all was right with the world and they knew of no schools where things were going wrong. These were the views of the officials and at no time were they gainsaid by the minister, who remained very quiet throughout the discussion. At no time did she correct the record.

The first time I raised in this place the issue of bullying was in relation to a number of teachers who had been bullied by a senior teacher at a government high school. The extent of the problem of bullying of teachers by teachers is, in itself, great. The impact on workplace safety, on staff morale and on the health of the work force is far reaching and it deserves to be a topic unto itself.

In addition to that, students can also bully and intimidate teachers. I have a former teacher among my acquaintance who received compensation from Comcare for harassment she received at the hands of students at a government high school in the ACT, and it has probably resulted in her giving up teaching for good. This is a highly qualified young person.

Let us turn to the impact on children. In the adjournment debate of the last sitting, I quoted at length from an email from a parent of a child who attended a government high school where terror seemed to reign. I know of at least two primary schools where the level of terror is just as high and where we are starting to see an exodus from those schools.

In the same adjournment debate, I spoke of two girls who were ferociously and repeatedly kicked. Their parents were not even contacted by the school after this assault. The first the parents knew of this assault was when the injured girls went home. After doctors' reports and complaints, the perpetrator was put on one day's internal suspension. One of those girls is still receiving counselling as a result of that incident.

A few weeks ago, I spoke on WIN Television about this problem and that prompted other parents to come forward and tell the television station their story of how their children were being hounded out of another government primary school. In that particular school, I know of four separate, unrelated instances of ongoing bullying. Some have resulted in children leaving the school, some the government system altogether.

The most horrendous incident involved a three-year-old student who was supposed to be supervised in the playground because of a history of violence and who brought a screwdriver to school and was found with his adversary on the ground, screwdriver to his throat. The child who intervened—a slightly older child—and broke up the dangerous

fight was stabbed in the leg. That child is now receiving counselling under the victim support service.

Since then, I have been constantly bombarded with stories by people who have come to me. I have here a few excerpts from some of the emails I have received in the last little while. One said:

> I have seen a student suspended for wielding a knife at another student and within two weeks was part of the student populous.

Another said:

> A student stalked a colleague but nothing was done about it until the AEU was called in.

Yet another, a most alarming one, said:

> A student with severe mental health issues attempted suicide [several] times in one school term. He even assaulted other students … At times, this student would self-harm, usually in front of his peers. While at the school in question, I pulled the child in from a 3rd storey window as he was attempting to jump out of it. This was in full view of several classes of students.

Approximately two years ago, someone else told me, a school was forced to hire a security guard to protect staff and students and the department would not cover the cost. Why did it have to hire a security guard? It was because a student who had been suspended for violence came persistently onto the playground, on one occasion assaulting a teacher after being asked to leave the school grounds.

Another teacher told me that a student who was deemed to be violent had been readmitted to the school where this teacher was teaching and his behaviour had led to several students being harmed and teachers threatened. This teacher told me that it did not make any sense to allow this child to re-enter the school in which his victims were still part of the student body and that several students had left the school upon confirmation that this student would be returning to school. This teacher concluded the email to me by saying, "My primary concern is for the students who were assaulted by this person and the fact that my work environment is no longer safe."

We have to ask: what has been the government's response to these instances? The parents of the child who was stabbed in the leg were told that the perpetrator was going through a rough patch. Mr Speaker, you do not have to have an advanced degree in psychology to be able to tell that a child who takes a screwdriver to school is going through a rough patch. The question that these parents have is: what is the school and what is the school body doing for that kid who is going through a rough patch? The answer is: not very much.

There seems to be an environment of retribution in the department of education; others might call it bullying. Some of the parents who took their stories to WIN Television have encountered a very interesting departmental response. After they went to WIN Television, the chairman of a school board rang one of the parents and, basically,

gave her the rounds of the kitchen, accusing her of bringing the school into disrepute. He capped it off by imparting the information to this parent that the minister was very angry.

Minister, there are many parents out there who are very angry, there are many teachers who are feeling disempowered and threatened in their classrooms and who are very angry, and there are lots of very frightened children out there. The last person on this list who needs to be very angry is the minister for education. The mothers that I spoke to were very angry, at the end of their tether, and thought that it was the height of indecency that this minister should be very angry.

I have encountered some very interesting events as a result of my inquiry. One ACT government employee has been counselled by her employer that she should not contact me or take her case to me, which could be a breach of privilege, and in at least two instances where parents or guardians have made complaints about bullying it has resulted in the parents or guardians themselves being referred to the child protection service—again, a completely inappropriate response. In fact, coincidentally, I was rung today by a guardian who had complained to a school about ongoing bullying of her ward, which had resulted in family services turning up to their home to investigate the family problems in their household, not addressing the ongoing and persistent bullying by students in this child's school.

Minister, there are many angry parents out there and there are very many concerned children. The ones who are bullied are often required to sit in the principal's office during playtime while the bullies roam around the playground terrorising other children. There are many instances of children who are bullied—this is one of them—becoming doubly victimised. Not only are they beaten up by kids on the playground, but also they are held apart for whatever reason or they are sent to another school because they cannot cope with the system any longer. That means that we are seeing a doubling of victimisation.

What I really want out of this matter of public importance is an admission by the minister and the department of education that they have a problem. Let us not hide our heads in the sand any longer. The minister needs to stop being angry herself and answer the questions of the parents. She should not be taking action against people who are spilling the beans; rather, she should be taking action to ensure that the education authorities are doing something more than signing us up to nationally approved guidelines that do not support or deal with children who manifest naughty, disruptive, intimidating and violent behaviour.

Mr Speaker, the impact of bullying is far reaching, not just on the lives of the victims but on the perpetrators as well. It creates stress, fear, long-term psychological impacts such as obesity, self-mutilation—the list goes on. This minister and this department need to own up to the fact that they have a problem, as the New South Wales government has done and other governments have done, and address it fairly and squarely for the benefit of the children that they care for.

MR HARGREAVES (Brindabella—Minister for Disability, Housing and Community Services, Minister for Urban Services and Minister for Police and Emergency Services) (3.46): I thank Mrs Dunne for raising this matter, although I must add that I have some

concerns as to her motivation for doing so. Her "anything for a headline" approach to an issue does not lend enough weight to this matter, in my view. I will come to that.

Mr Speaker, in addressing the issue of bullying as it applies to schools—I stress to all schools, in every jurisdiction and in every society—it is important to look at the problem in the context of the rights of children and young people. Let us not make a mistake here. Government schools are not the only schools where this problem occurs. The implication by Mrs Dunne that the schools, the department and the minister have to own up to something or other is, somewhat cowardly, that it is only a government school problem. That implication, that suggestion, is totally rejected.

Mr Speaker, all children and young people have the right to live in a safe and supportive environment, free of violence and intimidation. As a society, our most sacred trust is to keep our children safe. Bullying, harassment and violence are issues not only for schools but our whole society. At home, at work and in sporting teams, in all areas of life, there will always be those who are unwilling or unable to treat others appropriately. Some might suggest that even this Assembly is not immune.

Children, unfortunately, all too often witness bullying behaviour by adults and leaders in our community who should know better. We all need to ensure that we model respectful behaviour towards one another and that our children learn from that example. Although it is important that schools do their part here, it is equally important that we not lose focus on the roles and responsibilities of parents and carers. Schools play an important part in helping students to understand the importance of respecting others and tolerating differing views, opinions and values, but that can only be an adjunct to the upbringing and learning derived from parents and carers at home.

Children learn values from their parents and carers and can be taught to understand cooperation and respect from a very early age. Sadly, for many students, school is the safest place from the troubles they face at home or in the community. Schools help students deal with incidents of bullying. They can also play a vital part in breaking destructive cycles of behaviour to develop individuals who are able to build successful relationships with others.

ACT schools, all of them, aim to build inclusive learning environments that recognise and value the unique abilities, insights and needs of all students. That builds social cohesion in the school community by encouraging students to understand and learn from one another. Inclusive school cultures also support students to stay engaged in learning, reducing the feeling of frustration and alienation, which can lead to inappropriate behaviours, and leading to improved learning outcomes.

Mr Speaker, all schools have in place programs and policies to address bullying and harassment and to create positive, supportive learning environments. But it would be foolish to suppose that having policies and programs alone will somehow ensure that all people are respectful towards one another. Rather, school bullying management practices provide clear support and guidance for students, staff and parents, focusing on early intervention and on developing a culture of respect where harassment in any form is not tolerated.

There are three overarching policies that provide a framework for action for ACT government schools. The ACT safe schools policy is a consistent approach across all schools in relation to this important work. The combating racism in schools and the workplace policy and the anti-sexual harassment policy require that all ACT primary schools, high schools and colleges have trained anti-sexual harassment contact officers and antiracism contact officers. In addition, schools utilise a range of strategies to meet the differing needs of students, families and staff, such as playground mediators or peacekeeper programs, peer support and buddy programs, and anger management, conflict resolution and social skills programs.

I would like to take this opportunity to tell the Assembly about just a few of the many successful programs that have been run in ACT schools, and the difference they are making to school communities. The programs I have just listed certainly do not sound to me like somebody is sitting on their hands. Just last week, Weetangera primary school held a good vibes day. All students spent the day participating in workshops and presentations addressing bullying and harassment.

Good vibes day involved all the school's teachers, who acted as facilitators for the day. Good vibes day is an innovation that was developed by Weetangera primary school staff as part of a policy of zero tolerance of bullying and harassment in the school. The day was used to define what constitutes harassment and bullying, reinforce that it is unacceptable, and provide students with strategies to avoid bullying. Students learn their rights and also their responsibilities and ways to help others. Parents played an important part in good vibes day.

Restorative practices have been extremely successful at a number of schools, such as the North Ainslie primary school, which last year received a national safe schools framework best practice grant. Strong links with the community and the Australian Federal Police teach real justice involving parents and carers. Restorative practices seek to address and repair the harm that results from inappropriate behaviour, incidents and conflict. They aim to restore and strengthen relationships, encourage responsibility and build community. The needs of victims as well as perpetrators are addressed through both informal and formal conferencing.

Theodore primary school has established a program in partnership with Menslink. Mentors visit the school three afternoons a week and work with the students on a garden project. The mentor program has been extremely successful in introducing positive male role models, providing leadership opportunities and increasing the students' engagement with their school. The boys involved in the program have shown improved behaviour and social skills, particularly in their relations with adults and girls. The garden project is also used in environmental education and other activities across the curriculum.

Stromlo high school's peer support and education programs empower students to work with others in the school community. All year 9 students are trained as peer support leaders, with the majority of these senior students supporting year 7 students. The school has a strong pastoral care program, TEAM. This work is linked with a range of programs whereby students are able to discuss topics including bullying, sexual harassment, homophobia, life goals, and desires.

In addition to specific programs to address bullying, ACT government schools use educational experiences across the curriculum to address issues such as conflict resolution, rule setting, and responsibilities as a community member. Helping students to understand the nature of relationships and the outcomes and impacts of violence within relationships is a critical element of any antiviolence program. Students are taught to respect themselves and each other, to form healthy relationships, to understand appropriate behaviour, and to know how to get help when things go wrong. In this way, our schools are teaching students vital skills on how to interact with others, not only at school but also throughout their lives.

Teacher professional development is also an important part of helping schools to address bullying and harassment. The department of education views it as an important priority to ensure teachers have the tools they need to reduce bullying and to effectively address incidents when they occur. Teachers are provided with and share strategies to assist students with challenging behaviours to counter harassment and discrimination. They are given training in interviewing students to investigate and resolve complaints and support for related matters of occupational health and safety.

For example, a series of workshops in relation to the national safe schools framework will give teachers skills in negotiating difficult conversations with parents and colleagues and in crisis communications for de-escalating incidents with students. Programs such as Mindmatters, a mental health initiative, aim to enhance the capacity of schools to build environments where students and staff feel safe, valued and engaged.

I would now like to return to the matter of the irresponsibility of the recent misinformation and scapegoating we have seen in the media and in this Assembly in relation to this serious issue. I do not need to remind members that bullying and harassment have as their basis the abuse of power; yet I am saddened that recent comments by Mrs Dunne in the media and the Assembly, rather than making a useful contribution to this issue, have been yet another slur on ACT government schools.

She uses words such as "environment of retribution". That is appalling. These are just thinly veiled attacks on school principals, school faculties and, of course, the minister. Mrs Dunne ought to know that bullying is present everywhere in society, including in schools, both government and non-government, and it is time she stopped bullying the 96 ACT government schools, their principals and teachers, and the school communities.

Other elements of the matters Mrs Dunne has raised in the media recently are even more worrying. On 21 February, in a release entitled "School toilet beatings—government must act", Mrs Dunne quite clearly lets the media opportunity seriously cloud her judgment. Mrs Dunne clearly failed to consider for a single moment the ease with which the children her release refers to could be identified. That was a shameful act. For both the alleged perpetrator and the victim, it was a serious violation of their privacy—the privacy of two young children.

Likewise, the allegations Mrs Dunne levelled at teachers at the school were nothing short of disgraceful. To exacerbate all of this, the WIN news story that followed on from Mrs Dunne's media release falsely named the Charnwood primary school. It was not

involved in any way. Mrs Dunne ought to apologise unreservedly to Charnwood; in particular, to its assistant principal, who was defamed in the news report.

Having said that, incidents of bullying and harassment are indeed serious and are always subject to investigation, with the support needs of all involved being the overriding priority. Like many reports of serious incidents, any thorough investigation needs to respect all parties and recognise that at times, unfortunately, misinformation and allegation can delay a resolution. Schools, the Department of Education and Training and the government understand that. It is about time Mrs Dunne did too.

We cannot ignore the fact that, unfortunately, there will be those in our community who will seek to assert power over others through harassment and intimidation. However, bullying in any form is never acceptable. All members of the community can play a part in ensuring that respect and tolerance are valued. Our community must continue to support schools to address incidents of harassment and build a society that does not tolerate bullying. It is up to everyone in our community, including members of this Assembly, to lead the way by example and action to ensure that the places where we live, work and study are safe and supportive for all.

Bullying has been a practice that has gone on in schools since the dawn of time. It is an unacceptable practice. There are many people in this chamber, across both sides, who have experienced bullying in schools. I know that I certainly did for all 12 years of my schooling. I am sure that it had an effect. The members of this Assembly ought to be using a united approach to getting rid of it, not using it for self-aggrandisement, not using it to get our names in the paper and not using it to exploit the pain of others. That is yet another exercise in bullying.

MR SESELJA (Molonglo) (4.00): We have heard from Mrs Dunne of a number of impacts that bullying is having. The area I want to address is the impact on teachers. Bullying places a much greater personal and professional burden on teachers, who are often expected to act as surrogate parents, something for which their training does not prepare them. Often, parents get into the act as well, blaming teachers for the parents' own inadequacies. It has long been recognised that teachers are often subjected to violence and verbal abuse from students—leading to death in Queensland on one occasion.

Student misbehaviour was one of the dominant themes of the 2002 inquiry into the provision of public education in New South Wales. About 30 per cent of successful workers compensation claims in the NSW education department are for teachers with stress-related illnesses. Some NSW teachers are being trained in physical assault response techniques—a program learning how to avoid confrontation but, as a last resort, how to physically restrain violent students, not to mention their parents.

Indeed, the situation is now so bad that the authors of a paper in the current *Journal of Occupational Health and Safety: Australia and New Zealand* argue that classrooms should be designed more like juvenile detention centres, with teachers advised not to wear jewellery, ties or scarves in case these are used to strangle them. Not to put too fine a point on it: the job of a schoolteacher has less and less to do with teaching itself. Indeed, in some schools, it may be considered almost incidental.

We are fortunate in the ACT that the situation is not as severe as in other states and territories but, as recent incidents demonstrate, we have no cause for complacency. It is always easier to destroy than to create. These incidents are not isolated. It is essential we deal with them right now before they become the norm. There is no aspect of the problem that does not receive the attention it merits. There is the documented increase in the bullying of junior teachers by their senior colleagues. In a twist on an old joke, the saying being increasingly heard in the nation's classrooms is that "Those who can, do; those who can't, bully". The results are as costly in dollars as they are in personal trauma and impact on the quality of teaching.

According to the Australian Education Union in Victoria, between 1996 and 2003, over 1,000 teachers were awarded more than $34 million in compensation for stress and injury to health, caused mostly by excessive workloads, abuse, lack of support, and dealing with difficult students. The NSW Teachers Federation has encapsulated the problem by stating: "The culture of fear has become the norm and systemic bullying has become an accepted practice, with many teachers too afraid to question the unacceptable actions of others." In these cases, the abuse is rarely physical, but more often verbal and psychological. It includes, but is by no means confined to, endless direct and indirect criticism, unrealistic work demands, sarcasm, abuse of authority, belittlement, blocking of promotions, malicious gossip and ostracism.

Among the more unrealistic work demands is that of forcing teachers to take classes for which they are not qualified and which expose them and students to avoidable damage. The Supreme Court recently ordered the ACT schools authority to pay $58,000, plus costs, to a former student who was seriously injured in an industrial design class taken by an inexperienced relief teacher.

The bully's target varies. It may be a young, conscientious teacher whose ability and perhaps popularity with students is resented by an older, ineffectual colleague or it may be an older more traditional teacher whose experience and authority expose the shallow learning of younger generations. Teaching has always been a difficult profession but in today's competitive work environment, where rights are so often divorced from responsibilities and individual advancement so often thought the only good, bullies feel more confident than ever in throwing their weight around.

For both students and teachers, the long-term consequences of these developments are very serious indeed. Almost all reports about the recent spate of incidents involving the torture and dismemberment of kittens have mentioned the well-established link between cruelty to animals among children and later serious violence against human beings. How much stronger is the link between untrammelled bullying of other children at school and the later propensity to violence? There are also the longer term consequences for individual teachers and the teaching profession in general. It is already difficult to attract teachers to the profession.

Bullying is a major institutional issue at ACT schools, having an impact on students, parents and teachers alike. Given its several dimensions of potentially damaging long-term consequences, we all have an obligation to investigate the issue as thoroughly as possible with a view to minimising damage and, as far as possible, preventing it in future. The government will not acknowledge that the problem exists.

Parents are unhappy about outcomes; about the department's response and about the treatment their children receive. To deny those parents an answer or to say that the problem is only minor misses the point. The point is that we are seeing more and more reports of bullying. That is acknowledged by teachers, by parents and by other sectors. But the government's response is that they have signed a national framework on a bullying policy—as though a signature is enough to resolve the issue.

Another point to make in relation to bullying is that it is often accepted in other categories of abuse, in other statistics, that for every case reported there are a significant number of cases unreported. That is what we are told. If we accept that, it should also hold that there would be a significant number of bullying cases that go unreported. A minister who contends that there is no problem about bullying in the educational system is literally in denial. This erodes both institutional support and teachers' and parents' confidence in government. Ultimately, the losers are the children that we—by commission, but more often omission—are all badly letting down.

DR FOSKEY (Molonglo) (4.06): I thank the Assembly for the opportunity to address this issue. I think the evidence is there and that everybody in this place is concerned about bullying. I do not think we could say that either of the large parties has ownership of the concern about this issue. Perhaps what we are doing today is presenting a dilemma that comes up again and again—not just in discussions about schools, but also in discussions about workplaces and families or wherever groups of people get together. The fact that what we call bullying is so normalised, does not make it any better. However, we should realise that, in some groups of people, it is a normalised way of behaviour.

I also think we would be better approaching this issue if we left this chamber and went off to the classrooms to assist the many teachers who are struggling right now. Don't worry; I have been one of them and I know what it is like, with the multitudes of behaviour types that manifest themselves. However, we are here and we will have to wait for our non-sitting days to go into the classrooms.

The other day I borrowed a film, which some of you might remember, called *The Getting of Wisdom*, adapted from a book written at the turn of the last century by Henry Handel Richardson. It describes her experiences at what was, and still is, a prestigious private school for girls in Victoria. In that film we saw the kinds of bullying that often goes on in these kinds of places.

Recently, I was a teacher in our own equivalent of that school, and I was very interested to watch the behaviour of the students, and to hear the counsellor advising all of us teachers to read a book called *Queen Bees & Wannabes*. The kinds of bullying that went on amongst those groups was not something that their parents, perhaps, would see as a problem, and yet that counsellor was dealing with children who were in tears because of various kinds of ostracisms that are played out in groups.

That is not a reflection on that school, because what we are talking about here is what is seen as pretty normal behaviour amongst seventh grade girls. I also want to point out that the way bullying occurs is shaped by culture, class, gender and, of course, age. Some of these kinds of behaviour are rites of passage in our culture and time. That does not make

it more acceptable but, as teachers, you see the same patterns recurring over and over again.

I appreciate what Mr Hargreaves said about the policies of this education department. I believe they are very well thought out and that, in many cases, they are working extremely well in schools, and they should be acknowledged. I am also aware that schools vary from place to place, that the student demographic changes and that under different leadership regimes a school that is dealing well with bullying one year may have real difficulties in another year. The different years can have a totally different character and flavour. When teachers talk about this, it could be, "This year's Year 10 is great." But with next year's Year 10 it could be, "Oh, there are lots of behaviour problems in there." These are the kinds of generalisations that get spoken about.

Ideally, if we were able to do it, we would have smaller classes, which would help make these issues easier to deal with, especially with children with identified behaviour problems. They would get counselling, and sometimes there might be particular issues that require more than just behaviour management. That is often the case. Ideally, as a teacher of at risk children, you would appreciate having more than one adult in the room. That is why I suggested we should go to the schools.

Behaviour management programs need to have the co-operation of parents. They need to be open processes: parents need to know how schools are dealing with these sorts of issues. An innovative approach might be to bring the parents of bullied and bullying students together, because we all have a natural tendency to want to see our child as blameless. I am not saying that "our" child is blameless but we need to see the child—if we are talking about the bullying situation between two children—in the right context. We need to work with the parents of the other child, if we can, because that is the way to break down things.

We must remember that children model themselves on the society in which they live, and their immediate family. I make the strong plea that we recognise that, often, a bullying child is an indication of a family in trouble, of some kind. Having been one, I think of sole parents who often are entirely responsible for the behaviour of their child and who often struggle without a break through all their child's growth stages, some of which are not as pleasant as others, as I am sure we have all experienced. Therefore, a supportive society is important.

I also believe the socialisation of children is really important. I know most children have access to playgroups because that is when it starts. It starts with parents getting together, as they bring up their babies and their small children, talking about their problems, realising they are not alone, and sharing solutions. It requires that preschools work for parents and not just for the convenience of the department. I might have a bit of an issue there, which we will talk about later on, with the proposed changes to the way in which preschools in the ACT operate. The other thing of course, and it is something parents are finding very difficult to get at the moment—is accessible and good childcare. There just is not enough of it.

These processes are all part of placing the parent in the broader community and giving them the support they need through all the different life stages of their child. After-school care is important. I think it is a great shame that after-school care ends with

primary school, because it is particularly in the early years of high school that parents need support, especially working parents who are not able to be there when their children come home from school. What we need to do is put children together in places and in situations where their power relations are changed so that the child who is a bully in the classroom, because he is always failing, is allowed to succeed in the playground after school. We need to shuffle children around, give them different experiences, different ways of interacting.

Finally, I think we need always to be cognisant that children, even more so than adults—I believe adults are capable of changing at any time in their lives, too—are extremely responsive to their environment. Their environment shapes them and they act as their environment. They do not always understand why they act the way the do and it is too easy for us to typecast a child, to brand him or her as the bully, as a victim. Once we typecast a child, we are not allowing that child the capacity to be as they really are.

I think bullying is a symptom. It is a name for a very broad range of behaviours and, as a caring society, we need to do whatever we can to assist parents and children, particularly, who are suffering at either end of that spectrum.

MS PORTER (Ginninderra) (4.16): As raised by my colleagues Mr Hargreaves and Dr Foskey, bullying and harassment are complex issues for the whole community and they cannot be effectively addressed by short-term reactive measures but by fostering long-term cultural change. This is a huge challenge but one that can be met by our schools through a variety of programs to meet the needs of their communities.

Today, I bring the Assembly's attention to the difference that restorative practice is making in our school communities. Some members may be familiar with restorative justice, which seeks to divert offenders from the criminal justice system and provide restitution to victims. Restorative practice in schools seeks to prevent bullying and harassment from occurring by changing the whole school culture to one of inclusivity, understanding and respect.

In addressing instances of bullying and harassment, restorative practice emerged from a system of rigid consequences to one where restitution is possible. Restorative practice has been trialled in many schools in Australia and internationally and the Department of Education and Training has an implementation working party to foster a culture of action within schools and further embed restorative practices.

The purpose of the working party is to develop guidelines regarding procedures, practices and ethics to support the development of best practice and to coordinate professional development of school staff. Currently 16 ACT government schools have committed to restorative practice and are developing their own school plans for implementation. Restorative practice is in keeping with the Department of Education and Training guidelines and strategies such as the protocols for student management and the multi-disciplinary team approach for supporting students. This government has put a youth worker in every high school as part of our commitment to supporting students most at need, including those who need strategies to relate more positively to their peers.

Restorative practice in schools supports a whole school cultural change that has a strong focus on strengthening relationships. The school community works together to build

a safe environment and to address issues of bullying and harassment in a manner that supports both the victim and the bully. Restorative practice involves children and families in an understanding of the victim/bullying relationship. The strategies used to support students need to be proactive in resolving conflict within the school.

Restorative practice uses a range of strategies to enhance school safety. Informal conferencing is used to address minor issues of conflict. Circle time in classrooms develops and builds relationships, cooperation and trust and provides an opportunity to carry out group conflict resolution. Formal conferencing addresses more serious issues of bullying and harassment as they occur. Formal conferencing seeks to repair harm that may have been done and provide an opportunity for restitution. Peer mediation programs are also an essential element of restorative process programs. Research shows us that one-off anti-bullying programs are reactive and that we need more sustainable outcomes than they can actually achieve.

The restorative practices approach however has proved to have a long-lasting impact because it adopts a whole-of-school approach to achieve a long-term cultural change. Restorative practice is a more cooperative model where students, supported by mediators, share their experience with one another and reach a better understanding of the impact and consequences of actions on others. As a result, the victim is empowered and has a chance to be heard by the perpetrator and therefore is more confident that justice has been done. Schools currently operating restorative practice programs, such as North Ainslie primary school, which was mentioned before, and Charnwood, are already seeing the benefits of this approach in strengthening relationships within the school and facilitating problem solving around behavioural issues. Charnwood primary school presented a workshop at the international conference on restorative practices in Sydney last week.

Restorative practices have been used at the Charnwood primary school for the past two years and during that time the suspension rate has been significantly reduced. The need for time out has almost been eliminated from the school. Very few students now require time out, whereas once eight to nine children may have been referred. Another key element, which coincides with the introduction of restorative practice, has been the huge increase in the self-esteem and self-confidence of children who have been classified as bullied or harassed.

Human relations between teachers and pupils have shown huge improvement as restorative practices are applied in the school community. This year, Charnwood primary is focusing on sharing information with parents, with parents becoming more and more interested and connected with the whole school community.

The Australian expert on bullying in schools, Dr Ken Rigby, identifies several key elements in successful anti-bullying programs. A crucial factor is the commitment of the staff and the whole school community to become engaged in the program. Dr Rigby believes that this sense of ownership is at least as important as the content of the program itself. Similarly, children should be empowered to contribute towards helping others involved in bullying to develop skills to reduce conflict and participate in problem solving. These are exactly the sorts of active long-term approaches that ACT schools are successfully implementing through the restorative practices approach. In doing so, they

are bringing about significant and sustainable cultural change for parents, teachers and students.

As I mentioned, restorative justice takes into account that all parties involved need to be supported. Bullying sometimes is a result of a person being under pressure in some part of his or her life. We must recognise that individuals respond to pressure in different ways. For example, at a recent function at the Australian National University, which I attended and at which I spoke, Mrs Dunne was put under pressure by students during her address. They were reacting very negatively to her opinions—in fact, some students' reactions to her address were quite strident. However, Mrs Dunne responded in a way that I would label inappropriate by directing a four-letter profanity at a member of the student community. I suggest that this exchange could be seen as bullying by a person in a position of power.

The ACT government is committed to the provision of safe and supportive environments in all education institutions including Canberra's universities for all people and, as such, I encourage Mrs Dunne to examine her own reaction at the time and see how the principles of RJ could be used in such a circumstance. As I said, bullying and harassment are serious issues. I believe it to be imperative that we provide the support mechanisms for all members of our community to deal with pressures in a responsible way. I believe that our schools should be congratulated for their commitment to minimising these harmful incidents, and their commitment to building a safe and supportive environment for the whole community.

MR PRATT (Brindabella) (4.23): I commend Mrs Dunne's MPI. Picking up on that last comment from Ms Porter, I would be interested to hear what the background to all of that was. Anyway, back to the fundamental issue at hand.

Bullying and violence in schools is an Australia wide problem—indeed, it is a problem in the western world—with the ACT being relatively better off, compared to other jurisdictions in this country and elsewhere, regarding levels of bullying and violence. However, the levels of bullying and violence in the ACT are still unacceptably high and the trends have been on the increase not the decline.

Now bullying and violence plagues all of our school systems in the ACT. It is not just one sector that we are looking at. We are looking at a problem permeating all of our school systems and we need to see programs put in place by this government which give guidance and which hold to account all school systems in relation to the concerns about bullying and violence. Let us not pussyfoot around: bullying is a crime against the individual. It is a crime. Bullying generally occurs not only within schools but also around school precincts, school bus stops and on buses. As a community, we need to be very much aware of this.

How often have schools been involved in actively combating this particular scourge? How often have they involved the police, when perhaps the police should have been brought in? I understand that schools are reluctant to get the police involved. There is a concern about naming the school, and the school's reputation. That is understandable but there are times when the level of bullying and violence has reached a point where a crime has been committed and, in fairness to the victims, to the families, and to the school's family support bodies, police action ought to be welcomed. When I talk to

police in the community about juvenile violence, they are concerned that they do not get enough of an entree into schools, to intervene early to perhaps solve a problem in a school but also to solve a problem in the broader community.

When I had the shadow education portfolio, a lot of issues were bought to my attention. I specifically recall two such problems—one at a Woden Valley school and one at a Tuggeranong Valley school where there were some quite serious issues of violence, where the sons of ambassadorial staff had to be taken to hospital and in those cases the schools declined to call in the police.

What programs have been put in place? Yes, there are bullying programs in place and some of those programs are quite effective, but they are not consistently applied—not all schools consistently apply those programs. DET and the government do not ensure that all of the schools in the ACT take the opportunity to take on those programs. That is where the government is failing in terms of this insidious concern that we have, this growing threat, this growing trend in schools of violence and bullying and, related to that, the management of drugs.

Not all schools apply these programs but the government has a duty of care to families, as well as to the community, to exact good academic standards and ensure that schools are safe and valued educational institutions, and to make sure that those programs are properly applied. That is not the case. I have questioned—in fact six times now in three years in this place—the veracity of those programs, whether those programs have been consistently applied and I put it to you, Mr Speaker, that they are not.

Do teachers have enough power in the role that they have to play in the disciplinary process? I think Dr Foskey made a good point in that the responsibility also lies with parents. Are schools and indeed other government departments, where government departments also have a role to play, getting hold of and involving parents in the process of sorting out some of these bullying incidents? I do not think they are and I do not think we are bringing together the parents who have got a problem to sort out with kids who are routinely performing acts of violence and bullying. Everybody in the broader community, including the police, youth workers, teachers and principals ought to be involved in solving this problem.

When I have spoken before in this place, I have commended the Victorian PISP program. The program sees police being invited into schools to talk to students at the year 5 level and above—the middle schooling level, which I think is particularly important. The police are invited in to teach the kids about community safety and a whole range of emergency safety issues. At the same time, they teach the kids about bullying and about violence. They teach the kids about respect—about how to respect each other and how to respect authority. That is where it has got to start. I will bet you, Mr Speaker, that we have very few communities inviting their community based police into their schools. Community based policing means exactly that: a much more positive relationship between local police and schools. We do not see that, and we need to see that.

We need to see stronger intervention by police at the time there is the potential for juvenile crime, and that means a stronger marriage between police and schools and other departments in response to these sorts of concerns. A very small minority of our youth

are bullying and violent but they are still a significant presence, and they absolutely interrupt and disrupt schooling on a broader scale. And, of course, some of these young kids go beyond the school gates and they disrupt the rest of the community. We have got a disconnect here and we need to see a stronger marriage between police and schools in combating this concern.

MR SPEAKER: Order! The time for this discussion has expired.

Personal explanations

MRS DUNNE (Ginninderra): Mr Speaker, I seek leave to make a personal explanation under standing order 46.

Leave granted.

MRS DUNNE: In the course of Mr Hargreaves's speech on the matter of public importance, Mr Hargreaves raised the issue of a WIN Television news report that related to bullying, and the fact that a particular school was named. Mr Hargreaves implied that I in some way must have supplied that name to the news. I would like to address that issue by reading excerpts from a letter that I wrote to the principal of Charnwood primary school as a result of that WIN News report:

> I am writing to you in relation to the WIN News report on bullying in schools, aired on Monday 21 February 2005, in which Charnwood Primary School was erroneously named in the report as a school where bullying is occurring.
>
> I am extremely concerned that WIN News named Charnwood Primary in the report.
>
> I raised the issue of bullying last week in the Legislative Assembly, and spoke about my concerns during the adjournment debate. I prefaced my remarks in the Assembly by saying, "I won't name any people and I won't name any schools." This has been my consistent attitude, as I am concerned with addressing the problem of bullying, not defaming individual schools. I have consistently been asked by the media to name schools and I have declined to do so, for this reason.
>
> In my dealings with the media in relation to the story on bullying that featured on 21 February, I did not name any school, least of all Charnwood Primary, which is entirely blameless in this.
>
> I do not know exactly how WIN News came up with Charnwood Primary as the school concerned. … WIN News did not contact me to check any details; had I been contacted I would have set the reporter straight regarding Charnwood Primary and would have discouraged them strongly from naming any school, as has been my approach to this issue all along.
>
> During the report that aired on 21 February, I expressed my concerns about bullying and the need to address this issue. At no time did I mention any school. It was WIN News' reporting of the issue that mentioned Charnwood Primary and has subsequently led to a number of concerned parents contacting my office about the issue.
>
> I contacted WIN News this morning—

that was 22 February—

> and asked them to formally correct the record on air tonight. I understand that the Chief of Staff from WIN News has been in contact with you—

that is the principal of Charnwood primary school—

> today about this issue and has arranged to report a positive story about your school, and correct the record in the course of this. While this is a constructive step, it is not good enough, as the reputation of Charnwood Primary has been marred by this severe error in reporting.
>
> I hope this information sets the record straight. I assure you that I have only ever heard positive reports about Charnwood Primary and am vexed that the name of your school has been brought into disrepute. I am sorry that your school has been slighted by WIN News' failure to check the facts properly before reporting on issues.

I also copied that to the parents and citizens association of Charnwood primary school. I wrote that letter immediately when I came to work the next day after discovering that Charnwood primary school had been erroneously named.

On another occasion there was a news report where a school was named. I had actually contacted the television outlet and suggested that it was inappropriate to do so because, while there are problems in the school, it does tend to defame everybody associated with the school, and I had asked the news outlets not to name schools for that particular reason.

Because Mr Hargreaves raised this issue, I thought I needed to put on the record that I did not at any stage name any school and I took all steps that I could to ensure for the school erroneously named that the record was set straight.

Adjournment

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

> That the Assembly do now adjourn

Chief Minister's command performance

MR SMYTH (Brindabella—Leader of the Opposition) (4.35): I want to make a few comments on a matter that is very dear to the Chief Minister's heart and that is the attempt of the Chief Minister to achieve his own aggrandisement. The specific matter to which I refer in this context is the Chief Minister's command performance. Yes, members, the Chief Minister is having his own command performance—an event that is to be held in the Canberra Theatre on 17 March 2005.

I would like to say at the outset that I do not disagree with the intention of such an event. The notion of a community raising funds for local charities is admirable, and any activity that provides additional resources for our valuable charities is to be encouraged. I am

intrigued, however, that the Chief Minister has linked his position to such an event, given the genesis of command performances.

Many of us would be aware that the history of the command performance—or, as they are sometimes described, "royal command performances"—goes back many years to times when royalty, being kings, queens, princes or other members of royal families, requested particular activities to be performed for their personal enjoyment. These performances could either simply be for the favour of those members of the royal family or, as now is the case, as functions to assist charities. Hence the key characteristic of a command performance is that a person in a royal family makes a request for an activity or an event. A command is issued from the member of a royal family and the subjects of the royal person respond appropriately, as you do. It is not just anyone who can make such a request; it is a command from a member of the royal family for something to take place.

So now we have our Chief Minister, Jon Stanhope, a committed republican, putting his name to a command performance. What a strange turn of events! Is the Chief Minister now suggesting that he has had a change of heart from his republican tendencies? Perhaps not. Perhaps he is seeking simply to emulate the actions of royalty. Well, history is littered with people who did not like or agree with royalty but who, when in positions of power, sought to replicate the trappings of royal office. There are many examples from history. The United States is a classic example at a national level of such a dichotomy: having kicked the authority of the English monarchy out of America a few hundred years ago, the American people now absolutely love and are infatuated with any royal visit to their country. There are other examples in the history of England and of various countries on the European continent with similar experiences.

Now, even in a country like Australia, where there has been strong support for royalty over many years, it has been extraordinary to see the positive reaction across Australia to what Australia is calling "our Princess Mary" during her current visit—and good luck to her. Indeed, the visit of Crown Prince Frederik and Crown Princess Mary has generated considerable affection for the Danish royal family.

However, even though our community may have a quite strong preference for matters royal, this does not mean that our Chief Minister can adopt the trappings of royal office. In fact, I would have thought our Chief Minister would have been a bit more careful when linking his official position with what has been called a command performance. I am sorry, Chief Minister, but you just do not make the grade as royalty; nor do you make the grade as pseudo royalty. It just does not work. Moreover, it is not possible for our Chief Minister to become royalty and, as a consequence, arrange his own command performances.

Perhaps people will say, "Welcome to the ranks of the monarchists, Prince Jon," but I am not sure that that sentiment rings true. On the contrary, the pathetic fawning that is evident in the description "Chief Minister's command performance" is really rather sad. I would suggest that the Chief Minister, rather than seeking to become a pseudo royal, should devote his energies to managing the ACT—its government, its economy and its community. Command performances should be left to those who can issue such command performances, Chief Minister.

All will be aware, therefore, that today the Crown Prince and Crown Princess of Denmark have arrived in Canberra and, on behalf of the opposition, I would certainly like to welcome them to the ACT, particularly because what they have done today is highlight the excellent institution that the Australian National University is. The first function they carried out upon arrival in Canberra was to go to the ANU and sign a document linking the ANU to two Danish universities, because they see the value of being linked to such an excellent institution, the best university in the country.

I understand there were a large number of people both at the airport and at the university. The Princess received bouquets of flowers. Apparently somebody gave her a pile of Fruit Tingles as well, with a little bluebell badge on it, tied up in pink ribbon. I think it is the sort of joy and pleasure that many people—and not necessarily monarchists—derive from the royals and we should be grateful for their visit and for highlighting Canberra.

International Women's Day

MR GENTLEMAN (Brindabella) (4.40): Today, as we have noted in the Assembly, is International Women's Day. Celebrations are occurring today and throughout this week in the ACT, across Australia and across the world to recognise and celebrate the economic, social, cultural and political achievements of women.

Since the inception of International Women's Day in 1911, the women's movement and supporters have achieved outcomes unimagined at the turn of the century. The achievements of some extraordinary women in the ACT are recognised in the ACT Women's Honour Roll and in the ACT International Women's Day Awards that Minister Katy Gallagher will present tonight.

Today is about celebrating the achievements of these women and the achievements of all women but also about continuing the struggle for equality in our community and our society. Australia has historically played an important role in the formal recognition of women's rights. Women were accorded suffrage across Australia in 1904, though all indigenous women did not receive the vote until the referendum of 1967.

The disparity in the achievement of women's suffrage highlights an important consideration in our celebration of the achievements of women in all spheres of our society, our economy and our community. These achievements were the result of agitation and organising by women across the world and across the nation to be accorded formal rights, to be recognised as full participants in the development of our society and to work to achieve that participation in reality.

Governance does not exist in isolation and it is the work of those women who organised, and continue to organise, in protest and activism that we celebrate today. We in government must be responsive. The work of women activists in our community and across the country is invaluable to our work in the Assembly as it provides an unparallelled insight into the real concerns, needs and demands of women at the grassroots. The achievement of indigenous suffrage at referendum in 1969 was a result of many years of indigenous activism and agitation, demanding the full rights of citizenship and recognition.

We must be committed to our objectives—the full and equal participation of women in political and economic processes—and must act for their realisation. The launch of the ACT women's plan by Minister Katy Gallagher last year set out a program of change to enhance the lives of women in the ACT, and an action plan to realise those objectives. This is a process and one that we must maintain our engagement with and our unerring commitment to.

And we must be involved. Participation in the organising and activism of our community is the only way to recognise the acts of courage and determination that personify community involvement for social change. Today is an opportunity to recognise the enormous contribution of women to our community through the entirety of their participation—in the paid and non-paid work force, in community organisations, unions and businesses, and in government. More than that, however, today is an opportunity to recognise the importance of continuing the struggle for equality and fairness, to take it beyond the recognition of formal rights and towards the realisation of real ones.

International Women's Day

DR FOSKEY (Molonglo) (4.44): I have been pipped at the post about International Women's Day—and by a man no less. However, I am going to stress the "international" in International Women's Day, so I assure you I will not be repeating Mr Gentleman's speech.

On International Women's Day in Kuwait, women rallied outside the all-male National Assembly, demanding their political rights. Inside, the members considered whether to grant them. Today at the UNIFEM lunch a speaker from the Solomon Islands said that there has only ever been one woman in their parliament, and at present there are none. In Australia it could be said that we have won this battle in that we have women here—I am here—although women in the Liberal and Labor parties in some jurisdictions still have to fight their male colleagues for preselection in winnable seats.

While International Women's Day is always significant to women, this one is especially so since it is the year of the 10-year review of the Beijing Platform for Action. The world has changed since 1995 when wording was adopted in the Beijing Platform for Action that recognised women's rights to reproductive health. We got a taste of the change in the world at the five-year review in 2000 when the so-called "religious right" intimidated women in the United Nations corridors in New York. Nonetheless, in the year 2000 the world's governments held the line.

This year's Commission on the Status of Women, at its 49th session which began on 28 February in New York, has considered a short statement affirming the world's governments' commitment to the Beijing Platform for Action. In different times there would have been a full-blown global conference, as there was in Beijing in 1995, with thousands of people from NGOs travelling there. But the United Nations's consultation with women's organisations prior to this one revealed that they were very concerned about providing any opportunity for the entire platform for action to be reopened.

The US government, which has showed its dominance in almost every field of global negotiation, has also shown its desire to roll back women's rights, both at home and in

foreign areas of influence. It attempted, in the Commission on the Status of Women meeting, to amend the passages in the Platform for Action on reproductive rights, stalling progress for several days. Due to concerted action from women all around the world and from other governments, including our own, the US has now withdrawn that amendment, joining the other 99 governments' consensus to uphold the Beijing Platform for Action. I am very proud that Australia held firmly to the Beijing Platform for Action and I acknowledge those women in the federal Liberal government who have held some of their more outspoken men down at various times lately.

Nonetheless, it was identified that globally women are worse off than they were 10 years ago. There are two areas of concern. The first is the lack of commitment of many governments to maintain women's bureaus. For instance, we have seen the unravelling and disempowering of our own Office of the Status of Women. We have also seen the impact of neo-Liberal economic policies, which have reduced government's ability to provide the essential services of health, education and housing. Women's poverty has increased and, of course, their workload, because they are the ones who pick up the tab, usually.

However, there is some good news. Security Council resolution 1325, which was won by organisations like the Women's International League for Peace and Freedom, has called for women to be included in all areas of peacekeeping. Now it is up to governments to implement it.

From our own point of relative comfort, we should consider the Turkish women, rallying for their rights, who were attacked by police with batons and tear gas. A gentle protest from this crossbencher: sitting weeks should, where possible, be timed not to coincide with weeks of International Women's Day, because it means I have to miss a lot of events.

Kaleen north oval

MR STEFANIAK (Ginninderra) (4.49): Mr Speaker, I rise to mention a matter in relation to a Canberra sporting group. Unfortunately, this is quite a common occurrence at present and I wonder if it is really necessary.

The North Canberra Bears are one of the original junior rugby league teams in the minor league and have been since about 1962. I think I remember playing against them in 1968 in the under-16s and getting a try from dummy half. They have been around that long. They had, for the last 14 years, a very good home ground at Kaleen north oval. They actually have a canteen there which they have done a lot of work on themselves—a couple of container sheds with their gear there—and they rely on that basically for a lot of their income. They make about $4,000 a year from the canteen.

They actually share the oval there—and until a couple of weeks ago it was a very nice oval—with two primary schools and a cricket club. For about the last month or so, they have had immense difficulty about what they are going to do for this year, because basically the water was turned off in November. When they went to book the oval, in early February, they were left up in the air. They were given very few options. One option was to relocate to somewhere in north Canberra and share an oval with another junior rugby league club, East Canberra, which was problematic, to say the least.

I was certainly happy to try to assist them. Last Friday there was some media coverage of their plight. It now seems that part of their immediate problem might be solved in that at least they have been offered an oval somewhere else in the Kaleen area—whether it is suitable or not is another question; it may be—but, even if it is, they are, obviously, very keen to go back as soon as possible to their home ground, which they have had for 14 years and which they would certainly want, at the bare minimum, to use for next year.

It raises the question of whether the government is really listening about how, in a difficult situation—which we do have with the drought—to prioritise and indeed adequately water sufficient ovals to ensure that most sport, especially junior sport, can continue. I think it was late last year that category 3 ovals, which are many of the district ovals where kids actually play sport and some of the lesser competitions are also held, were taken off the watering list. That was after, I think, the category 4 ovals, of which there are about 40 or 50 hectares, had been taken off the list, too. No-one is really complaining about that, but the category 3 ovals caused junior clubs considerable concern. And the North Canberra Bears is a classic case in point.

This is despite the fact that the government has been told by experts like Keith McIntyre and indeed another expert whom I am seeing tomorrow—I am more than happy to share his expertise with the government—that, for as little as about 5 per cent of stage 3 outdoor watering, you could water these additional 57 hectares where so much junior sport especially is actually being played in Canberra. It is not really rocket science. It would not be terribly difficult to do a little bit of juggling of how the outdoor watering is done to ensure that those 57 hectares can continue to be watered.

Surely, thousands of children being able to exercise and participate in good, healthy competitions or indeed just informal recreation on these ovals, is, and should be, a real priority for any government. The government certainly needs to look at its priorities there and does need to listen to experts.

In fact, Keith McIntyre, as I understand it, even revised his estimate of how much it would take and has indicated it might even be as low as 2 or 3 per cent on top of what is already done for outdoor watering at stage 3. And, of course, we are now at stage 2 for the winter anyway.

So I am concerned to see the government has not taken heed of experts. This has been an issue that the relevant ministers—I think one is now retired—have had before them since at least September 2003, when these restrictions were first placed on ovals. I certainly urge the government, in the interests especially of junior sport, in the interests of areas with growing need—not just Gungahlin, but throughout Canberra—and in the interests of clubs like the North Canberra Bears, to have a good, hard look at what they are doing and listen to the experts.

If they need to do a little bit of juggling—and I am advised by experts it is as little as I have said—then do it, so that thousands of kids will be able to participate, reasonably safely, in junior sport. Otherwise, you are going to get a small number of ovals very badly overused and it probably would be, as much as anything, a false economy.

MR SPEAKER: The member's time has expired.

Charnwood community festival

MS PORTER (Ginninderra) (4.54): I would like to draw the attention of the Assembly to the upcoming event in Charnwood on Saturday, 12 March, the Charnwood Community Festival. It is being held from 4.00 pm to 7.00 pm on the Charnwood oval. This is the second year the festival has been held, and this year the organisers were successful in obtaining a healthy grant. In fact, the ACT government is funding the festival to the tune of $10,000. This festival is supported by many local businesses and schools and by radio station 106.3, which will be featuring a Charny Idol competition—and we all know what wonderful talent we have in this area of Canberra.

This is, as I said, the second year this festival has been held and many more community groups are participating this year. It is a fine example of what the Charnwood community, and indeed the west Belconnen community, is doing in building and sustaining community participation and community initiatives.

I have mentioned before in this place the ongoing work by the community to establish a community health centre, for instance, and the west Belconnen and, particularly, the Charnwood communities should be congratulated. I would encourage as many of you in this house as can attend to go and support this festival next Saturday.

Schools—bullying

MRS DUNNE (Ginninderra) (4.56): Mr Speaker, I would like to continue on the theme of bullying, as raised in the MPI today. I did not in that MPI dwell on the subject of bullying of teachers by other teachers. I first raised this matter about 18 months ago in the Assembly in response to a letter that the minister for education wrote in February 2003 to a constituent who had complained about bullying, humiliating and overbearing behaviour towards members of a faculty at an ACT government high school by a newly promoted teacher.

In response to issues that I raised at that time, the minister admonished me for having the audacity to raise such a sensitive matter in this place. I ask you, Mr Speaker: where else should I raise it? It is interesting to see what has happened. Over the past couple of years in this particular high school, and as far as I know it is going on to this day, the teachers in a particular faculty have experienced a range of bullying, from silly and petty things like—get this one—sticking the only copy of the faculty agenda to the floor of the room where the meeting was being held so that the teachers would have to kneel down in front of the senior teacher to obtain information, to criticising teachers in front of the student body, to physical handling, and a range of other standover tactics.

These incidents have never been resolved satisfactorily and, despite findings in favour of some of the teachers by Comcare, the attitude of the minister, the department and WorkCover has been less than desirable. The department has moved the bullied teachers sideways or transferred them out of the school and, despite formal complaints to WorkCover, they have never been fully investigated.

In response to one of my queries, the minister said here in August last year:

> An independent investigator was appointed to conduct an investigation into the claims of bullying and harassment by an executive teacher. The matter is a complex one and involves interpersonal issues between a number of staff members. These issues arise from time to time in many workplaces. Counselling opportunities have been provided to each staff member involved through the Department of Education and Training's employee assistance program provider, Davidson Trahaire.

Actually, Davidson Trahaire specifically told the department that these matters were not just personality clashes and eventually had to decline to deal with the bullying teacher because this teacher was too difficult to deal with.

It was interesting that, when I first raised this in the Assembly back in August last year, by mere coincidence, there were a number of high school teachers in the gallery as part of a program here. It was most interesting that, when they left the gallery after the question was asked, the conversation turned on whom it could possibly be. Most of the teachers in that group could identify, unfortunately I suppose, the teacher. So the thing is that what was happening was an ongoing, running sore. On one occasion one of the affected teachers was told, I think by the former principal of the school concerned, "One day, in about 10 years time, we will all sit down and we will have a drink and I will tell you actually what is going on. I will tell you the full story."

Mr Speaker, something very wrong is going on with the way teachers are being treated in ACT schools. Just recently a teacher came to me with some concerns. One of the concerns, one of the many concerns that she raised, was that, despite glowing references at her previous school—she went to another school—she suddenly could not put a foot right with the new executive teacher. It resulted in considerable stress. She was put into classes that she was not qualified to teach, which is very stressful. As Mr Seselja said today, this ended up with this woman having an elevated blood pressure, the sort that would bring on strokes. When she told my staff and me what her blood pressure was at one stage, it left me gasping.

She made a formal complaint to WorkCover, and all that WorkCover did, in investigating this claim, was to inquire whether the teacher's blood pressure had gone down. When she said that it had, they expressed satisfaction about that. But nothing has happened, except that this women was a teacher on a contract and they solved the problem by not renewing this woman's contract this year.

Everywhere I go, Mr Speaker, current and former teachers tell me that bullying is rife in ACT schools; there are a range of complaints made to WorkCover; there are a range of compensable incidents before Comcare. I think that it is inappropriate for the department and the minister to just brush it under the carpet and say it is not happening.

Multicultural ball

MR PRATT (Brindabella) (5.01): Mr Speaker, I stand to talk about the multicultural ball which was a major activity in the multicultural festival, both of which, in their own rights, were extremely successful. It was quite pleasing to see that this year's ball was a far more successful and robust affair than that which we saw in 2004, where things had

run down. There were at least 400 participants at the ball, and that is always a good sign of a well-run activity.

I must say the fashion parade was particularly impressive. The Spanish and Indian dancers were the highlight of that parade. They were particularly sparkling. However, I have to take my hat off to the young Pacific Islanders who were performing their first performance—indeed, young people who had to be pushed by their own community to come out and express themselves culturally. That, in itself, was in fact a major coup. They did particularly well. The colourful and rather expressive Mrs Helen Cross was MCing the fashion parade. Of course, she did that with gay abandon.

Mr Speaker, I would like to particularly also point out that the Kurdish/Iranian quartet who played had come recently from overseas. It was quite fascinating, actually, that they played a cross-section of western and eastern instruments. The highlight of that little ensemble was the playing of the lute, which is a peculiar looking instrument. It is something like a guitar. It is a stringed instrument that is played in Greece, Asia Minor and the Arabic world—a very mournful instrument. And it was well played.

By some coincidence, a couple of these performers knew some of the people that I had worked with in Sulaimaniyah in 1994. It is a small world and it was quite embracing to meet these sorts of people.

Consequently, we would have to congratulate Mohamed Omari and the Multicultural Council who put that ball together quite well, particularly given that the Multicultural Council is doing it a bit tough at the moment. My Liberal colleagues Mr Smyth and Senator Humphries were there. Regrettably, however, we did not see anybody from the government there. Neither the minister, who I understood—

Mrs Burke: I was there. My husband was there.

MR PRATT: I am sorry. There was a coterie of four wretched Liberals there, Mr Speaker. While the minister did apologise and did try to get there, he was unable to. Regrettably, nobody else in his place was, and that included no sign of a senior officer from any of those departments that have a role to play in the administration of multicultural affairs. I thought that was a bit sad, particularly given the sad position the Multicultural Council is in. We would like to see this government taking a leadership role in trying to assist and support the Multicultural Council in its current form and to—

Mr Smyth: We hoped the new minister could; the last one couldn't.

MR PRATT: That is right, Mr Smyth. That is sadly lacking. I thought that the lack of interest in being present and supporting the Multicultural Council annual ball reflected quite starkly that deep concern. We need to see leadership; we need to see that area of multicultural affairs sorted out as quickly as possible.

Disability services

MRS BURKE (Molonglo) (5.05): For the housing minister's edification, I will continue where I left off before lunch. Again, I think it is quite fascinating how that debate was shut down.

However, Craig Wallace, chair of the ACT Disability Advisory Council, says that the findings of the *Snapshot of community attitudes on disability in the ACT* are an important reminder of the need to move from planning to action to create a welcoming community for people with disabilities; they should motivate us to find the courage to challenge those attitudes that need to change as well as to find ways to model and influence positive attitudes across the community. Well said, Mr Wallace. Talk is cheap, as they say!

What is clearly being called for and what is needed is action. There has indeed been much action in terms of gathering information and talking about the problems over and over again. Now is the time to see those words put into practice to address the many problems that successive governments have known about for too long now. The high turnover of staff in the sector continues to be a cause of alarm and concern.

MR SPEAKER: Order! The time allocated for the debate has expired.

The Assembly adjourned at 5.06 pm.

Schedule of amendments

Schedule 1

Optometrists Legislation Amendment Bill 2004

Amendments moved by the Minister for Health

1
Schedule 1
Amendment 1.5
Proposed new section 11 (1), proposed new note
Page 10, line 7—

insert

Note The definition of ***authorised optometrist*** restricts the sale by optometrists of poisons or poisonous substances to optometrists who are acting—

- in the practice of optometry, and
- under an optometrist drug authority.

2
Schedule 1
Amendment 1.7
Proposed new section 16 (1), proposed new notes
Page 11, line 11—

insert

Note 1 The definition of ***authorised optometrist*** restricts the sale or supply by optometrists of biological preparations or restricted substances to optometrists who are acting—

- in the practice of optometry, and
- under an optometrist drug authority.

Note 2 The definition of ***authorised nurse practitioner*** restricts the sale or supply by nurse practitioners of biological preparations or restricted substances to nurse practitioners acting within their scope of practice, if the scope of practice includes prescribing those substances.
