



# Debates

WEEKLY HANSARD

Legislative Assembly for the ACT

**SIXTH ASSEMBLY**

**16 AUGUST 2006**

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**Wednesday, 16 August 2006**

**The Assembly met at 10.30 am.**

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

## **Petitions**

*The following petitions were lodged for presentation:*

### **Schools—closures**

*By Dr Foskey, from 59 residents:*

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

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that there is considerable disquiet with the ACT Government's proposal to close 39 schools and preschools, particularly as some are marked for closure at the end of this year.

School communities want the opportunity to explore other options.

Your petitioners therefore request the Assembly to pass ACT Greens MLA Deb Foskey's "Education (School Closures Moratorium) Amendment Bill 2006" – in order to ensure that no schools are involuntarily closed until 2008, and that no school closures take effect from that date unless supported by a specific vote of the ACT Legislative Assembly.

### **Schools—closures**

*By Dr Foskey, from 85 residents:*

**To the Speaker and Member of the Legislative Assembly for the Australian Capital Territory**

This petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that local Government schools are vital to the economic and social wellbeing of many communities in the Australian Capital Territory.

Your petitioners therefore request the Assembly to ensure that:

- No Government school is closed nor amalgamated with any other school or schools before 1 January 2008.
- A comprehensive review of all local Government schools is undertaken.
- The residents of the Australian Capital Territory are to be fully included in this review.

- The review is not to be constrained to financial considerations only.
- The review is to identify the flow-on value of local Government schools to other local businesses.
- No Government school is closed nor amalgamated on or after 1 January 2008 unless the change is supported by a specific vote of the Legislative Assembly.

### **Schools—closures**

*By Ms Porter, from 4,392 residents:*

TO THE HONORABLE SPEAKER AND MEMBERS OF THE A.C.T. LEGISLATIVE ASSEMBLY:

We the undersigned draws to the attention of the assembly to keep Hall Primary open.

The closing of this unique and historical school will have a severe effect on the students, the bus service and the Hall economy:

Your petitioners therefore request the A.C.T. Legislative Assembly not to close Hall Primary.

### **Schools—closures**

*By Mr Smyth, from 1,578 residents:*

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

The petition of certain residents of the Australian Capital Territory draws to the attention of the Assembly that:

1. the ACT Government's discussion paper, Towards 2020, proposes the closure of **Gilmore Primary School and Pre-School**, and
2. closure of **Gilmore Primary School and Pre-School** cannot be justified on financial, educational, social or geographical grounds.

Your petitioners therefore request the Legislative Assembly to move that the ACT Government decide against closing **Gilmore Primary School and Pre-School**.

*The Clerk having announced that the terms of the petitions would be recorded in Hansard and a copy of each petition referred to the appropriate minister, the petitions were received.*

### **Petitions on school closures Proposed reference to standing committee**

**MRS DUNNE** (Ginninderra) (10.33): I move:

That the petitions relating to proposed school closures be referred to the Standing Committee on Education, Training and Young People.

These are different petitions from the petitions that were tabled yesterday and this is a live issue in the community. The community wants and is crying out for consultation on this issue. The Standing Committee on Education, Training and Young People is an ideal avenue for consultation—it is not the only avenue—where the community’s voice can be heard. In the same way as the community’s voice was heard, in part, at estimates committee hearings it would be useful for many people and organisations who have gathered these petitions together to make submissions to the Standing Committee on Education, Training and Young People on the value of their schools.

The Standing Committee on Education, Training and Young People might then be able to participate with the community and get to the bottom of the government’s decisions and its decisions relating to particular schools. The government has been completely unforthcoming in relation to this important issue. Many members of the community have signed these petitions. More than 8,000 signatures were received yesterday and another 5,000 or 6,000 were received today, which is unprecedented. That is why the mechanism that is available in this Assembly should be followed.

Community concern on this issue is unprecedented and that is why the Standing Committee on Education, Training and Young People should be an active participant in advising this Assembly on school closures and school consolidations. This renewal process, which many people think will not renew, will not make our education system any better. These institutions are called government schools but we have to recognise that the ACT Labor Party or the ACT Labor government does not own them; Canberra taxpayers own them and Canberra taxpayers must have a say in the future of their schools.

If we stop calling schools government schools, government members might come around to the idea that they do not own them and that they are not the only people who have a say in their future. The people of Canberra have a say in their education system. When I go round shopping centres, visit and talk to constituents, or do any polling I find that education is one of the biggest issues that causes people to change their vote and to engage in the political system. The government has caused a crisis in our community-owned and funded education system, which is why we must make available as many avenues as possible for the community’s voice to be heard.

If members of the community continue to bring members of the Liberal Party petitions in support of their schools we will use whatever means we have to ensure that those petitioners are heard. Community members work hard collecting thousands of signatures on pieces of paper. Those petitions are referred to the minister who says, “Yes, very nice, thank you very much”, they are put in a drawer, and nothing is done with them. My constituents are working over weekends and in their spare time—time that should be spent with their children helping with their homework and taking them to sport. That has all been put on hold so that they can save their schools. The least I can do for constituents in Hall, Giralang and Cook is to ensure that their voices are heard in this place.

**DR FOSKEY** (Molonglo) (10.37): I thank Mrs Dunne for moving a motion to refer this matter to the Standing Committee on Education, Training and Young People. I want to place on the record the voices of some of the students to whom I spoke at Kambah High School. Members will be aware that I presented a petition from Kambah High School. That petition is out of order, as it does not follow Assembly rules; it was put together and signed by many students, the voters of the future. I do not think they will forget that experience in a hurry.

So far as I can discern, Kambah High School is being closed because of its small numbers. I taught at Kambah High School in the days when classrooms were bursting at the seams. I cannot say it was a particularly pleasant atmosphere in which to teach, simply because it was too full and the school was not designed well for that number of students. However, it seems to work well now with a smaller number of students. When we talk about school closures we do not hear the voices of children; we hear the voices of money crunchers and bottom liners.

Yesterday we had a dispute about the cost per student at a small school. All that aside, there is evidence to suggest that the cost is not as large as the government contends, especially if we take into account the social ramifications. However, I will deal with that issue later. I wish to refer to students at Kambah High School and in particular to one student activist. I am sure Mr Barr has talked to some of the empowered and passionate students from Kambah High School. One student who talked to Mr Barr was told that small classes were unviable.

The student to whom I am referring came from Gold Creek, which members would know is a very large school. In fact, it is one of the middle school models that the government is promulgating and it is suggesting there should be more of them. The student was put in a year 7 learning assistance class where he received such assistance, which does not always happen. It was a small class, as I believe such classes should be, and he got the attention he deserved. He is now an empowered student who is putting together petitions, holding meetings, and lobbying on behalf of other students.

That probably would not have occurred in a larger school. I know of a student in a similar situation who went to a much larger school. The student, who had potential and who was intelligent, was very shy. That child was placed in a learning assistance class from year 7 through to year 10 but did not receive the assistance that was required, so I do not think it can be argued that big is better. Sometimes government members close their ears and refuse to hear other arguments.

Academic students at Kambah High School are doing well. Students in learning assistance classes are also doing well. I do not believe Kambah High School has a high achievement stream so students find it easier to get the one-on-one help that they need. They have better and more personal relationships with their teachers. Every student is well known by his or her teacher. Students know that teachers are human beings and not just disciplinarians, and teachers say that they learn from the kids. Teachers are also not afraid to say that they have stuffed up. When an adult admits to being wrong we tend to have more respect for him or her. I think that applies also to governments.

School students, like members of the community, are not immune to the rumours that go around. One student said she had heard that Kambah High School was a bad school. Those sorts of rumours have been around since the time Kambah was a big school bursting at the seams—the way the government wants schools to be. It had a reputation then as being a bad school. The former primary school student to whom I am referring was quite scared and did not want to go to that bad school.

That student, who is now in year 8, said there is no way she would change now because the teachers know who she is and she is getting the attention she deserves to develop her own program. We no longer want to hear people saying that small schools are bad because they are small. Kambah High School achieves really good educational outcomes, which is why students from that school signed this petition. I contributed in debate on this motion today to place that fact on the record.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (10.43): For the reasons I outlined yesterday the government will not support this motion. The appropriate practice in this place is to give petitions to the responsible minister.

**Mrs Dunne:** So they go on a file somewhere?

**MR BARR:** It may well be that that is how petitions were treated when the Liberals were in government, but I assure the Assembly that that is not how petitions are treated under this government. I take these petitions seriously, just as I have the entire consultation process. I wish to respond to what Dr Foskey just said. She insinuated that schools that were larger than those to which she referred were bad schools just because they were larger. Is she saying that Lyneham High School, Narrabundah College, Telopea Park, Canberra College and Hawker College are all schools that are considerably larger? I could continue my list for some time.

**Dr Foskey:** No, Mr Barr.

**MR BARR:** Is she suggesting—

**Dr Foskey:** No, Mr Barr. I am not saying that.

**MR SPEAKER:** Order!

**MR BARR:** She made a series of outrageous allegations. She said that schools that were larger—

**Mr Smyth:** Nobody said that.

**MR BARR:** Dr Foskey just insinuated that schools where students were not known offered poor education.

**Mr Pratt:** Your defence is so paper-thin you have to resort to crap like that.

**MR SPEAKER:** Order!

**MR BARR:** Dr Foskey just said that schools that were larger than some of the schools she listed offered students poor education. That is an outrageous assertion!

**Dr Foskey:** I did not make it, Mr Barr.

**MR BARR:** That is the assertion that has just been made. It is very unfortunate that those sorts of comments have been put on the record. In some way it insinuates that larger schools do not have the same sort of pastoral care.

**Dr Foskey:** Is that what I said, Mr Barr?

**MR BARR:** You made a reference to your experience.

**Dr Foskey:** You looked for a reference, Mr Barr.

**MR SPEAKER:** Order! Dr Foskey will cease interjecting. The minister will direct his comments through the chair.

**MR BARR:** When Dr Foskey presented her argument about small schools she somehow suggested that schools that were larger did not offer students the same quality education, or the same quality of pastoral care. It is unfortunate that she contributed to debate in that manner.

**MR SPEAKER:** The motion that was moved earlier was to refer the petitions relating to proposed school closures to the Standing Committee on Education, Training and Young People.

**MR BARR:** I am simply responding to a comment that was made in debate by another member, which I consider to be unfortunate and a poor reflection on that member. The fundamental issue is that these petitions will be received in the spirit in which they were delivered to the government. We have a fair and open process and that is the process in which petitions are received by this government.

**Mrs Dunne:** What are you going to do with them?

**MR BARR:** They will form part of the consultation process. Last night I attended a meeting of the School Board Chairs Network. I continue to engage with school communities. I met with members of the Students Representative Council at Kambah High School. I met with them in my office and I have been to the school. I have had one meeting with the board and I will have another meeting in the next few weeks.

I continue to engage with school communities on these issues. Some members of parliament do not have the maturity or the ability to engage in these issues sensibly, or to debate education issues. Last night at the School Board Chairs Network meeting I was pleased to announce the commencement of the education seminar series.

**MR SPEAKER:** Order! That issue has nothing to do with this motion. The minister is really overstepping the mark. I ask him to come back to the subject matter of the motion.



**MR BARR:** I am happy to receive these petitions, as is the usual practice of the Assembly.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (10.47): As my colleague Mr Barr indicated, the arguments put forward by the Liberal Party on this issue are the same arguments that were put forward yesterday. Just because a petition is received by this place does not mean it is ignored by this place. As my colleague indicated, issues concerning the receipt of petitions will be considered carefully by this government.

This government is not afraid of the consultation process. A six-month consultation process is under way right now. My colleague fronted up to every meeting and remained until the conclusion of each meeting to answer questions asked by everyone relating to the government's proposals to renew public schools. He has shown a commitment to engage in ongoing dialogue. There is no reason for anyone to suggest that petitions will be ignored in any way.

Mr Barr has demonstrated that commitment. He has been to all the meetings and he has stayed until the end. Everyone else went home but he was still there talking to residents, explaining the issues, hearing their questions and trying to counter, address and reconcile their concerns. Those are the actions of a minister and a government that are committed to engaging in dialogue. These are difficult decisions for our city and they are tough issues for us to address.

The sort of grandstanding we saw yesterday and this morning from Mrs Dunne do opposition members no credit. Mrs Dunne's motion and Liberal Party grandstanding serve to highlight their failure to have a clear policy on how to renew public education in this city. They are the carrion crows of this Assembly, quite happy to stay around the margins, pick at the issues and highlight flaws in every process. But they failed unequivocally to tackle the main issue, which is: What would they do if they were in government? How would they tackle the challenges facing our public education system? That is the issue.

**Mr Smyth:** Point of order. My point of order relates to relevance. This motion is about the referral of petitions to a committee.

**MR SPEAKER:** Order! I have already said that this motion is to refer petitions relating to proposed school closures to a committee. Mr Smyth's point of order is that this motion is about referring petitions to a committee. I think we should stick to the subject matter. To this point there has been fairly wide-ranging debate. Let us come back to the subject matter.

**MR CORBELL:** Opposition members have again failed to highlight on what grounds these petitions should be referred to a committee. The committee has no reference. The committee would not add anything that has not already been dealt with in the government's public consultation process and in debates in this place. That is where these issues can and will be tackled. The government has received petitions from a large number of residents. We will take them into account and we will look at specific issues that have been raised in them.

Those petitions will be dealt with when the government commences consultation on its *Towards 2020* document. Those are the steps of a government that is informed, that is listening and that is prepared to engage in consultation. We have put forward a proposal, we want people's feedback on that proposal and we will listen to those issues. The sort of grandstanding we saw from Mrs Dunne yesterday and today does not add anything to the debate. It might get her head on the television, which might be great for her, but it does not assist in addressing the key challenge we are facing in this place, that is, how best to renew our public education system and make it stronger in the future.

**MR SMYTH** (Brindabella) (10.51): Mrs Dunne moved, under standing order 99, that petitions relating to school closures be referred to a committee. Mr Barr said we should not do that because when members of the Labor Party were in opposition they did not do that. Obviously they did not do it because they had not read their standing orders. It is open to all members of the Assembly to refer petitions to a committee because that is provided for in our standing orders.

Government members should also read standing order 84, which provides for petitions to be presented in other ways, for example, during debate. Standing orders enable that to occur and it is entirely appropriate for us to do so. The issue seems to be whether the government will read those petitions and act on them. When the Clerk read one of the petitions tabled by Dr Foskey I heard him state these words, "A comprehensive review of all local government schools will be undertaken."

The wish of all those who signed that rather large petition was for a comprehensive review to be undertaken of all government schools. Mr Barr is saying either that the government has undertaken a comprehensive review of all government schools, which is why it does not have to refer the petition to the Standing Committee on Education, Training and Young People to inquire, or that the government has not undertaken a review.

We are happy to give Mr Barr leave to table any comprehensive review that the government has done, but we know that he cannot do so because there is none. We have seen four or five flimsy bits of paper and little charts that have been hidden in the bowels of the government's web page, but there is no government review. If there were such a review I am sure that the minister would have tabled it and he would have used it as evidence to back up his case.

If there is no such review it is more than appropriate for us, as good representatives of the people who signed that petition and others, to refer the matter to the education committee so that it can look at them. Members might be wondering why we want to send these petitions to a committee. A resolution of the Assembly on 7 December 2004 states:

That a Standing Committee on Education, Training and Young People be established to examine matters related to early childhood education and care, primary, secondary, post secondary and tertiary education and vocational training, non-government education, youth and family services, technology, arts and culture, sport and recreation.

That committee is to examine matters relating to early childhood education and care, which relates to preschools. The committee is also to examine matters related to primary schools, which are being closed, secondary schools, which are probably being closed, and post-secondary schools, which I assume means colleges although they could be included in secondary, which are at risk of closure. The committee is the appropriate body to undertake what the people of Canberra have asked, through Dr Foskey, that is, that a comprehensive review of all government schools be undertaken.

So the minister has two choices. He can table his review, which means another review need not occur, or he can let occur what the people have asked for. That is not an unreasonable request. I believe we should support this motion. Clearly the government is not hearing what the people want. A number of people are saying, "We are not entirely against school closures; we just want to know that we are getting it right. We want the review to occur. The appropriate body to do that is the Standing Committee on Education, Training and Young People." The minister and the government should accede to that request.

The government says it is not afraid, it is not worried and it is taking courageous steps. It should have the courage to refer these petitions to the committee and let the committee inquire into them. If this government really is courageous, if it is the honest, open and transparent government that it purports to be, if it really wants to know what the community wants, it will enable that standing committee to conduct the comprehensive review for which the public are asking. If the government stands in our way and prevents that from occurring everything it has said is not true.

**MR HARGREAVES** (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (10.55): I move:

That the question be now put.

Question resolved in the affirmative.

Question put:

That **Mrs Dunne's** motion be agreed to.

The Assembly voted—

Ayes 7

Noes 8

Mrs Dunne	Mr Seselja	Mr Barr	Mr Gentleman
Dr Foskey	Mr Smyth	Mr Berry	Mr Hargreaves
Mr Mulcahy	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Pratt		Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

## **Privilege Statement by Speaker**

**MR SPEAKER:** On 14 August 2006 Mr Smyth and Mr Pratt gave written notice of a possible breach of privilege concerning certain aspects of the conduct of Ms MacDonald, Ms Porter and Mr Gentleman concerning the absence of Ms MacDonald at a scheduled meeting of the estimates committee. In particular, the members alleged that several members of the committee misled the committee by claiming that Ms MacDonald's absence from the final meeting on Friday, 11 August was due to the fact that she was attending Assembly CPA business when in fact she had flown to Brisbane and the Assembly business did not commence until Monday, 14 August 2006.

Mr Smyth and Mr Pratt assert that either Ms MacDonald misled her party colleagues or that her two party colleagues misled the committee, or that all three Labor Party members misled the committee. For the information of members I will present a copy of Mr Smyth's and Mr Pratt's letter.

Under the provision of standing order 71 I must determine as soon as practicable whether or not the matter merits precedence over other business. If in my opinion the matter merits precedence, I must inform the Assembly of the decision and the members who raised the matter may move a motion, without notice and forthwith, to refer the matter to a select committee appointed by the Assembly for that purpose. If in my opinion the matter does not merit precedence I must inform the members in writing and may also inform the Assembly of the decision.

I am not required to judge whether there has been a breach of privilege or a contempt of the Assembly; I can only judge whether the matter merits precedence. Although I view the deliberate misleading of a committee extremely seriously, the evidence that has been provided to me does not allow me to conclude whether or not the committee has been misled. I consider that there has not been substantial interference with the work of the committee and therefore have concluded that the matter does not merit precedence over other business.

I present the following paper:

Alleged breach of privilege—letter from Mr Pratt and Mr Smyth to the Speaker, dated 14 August 2006.

## **Legal Affairs—Standing Committee Scrutiny report 28**

**MR STEFANIAK** (Ginninderra—Leader of the Opposition): I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 28, dated 7 August 2006, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MR STEFANIAK:** Scrutiny report 28 contains the committee's comments on four bills, 20 pieces of subordinate legislation and 10 government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

### **Scrutiny report 29**

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (11.00): I present the following report:

Legal Affairs—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 29—*Legislatures and the Protection of Human Rights Conference—University of Melbourne—20-22 July 2006*, dated 7 August 2006.

I seek leave to move a motion authorising the report for publication.

Leave granted.

**MR STEFANIAK:** I move:

That the report be authorised for publication.

Question resolved in the affirmative.

**MR STEFANIAK:** I move:

That the report be noted.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (11.02): Mr Speaker, I am very pleased to see the scrutiny of bills committee reporting on a very significant conference, a conference in relation to legislatures and the protection of human rights. I point to the irony of Mr Stefaniak, a noted opponent of bills of rights and of, essentially, the role of legislatures in the protection of human rights, tabling this report and actually chairing a committee meeting or inquiry into the issue of legislative protection of human rights.

Whilst I think it is ironic that Mr Stefaniak, who has so consistently, vigorously and rigorously opposed the move by the ACT legislature to adopt the Human Rights Act, a bill of rights for the ACT, to the extent that Mr Stefaniak has now, through his chairmanship of the scrutiny committee, provided this report, which I look forward to reading with some interest, I think that is an indication of the importance of the debate that we have been through within the ACT, through this legislature, in relation to how best to incorporate an understanding and acceptance of human rights and the role of that recognition and respect for human rights in the overall health of our institutions and our community.

This conference was run under the aegis of the faculty of law at the University of Melbourne. I think that it is very significant how our academic institutions, the faculties of law around Australia, have been at the forefront, as one would have expected, of this debate around the protection of human rights. Within the ACT, we were privileged to have Professor Hilary Charlesworth lead the consultative committee which investigated in the first instance a model for the protection of human rights within the territory which ultimately led to enactment of the Human Rights Act.

It has been, of course, the University of New South Wales—the Gilbert and Tobin centre associated with that university, headed by Professor George Williams—that has been at the forefront of a continuing debate around human rights and the need for a national bill of rights. Indeed, it was Professor Williams who was engaged by the Victorian government to lead the consultative process which was utilised or pursued in Victoria and which has led to the very recent passage in Victoria of a bill of rights, the incorporation into the law of Victoria of a charter of rights and responsibilities reflecting essentially the ACT Human Rights Act in the law of Victoria.

I think that is a very significant and substantial movement in relation to the acceptance of human rights by legislatures around Australia. The ACT and this Assembly should, I think, stand proudly and we should acknowledge on our own behalves the significant role which this Assembly has played in advancing discourse or debate on human rights and the fundamental role of human rights as part of the legislative structure of Australia. I had always hoped that the Human Rights Act, upon passage within the territory, would be a model or a debate that would then be picked up by other legislatures and other jurisdictions around Australia, but I had never anticipated or imagined that Victoria would be the next jurisdiction to accept how important it was that the states and the territories step into the void that has been left as a result of the absence of a national bill of rights in Australia.

We now have a bill of rights, the Human Rights Act, in the ACT essentially incorporating into the domestic law of the territory the International Covenant on Civil and Political Rights. We have exactly the same process and procedure being followed now by the Victorian parliament, with enormous support from the Victorian community—in the same terms as was achieved in the ACT—for incorporating into the law of Victoria the International Covenant on Civil and Political Rights. We now have, as I understand it, very active programs of investigation in both Tasmania and Western Australia following very much the same path to incorporate, hopefully, into the law of both Tasmania and Western Australia a human rights act or a bill of rights. I think there is a real expectation now that within the next year or two we will have moved to a situation where half the states and territories will have enacted bills of rights.

In that context it is interesting, I think, to reflect, as has been done through this conference, on the issues that continue to be faced in Australia by legislatures and communities in debating and coming to an understanding of the issues that we confront as a result of the attitude adopted throughout Australia traditionally in relation to whether to protect human rights legislatively or whether to rely on our existing structures and institutions. That is essentially the tension in the debate.

There are those that have traditionally said that the strength of our democracy and of our commitment to the rule of law will protect us better than the enactment through a legislature of a set of principles and commitments to human rights as reflected through bills of rights. To this extent, the traditional attitude in Australia has, of course, differed markedly from the position which all of the other Western democracies and all of the other Westminster-style governments and democracies have pursued throughout the world. Almost the whole of Europe has signed up to the European human rights act.

Great Britain has specifically adopted it within its Human Rights Act and, interestingly, has taken a range of steps through the adoption of the European human rights framework in the area of social, cultural and economic rights, a debate which, of course, continues to be fostered through conferences such as that on which the legal affairs committee has reported. In addition, the other great democracies, the Western nations, the nations that have a long tradition of democratic right and principle, have all seen fit to enact a human rights act, a bill of rights, including most famously the United States of America, Canada, New Zealand, South Africa, India, the whole of the European Union, and the United Kingdom. They all have bills of rights. They all have national bills of rights.

Australia is the country that stands aside, that stands out. In fact, of the acknowledged strong, traditional Western democracies, we are the only one that considers that we are different, that our institutions are so sound, that our parliaments are to be so trusted, that the human rights of Australians would never be put at risk, that our society can operate on some other level, that we do not need a focus, a debate or a community conversation around human rights, that it is something that we all intrinsically understand and we do not need the line in the sand which a human rights act provides, we do not need to specifically incorporate that full range of civil rights into law. Of course, that is not a view that I hold, it is not a view that the Victorian parliament now holds, and it is a view which is now being tested in both Tasmania and Western Australia.

The better way to ensure not necessarily an adherence to human rights but an understanding of human rights is to legislate those rights, to incorporate them into the law, to provide a benchmark and, through that, a range of public service or bureaucratic processes that rely on an acknowledgment and a recognition of human rights to be a fundamental part of decision making. That is what we have done in the territory. It is what Victoria has now done; that is, all significant decisions of policy in their making and in their implementation take into account the human rights implications of the policy and of its implementation. That does lead to a society that is stronger, more inclusive and more respectful and, I think, better acknowledges the sorts of values of which we are so rightly proud but which we risk being put aside and to which we might turn a blind eye.

We have seen some quite famous examples or incidences of that over the last few years in relation to some of our responses to the rights and treatment of refugees. We might take a strict legal attitude to the incarceration or the detention of refugees. There is a significant difference between looking at the letter of the law in relation to the appropriateness of, say, sending refugees to Nauru in order to ensure that they cannot access legal rights to which we have committed under international law simply because we render them residents of another state and thereby unable to access our law.

It is relevant for us to say that, strictly, we can do that. We could simply not allow them to touch our shores. We can locate them in Nauru. We can isolate them from the operation of Australia's laws and that is okay. But we can then test that against our human rights obligations and we can ask ourselves whether, if we have subjected ourselves to a bill of rights, that is appropriate. Is that a representation or reflection of the values which we as Australians think are appropriate? We are tested to answer that question.

Similarly, in relation to issues around the way in which we combat terrorism and the harsh measures which we all agree need to be taken to protect ourselves and our community, we can adopt a harsh, unremitting, legalistic view or attitude towards people that we suspect or feel we need to protect ourselves from, but do it in accordance with long held and difficultly gained commitments to the rule of law and justice. Fundamentally, there are implications for our commitment to human rights in relation to harsh and unremitting approaches such as preventative detention, the detention of somebody, the deprivation of the liberty of one of our citizens without charge and without the information of charge, depriving them of their liberty by locking them up and saying, "Look, we are not sure you are guilty of anything. We do not actually have any evidence, but we are a bit suspicious and we need to detain you. We may never get around to charging you. We will deny you the presumption of innocence. We will deny you the right to protest or to access a lawyer in an uninhibited way."

We do need to have embedded in our law a human rights act which demands that we respond to all the possible human rights implications of that sort of treatment. Sure, at the end of the day there is a balancing act. We need to protect ourselves, but we need to protect ourselves in a way which reflects our values, our commitment to democracy, our commitment to the rule of law, our commitment to civil liberties, our commitment to human rights. Most particularly, and it is relevant today in the context of—

**Mrs Dunne:** I take a point of order, Mr Speaker. We are noting Mr Stefaniak's report on a conference on human rights which I understand the Chief Minister did not attend. We are having a very wide-ranging discussion here on human rights. I know that every time we hear the words "human rights" the Chief Minister is out of his box fairly fast and I know that reports of this sort do promote moderately wide-ranging things, but can we get to the point of discussing the conference and moving on to the other items on the agenda?

**MR SPEAKER:** There is no point of order. The conference, as the report draws attention to, was wide-ranging and the question before the chair is that the report be noted. Any member is entitled to speak on the subject matter for as long as the standing orders allow.

**MR STANHOPE:** Mr Speaker, one can understand the Liberal Party's discomfiture in relation to anything to do with human rights. Their strident opposition to human rights and the Human Rights Act is a matter of record and will be a matter of eternal shame. History will judge the extent to which they were so out of step with their community and so out of step with the national sentiment in this regard. They blush at the fact that the ACT's Human Rights Act has now been accepted by Victoria and is being considered for incorporation by Tasmania and Western Australia and that within a few years we will



find every state and territory in Australia will have adopted the ACT's Human Rights Act. That is how out of step you were. We know that you do not like human rights much. You do not like them to be respected, you do not like civil rights and you do not like the rule of law. We know that. We know the extent through your neoconservative attitude to the world.

**MR SPEAKER:** Order! The Chief Minister's time has expired.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (11.17): I am grateful for the opportunity to note the committee's report on what would appear to have been a fairly significant conference about the role of legislatures and the protection of human rights. I think that the fact that the University of Melbourne chose to convene this conference and the fact that it attracted such a wide range of very prominent speakers, noted academics, people involved in public policy and people involved in politics, shows that the human rights debate is one which is continuing to emerge and strengthen in Australia.

It was very useful, I think, that most of the members of the Assembly's scrutiny of bills committee took the opportunity to participate in this conference. I was disappointed to note that the chair of the committee, Mr Stefaniak, did not attend, although perhaps we should not be surprised by that. Maybe he was unable to attend for other reasons, which is fine, as we are all busy people. But it is, I think, telling that the Labor Party enabled a representative to attend and the Greens attended, through Dr Foskey, but the Liberal Party was notable for its absence. That highlights the ongoing failure of the Liberal Party to engage in the debate about human rights.

The human rights agenda at which the ACT has been at the forefront has now started to trickle through to other parts of the country. As my colleague Mr Stanhope highlighted, the Victorian parliament has now enacted a bill of rights and the Western Australian and Tasmanian governments are actively considering a similar piece of legislation. What are the reasons for that? In looking at the report itself and the issues that are canvassed in the report, we can see some very familiar themes. For example, we can see the theme that parliament does have a role in advancing and protecting human rights; that it is not just the preserve of lawyers and the judiciary, but that there is a significant role for politicians, parliaments and the public service. The committee, in its report, notes that it is appropriate and legitimate for parliament to ask an executive how acts comply with treaty obligations.

Mr Speaker, you would not think that if you relied solely on the discourse that we hear from members of the opposition. As to requirements to have regard to Australia's international treaty obligations when it comes to laws that we enact in relation to, for example, preventing terrorist acts, providing for emergency medical treatment or, indeed, the rights and protections of minors, you would think that from the opposition's perspective none of these things was relevant. It is highlighted by this report of the committee that it is entirely appropriate and legitimate for parliament to ask an executive how acts comply with treaty obligations. This is, for me, welcome endorsement of the fact that the approach adopted by this government in this place is in accord with a broader range of thinking about the importance of maintaining and protecting human rights through the legislature and the interplay between the legislature and the executive.

The most telling thing, I think, in this report is to be found in the comments attributed to Professor David Feldman, Rouse Ball Professor of English Law at the University of Cambridge and Miegunyah Distinguished Fellow at the University of Melbourne, when he highlighted that, in an age of contemporary international developments, human rights are under threat and politicians get cold feet when it comes to legislating to protect human rights. It is, I think, very easy for any politician to become afraid of being seen to be soft when issues around, say, preventing or ameliorating the effects of a terror attack come into the legislative arena, and it is all too easy to say that we must be as tough as possible regardless of our human rights obligations, regardless of our responsibilities to protect the rights of citizens, and so on. That is probably the issue that Professor Feldman was referring to in his lecture, as reported here in the committee report.

The point he goes on to make, according to the committee report, is that politicians should not be afraid and politicians should recognise that they have a legitimate role in questioning executives when they take decisions to try to limit the rights of citizens, albeit in the name of protecting the broader community. I think that he is highlighting the argument that we on this side of this place have always highlighted; that is, that any consideration of removing a human right or restricting a human right guaranteed by international treaty or other mechanism must be proportionate to the extent that it protects the broader community.

Clearly, the Terrorism (Extraordinary Temporary Powers) Bill, which this Assembly passed earlier this year, is a piece of legislation that is designed to achieve exactly that balance, designed to recognise that the broader community must be protected, but at the same time it must not be done in a way which disproportionately impacts on the rights and liberties of individual citizens in our community. That is the theme overwhelmingly that comes through from how the committee has reconciled and reported on discussions at this conference and, for me, it only reinforces the approach that the Stanhope government has taken; that is, that any infringement of civil liberties or human rights must be proportionate, must have regard to the impact of that limitation on rights and must also have regard to the need to protect the broader community.

The other issue in the committee's report that I want to touch on quickly relates to who best protects rights—legislatures or the courts. I think that this is the issue with which the opposition have the greatest concern. That seems to be the argument that Mr Stefaniak has put over the years. Clearly, there are two sides to this discussion, but we have seen since the introduction of the ACT's Human Rights Act that there has not been a massive rush into the courts to seek review of decisions because they infringe or impinge on human rights. The world has not ended. The body of law that governs the territory has not been threatened or undermined in some catastrophic manner, as you would have thought would be the case from listening to those opposite in their opposition to human rights law. In fact, we have seen in many respects a much more considered and deliberative response on the part of the judiciary and on the part of those who seek recourse to the judiciary through the Human Rights Act.

We have seen a number of cases which have sought to question the application of certain ACT laws. Overwhelmingly, those laws have been upheld and their application has been upheld. On at least one occasion there has been a decision set aside or a review undertaken of particular administrative decisions of government as a result of recourse to

our Human Rights Act, but that is as it should be and it highlights the important check that the territory has put in place with the passage of this piece of legislation.

It was very welcome to see our scrutiny of bills committee attending this conference. This is a developing issue around the country and it will not be long, I believe, before we see a majority of Australian states and territories with human rights acts, bills of rights or human rights charters—however you may wish to describe them—that seek to embed in a legislative way, in statute, the civil rights and liberties that we know are fundamental to our ability to participate in a democratic society.

That, I think, is a very welcome development because it requires all of us as legislators to have higher and better regard to the importance of these rights and liberties. They are not things to be taken lightly, to be trampled upon at will. Any response and any infringing of human rights must be proportionate, must be considered and must be done in an informed way. That is the discipline that all parliaments will increasingly face and one that I am very proud the ACT leads on.

**MR BERRY** (Ginninderra) (11.27): I too attended this conference. I had not expected to speak on this matter today but, as it is before us, it is timely to talk about some of the themes that emerged from the conference. It was also timely to see such an important gathering of experts on the matter as human rights legislation develops around the country. Whilst the conference was on, at about the same time, the Victorian parliament agreed to its human rights act, which many people were enthusiastic about.

What came through for me, though, is how good it is to have a human rights act, but how difficult it is going to be to retain all of the human rights which are set out in these pieces of legislation. If you look at the situation in the UK you will see that, when there were difficulties with the IRA and so on, there was much less action on the reduction of human rights than has occurred as a result of the station bombings in the UK, even with a human rights act. You cannot help thinking that there is a bit of a racial tinge to all of this. In fact, it confirms that there is a racial tinge to all of this. I think the same applies in the efforts in this country to reduce human rights. There is a racial tinge to it.

**Mr Mulcahy**: Ask terrorism victims whether they think it is just racial, the Australians who died in Bali.

**MR BERRY**: Protect me from this interjector, Mr Deputy Speaker.

**MR DEPUTY SPEAKER**: Order! Mr Berry has the floor.

**MR BERRY**: I do not respond to interjections, as a rule, but it is hard to ignore the fact that there is a racial tinge to the human rights reductions which have occurred in this country and other countries. They have been on religious and racial grounds. It is all right to say that who does it does not affect much the person who is being terrorised, but it seems to me that it gains more prominence if there is this tinge of race around it. I must say that I am very uncomfortable with that.

Another issue which emerged in the course of discussion at the conference was the role of executive government, the way that politics in Australia works—party politics in particular and the effect that solidarity amongst parties has on protecting human rights—

and how governments are sometimes stampeded by law and order campaigns into feeling that there needs to be some sort of public response, usually involving the reduction of human rights somewhere, to these law and order calls. That is where it is extremely important—a point which was made in the public lecture to which Mr Corbell referred—to have parliamentary scrutiny committees which are well resourced, as is mentioned in this report, and to have an independent chair, perhaps even an opposition member, as we have in the ACT.

But the members have to have an interest in human rights. There must be on such committees people who are interested in human rights and who are prepared to put those difficult questions to executive government as the need arises, as occurs from time to time when human rights are addressed, even in the context of a human rights act. As I said earlier, it is very good to have a human rights act. The difficult test for all governments is in keeping all of those aspects of human rights which are said to be protected in the act. That is where issues such as compatibility statements and proportionality statements are important as well. They need to be developed by independent authorities so that parliamentarians who are responsible for the scrutiny of executive government can respond properly to any moves to change human rights.

I must say that, having attended this conference, I am more convinced than ever that the spread of human rights acts across jurisdictions in Australia will be extremely good for this country. I think, though, that there has to be a big effort to ensure that the scrutiny processes within the parliaments are independent enough to protect the human rights which the human rights acts set out to do.

I note that Gabrielle McKinnon from the ACT was also in attendance at the conference. She raised an important aspect of dealing with human rights which has emerged in the ACT public service; that is, making sure that across the public service there is an acute awareness of the human rights that need to be protected out there in the community. It takes some time for this culture to grow, but it really means that there needs to be an effort to ensure that the culture within our public service and across the community is well developed. If it is not, there is not a wide understanding and a wide acceptance of the need to protect human rights out there in the community. So I go back to the point that I made a little earlier, that it is all right to have a human rights act, but there is a lot of work to do to make sure that it sticks. That involves not only the parliament but also the public service and the community at large.

Finally, at the time I saw this conference being advertised I thought that it was a good time for it to happen, but I did not realise that it could coincide with the emergence of the legislation in Victoria. Of course, there is now talk about the same occurring in other states. I think that those delegates that attended the conference from jurisdictions right across Australia will be better equipped to scrutinise human rights legislation across the country as a result of their attendance at the assembly. I am very grateful to have had the opportunity to have been there.

Motion (by **Mrs Dunne**) put:

That the question be now put.

The Assembly voted—

Ayes 7

Noes 8

Mrs Dunne	Mr Seselja	Mr Barr	Mr Gentleman
Dr Foskey	Mr Smyth	Mr Berry	Mr Hargreaves
Mr Mulcahy	Mr Stefaniak	Mr Corbell	Ms Porter
Mr Pratt		Ms Gallagher	Mr Stanhope

Question so resolved in the negative.

**MR HARGREAVES** (Brindabella—Minister for the Territory and Municipal Services, Minister for Housing and Minister for Multicultural Affairs) (11.40): I am disappointed with the antics of the opposition in trying to deny members the opportunity to put on the record in the way they feel they need their views with respect to an issue like the protection of human rights which was, in fact, sparked by the provision of a report from one of their own members. I noticed that the report that we have before us was signed by the chair of the committee. As the chair of the committee was not actually at the conference, I am a little bit mystified as to how the chair of the committee would have any detailed knowledge of the content, which probably explains why he is trying to close down the debate.

Prior to the October 2004 election, I spent two terms on the Standing Committee on Justice and Community Safety, which is now the Standing Committee on Legal Affairs, and the period I served on the scrutiny of bills and subordinate legislation committee is relevant in speaking to this report. I had in those days quite a commitment to the parliamentary process for the protection of human rights. In fact, I actually served as deputy chair to Mr Osborne, whom, I confess, did at least three days work in the 3½ years that he was here. I am sure it was 3½ years, but I could be corrected. I also had the pleasure and privilege of serving with Mr Stefaniak as chair of that committee. It was, in fact, an appropriately formed committee because all of us on that committee had a multipartisan approach to the protection of the rights of people who may be affected by either primary legislation or subordinate legislation.

In looking at this sort of conference I looked into the report to see whether such a committee could be in a position to take the place legitimately of a human rights act. I noticed in the report that Mr Allan Shearan MP from New South Wales asserted that in New South Wales a legislation review committee acts as an alternative to a bill of rights, performing, I suspect, exactly the same sort of role as our committee on bills and subordinate legislation performed.

I do remember the assistant secretary raising with the committee on many occasions how rights had been infringed upon in subordinate legislation and we made the point then that we needed to be vigilant about human rights in the context of legislation that we pass in this place. A bill has to be debated by this chamber, so that all of the provisions within that primary legislation are revealed for everybody to see, and the mere presentation of a bill to this place automatically generates a debate. Such is not the case with subordinate legislation, as the members of the Standing Committee on Legal Affairs will attest to. You have to be vigilant about that. What happens, in fact, is that subordinate legislation is just tabled and, unless the opposition of the day or the government backbench members are vigilant about wanting to see what those regulations and determinations are about, it is quite possible that rights can be infringed.

We have had debates in this place over the rights and wrongs of it matters not, but members might recall—I am sure Mr Stefaniak does—the one on the burnout legislation and the withdrawal of property. We were concerned, and, I think, legitimately on the part of the Assembly, to debate that. If we were not vigilant about the possibility of an infringement of human rights in the context of subordinate legislation, it would not have occurred.

I do not actually agree with Mr Shearan from New South Wales, but I do applaud the process prior to our bringing in the Human Rights Act, because I see another layer there. One of the issues that the committee secretariat had in advising the chamber about the infringement of rights through subordinate legislation related to having some sort of guiding principle to relate to. In fact, we were talking about comparison with other pieces of legislation, often international pieces of legislation. I can remember having provisions within the Canadian bill of rights brought to my attention when I was on that committee. I think we really do need to have both. I notice that Professor George Williams, in talking about who best protects rights, the legislatures or the courts, made the argument that both institutions are required.

**Mrs Dunne:** It won't go away, Andrew. You are just extending the pain.

**MR HARGREAVES:** Mr Speaker, I just referred to the panel discussion about who best protects rights, the legislatures or the courts. I have repeated that because Mrs Dunne interjected. If she continues to interject, I will continue to repeat it. Professor George Williams suggested that both institutions are required, and I agree with him very much. The problem is that some legislatures, as Professor Williams says, have legislated against human rights. That can still happen in this place, but an explanation has to be made to the people through their elected representatives as to why those human rights can be infringed upon in the interests of the common good. It is that debate, in fact, that we are enjoining at the moment with respect to the federal government's antiterrorism laws and the fact that they are hell-bent on infringing people's rights and privileges and amenity to peace.

I noticed that in this report there was no defence of the federal government's immigration and antiterrorism legislative intentions. That is nowhere in this report. I would have assumed that such a conference would have canvassed that issue, but it is not mentioned there. I also noticed that there was nothing in it regarding what I believe to be an infringement upon the religious rights of citizens of this country or people wanting to become citizens of this country: parliamentary secretary Andrew Robb wants to have an English test for people wanting to take out citizenship.

I know some people who have been here for 30 years and who have a fairly poor command of English, but they have contributed significantly to the wealth of this country. To demand of them an English test is just insulting in the least. Of course, they will not take out citizenship. They are then discriminated against, as would be the people affected by the insertion in the national action plan of a clause requiring Muslim clerics to be taught about Australian culture and values. That is mandated discrimination. No such provision talks about religious teachers from overseas who are Buddhist or Hindu, members of Christian extremist groups or even the Southern Baptists of the United States of America. There is nothing on that, but we are quite happy to discriminate against the

Muslims in the context of this national action plan. We talked about that at the Ministerial Council on Multicultural Affairs in New Zealand recently and the vote was 8-1, but the commonwealth, having supreme power in all this sort of thing, decided to proceed and just go down this discriminatory road and remove people's rights.

**MR SPEAKER:** Order! The minister's time has expired.

Question resolved in the affirmative.

## **Planning and Environment—Standing Committee Statement by chair**

**MR GENTLEMAN** (Brindabella): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Planning and Environment relating to the 11th National Conference of Parliamentary Public Works and Environment Committees. We attended the 11th National Conference of Parliamentary Public Works and Environment Committees last month and it is my pleasant responsibility as chair of the standing committee to deliver this statement to the Assembly on behalf of the committee concerning our attendance at the conference. From 24 to 28 July Queensland's Public Works Committee hosted the conference. Members may remember that we in the P&E committee hosted the conference here last year. That conference was titled Sustainability and Recovering from Natural Disasters. The Chief Minister opened the conference here in the chamber.

The broad aims of these annual conferences are to discuss and be informed on matters related to environmental and natural resource management and public works, so as to enhance parliamentary committee members' knowledge and understanding of these issues and effectiveness as parliamentarians and committee members; to foster interjurisdictional understanding and cooperation; and to provide a forum for parliamentary committee members to periodically consider the purpose and role of committees and ways to facilitate and enhance the work they do in their respective jurisdictions.

The theme of this year's conference was Ecotourism and Developing Infrastructure in Environmentally Sensitive Areas. This theme is directly relevant to our committee's work program. For example, ecotourism and sustainable infrastructure development are relevant to the committee's scrutiny of the draft management plan for Namadgi National Park and several agencies' annual reports, and to its inquiry into the proposed nomination of the ACT as a UNESCO biosphere reserve.

During the conference delegates heard many and varied perspectives on private sector investment, protected area management and sustainable tourism. Rather than summarise the many excellent presentations delivered, I will highlight just a few examples of the stimulating content provided. The committee learnt of the many achievements delivered under the Queensland Ecotourism Plan 2003-08. These include the Great Walks of Queensland project, the development of self-help materials, growing indigenous involvement in the tourism sector, the development of a memorandum of understanding between Tourism Queensland and the Queensland Parks and Wildlife Service, and the promotion of sustainable tourism in Queensland generally.

Government and industry met regularly to discuss policy implementation. Later this year a new Queensland tourism strategy and the destination plans for 14 sites in Queensland are expected to be released. The Director of Destination Queensland, Mr David Morgans, suggested that opportunities were available for certification and branding for quality ecotourism products in protected areas, including world heritage areas, for more resourcing and for better community engagement, including traditional owners. Debates continue over infrastructure development in Queensland national parks. One can imagine that quite a lot of environmental areas there need to be continually protected while tourism development goes ahead. Whilst opportunities for direct private investment in these protected areas were limited, there were opportunities for investments in partnerships on land outside protected areas, including Aboriginal and Torres Strait Islander land.

The Executive Director of the Great Barrier Reef Marine Park Authority, Mr Andrew Skeat, provided an overview of protected area management in the Great Barrier Reef Marine Park. He explained that the authority is implementing a partnership approach with the Queensland government and industry, based on common interests in protecting the reef. Industry contributions include payment of environmental management charges and provision of assistance with reef care, monitoring and evaluations through water sampling and compliance reporting. The authority implements a statutory management planning framework and permit regime, but by reducing red tape it has become more responsive to many natural and human impacts that are degrading the reef, and it is aiding in reef resilience.

The authority provides now 15-year certification to approved tourism operators as a way of encouraging high standards and facilitating investment and sectoral growth. We heard that tourism companies that were trying to set up in the reef prior to that may only have had three-year permits issued, and it was not financially viable for them to borrow money to get their program up and running and hope to get that money back in the three-year period.

Mr Col McKenzie, the Executive Director of the Association of Marine Park Tourism Operators, explained the significant financial management issues that are inherent in protected area and tourism management. He profiled the changing tourism market and discussed various challenges that governments are currently grappling with as part of the review of the Great Barrier Reef Marine Park Authority.

The committee learnt about various other sustainable financing and co-management initiatives in protected areas and sustainable tourism in Queensland. We were told of several accreditation schemes such as the Brisbane City Council's Ecotourism Accreditation and the Green Globe certification. We saw at first-hand how eco-resorts and eco-adventures are managed, including conservation and rehabilitation activities, energy, water and waste management. Green Island is almost self-sufficient. We saw there how the people produce their own drinking and washing water out of recycled water. They produce their own electricity.

**Mrs Dunne:** Yes, while the people of the ACT are trying to save their schools, Mick Gentleman is inspecting Green Island. Good on you, Mick.



**MR GENTLEMAN:** Thank you, Mrs Dunne. We also saw how educational activities and interpretation of ecotourism is involved. There is also health promoting recreational activities, transport services and environmentally sustainable design and construction of tourism infrastructure. I would like to go a little further in regard to one of Queensland's very successful ecotourism projects, the Kuranda skyrail system. With the environment in mind, the Queensland government and the skyrail owners, which were Quicksilver at the time, worked together to construct this program with almost no environmental impact. We heard that during construction developers helicoptered in major infrastructure components rather than go through the tropical rainforest with bulldozers and that sort of equipment which would damage the natural assets. It was a much heavier cost to use that sort of construction method, but very successful.

**MR SPEAKER:** Mr Gentleman, you are welcome to interpolate but standing order 246A is fairly specific in that the statement that is made to the Assembly has to be the statement that the committee has approved. Small asides are fine, but if you stray too far from what the committee has approved, you might be offending standing order 246A.

**MR GENTLEMAN:** My apologies, Mr Speaker. I will read straight from the approved text. As the committee chair, I delivered a report to the conference on the committee's work over the past year, focusing on the committee's inquiry into the proposed ACT biosphere reserve nomination, its review of the exposure draft Planning and Development Bill 2006, and committee scrutiny of the land auction for block 8 section 48 Fyshwick—now the site of the proposed Austexx factory outlet and bulky goods centre. I also promoted the ACT environment as a wonderful tourism destination with a visual presentation, which highlighted many of our environmental features and sustainable development achievements.

The committee appreciates the time and effort that tourism sector staff and other experts expended in highlighting the sustainability features of some of Queensland's ecotourism treasures such as Couran Cove Resort, Binna Burra Mountain Lodge, Green Island Resort, as I mentioned earlier, and the Kuranda Scenic Railway and Skyrail Rainforest Cableway. On behalf of the committee I also place on the public record our sincere appreciation of the generosity and warm hospitality provided by our hosts in the Queensland parliament, including the secretariat staff. If members are interested in accessing any of the conference papers, these will be sent to them and will be available from the committee secretary in due course. I also thank our committee secretary, Hannah Jaireth, for her help.

**MS PORTER (Ginninderra):** I seek leave to make a statement in relation to the conference as a member of the committee.

Leave not granted.

### **Standing orders—suspension**

**MR CORBELL (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (12.01):** I move:

That so much of the standing orders be suspended as would prevent Ms Porter from making a statement.

The public works committee system that operates around the country is a very significant one. It is a very important opportunity for members of this place to explore how public works and environment committees work in other jurisdictions and the issues that they are facing. Ms Porter is a member of the committee that attended the conference. She has a range of insights that she would like to present to the Assembly in addition to the comments that Mr Gentleman has presented in his statement on behalf of the committee. It is quite reasonable in the circumstances, given it is quite a significant conference and one that has been attended by members from a range of parties, for that opportunity to occur. That is why I seek to suspend standing orders to permit Ms Porter to do that.

**MRS DUNNE** (Ginninderra) (12.03): The opposition is fairly generous in its provisions for leave, and leave has already been given for the chairman to make a statement on this subject.

**Mr Hargreaves**: Yes, we noticed that. We noticed the pair for yesterday.

**MRS DUNNE**: If you want to talk about pairs, Mr Hargreaves, you will learn something about procedure in this place. There are no procedures in this place that allow pairs at a committee meeting.

**MR SPEAKER**: Order!

**MRS DUNNE**: There are no procedures. There is a time-honoured way for all things, and this is not the way you do it.

**Mr Hargreaves**: That was an outrage.

**MR SPEAKER**: Order! Mrs Dunne, resume your seat. Mr Hargreaves, cease. Mrs Dunne has the call.

**MRS DUNNE**: The opposition in this place is very good at giving leave. We give leave when people ask for it. Especially if people give notice, we give leave. What we have seen here today is Ms Porter seeking to use the standing order so that she can also make a statement about something that was, I am sure, a fascinating conference. I attended many of those conferences in the past. They are useful, but Mr Gentleman has done the work of the committee and made a report on the subject. We should be moving on. What is happening today—and Ms Porter is part of it—is the giant Labor Party filibuster. Because there are items on this agenda that cause discomfort to this government they are using every trick in the book and we will not be part of it.

Ms Porter is really gilding the lily. Mr Gentleman waxed lyrical about the wonders of Green Island. I am glad he did not talk about the snorkelling. I am sure there was plenty of snorkelling and I am sure it was wonderful. But this is not the business of today. Today's business is private members' business. If this is the way that the committees are going to work, we will play it much tougher. What we see here today is important business on this blue that this government is uncomfortable about. The government does

not want to get to the guts of the matter. I have been accused of picking around the edges. Today we are going to the guts of the matter—whether there are members on that side of the house who two or three weeks ago voted to extend the consultation process on school closures. We want to put those people on their mettle—Mr Speaker, you included. We want to see whether you will vote in this place the way your conscience dictated at the state conference. This is going to cause considerable discomfort to people on that side and this is why they do not want to get on to the business.

**Mr Corbell:** I raise a point of order. The question is that standing orders be suspended. It is not about education debates. It is not about what happened in the ALP conference. It is about whether or not this Assembly is prepared to allow a member of the committee to make comments on a conference she attended as a member of the committee. That is what it is about. If Mrs Dunne does not want to agree with that, that is fine, but it is not about all the other issues she raises.

**MR SPEAKER:** Mrs Dunne is entitled to raise questions about why the government might not want to proceed with other matters on the agenda. It is a legitimate point.

**Mr Corbell:** Well, Mr Speaker, on the point of order. It is not for you to editorialise on what the motivations of the government may be.

**MRS DUNNE:** Mr Speaker, he is reflecting on your ruling.

**Mr Corbell:** The question is that Ms Porter be allowed to make comments in relation to a conference that she attended as a member of the committee. Mrs Dunne has a conspiracy theory; she has lots of conspiracy theories. The government simply want the opportunity to be given to Ms Porter to discuss the issue on the agenda. We are not afraid of anything. We are happy to have the debate on all of these issues. This issue is on the agenda, and Ms Porter should be given the opportunity to speak on an issue that is on the notice paper for today.

**MR SPEAKER:** Whether you regard it as editorialising or not, Mr Corbell, there is a motion before the house to suspend standing orders. Members who support that are able to put a particular view and they are able to speculate on the reasons people might have for suspensions or otherwise. That has been common practice for a long time.

**MRS DUNNE:** This proposal today is a clear filibuster—everything that has happened this morning has been a clear filibuster. These items that should have been dealt with in four or five minutes each have gone on for almost two hours of today's sitting. This is a clear filibuster. We will not suspend standing orders.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (12.08), in reply: It is a simple proposition. We simply want Ms Porter to have the opportunity to speak on this item, which is on the notice paper and which is genuine business of an Assembly committee. Mrs Dunne, in her comments against the proposition, raised the assertion that committee members were taking advantage of the opportunity to be in North Queensland to enjoy the scenic wonders of North Queensland. That may or may not be the case but Mrs Dunne should be careful about throwing stones in glass houses.

Just yesterday Mrs Burke presented a travel report on how she enjoyed the wonders of London. Mr Mulcahy presented a report on his grand world tour, where he enjoyed the wonders of New York and London. I think there might have been a stopover in Asia as well. Let us not forget Mr Smyth going to Westminster as well to enjoy the pleasures of Westminster. For Mrs Dunne to throw stones at committee members undertaking legitimate business of the committee hosted by the Queensland Parliament's Public Works Committee does her own members a disservice. We know that the big travellers in this place in the past couple of years have been the front bench of the Liberal opposition. It has not been representing the territory, promoting the interests of the territory in other forums. It has simply been Mr Mulcahy big-noting himself in New York with other credit agencies trying to talk down the ACT's credit rating.

**MR SPEAKER:** Order! Relevance, Mr Corbell?

**MR CORBELL:** Mr Speaker, you brought us a wide-ranging debate but I accept your ruling. Mrs Dunne simply should not throw stones when she is in a glass house. It is entirely appropriate for Ms Porter to have the opportunity to comment on a committee conference that she attended as a member of the committee. That is why we seek suspension of the standing orders.

Question resolved in the affirmative, with the concurrence of an absolute majority.

### **Statement by chair**

**MS PORTER** (Ginninderra): I do have some additional comments to make about the conference, contrary to what Mrs Dunne has just said. In reference to the snorkelling on Green Island, Mr Gentleman, Mr Seselja and I all went to this conference, so everyone had an equal opportunity to snorkel if they wished. But this is not about snorkelling. I do not snorkel and did not snorkel. I suggest that one ask Mr Seselja how he enjoyed his snorkelling.

**Mr Hargreaves:** He is not here.

**MS PORTER:** I know he is not here but he is a member of the committee. This is not about snorkelling. It was a very worthwhile and important conference. I would like to dwell a little bit more on the importance of the subject matter that we were at the conference to learn about. I am not sure whether members are interested in learning something. Never mind, we will just plough on, shall we? The conference was about ecotourism, as Mr Gentlemen has just said. One of the important things for our economy in the ACT is tourism.

**Mr Gentleman:** They have been rattling on about tourism for the past couple of weeks. They should listen to this.

**MS PORTER:** They have, yes. Tourism has been talked about in this place particularly since our budget was brought down. People have been criticising the government for not paying attention to tourism, for not caring about tourism and for not putting enough money and attention into it. At this conference we learned about ecotourism, and I was really impressed by the ideas that came out of this conference. I thought to myself that

here is an opportunity for us to attract people to Canberra. Not only do we want to attract people to Canberra, we also want to attract new tourists. My experience at the conference led me to believe that we can attract new tourists to this area.

People who are attracted to ecotourism do not necessarily want to camp out in tents in all weathers. Up to this point in time, our impression has been that ecotourists walk around with backpacks on their back for 24 hours, lie down on the hard ground and then get up and walk for another 24 hours. Ecotourism is not about that. It is about people with disposable income. I was very impressed to see that these are high-class tourists wanting high-class accommodation and a unique experience, learning about their environment and how to care for their environment. Do we not want to encourage people to learn how to care about their environment? I would have thought those on the other side of the house would want to do that.

Also, we learned about partnerships. This is definitely something we have been trying to build on in the ACT. We have been having discussions with Namadgi Park people. We have the Namadgi management plan. We obviously are consulting with the various players, the various stakeholders. Everyone is going to have different opinions and it is going to be very difficult to come to some agreements. But what I was impressed about in Queensland was the way that all levels of government—federal, state and local government—came together on these issues. Conservation groups came together on these issues. The public were enthused and came together on these issues.

They all saw in this a positive move for their state economy, for bringing people into Queensland and for increasing tourism, as well as for protecting their environment and such valuable pieces of their environment as the Great Barrier Reef. We have wonderful things here in the ACT. We have our Namadgi Park. We have things to be proud of. Let us bring people here from interstate to see these things, but we have to be very careful in the way we do it. This is the lesson that I learned while I was there. The way you do it, the way you come together with all players is to negotiate. You negotiate with your players about the way forward to be able to make sure that you both increase tourism and protect your environment.

One might think that ecotourism is a contradiction in terms. The *Guardian* newspaper raised this issue recently and asked, “Is ecotourism a contradiction in terms? How can places of great natural beauty or wildlife be preserved once tourists start visiting in their thousands, bringing with them the need for services and development? Is it possible to have a guilt-free holiday? Can you visit a place without damaging it in some way?” It is difficult, but with planning and research and with goodwill on all sides, we can. This is why it is very important for us as a committee to be considering these sorts of things. That is why this opportunity to examine something was an eye-opener for me and, I think, for the other members of the committee.

We already have before us the suggestion of investigation into the biosphere reserve for the ACT. That is critical for us. This is another opportunity as well. I just add to Mr Gentleman’s remarks and say that it was a very valuable conference. I am very glad we had the opportunity to go there. I took many lessons from it and I will continue to raise these matters in the committee.

## Public Accounts—Standing Committee Statements by chair

**MR MULCAHY** (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to the committee's recent participation in the Australasian Council of Public Accounts Committees (ACPAC) mid-term meeting held from 26 to 28 April 2006. The 2006 Australasian Council of Public Accounts Committees mid-term meeting was hosted by the Northern Territory Public Accounts Committee and held in Alice Springs from 26 to 28 April. Thirty-nine Australasian delegates attended the conference, including chairpersons—although not me; I decided not to attend this meeting—members and staff of public accounts committees. All Australian and New Zealand jurisdictions were represented. Dr Deb Foskey MLA represented the committee, and the committee's secretary was also in attendance.

The Australasian Council of Public Accounts Committees, formed in 1989, facilitates the exchange of information and opinion relating to public accounts committees and discusses matters of mutual concern. ACPAC meets every two years in conference with a mid-term meeting to discuss and agree on an agenda for the forthcoming conference and to discuss issues specifically pertaining to Australasian committees. The ACPAC constitution states:

ACPAC shall meet between conferences in the form of a meeting of Chairpersons (or their nominees), Committee Members, Executive Officers and Secretaries of full member Committees.

The purpose of the mid-term meeting is to discuss and agree on an agenda for the ACPAC conference and to discuss issues specifically pertaining to Australasian Committees.

In accordance with the ACPAC constitution, the mid-term meeting discussed the proposed agenda items for the 2007 ninth biennial ACPAC conference. As part of the agenda formulation process, discussion papers, proposed issues and topics were considered and debated. A discussion paper titled *Sustainability reporting: the role of public accounts committees* was presented by Dr Deb Foskey MLA. The paper discusses that ACPAC could provide the leadership that governments need to make progress towards measuring and initiating sustainability accounting.

In summary, general agreement was reached by the mid-term meeting forum for the inclusion of the following agenda items: the relationship between public accounts committees and the executive; the impact of devolution on financial, project and risk management in public sector agencies; the role of auditors-general and public accounts committees as government functions are outsourced to the private sector; partnership models between public accounts committees and auditors-general; and reporting on performance, recent developments and key challenges.

The conference is to be hosted by the commonwealth's Joint Committee on Public Accounts and Audit and will be held in Canberra. The hosts of the conference have initiated informal discussions with the committee to explore its interest in hosting a session at the conference. The committee welcomes the opportunity to be involved.

Mr Speaker has indicated his agreement with one event in the program being hosted here at the Legislative Assembly, and on behalf of the committee I thank Mr Speaker for that consideration. The committee sincerely also thanks the Northern Territory Public Accounts Committee, its secretariat, and the Northern Territory parliament for its welcome and warm and generous hospitality in hosting the 2006 ACPAC mid-term meeting. Meeting papers are available for perusal in the Committee Office.

Pursuant to standing order 246A I also wish to make a statement on behalf of the Standing Committee on Public Accounts relating to inquiries about certain Auditor-General's reports currently before the committee. They are a review of Auditor-General's performance audit report No 7 of 2005, *2004-05 Financial audits*, and a review of Auditor-General's performance audit report No 1 of 2006, *Regulation of charitable collections and incorporated associations*.

On 13 December 2005, Auditor-General's report No 7 of 2005 entitled *2004-05 Financial Audits* was referred to the Standing Committee on Public Accounts for inquiry. On 28 March 2006, Auditor-General's report No 1 of 2006 entitled *Regulation of charitable collections and incorporated associations* was also referred to the Standing Committee on Public Accounts for inquiry. Consequently, the committee received a briefing from the Auditor-General in relation to the reports, and on 26 July 2006 resolved to inquire further into each of the reports. The committee is expecting to report to the Legislative Assembly on both of the Auditor-General's reports as soon as practicable.

### **Education Amendment Bill 2006 (No 3)**

**Mrs Dunne**, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

**MRS DUNNE** (Ginninderra) (12.24): I move:

That this bill be agreed to in principle.

Despite assertions to the contrary, the people of the ACT own government schools. This bill is designed to give the schools back to the people and redress the disgraceful treatment meted out to the ACT school community by this government over the past 10 weeks. Since the budget, Canberrans have been forced to watch in horror while Minister Barr has conducted his eight Clayton's consultations; while he has relied on outdated and inaccurate figures and while he has misleadingly and selectively quoted educationalists in justifying the horror that is *Towards 2020*.

To date, this government has tried to pass off *Towards 2020* as a package of school renewal, necessarily involving some tough but responsible decisions about school closures and amalgamations. The package certainly does contain some tough decisions but are they responsible? It might be something, but is it the right something? A necessary element of responsibility in government is not merely being prepared to cop the political consequences of choice but is often just plain old recklessness.

Real responsibility in government does not, as the Chief Minister seems to think, simply involve a willingness to make choices despite the fact that they may bring bad political

consequences upon his own head. Rather, it involves arriving at good choices in a responsible manner. Probably the single most important element of this is basing one's choices on proper information and due consideration. Responsible government involves not only the right outcomes but also the right process. In fact, the two are inseparable.

With this bill the opposition is attempting to bring procedural fairness to the current furore over school closures and amalgamations in the fervent hope of a fairer outcome. This bill will introduce several new features to the regime for consultation and decision making about our ACT schools and it should mean that we will never again have to witness in this place a repetition of the disgraceful approach taken by the government over the past two months. The Chief Minister's and Minister Barr's recent displays are the immediate driving force for this bill but I am also spurred on by the prospect that, at the end of the day, the people of the ACT, the people who own these schools, will be left with better arrangements than those currently in sway.

The most basic element of this bill is to put a freeze on school closure decisions until the end of March next year. This is necessary so that the multitudes of people now aggrieved by this government can pursue fairness, ultimately perhaps through the more sophisticated procedural provisions of this bill, which I will touch on shortly. But a moratorium by itself is nothing more than a stay of execution, so the opposition has gone further and makes provisions in this bill for good process when it comes to school closures. These provisions are not a stunt but a product of a great deal of careful consideration that started when the government first broke its word and took its ham-fist to Ginninderra District high school and closed it. The most important aim of these new provisions is to give those affected by school closures and amalgamations the information and means of involvement to which they, as ACT citizens, are entitled. This is true both for consultation and for ministerial decisions about school closures and amalgamations.

After enormous pressure Mr Barr has come up with some figures about the average cost per school for educating students. When these figures were eventually put forward they were, by the minister's own admission, incorrect, but he refuses to correct those errors. The real point is that those figures are only one factor that the government has relied upon. The minister has said that the ACT government has considered a wide range of important aspects in developing this proposal. He says this on page 19 of his documentation. But for the most part, the members of the community, the people out there who own these schools, are still scratching their heads about what those important considerations are.

Clearly, for Mr Barr to publish only the cost figures is inadequate in the circumstances. The citizens are entitled to more. They are entitled to full disclosure of all relevant considerations while consultation takes place before a ministerial decision. They are entitled to full statements of reasons when decisions to close or amalgamate schools are eventually made. They are also entitled to genuine and well-ordered participation in consultation and to procedural fairness once the minister has made his decision. Justice demands that much for the people of the ACT, but at present there is nothing in law to guarantee this justice.

This bill will change that, because clear guidelines for consultation will be enunciated in a schedule to the Education Act. These guidelines have been a matter of considerable



consultation and discussion in the community and are widely supported. The bill does not simply stop at providing for proper consultation, because it requires a detailed statement of reasons to be issued by the minister whenever a school is to be closed or two schools are to be amalgamated. The formulation of this requirement in law is sourced from the commonwealth's Administrative Decisions (Judicial Review) Act 1977, and so draws on a well-established body of jurisprudence geared towards procedural fairness. These provisions will mean that each affected community will know exactly why the minister has chosen to close its school. This will not be a generalised reason.

The regime contemplated by the bill will require the minister to publish the reasons in a daily newspaper and to give specific notice to specified friends of the schools, which includes the principals, teachers, parents, the school's board and the school's P&C. Notice of itself may not be seen as a great boon, but when it is combined with the provisions for appeal to the Administrative Appeals Tribunal it strengthens the rights of the people of the ACT. The notice and statements of reasons will require genuine transparency by the minister wishing to close or amalgamate schools. An appeal mechanism will give the friends of that school an independent avenue for appealing the minister's decision, having their side of the story and the evidence tested against the minister's reasons by an impartial body. Mr Barr has repeatedly called for rational debate, so he should find none of this objectionable. These are the main elements of the bill as they relate to general citizens rights, and they are long overdue.

The other major prong of this bill relates to the broad structure of the ACT government school system. When it comes to the closure or amalgamation of individual schools, the everyday citizens of the ACT are as much the custodians of their local schools as we are in this place, hence the features of the bill just outlined. However, when it comes to the general structure of our government school system we in this place stand in the special role of guardianship. The current morphology of the ACT government school system is no accident but the result of many years careful initial planning and practical refinement.

When the ACT system of colleges was introduced in the 1970s, for instance, the time taken to examine the issues was measured not in weeks or months but years. Our college system was radical at the time but has since amply demonstrated its benefits and the benefits of the thoughts and consideration that produced it. The use of primary schools and high schools as the other major configurations for grouping students in their age cohorts was not so radical but it was an arrangement developed at length after serious consideration. There are a few minor variations around but the general shape of our government school system is readily discernible and it does not include stand-alone middle schools, for instance. To embrace stand-alone middle schools as proposed in *Towards 2020* is a big step. Indeed, in speaking generally about colleges and middle schools, the 1972 Campbell report, which is entitled *Secondary education for Canberra*—Mr Barr should read this document—on page 33 notes:

It would be next to impossible to impose such a large and revolutionary change on the community in one single step.

Perhaps it is time for us to discuss in this community whether we want stand-alone middle schools, because the Campbell commission certainly considered it back in 1972, but let the community have that say. Mr Barr seems to have a penchant for remarking

that some people like to blindly idolise the educational philosophy of the 1970s. I am willing to agree with him in theory that not everything that came out of the 1970s was an unqualified success. It would be quite a different matter, of course, for him to claim that the 1970s yielded nothing of value in the field of education. The time, care and consideration modelled in the Campbell report are something we should admire. We should take the time to conduct a proper examination of education and training in the ACT. Failing that, we should be reluctant to interfere in the product of careful development. So I commend the bill to the Assembly. This is an invitation for the government to allow some civility to enter the current schools debate. This is an opportunity for the government to stop, to listen and to accord people fairness.

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

**Sitting suspended from 12.34 to 2.30 pm.**

### **Distinguished visitors**

**MR SPEAKER:** I welcome to the chamber a delegation from Westminster, led by Mr Michael Clapham MP.

### **Questions without notice**

#### **Education—policy**

**MR STEFANIAK:** My question is to the minister for education. Minister, in *Towards 2020* you propose that the ACT government school system reintroduce years 7 to 12 high schools and you use, as justification, the purported findings of the review of government secondary colleges. At the meeting at Campbell high school recently you had the temerity to quote from the review report in support of the government's position. However, even a cursory reading of the report shows that there is no support by the reviewers for the 7 to 12 model in ACT colleges. I quote:

The review found that the essential integrity of the current model of separate provision for years 11 and 12 should be maintained ... there is no compelling evidence that effectiveness would be increased to any extent that would justify a new structure, or the effort and cost associated with it. Investment in any other model would constitute a significant distraction from current and emerging imperatives.

That was from pages 9 to 10 of the review report. Minister, why have you misused and misquoted the findings of the research which your government commissioned?

**MR BARR:** Firstly, I did not misquote the review. The section that I read did contain a series of statements from the reviewers that there were some difficulties and some problems with the college model and that it did not meet the needs of all students. The government is not in its 2020 proposal seeking as an option to remove the college system from our education system. In fact, we are seeking to strengthen our college model. But we are also proposing that there be a degree of choice within our education system.

One of the factors that has become clear in relation to the drift from public education to the private system is the lack of alternatives within the government system, that we have

had a one size fits all model. So the government felt that it would be appropriate to go to public consultation with a view to putting the 7 to 12 model into the mix. It is not proposed that that be the model for everyone and that that be the only model available. But the question I have to ask the opposition is: what is wrong with having some choice? Many parents and many students have come forward in the consultation process and indicated that the transition from year 10 to year 11, and into a new school model and a change in culture, can be difficult for some students. It is certainly the case that there are strengths within the 7 to 12 model around continuity of education.

Again, as I indicated to the Assembly yesterday, what is wrong with having the debate? What is wrong with putting these issues on the table? Surely we can, as a mature Assembly and a mature community, engage in debate about having some choice in our secondary education models. Surely we can do that. Surely we are mature enough to undertake such a debate. The government's view is that by putting forward these proposals, and they are proposals and we have put forward a range of options, we can engage in that debate. In some communities the opportunity for a 7 to 12 school, not in opposition to colleges but to complement the college system, is something that has been welcomed and we will continue to engage on those issues.

I think that it is reasonable and fair, when there are so many 7 to 12 models within the private system, that the government be able to offer a similar education model, given the size of our system. Surely we can do that, or we can at least explore it in the context of this education debate. That is what the government is seeking to do and I do not resile from that at all. If you do look further into that review of colleges you will see that it did fundamentally agree with the college system, and the government does not propose to change that, but it did also highlight a range of issues and a range of transitional difficulties that some students find in the move from a more structured environment at the year 10 level to a changed arrangement and a degree of additional freedom that occurs for students when they change to years 11 and 12.

Some students do not cope particularly well with that change. We are seeking to put forward the possibility of an alternative model within the government system, one that operates very successfully in the private system at the moment. But that is not to say that 7 to 12 is unheard of. It operates successfully in the private system at the moment. The question I pose to those members who are interested in engaging in this education debate is: can we look at a 7 to 12 model? If not, why not?

**MR STEFANIAK:** I have a supplementary question. Minister, given the opposition of parents as expressed at the meetings that you and I attended, will you rule out the proposal to establish years 7 to 12 schools?

**MR BARR:** No, it would be pre-emptive to rule out 7 to 12 models. We are in the middle of a consultation period. I have said at those public meetings that, if there was not strong community support, of course the government would not seek to foist a 7 to 12 model on a community that did not want it. Obviously, members of the opposition have not been able to attend all of the meetings I have. Clearly, they have been sharing them round, as is their wont. I have been attending all of the meetings. I have been engaging with all of the communities, more than the rest of you combined, and I am receiving the sort of feedback that a 7 to 12 model may be appropriate in certain settings in the city and that there is a view that there is room in our public

education system for such a model. I state again that that does not mean that we walk away from the college system—of course we do not—but surely there is room for both.

### **Planning—land releases**

**MR GENTLEMAN:** My question is to the Minister for Planning. Will the minister advise the Assembly on the steps being taken by the ACT government to address the recent increase in demand in the ACT's commercial and residential land markets?

**MR CORBELL:** As members will know, the ACT is currently experiencing an upswing in the level of demand in both the commercial and residential development sectors, particularly in relation to requirements for land. Over the past couple of months since the federal budget we have seen a significant increase in demand in both the housing market and the commercial market for additional land supply. This trend has emerged since the federal budget, and I am pleased to confirm to members today that the government is responding in a timely way to this increased level of demand.

I announced earlier today that the government will be increasing the level of greenfield land supply in the city to accommodate approximately 1,200 residential blocks this financial year. This is a significant increase—almost a 25 per cent increase—on the program initially indicated a couple of months ago, which was developed prior to the federal government's budget. We know that the federal government's budget will see an expansion of the commonwealth public service of between 3,000 and 5,000 new staff. Combining that with the sustained level of interest from people based interstate and looking to move to Canberra, partly as a result of the government's Live in Canberra campaign, for the first time in over a decade we are seeing a net gain in interstate migration to the ACT. We need to respond to all of these demands.

In the coming financial year over 1,200 residential blocks in new greenfield areas will be released to the housing market to help provide sufficient supply. We will also see a level of supply met through private redevelopment activity in the city—we anticipate about a thousand dwelling sites. Importantly, the government will be moving to improve the level of supply for commercial development in the city as well.

I address, first of all, the issue of residential land supply. The 1,200 dwelling sites I have announced today include the development of the new suburb of Forde, which will start coming on line later this calendar year. The new suburb of Franklin will also be commenced this year in Gungahlin to help meet demand. We will also see completion of the Wells Station Estate in the suburb of Harrison. Finally, release will occur in the last remaining development site in the Tuggeranong Valley with the commencement of the West Bonython project, which will provide over 200 dwelling sites in that part of the city.

So the government are demonstrating, through this announcement today, our preparedness and our ability to respond to increases in demand and to provide additional land to meet that demand. It is something that those opposite failed to do in all their years in government. They did not have a program ready to respond to demand when the market changed. I am pleased to say that this government has that ability.

In addition, I have announced today that we will be releasing additional land for a commercial office building in the city centre. This development site on the corner of Edinburgh Avenue and London Circuit can accommodate a building in the order of 30,000 to 40,000 square metres in size, enough to accommodate a large commonwealth government department with around 3,000 to 4,000 employees. This is an important release to further strengthen the development of our city centre. In particular, I should note that it has been welcomed today by organisations including the Property Council of Australia and the Master Builders Association.

I also indicate that the release of that site in the city will be contingent on ensuring that all car parking currently provided on that site is maintained and enhanced to address the additional level of use on that site. We anticipate that either a structured car park or underground car parking for public car parking will be required to be provided as part of that development site. Those conditions will be outlined in the conditions of sale later this year.

### **Planning—EpiCentre lease**

**MR SESELJA:** My question is to the Minister for Planning. It relates to the EpiCentre site. Minister, you have made several statements in both the media and during estimates that the lease and development conditions for section 48 Fyshwick were clear and that all bidders were adequately informed as to the land use. In estimates you said:

They knew what they were buying and it was clear to all parties what the potential uses were for the site.

Minister, if the lease and development conditions were so clear, why did at least two registered bidders, ING and Austexx, write to the planning bodies seeking clarification of the permitted use?

**MR CORBELL:** It is called due diligence, Mr Speaker. That is what big private companies do. They do due diligence and they assure themselves that they understand fully the planning controls for the site. I am amazed that someone who considers himself to be a potential planning minister in this place does not understand that fundamental concept of due diligence and the importance to private companies of clarifying the planning controls and regulations ahead of entering into a purchase.

That is what it was all about. It is called due diligence, and it happens every day of the week. There is nothing unusual in a developer or potential developer going to the planning authority and saying, “Can you just tell me exactly what this land is used for. I want to clarify exactly what the uses are before I go and spend a couple of million dollars or more.” That, quite clearly, is what occurred in this case.

I am glad that Mr Seselja has raised this issue because one of the claims that has been made around the community in the past couple of months has been made by the Canberra International Airport. They themselves have said that they were a bidder for that site—they were prepared to pay \$1 million less than the successful bidder—but they have claimed they did not know what could occur on that site.

I draw members' attention to the documents released by the planning and environment committee when they sought documents from the planning authority on this matter. Those documents include a very telling email from Mr Tom Snow, who is a director of the Canberra International Airport. In that email he very clearly asks the question, "What are the car parking requirements for a direct factory outlet on that site?"

That was the question Mr Snow asked before the auction. It gives the lie to the claim made by Canberra International Airport that they did not know that a direct factory outlet was a permitted use on that site. Before the auction they asked, "How many car parks do we need to provide if we want to build a direct factory outlet on that site?" It went further than that. They actually asked if they could get away with providing less car parking than that required by the car parking guidelines. This outrageous claim that has been peddled around town and peddled by Mr Seselja as the mouthpiece of Mr Snow has been put to bed and given the lie by that email.

I think Mr Seselja needs to be a little bit more circumspect in this analysis of this issue. I stand by my comments. Developers knew what was available to be developed on that site. Their emails and letters confirm that they understood the provisions of the site, and where they did not understand it, they asked the question and they got a reply from the planning and land authority. It is called due diligence, Mr Seselja. It is a perfectly normal and everyday operation and I am amazed that you do not understand that.

**MR SESELJA:** I ask a supplementary question. Minister, did the CEO or any senior representative of ACTPLA write to the CEO or any senior representative of the LDA prior to the auction expression concern over any aspects of the pre-auction process?

**MR CORBELL:** Was the question: did they? Not that I am aware of, Mr Speaker.

### **Government—debt**

**MR MULCAHY:** My question is to the Treasurer. In relation to current debtors in the ACT, representing an increase of more than 50 per cent than during Treasurer Quinlan's tenure last year, what is the government's view of utilising debt factoring?

**Mr Stanhope:** I did not hear the introduction to the question. Could the shadow Treasurer please repeat the question?

**MR MULCAHY:** In relation to current debtors in the ACT, representing an increase of more than 50 per cent than during former Treasurer Quinlan's tenure last year, what is the government's view of utilising debt factoring?

**MR STANHOPE:** I will take on notice the question about the level of debt, the reasons for the increase in debt and the range of circumstances in which the alleged increase in debt has occurred. I do not know but I would be interested in the range of issues or factors that led to a 50 per cent increase in three months, as suggested by the shadow Treasurer. The shadow Treasurer is suggesting that the level of debtors has increased by 50 per cent in the last three months.

**Mr Mulcahy:** No, in the last year.

**MR STANHOPE:** You said “since Mr Quinlan’s time”. I have been Treasurer for 3½ months.

**Mr Mulcahy:** Last year.

**MR STANHOPE:** No, you said “since Mr Quinlan’s time”. The essential suggestion is that the level of debt or the number of debtors has doubled in three months. I must say that I find it quite surprising and concerning to believe that the number of debtors that we are dealing with has doubled from the end of March to the middle of August. I need to look—

**Mr Mulcahy:** Obfuscating.

**MR STANHOPE:** Mr Mulcahy says that I am obfuscating. Mr Mulcahy’s question, which I asked him to repeat, referred to accepting that the number of debtors has doubled or increased by 50 per cent since Mr Quinlan’s time. Mr Quinlan resigned at the end of March. It is now 3½ months since Mr Quinlan resigned. I am being asked to accept that the number of debtors has increased by 50 per cent in that time. I am a little cynical about that claim. I am a touch cynical about the claim that the number of debtors had doubled within three months.

The incredible strength of the ACT economy—trend unemployment at 2.8 per cent, the level of economic activity and confidence and the whole range of indicators that we went through yesterday in relation to the strength of the ACT economy—leads one to have the greatest concern about any suggestion or assertion by Mr Mulcahy on the matter.

**MR MULCAHY:** My supplementary question to the Treasurer is: why has the government not chosen to more efficiently pursue debtors in view of the \$21.8 million now owing for unpaid taxes, fees and fines that are over 120 days overdue?

**MR STANHOPE:** The pursuit of debts and the processes that any government utilises in relation to any unpaid or due debt or payment are complex issues. We have had in this place at length debate on how to pursue the full range of citizens that have outstanding debts of one sort or another, whether it be through unpaid, overdue library fees, unpaid parking fees or unpaid speeding or traffic fines. These are complex and difficult issues. There is a range of debts owing across the board in relation to rates. As I say, it is quite legitimate to add in unpaid, overdue library fines, unpaid traffic fines.

We have instituted, through this Assembly, in relation to traffic matters a quite rigorous and, some believe, draconian regime for ensuring that people that infringe in their driving or their parking are, essentially, forced through a stage of hoops to the point where, if they do not pay their fines, they lose their licence and can be proceeded against in relation to their property.

What is the ratio or the balance that a government pursues? In order to pursue an individual debtor who owes the territory \$10 in overdue library fees, how much do we spend in pursuit of a \$10 fine? How much do we spend in pursuing a \$100 fine, payment or debt? It is an issue which Treasury—and I know urban services, in relation to traffic

matters, pursues with vigour—pursues it to a point at which the expenditure of resources and time, we believe, is appropriate and, beyond that point, is simply not cost-effective.

It behoves governments to ensure that the law is enforced and respected, and we need to pursue with a certain level of vigour those that do not meet or pay their dues or debts and seriously do it to a point. But what is the point at which we actually fail to meet a public good or fail to effectively use government resources in the pursuit of a debt or fine without receiving an appropriate return or response either in terms of community good or the cost as against the benefit? These are always difficult issues. I know that those in this place who have been pursued through the Small Claims Court for the non-payment of debts would have a fine understanding of the issues on the level of resources required to pursue a particular debt as against other methods in relation to those particular issues.

Treasury has done significant work on its responsibilities in pursuing debtors. I believe that the approaches in place—and this is an issue that I have taken advice from Treasury on—are appropriate, that the balance is right and that we are prepared to commit a certain level of resource, energy, activity and personnel to pursue debts and debtors, as is done by territory and municipal services, but to a point where the expenditure or pursuit needs to be justified in terms of an outcome, a possibility or a balancing of the cost to us versus the potential receipt, both in terms of debt due and the greater community good.

### **Public housing—rental assistance program**

**MS PORTER:** My question without notice is directed to the Minister for Housing. Minister, what is the ACT government doing to help our public housing tenants avoid the potential poverty trap set by the Howard government's harsh welfare-to-work changes?

**Mr Pratt:** Are we going to indulge in a bit of Howard bashing?

**MR SPEAKER:** Order! Mr Hargreaves has the call. He will direct his comments through the chair.

**MR HARGREAVES:** It is enough to try the patience of St Peter. The government, through Housing ACT, has put in place processes to provide appropriate support to tenants in need to help them maintain their tenancies satisfactorily. Consistent with these arrangements I am proud to announce that I recently agreed to a relaxation of the arrangements under which low-income tenants on rent rebates can be deemed to be receiving Centrelink payments. The federal Liberal government is doing little to help people in need. All it is doing is hurting people with its new welfare-to-work changes.

The ACT government will do all it can to relieve some of the pain. Under the Howard government's welfare-to-work compliance framework, some Centrelink payments may be withdrawn for a period of eight weeks after a third breach of Centrelink rules by a recipient. Imagine how difficult that burden would be. Imagine how difficult it would be for a family receiving no income. Is it a child's fault if his or her parents are unable to find work, or if they have misunderstood the rules? It is cruel to make the entire family suffer.



Although the person may apply to receive special payments during the withdrawal period to meet his or her essential living costs, there is no guarantee that such payments will be approved. Housing ACT's previous practice for a tenant whose Centrelink payments had been withdrawn following a breach was to deem the person to be receiving his or her normal payments during the period in question. This practice was intended to help maintain public housing revenue and the general viability of the housing system. However, that approach also tended to have a punitive effect on tenants and potentially could push them into rent arrears, impacting negatively on the sustainability of their tenancy.

The ACT government recognises the potential difficulties that could result in these changes. We believe that public housing is there to help tenants in need get back on their feet. Our goal is to help people through a bad period of their lives so they can become independent, not to force people to spiral into debt so great that they are unable to see a way out. The changes to which I have agreed remove these potential negative consequences in the context of the Howard government's welfare-to-work compliance framework.

In future, tenants who have had their payments withdrawn under the Howard government's welfare-to-work compliance framework will be assessed for rent rebate entitlements in accordance with their actual household income during the period in question. In some cases, tenants will be required to pay only as little as \$5 per week. This concession will be dependent on their seeking the special payments available under the Commonwealth's new regime to help cover essential living expenses during the withdrawal period.

This generous concession will act as a major incentive for our tenants to pick themselves up and get back on their feet. They will be better able to take control of their lives. They will be given some breathing space from the ACT government while they get their Centrelink payments in order. I am confident that this policy reform will work to the advantage of public housing tenants in special need and will assist them to sustain their tenancies.

I believe this approach is critical to protect public housing tenants at risk from the effects of potential homelessness and poverty. Removing this potential debt trap will give our tenants a fair go and an incentive to become independent of government assistance. If members want to talk about Howard's welfare-to-work legislation as a debt trap I say all power to them.

**MS PORTER:** I ask a supplementary question. Along with the relaxation on rent rebates for those people who have been caught in the Howard government's draconian welfare-to-work changes, what other progressive steps has the government taken to target public housing to those in need?

**MR HARGREAVES:** In addition to the changes I have just outlined the ACT government is committed to providing appropriate and affordable housing to people in the ACT community who are unable to obtain housing on the private market. In early June 2006, as Minister for Housing, I approved a range of amendments to the public rental housing assistance program to sharpen its focus on people most in need.

Program changes include a significant reduction in the qualifying income criteria; a tightening of residency requirements to ensure that only ACT residents who have lived here for at least six months qualify; and a complete overhaul of the priority needs system. The income eligibility criteria for Housing ACT has been tightened to 60 per cent of Australian average weekly earnings for singles and 75 per cent of Australian average weekly earnings for couples. With the reduced income tests the ACT's income eligibility is consistent with other states, including New South Wales and Queensland.

Under the new priority system it is expected that applicants with the most pressing needs will be housed within three months. Prior to this it was 12 months. I believe that 12 months is far too long a period for people in such dire straits. Housing ACT will focus on the following people as a priority: individuals with families facing homelessness; Aborigines and Torres Strait Islanders with complex needs; women and children fleeing domestic violence; the frail aged; and people with disabilities where natural support mechanisms are in danger of failing.

While this is an ambitious goal it recognises that people with critical and urgent needs cannot reasonably be asked to wait lengthy periods to be housed, as they were under the previous system. The program has also been amended to prioritise transfers to enable tenants to downsize or move to areas of lesser demand. For instance, an elderly couple still living in a four-bedroom house after their children have moved away may no longer want to pay for or maintain such a large property.

The changes to the program make it easier for that elderly couple to move, freeing up the four-bedroom house for a large family. Applicants on the waiting list are currently being reassessed. The new system will take full effect in October. I am still waiting to see any policy from the ACT Liberal Party on public housing, or on how it intends to help those in need. All I hear is criticism of what this government is doing. I never hear any statements from opposition members about what they would do in our place.

### **Schools—closures**

**MRS DUNNE:** Mr Speaker, my question is to the minister for education. Does the minister agree that forcing young children to walk long distances to school, away from their local neighbourhoods, is both unsafe and unwise? Does the minister also agree that parent participation and local community involvement in schooling is facilitated by our system of neighbourhood schools and should not be undermined by wholesale closure?

**MR BARR:** In responding to Mrs Dunne's question it is perhaps worth observing, as my colleague has, that the majority of students now do not walk to school. Approaching 50 per cent of students in our public system in fact do not even attend their local school and go past often eight to 10 other government schools to attend a particular school that their parents have chosen or that they have chosen. So I think it is already the case that parents and students are making the choice not to attend local schools.

This highlights the difficult public policy challenge governments face in relation to seeking to maintain a system of neighbourhood schooling that was developed in the sixties and seventies that does not now reflect the modern day realities of this city and the way in which parents and students are approaching the decisions about which schools

students will attend. That presents an interesting challenge around the ongoing viability of some neighbourhood schools when, in some areas, up to 75 per cent of students who are eligible to attend a school and are in a particular school's priority enrolment area do not attend that school. That leaves you asking the question: how is it, and what is the expectation that the government will continue to resource schools that the local community does not support?

There is a fundamental issue we need to address here: can we continue to sustain the number of school sites that we have across the territory to the level that we would expect? The answer to that is clearly no, we cannot. So we need to undergo a process of rationalisation of school sites. That is an undeniable fact. In fact, I note that both the opposition and the Greens acknowledged on radio this morning that there is a need for some schools to close. I welcome the position that was put. Looking into the history of these debates, it is interesting that there is a range of people who have previously held very strong views on this issue.

*Members interjecting—*

**MR SPEAKER:** Order! Mr Barr has the floor. Will everybody cease their interjections.

**MR BARR:** Thank you very much, Mr Speaker. As I was observing, it is interesting to look back at what people who have been here for a considerably longer period of time than I have said on the public record on this particular issue over many years in the Assembly. I note that there are many opposite who, having examined these issues when they were education minister, reached very similar conclusions.

Of course in politics a lot of the time where you stand on an issue is where you sit. It is clear that those opposite are taking a very different position now than they perhaps would have in different circumstances and have done at different times. So again I note and observe that it is the case that, without any inference of government policy directing one way or another, the decisions that students and parents are already making in relation to the schools they attend are clear, whilst it might be of some regret to members that students no longer walk as much as they perhaps should.

**Dr Foskey:** Walking school bus.

**MR BARR:** Indeed, Dr Foskey. That is a very good program and one that the government in fact funds. When people take a serious look at the regional approach the government has undertaken in looking forward at education provision towards 2020, those concepts and ideas are not lost, and it is not something that would no longer be possible.

It is interesting that there are some people who will drive 100 metres to school, yet there are others who feel that perhaps walking or riding their bike a longer distance is not an issue. We are not in a position to enforce how students would get to school but, nonetheless, these are decisions that parents and students are already making. We do not enforce enrolment at a local school.

**MR SPEAKER:** The minister's time has expired.

**MRS DUNNE:** Mr Speaker, it is interesting that the minister said that where we stand is often where we sit. I have a supplementary question. Minister, are you surprised that the words I used in that question are the exact words used by Minister Corbell in this place to the minister for education on 16 February 1999? What have you done to change the views of Mr Corbell on the subject?

**MR BARR:** Mr Corbell and I have engaged in many debates on many issues, going back to when we were in Young Labor together back in the early 1990s. Mr Corbell and I share many views and, on occasions, we differ. In more recent times Mr Corbell and I are finding that we are agreeing on more and more issues—in fact, I think this is one of them.

### **Dragway**

**DR FOSKEY:** My question is to the Minister for Tourism, Sport and Recreation and it concerns the proposed dragway. A government report in 2004 put the full economic cost to the ACT of a new dragway at \$17.1 million and stated, “There is no evidence to show that significant social and economic benefits would be achieved from a local dragway.” The minister has committed to spending \$8 million on the dragway project. What study and data show that this project will be economically viable?

**MR BARR:** There is an ongoing process in relation to the dragway, both on environmental grounds and to assess the economic benefits of such a proposal. There are strong views on both sides of the debate about the economic merit or otherwise and the environmental effects or otherwise of the proposed dragway. A clear process is under way. The government’s position has been that we will contribute a maximum of \$8 million in capital, in a one-off capital grant, should the dragway meet the stringent environmental and economic requirements. Clearly, the running of the dragway is the responsibility of the proprietors, and the government has been very up-front in saying that it will not contribute to the ongoing recurrent expenditure or make any contribution at all to the recurrent running costs of such a facility.

The proprietors have indicated publicly and in meetings with me and other ministers that they felt they were able to run the facility prior to its closure by the then Liberal government. It is interesting to note the desperate need to close the facility all those years ago, as it still sits as an unused site. One would have to question what the urgent need was all those years ago. Nonetheless, a process is under way at the moment whereby the environmental and economic issues surrounding the dragway are being tested, and that process has not reached its conclusion. Once that process has reached its conclusion—and there is an expectation that will be by the end of this year—we will then be in a position to make an informed decision in relation to the environmental issues. I understand there are significant environmental hurdles that the dragway would have to overcome. Equally, economic issues will be examined, and a detailed business case will need to be brought forward to show that the facility will be economic.

**DR FOSKEY:** I ask the minister a supplementary question. Whether the dragway goes ahead or not, how can the public be confident that dragway funding will not continue to be sourced from various government agencies over and above or separate from the \$8 million committed so far?

**MR BARR:** As I indicated in my answer to Dr Foskey's first question, the government's commitment is only to a one-off capital injection up to \$8 million. No recurrent funding will be provided towards the operation of the dragway.

### **Education—merger of tertiary institutions**

**MR SMYTH:** My question is to the minister for education. There have been reports of a proposal to merge the University of Canberra and the Canberra Institute of Technology. What consultations have taken place with and between the two education institutions about the proposed merger? How firm is the proposal to merge these two education institutions?

**MR BARR:** I announced at the Labor Party conference that I would be establishing a committee with representatives of both the University of Canberra and the CIT to examine a closer working relationship between the two institutions. I thank Mr Smyth for raising this issue because it does give me the opportunity to inform the Assembly that this morning I was able to announce that Dr Colin Adrian would be the new chief executive of the CIT. I congratulate Dr Adrian on his appointment. I look forward to working with him. He will bring considerable experience in both public administration and education to that role. I think that it is a tremendous appointment. It is something that I was very pleased to be able to announce this morning.

I am looking forward to working with Dr Adrian, the CIT and the University of Canberra on exploring a closer working relationship between the two organisations. Talk of a merger at this stage is, I think, premature. It is certainly an option. There are working models around the country—RMIT, UTS in Sydney—where such amalgamations have occurred. It is an open question and something that I am looking forward to being explored over the next six months or so.

**MR SMYTH:** I have a supplementary question. Minister, why was this proposal not announced as part of the 2006 budget? Was it not announced to avoid the scrutiny of the estimates committee?

**MR BARR:** I thank Mr Smyth for another penetrating question. The issue really goes to there being no funding at all associated with this investigation of a closer working relationship. We are simply seeking to build further on the strong partnership that already occurs, that is already there, between those two institutions. As I said, I have an open mind on the prospect of a merger. It is certainly something that I am interested in exploring. It is something that we need to consider over a period and something in which I would welcome again the engagement of members who are interested in pursuing the prospect of a closer working relationship between the two institutions.

That is an area in which I think we can seek to strengthen the relationships and pathways between the two. There are already pathways there, but we can seek to strengthen and broaden those. If that does lead us down the path of a merger following a period of consideration of those issues, I have an open mind. I am not afraid of reform in education. I believe that it is important that we look forward and that, just because a certain set of arrangements may have worked in the past, we do not have a closed mind

to the possibility of looking at new arrangements that might serve us better in the future. That applies across all areas of my portfolios. I am not afraid of reform.

### **Schools—closures**

**MR PRATT:** My question, too, is to the minister for education. In the proposal *Towards 2020* you have put forward options for a range of restructurings within the ACT government school system. Indeed, there is a smorgasbord of 10 options within *Towards 2020*. Did you devise this list of “choices” to distract the community from the fact that we are going to lose the convenience and efficacy of having schools within their neighbourhood meeting their needs?

**MR BARR:** No. The government felt it was appropriate to look at a range of educational models. Again, we are not afraid of going out and talking with the public about a variety of different options. Clearly, the answer to Mr Pratt’s question is no.

**MR PRATT:** Thank you, minister. With your considerable experience and enthusiasm as a minister for education, what research did you refer to before coming up with this mind-boggling smorgasbord of choice?

**MR BARR:** The opposition are seeking to home in on the fact that I do not have a strong background in education. I graduated from the ANU in public policy. No, I do not have a specialist qualification in education.

It is fortunate, though, that, in all of the work that was done to underpin educational research across the jurisdictions, not every education minister is going to be an expert in the field, clearly, in the same way as every health minister is not a doctor. I acknowledge that. If the devastating point you have got is that I am not an education expert, yes, I am not. You did not like that, did you?

Clearly, there has been a great deal of educational research done both within the ACT department of education and a variety of other jurisdictions that has underpinned the range of educational models that have been put forward. There was a specific study done by the ACT education department on middle schooling, but it is not the only study that is out there. There are a variety of others. If Mr Pratt would like to examine in detail all of the educational studies that underpin the different models, they are available on the departmental web site. There is a considerable amount of research that is out there and available. Something that any incoming minister would do is seek to read in detail all the briefing materials and all the information that is out there and available.

Can I recite word for word every piece of research? No, obviously not. No minister could. Let us be serious about this. I obviously have, within the Department of Education and Training and with the resources of all the research that is available on all of these issues, sought the widest possible range of advice from all the experts that are out there. It is important that the government seek to engage with as many education experts as possible on these issues. That is also an important feature of the consultation process.

As I indicated earlier this morning, the next round of that consultation process includes a series of educational seminars that are coming up over the next six to eight weeks. The first one begins tomorrow night, on the new ACT curriculum framework. That particular

educational seminar will be conducted by Dr Michele Bruniges, the chief executive of the ACT Department of Education and Training, a chief executive who has a PhD in early childhood education, I understand. It is not to say that those members of the opposition who seek to somehow cast some aspersion on my qualifications, as if I were the only person involved in and presented arguments on these serious issues, are correct.

**Mr Hargreaves:** It is childish.

**MR BARR:** It is childish; it is puerile. It is certainly not an expectation that any other minister in any other portfolio would be an expert on all of the issues. Clearly, I am not. Obviously, I am not. But I have a genuine interest in the portfolio areas. I bring personal experience, having been a student at many of these institutions and been involved in the higher education system. My brother is a teacher in the system. My mother taught in the system for 20 years. I am familiar with the ACT public education system.

I reject completely this assertion that I do not know what I am talking about. I am prepared to engage in this debate. Those opposite seem prepared only to engage in puerile gestures and stunts. That is a reflection on them.

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

## Paper

**Mr Corbell** presented the following paper:

### **Out-or-order petition**

(Kambah High School—proposed closure—Dr Foskey (197 signatures).

## **Early childhood development Discussion of matter of public importance**

**MR SPEAKER:** I have received letters from Mr Gentleman and Ms Porter proposing that matters of public importance be submitted to the Assembly. In accordance with Standing Order 79, I have determined that the matter proposed by Mr Gentleman be submitted to the Assembly, namely:

The importance of the investment in early childhood development.

**MR GENTLEMAN** (Brindabella) (3.24): I rise today to speak on a matter of public importance—

## **Standing orders—suspension**

**MRS DUNNE** (Ginninderra) (3.25): I move:

That so much of the standing orders be suspended as would prevent Mrs Dunne moving a motion that Mr Gentleman be not further heard.

Mr Speaker, today we have seen is a complete flouting by this government of all of the conventions and agreements in this place. The members of the opposition and the

crossbench do not want to hear Mr Gentleman's matter of public importance. In the time that I have been the whip, over the term of two Assemblies, there has been a longstanding agreement that on private members' days no matters of public importance are raised.

Private members' days are devoted to the business already listed by private members. Matters of public importance are another aspect of private members' business, which we have had. Incidentally, it was just a gentlemen's agreement that we would not have a matter of public importance on this day. But today we see the Labor Party in full flight flouting the conventions. The Liberal Party has made it very clear over and over again how we will comply with the gentlemen's agreements in this place. One of them is there will be no matters of public importance on Wednesdays, which is private members' day. I have made it clear over and over again in correspondence with the government whip and in this place how we stand with pairs. There has never been a pair asked for or conceded in a committee at any time.

Today we want to close Mr Gentleman down because he cannot stick to a gentlemen's agreement. We have had this debate over and over again. It is interesting to learn from Mr Speaker today that Ms Goody Two Shoes, the acting whip, who has been saying, "I do not know how this possibly happened," connived to bring on this matter.

The attempts by the Labor Party to close down private members' business go on without end. We have seen Mr Gentleman breaking the gentlemen's convention. Ms Porter, the acting whip, has not been sticking to the rules and agreements reached between the whips in this place. For that reason I have moved to suspend standing orders, so that we can close down Mr Gentleman. There is plenty of other business that has been already listed in the agreed form at the listing meeting of the administration and procedure committee.

We have decided on a number of occasions that we would not have matters of public importance on a Wednesday. We do not wish to hear Mr Gentleman. This is not to say that his matter may not be important, but he can list it for consideration, with every other person, when the time comes on a Tuesday or a Thursday, as is the convention.

This is the warning to the Labor Party: if they choose to throw out the conventions, they will pay the price. They are the people who need pairs. They are the people more than anyone who will suffer because of the throwing out of these conventions. They need to think very seriously. At this stage we need to close down Mr Gentleman so that we can get on with the business of the house, which has been duly listed.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (3.28): Today the Liberal Party is proposing an absolutely extraordinary, I think unprecedented, situation—a motion to suspend standing orders to require a member not to speak in this place. That is what the Liberal Party is proposing today. It is an unprecedented step, Mr Speaker.

Yes, tensions are high in this place at the moment. They are high because the other side has sought deliberately to obstruct a member of the government from participating in a fair and reasonable way in an Assembly committee. It is little wonder that my colleagues are a little bit annoyed about that. One of our members was forced to return from a



delegation at which she was representing this place; she was attending that conference as a nominee of this place. It is because of the petty politics played out by the Liberal Party and the Greens that we now have the tension that we see in this place.

The point the government makes is that if it is the Liberal Party's view and the Greens' view that all these conventions are going to be thrown out the window, if it is their view that they are not going to behave with some level of decorum and accept that members do travel and do have obligations to the parliament in travelling and that those obligations should be reasonably accommodated, then so be it, Mr Speaker; so be it. Government members will insist on their rights as private members to raise matters of public importance.

Mr Speaker, I draw your attention to the standing orders. The standing orders say very clearly that on any sitting day a member may, through writing to the Speaker, request that a matter of public importance be discussed. That is what Mr Gentleman has done today. There is nothing in the standing orders that says you cannot do it. In fact, the standing orders say explicitly that you can do it, and Mr Gentleman has done it. Those opposite may dislike that and Mrs Dunne may feel there was some lovely cosy gentlemen's agreement on that issue. I am afraid that all cosiness went out the window last week. That is the bottom line.

If the Liberal Party wants to revisit its views on this matter, the government stands ready to have those discussions and to perhaps put in place some more reasonable arrangements. But, in the absence of a lack of goodwill from those opposite and a willingness to reasonably accommodate the various demands that all members in this place face on their time and the various commitments they seek to make to perform certain duties as members, in the lack of any reasonable recognition and accommodation of that, Mrs Dunne's expectations that we will continue to play by the rules whilst she does not is simply unacceptable and not to be accommodated.

Mr Speaker, Mr Gentleman has a right to discuss a matter of public importance and this government will insist that he be allowed to exercise that right. It is a right granted to him in the standing orders.

**DR FOSKEY** (Molonglo) (3.32): It is really quite disappointing to see the way today has gone—

**Mr Stanhope**: It is pretty disappointing to see the way Monday and Friday went, too, Dr Foskey.

**DR FOSKEY**: It looks like we do have to revisit that. The estimates committee was scheduled to finish and to adopt its report on Friday. I believe that one of the government members was absent on Friday and the conference that she was going to started on Monday. I do not think the government really needs to go in that direction if it is trying to score points. In relation to the matter of public—

**Mr Stanhope**: You cost one of your colleagues \$1,000, Dr Foskey.

**DR FOSKEY**: In relation to the matter of public—

**Mr Stanhope:** You cost one of your colleagues \$1,000 on Monday.

**DR FOSKEY:** Chief Minister, I find your behaviour disorderly and unseemly.

*Government members interjecting—*

**MR SPEAKER:** Order, Dr Foskey! Order, everybody!

**DR FOSKEY:** I would actually like to have a higher opinion of your behaviour than that.

**MR SPEAKER:** Order, everybody! Government members will cease interjecting, Dr Foskey, address the question before the House, that is, the motion to suspend the standing orders.

**DR FOSKEY:** Yes, Mr Speaker. I want to support Mrs Dunne. I am a member of the administration and procedures committee and last year the whips and I decided that on private members' day we would not have matters of public importance. This agreement is not in the standing orders.

I am disappointed that it got thrown out the window, and perhaps that is because that whip is absent, but I did ask Ms Porter this morning to remind Mr Gentleman—perhaps he did not know of this arrangement and perhaps she had forgotten it herself—that, as a matter of civility, caucus had agreed not to run matters of public importance on Wednesdays.

We are hearing about the standing orders, but one thing that has changed in this Assembly, apart from, clearly, the impact of majority government, is that we cease our business at 6 o'clock. What we do not get through by 6 o'clock does not happen and then the administration and procedure committee tries to renegotiate our business for the following week. If we are now always going to have proposals to discuss MPIs, and there may have only been one application today—

**Mrs Dunne:** There were two. Ms Porter had one, too.

**DR FOSKEY:** That is interesting. I missed that.

**Mrs Dunne:** The truth will out.

**DR FOSKEY:** Yes, we are finding that, and that is really disappointing. It is one thing for the government to try to build up this claim that the Liberals have got it in for you. That is the game you play. This is all a game in a way. But do not put me in that box. I am passionate about school closures.

*Government members interjecting—*

**DR FOSKEY:** Here we go.

**MR SPEAKER:** Order! Members of the government will cease interjecting. Dr Foskey, direct your comments through the chair.

**DR FOSKEY:** I would like to see a level of civility maintained. For that reason, I support the motion because that was an arrangement that we had.

**MR PRATT** (Brindabella) (3.36): Mr Speaker, one of the bases of the government's position in relation to their approach to this motion is, of course, the alleged denial of a pair to Ms MacDonald on the estimates committee. The estimates committee is one of the most important committee exercises of the entire annual cycle in this place. The government's outrage about the alleged denial of a pair drips with hypocrisy. In this case a member of that committee took off three days before that committee could properly conclude its deliberations—

**MR SPEAKER:** Come to the subject matter.

**MR PRATT:** The committee was misled about what the member's intentions were. The committee was placed in such a position that it was quite right for that committee to deny the pair. For this government to express outrage based on a so-called unfair denial of a pair is just completely wrong. There is no basis for your concern at all. If that is the reason for the stunt we have seen here today, you are way off the mark. You have no right to contrive outrage.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (3.37): Mr Speaker, there was absolutely no justification or basis for refusing Ms MacDonald a pair for Monday.

**Mrs Dunne:** There was no justification or basis to ask for one.

**MR STANHOPE:** Mrs Burke, who was paired with Ms MacDonald—

**Mrs Dunne:** For these sittings this week, not last Friday.

**MR STANHOPE:** was already in New Zealand herself.

**Mr Smyth:** I raise a point of order as to relevance, Mr Speaker.

**Mrs Dunne:** No, she was not.

**MR SPEAKER:** Order, Mrs Dunne!

**Mrs Dunne:** She was here. She went on Sunday.

**Mr Pratt:** She went on Sunday.

**MR STANHOPE:** I am talking about on Monday.

**MR SPEAKER:** Order! Chief Minister, resume your seat for the moment. Mr Smyth has raised a point of order as to relevance. Mrs Dunne went to great lengths to explain why the standing orders needed to be suspended. She also went to great lengths to explain how the arrangements that seem to have gone awry somewhere were the reason why the opposition did not want to listen to Mr Gentleman. I think it is partly both. We cannot get away from it, regrettably.

**MR STANHOPE:** It is a fact that two members, Mrs Burke and Ms MacDonald, are in New Zealand representing this parliament on parliamentary business. The conference started effectively with a function on Sunday evening. Mrs Burke was in New Zealand on Sunday. Ms MacDonald was in New Zealand on Sunday. Ms MacDonald, because of a refusal of a pair, flew back to Australia on Sunday night and returned to New Zealand on Monday night. The exercise cost Ms MacDonald \$1,000.

Dr Foskey talks about civility. I know of no other example in my time in this Assembly where members have quite deliberately taken an action that could have been avoided that cost another member, a colleague, \$1,000. For a member of this place to look at a political opponent across the chamber and say, “You are my political opponent. I have the capacity”—

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

Question resolved in the negative, with the concurrence of an absolute majority.

### **Discussion of matter of public importance**

**MR GENTLEMAN** (Brindabella) (3.40): Thank you Mr Speaker. As I was saying, I rise today to speak on a matter of public importance—

**MR SPEAKER:** Order, Mr Gentleman! I regret to inform you your time has expired. The clock runs while the debate about the suspension of standing orders continues. So your time has expired.

**MRS DUNNE** (Ginninderra) (3.40): Thank you, Mr Speaker. The Liberal opposition and the crossbench will be boycotting this matter of public importance so that we can get on with the business of the day.

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (3.40): It is extraordinary, Mr Speaker, that the opposition are not interested in investing in early childhood development because that is what this matter of public importance today is about. It only highlights the hypocrisy and the neglect that we see from those opposite. They are completely uninterested in discussing issues of importance to our community, such as early childhood development.

That is what this MPI is about today—early childhood development. It is one of the most important investments any community can make. In fact, there are many areas that this MPI should cover, and some of those include the investment that this government has undertaken in the development of child and family centres in Canberra. These centres have a vitally important role ensuring the health and wellbeing of Canberra’s children

and the collaborative approach that underpins this work, including linkages with specialist care and protection services.

It is quite extraordinary that at a time when it is well recognised nationally and internationally that early investment in the health and physical, social and emotional wellbeing of children is vital to their success as adults and to their ability to participate as citizens the Liberal Party would walk away from such a discussion after taking the churlish view that they did not want to talk about this. There are lots of things in parliament that we do not like to talk about, but we have got to because we are elected representatives and we have got to engage in the discussion. Clearly, that is not something that the Liberal Party is prepared to do today. I would say that it is a cowardly act on the part of the Liberal Party, an absolutely cowardly and childish act.

Mr Speaker, this government's investment in early childhood development, in putting the child first, goes much further. It is worth highlighting to members the outstanding outcomes being achieved by our professionals in disability and therapy services in the Department of Disability, Housing and Community Services. Again, this is an area in which it would appear the Liberals are completely uninterested.

These services are increasingly coordinated, both within the department and with other government agencies and community-based organisations. In 2004, the gap in service provision for children who have a disability was highlighted in the Vardon report, which in part reviewed the safety of children in care in the ACT. Perhaps this is the reason the Liberal Party is not interested in discussing these issues. It is not interested in talking about the fact that in government they completely failed to provide for the safety of children in care in the ACT, which led to massive investments by this government to address that issue.

Three divisions of the Department of Disability, Housing and Community Services respond in some ways to the needs of children with disabilities. Disability ACT provides respite services, Therapy ACT provides therapeutic intervention and the Office of Children, Youth and Family Support intervenes when care and protection issues are identified. For most children the responses are effective and appropriate. But for a very small number of families caring for children with high and complex needs, these responses still require more work.

For a variety of reasons some families have felt they have no option but to relinquish the care of their child to the government. Most of the children who fall within this category have a combination of disability and other issues, including challenging behaviours that place themselves, their siblings and their parents at risk of harm.

In 2005-06, the ACT government allocated \$1.7 million over four years to establish a new response to family need. This is known as the family-centred flexible intensive response model. The model was developed by a steering committee that had representatives from Disability ACT, the Office of Children, Youth and Family Support, Therapy ACT and the Client Guardian Forum. The new service will target ACT children and young people between 10 and 20 years with any type of disability and high and complex needs.

Using an approach based on developing individual strengths, the service's primary objective is to create the circumstances where a family can continue to care for their child and the child can continue to live in the community. The service will work with only 10 families at a time and in such a way as to ensure that at program end the outcomes are sustainable. This means establishing substantial support arrangements and networks for families.

There are a number of key features of this model. Firstly, it provides an intensive six-month period of direct support into the family home with a further six months reduced support, if required. The interventions are developed with the family and take into account the needs and circumstances of each individual in the family, not just the young person with a disability. Disability ACT and the service provider will share the government's responsibility for intake to the service, as well as the process of review and movement through the service.

Finally, the model includes a comprehensive evaluation strategy that will be developed with a tertiary institution. This will monitor and document service outcomes, review the service model and produce reliable data to support its development and growth in accordance with community need. FABRIC, a highly regarded family-based respite care provider with expertise in working with children and young people with disabilities, was recently announced as the successful provider of the service following an open tender process.

This is a very important initiative and one that holds great hope for enhancing the care and development of young people with disabilities who have high and complex needs. The government and, certainly, I applaud those involved in developing this model for their obvious dedication to the young people that they serve.

Disability ACT's sister agency, Therapy ACT, is also deeply involved in service provision to young people with disabilities and development delays. In recent years there has been considerable focus on the issue of autism spectrum disorder and a rapid rise in demand for autism assessment in the territory. This rise in demand has been made apparent to me recently with the diagnosis of a friend's son with Asperger's autism.

In its 2004-05 budget, the government provided \$1.63 million over four years to expand the autism assessment services provided by the government. A multidisciplinary team has been established, as well as a program of expanded assistance to families with children newly diagnosed with autism. Specifically, the team provides family support, both prior to and following assessment, by means of individual counselling, as well as group information, training and network sessions to assist parents to better understand autism. Importantly, the service has been able to reduce the waiting time for assessment from 18 to 20 months and 150 clients to two to three months with five to 10 clients. That is a real achievement in helping those families with children with autism.

Again, it just beggars belief that the Liberal Party has stated in this place that they will not engage in the debate on such important issues. They are not interested in talking about the issue, as they have said today. They do not believe it is important to talk about it today. They do not think that supporting families with autism is important. They do not think that these issues deserve assessment and discussion in this place. They clearly do

not care about those families with autism because they are not prepared to engage in the debate. They are not prepared to talk about it today. They are not prepared to say what their position is on providing support for children with autism and their families. Where is their policy, Mr Speaker? Where is their commitment to talking about, discussing and supporting this very, very important issue of children and autism?

Indeed, where is the Greens' commitment on this issue? Where is their preparedness to stand up in this place and put these issues on the record? We have given them the opportunity today. Issues surrounding autism and assistance for children with developmental conditions are on the agenda. This is the matter for discussion today, and where are the Liberal Party and the Greens? They have left the chamber, Mr Speaker. They are not interested in talking about these very, very important issues.

**Mrs Dunne:** So is Mick Gentleman. Mr Gentleman was not interested either.

**MR CORBELL:** He is not here because your attempt to shut him down meant that his time ran out without his being able to utter a word. Mr Speaker, to ensure that children are assessed as soon as possible, new processes have also been implemented to ensure that all of the pre-assessment documentation is undertaken before a child is placed on the waiting list. This entails, for example, hearing, cognitive and medical assessments and through this documentation allows for the screening of issues and provides advice to the team on specific areas that need to be observed and assessed.

Mr Speaker, I would like to congratulate Mr Gentleman for putting this issue on the agenda of the Assembly today. He obviously has a commitment to, and cares about, providing services to families and children, especially those children with developmental conditions that would otherwise hinder their ability to participate in our community and to have a healthy, happy and engaging childhood.

But I am deeply disappointed that the Liberal Party and the Greens have decided to boycott this discussion today on some churlish, petty political point when they could have been making a real and meaningful contribution on the issue of supporting and providing for a proper investment in early childhood development. That is what the matter of public importance on the notice paper here today is about. It is a real pity that they have chosen not to engage in this debate today. These issues are important to the government. They are important to Labor and we will continue to invest in them.

**MS GALLAGHER** (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (3.51): Like my colleague Mr Corbell, I am very pleased to be able to speak to this matter of public importance today, specifically about the government's investment in and commitment to early childhood development. I am going to focus my comments largely around the recently established child and family centres.

There is not a better example of our commitment to early childhood development than the creation of the child and family centres. The centres were a flagship commitment of the social plan and they were conceived from our ambition to create a community that supports and protects children and allows them to grow, learn, develop and thrive.

The purpose-built Gungahlin Child and Family Centre was modelled on the successful Lyons Recovery Centre used after the bushfires where a whole range of services gathered at the Lyons primary school and opened their services to support families who had been affected by the bushfire. As a result of the feedback of the success of that model for families, the government took it one step further and looked at how to provide a similar type of model targeted to young people and families with young children across Canberra.

The logical place to start that, of course, was in Gungahlin where we have large amounts of young children. That is where the most of our young families are and certainly where the pressure around services for children was being felt. The purpose-built child and family centre was officially opened in May this year. However, for about a year before that, the Gungahlin Child and Family Centre's staff were offering services from a temporary facility at Gungahlin and providing outreach services whilst that purpose-built child and family centre was being constructed.

In Tuggeranong, outreach and other services have also been established and last month it was a great pleasure, again, to turn the first sod for the construction of the Tuggeranong facility, just as I had done for the Gungahlin facility about a year before. Both child and family centres have three areas of focus: child and family support, community partnerships and community development and education. As we know, the early years, particularly the first three years, are critical for the future development of health, behaviour and learning. We know that investment in the wellbeing of infants and young children delivers long-term benefits to our community. In the 2004-05 budget the government provided more \$11 million for the construction of two child and family centres, as well as providing substantial recurrent funding to both centres. They are certainly demonstrating already that this is money that has been very well spent.

Mr Speaker, what makes the work of these centres so effective is their strong grounding in the local community, including the relationships they are developing with local businesses and clubs. Certainly many of the Gungahlin shops are supporting the Gungahlin Child and Family Centre. They are sponsoring events and sponsoring playgroups, paint and play, as an example, to allow for further services to be provided in addition to the one the government is already funding.

The centre at Gungahlin has already reached more than 8,000 residents, both as direct clients and through its community development and community education activities. Over a relatively short period, and working from its temporary headquarters, the Tuggeranong Child and Family Centre has interacted with more than 2,000 families.

So what do the centres provide? Simply, they enable families to seek assistance with child health and parenting issues from one central location. A team of health and community development professionals work at the centres. They include social workers, psychologists, child and maternal health nurses, speech pathologists and early childhood educators.

The centres offer a warm and welcoming environment and encourage parents to seek assistance early with any child-health or parenting issues they may have, including behaviour issues. I think that one of the most positive aspects of the child and family



centres is that what we are trying to do is target families that are in need, but not using the old welfare-type model or an interventionist model, which could often scare families in need away. It is a very normal, mainstream service. Anyone can come in and, as we have already seen, many have.

It is through that process of being mainstreamed, attending a playgroup, having a chat with a counsellor and getting some information about what other services there are that professionals can engage with families. Often they find that the families are in need of other services and in need of other support. One of our key strategies in relation to early intervention is to make sure that we are getting to families in need, that we are intervening before the crisis and making sure that we do not then see these children, through any level of intervention, including a high level intervention, entering our care and protection system. These are the areas where I hope over time these centres will deliver.

We already know that they are welcomed in the local community. We know people are using them. We are getting in touch with the kids. We are finding children who need a bit of extra support or families who need a bit of extra information, and they are getting that from these centres and from the professionals working with them. I would like to congratulate staff involved in the centres. Again, when you run a new model, the success of running that new model is dependent on the staff that deliver it. They are the ones that make it a success. We can provide all the money and the ideas that government needs to provide, but at the end of the day it is the staff that are working at those centres that make it a success and make sure that families keep coming back.

Parents are encouraged to drop in and talk with qualified child and family professionals, or attend one of the numerous free programs they offer in partnership with a range of government and non-government agencies. In Tuggeranong, for example, programs already include the over-the-trolley program, where centre staff can interact with parents at local shopping centres. There is also a young parents support group, which is a partnership between the centre, the YWCA and the department of education.

As I mentioned before, paint and play at Richardson is highly popular. It enables kids to paint, do puzzles and play games while parents can chat and get to know other parents. Parent paint and play is a result of a partnership between the department of education, Tuggeranong Link, Communities@Work and sport and recreation's kids-at-play bus.

At Gungahlin, Dr John Irving, one of Australia's leading child psychologists, has addressed more than 100 local parents at each session that the centre convened on the topics of fathering boys, starting school and parenthood and the first 12 months. On a broader but equally important level, the Tuggeranong Child and Family Centre is participating in the national healthy start project in partnership with the Marymead Child and Family Centre. Healthy start is a program for parents with learning difficulties sponsored by the Australian government under its strengthening families program. Participating centres will be providing the information for the national evaluation of this program.

Assisting at risk families and those facing disadvantage is an important focus of the work of child and family centres. In this regard they can deliver services directly or coordinate another service's response, if required. The centres operate on a collaborative model.

They coordinate existing services and can provide fully integrated case management on a whole-of-government basis. This puts them at the forefront of the move to a collaborative practice in the provision of human services, particularly to clients with complex needs.

In conclusion, and by way of example, I refer to the groundbreaking work being undertaken by the child and family centres and the child protection services in the Office of Children, Youth and Family Support. Recent child deaths in the ACT have put a focus on prevention and early intervention services in the ACT, specifically for children in the nought to two years of age group.

A pilot project is under way that aims to implement an early intervention model for working with high risk and vulnerable children and their families who have come to the attention of care and protection services. It is a voluntary program for families. High risk and vulnerable children are defined as children under the age of two whose personal safety may be compromised by a range of individuals, as well as a range of parental, social, psychological and structural factors. These factors may include: children in families that have experienced domestic violence; parents with postnatal depression; parents with mental health illness and/or drug and alcohol addictions and parents and families that are isolated. Issues with regard to the safety of children in the care of their parents will be discussed openly and respectfully.

The pilot will attempt to provide a seamless service to families based on the guiding principles of the children's plan, that is, principles of prevention and early intervention, with a focus that is child centred, family and community focused, collaboratively and well coordinated, strength and evidence based and inclusive and accountable. The child and family centres represent only one aspect of this government's commitment to early childhood development. However, they and their staff are at the leading edge of health and early intervention services and are making a major contribution to the health and wellbeing to the children and their families in the ACT.

**MR SPEAKER:** The discussion is concluded.

## **Members—code of conduct**

**MR CORBELL** (Molonglo—Attorney-General, Minister for Police and Emergency Services and Minister for Planning) (4.02): Before Mr Berry moves his motion on the notice paper, I seek leave to move a motion.

Leave granted.

**MR CORBELL:** I move:

That this Assembly:

- (1) notes the provisions of section 15 of the *Australian Capital Territory (Self-Government) Act 1988* relating to conflict of interest and those of standing order 156 which provide that the Assembly may decide how those provisions may be applied;
- (2) notes that Ms Porter has an employment contract with a family member; and

- (3) decides that, notwithstanding Ms Porter's contract, it is in the public interest to allow Ms Porter to participate in any future discussion of a matter, or vote on a question, in relation to the Code of Conduct for Members.

This simply permits Ms Porter to participate in this discussion, notwithstanding the fact that it could, in a very indirect way, be argued that she has an employment contract with a family member that precludes her from participating in the debate. But this allows the Assembly to note that and still allows her to participate in the debate.

Question resolved in the affirmative.

**MR BERRY** (Ginninderra) (16.03): I move:

That the resolution of the Assembly of 25 August 2005 regarding the Code of Conduct for All Members of the Legislative Assembly for the Australian Capital Territory be amended as follows: Omit: "Members should make employment decisions that are in the best interests of the Members and the Assembly. Members are advised to carefully consider the implications of employing persons in close relationships where there may be perceived conflicts of interest.", substitute: "Members should not appoint close relatives to positions in their own offices or any other place of employment where the Member's approval is required."

Members will appreciate that, as Speaker of this Assembly, I have taken a special interest in the code of conduct for members over many years. When elected to the First Assembly in 1989, I was aware, as many were, of the low esteem in which we were held by the community and knew that we would have to work hard to win the respect and trust of our electors. I think that has happened over many years, but there is always the need for improvement. It took us a long time to establish a code of conduct for members. Over a number of Assembly terms, the issue of a code of conduct for members was examined by various committees and options for a code of conduct were proffered.

When I became Speaker in 2001 I worked with the administration and procedure committee to put in place a code of conduct for members. The administration and procedure committee issued a report in August 2004 containing the draft code of conduct and recommended that the Sixth Assembly adopt the code as a resolution of continuing effect. That code was adopted in August last year.

The motion before us today adds to that code and strengthens it. The amendment replaces the advice that members should "carefully consider the implications of employing persons in close relationships where there may be perceived conflicts of interest" with the provision "Members should not appoint close relatives to positions in their own offices or any other place of employment where the Member's approval is required". I believe that this is an important improvement to the code of conduct. In fact, it is a provision that I was keen to see included in the administration and procedure committee report in 2004.

Members have a great deal of power in the exercise of their duties. With this come responsibilities—responsibilities to ensure that taxpayers' funds are spent wisely and in the best interest of the communities that we serve. The code also places an obligation on

members in their role as employers. We each, as employers, oversight or administer a range of matters in relation to our employees; that is, the staff in our offices.

These include the recruitment and selection of staff; determining work value, classification and salary point; assessing employees during probation, providing a safe and healthy workplace—occupational health and safety and of course equity and diversity; access to entitlements such as reimbursement for work-related mobile telephone usage; attendance patterns; overtime; leave; training and development, studies assistance; code of conduct; performance management; discipline; and termination. Each of these matters requires judgment and appropriate decisions. I believe that the best way to demonstrate to the community that we are determined to avoid any perception of a conflict of interest in relation to staffing is to adopt this amendment to the code of conduct for members.

On a number of occasions over the years of the Assembly there have been negative news reports of employment patterns in the Assembly which have included the employment of family members. It should be noted at this point that the Liberal Party has adopted a policy consistent with the amendment I have moved, and more recently so has the Labor Party.

So the time is right to add this incremental improvement in order that this aspect of practice in the Assembly is consistent for executive and non-executive members and that the further standing of this institution is better protected. I urge members to support the motion.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (4.08): I rise to support the proposal moved by Mr Berry on the members code of conduct—a proposal that essentially mirrors the arrangement in relation to employment of staff that applies to members of the executive of the ACT Legislative Assembly. I rise to support it for the reasons that Mr Berry has articulated.

There is one issue in relation to the code and its implementation that I make one comment on—and it is not in contradiction of the essential justification that Mr Berry provides—and I make the point, in relation to any circumstance in which any existing member of staff of a non-executive member would perhaps be proscribed into the future, that there is an issue in relation to the continuing operation of a lawful appointment. That appointment may, consistent with the current arrangement, which was made lawfully, reflect those conditions as they currently stand.

The law recognises, in a whole range of areas, that particular laws or rules should not apply retrospectively but should have prospective application. This particular change to the rules in the code of conduct on employment, on its face, would also apply prospectively. The government supports an understanding that it will apply prospectively but will not have retrospective application and that it will not affect the current employment arrangements of any non-executive member of the Assembly now or into the future in relation to that particular person in the event that there are examples within the Assembly of a person who in the future would perhaps be affected by the application of the rule. The government supports the principle and the philosophy but acknowledges that it is not retrospective, is prospective in application and would apply to those

members of staff of non-executive members currently employed and who may be employed in the future in a continuing sense.

**DR FOSKEY** (Molonglo) (4.10): I rise to support Mr Berry's motion. I had some initial concerns about it. Everyone is aware that there is a situation here where there is a family member employed. But after discussions with Mr Berry yesterday afternoon it is fairly clear that this motion will not impact on that situation. It is good policy, to me. In many societies, employing members of the family makes a lot of sense. One hopes one can trust one's family members and expect them to do the right thing by that obligation.

This is not the approach we have in Western democracies. Here we set store by our codes of conduct and legal responsibility. It is important to the community that they see people acting with transparency and accountability and that they are not beholden to any personal obligations. In our small parliament, which is still trying to find its way—and there are still people out there, I believe, who hold a no self-government view—it is particularly important that we look very much as though we are, as we are, not feathering our own nests. For that reason, I will be supporting the amendment to the code.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (4.12): Mr Berry alluded to the Liberal Party having effectively put in place a very similar provision and a rule which we have been guided by for a couple of years now. I hear what everyone says in relation to this debate. I suppose we had a bit of a concern that, whilst for major parties such as ourselves and the Labor Party this made eminent sense, there may be some problem. Mr Berry has taken the initiative of replacing the present provision with this.

I mention here what Dr Foskey said on that. Some other members of the Assembly—the minor parties or independents—may have some difficulty there, but we certainly have had a position in our party for a couple of years now that we certainly do not appoint close relatives to positions in members offices.

**MR BERRY** (Ginninderra) (4.13), in reply: I thank members for their support.

Question resolved in the affirmative.

## **Education (School Closures Moratorium) Amendment Bill 2006** **Statement by member**

**DR FOSKEY** (Molonglo) (4.14): I seek leave to make an explanation before I present the bill standing in my name on the notice paper.

Leave granted.

**DR FOSKEY:** Obviously, I come before you quite humbly. I want to explain why it took me a moment to get down here. I was planning to eat my lunch in the little lobby, and then I would have been able to come in very quickly. But guess what? There were no chairs. All the chairs were brought down here for the British parliamentary delegation. I sat on the table for a moment. I went upstairs and I missed the call. There was a whole progression of circumstances. Of course, I acknowledge my own fallibility in this, but I felt that it was essential that I had some nourishment before I gave my speech.

## Education (School Closures Moratorium) Amendment Bill 2006

**DR FOSKEY:** I seek leave to present the bill.

Leave granted.

**DR FOSKEY:** I present the bill and its explanatory statement.

Title read by Clerk.

**DR FOSKEY:** I move:

That this bill be agreed to in principle.

Thank you to the Assembly for allowing me to present this bill. My reasons for presenting this bill are partly a response to community demand. There are a lot of school communities that are really supporting this bill. I am sure that many members know that. Secondly, my reasons are pragmatic in that, whilst I might have rather higher hopes for what could happen in this process about discussing public education, I have gone for a bare-bones approach because I believe that, by doing so, I have more chance of support from both sides of the house. Let us face it, this bill needs support from members of the government if it is going to get through. It is rather similar to a motion that was voted upon in the Labor Party conference a little while back.

We have been told that, ever since the budget came down and beforehand, the key problem facing the ACT is the overall lack of government services. The government has commissioned a report that says so and now tells us that the dimensions of this problem are absolutely shocking. However, it has not shown us the report. The more I see prevarication, the more I wonder why.

The underlying problem here is one of trust or, rather, the lack of it. The government was not prepared to bring the wider Canberra community into its confidence. Canberra people are telling me that they do not know what has gone wrong and how. Without the evidence in front of them, they are not inclined to believe what the government is telling them, even if what the government is telling them is the truth. This is something that gets set in motion when trust is lost and doubt enters the equation. People doubt even the truth.

In dealing with the problems highlighted by the secret functional review report, the government has adopted a program of mass reorganisation of government schools, which includes countless changes in structure and amalgamation and the closure of 39 schools and preschools, as in the *Towards 2020* proposal. The *Towards 2020* proposal came as a big surprise to the school communities affected, with the axe hanging over the head of many schools at the most unhelpful time of the year. It involves a massive reorganisation of schools right across the territory.

On the one hand, it has been justified as a cost-saving measure; on the other, it has been promoted as a project to renew the ACT government's school system. Unfortunately, if it is put in place without significant refinement, it is likely to fail on both counts, leaving

behind a demoralised public education system and spiralling costs to cover the adjustment which will need to be met through increasing demand on teachers and by selling off community land in suburbs robbed of their schools. There are challenges facing public education, but questions asked and ministers' and departmental officials' responses at estimates committee hearings indicate that there has been no concerted analysis of those problems and how to address them in the ACT.

One of the challenges Australia-wide, which we are experiencing here, is a shift to non-government schools, which is seen to undermine the viability of government systems. Perhaps we should call that "public schools". That shift has been encouraged by increased federal government funding to the non-government sector and a shift in values towards individual self-interests and away from a social identity. That is a much larger and interesting area to go into, but I cannot afford to do so here.

Furthermore, the increasing mobility of families and the longer working hours taken on by both parents have led some families to make many different choices when it comes to sending their kids to schools. Mr Barr mentioned before the people who drive past their neighbourhood school to go somewhere else. Often, that is to do with the work journey. Schools are being asked to compensate for the time many parents no longer are able to put into their children due to their long hours of working, especially highly motivated parents with demanding jobs. Different choices are being made.

At the same time, the social and educational demands on schools have increased and the lives of young people themselves are more fragmented, busy and, in many cases, more stressful. We have probably all seen Richard Eckersley's research into children and young people today and their levels of stress, their fears, their sadness and their depression. Schools are one way that we can at least make sure they are not finding themselves in that situation. People now expect schools, public or non-public, to ensure that their children learn to manage their behaviour and the many things they need in the world and that the schools keep them fit. This places huge demands on teachers and school managers and is a reason why we need to look at educating for the different needs of the 21st century.

It is reasonable to look for some strategic change for public education and to expect that we would like to make it cheaper rather than more expensive and that it can be attractive to a broad proportion of our population. We do not want our education system to become a residualised system for those students whose parents cannot afford to send them to more expensive, more socially exclusive schools.

In Canberra, the primary schools, the preschools and the secondary colleges have all been seen as strengths but, in the context of our changing society, it is being suggested by independent educationalists, the P&C council, the Australian Education Union, among many informed voices over the past several years, that more innovation and creativity need to be put into high school education. Given that, a plan to close or radically alter a large number of primary schools, to abolish 20 preschools and to play around with the edges of the college system has nothing to do with addressing those key concerns. It is little wonder that so many people simply do not understand what the government is up to. Nor, on the information given to us and to the community, can the argument that this restructuring is driven by the desire to improve educational outcomes be sustained.

A lot of this debate has been configured around small schools. I wish to put on the record here that I do not believe the “big schools, bad; small schools, good” definition, as Mr Barr asserted in his remarks this morning. However, I believe that an argument needs to be mounted for small schools, as the government’s 2020 strategy makes this an explicit reason for closing schools. So it has to be addressed.

Small schools provide substantial benefits to many students, particularly those who are deemed at risk or those with most particular needs and capacities. For many kids who are deemed to be at risk, it is the personal care and supervision that can come with a small school—it does not always come with a small school but it can more easily—that gives them, then, the security of place that they need, that they feel safe there and that they know there are people who care about them. That is what keeps many kids going to school.

I was very concerned to see the high level of indigenous children in some of the schools that are slated for closure and the concern that teachers have that they are not going to do those extra yards to get to the next school. Rivett school argues very eloquently for the integration of children with special needs. Having all schools big and busy is not the best thing for all students.

It is also true that combined classes across age range can help some kids, that the connection that comes from working across ages does bring its own rewards in primary school and in high school. The kids in smaller schools argue that they find the environment less bitchy, more inclusive and more tolerant. I have heard that said in my visits to schools.

We should also understand why there are differences in school sizes. In the competitive school environment of the past 10 years, some schools have given themselves an edge by marketing gifted and talented programs usually to middle-class parents but obviously aspirational parents who are not middle class but who want their kids to have more opportunities than they might have had. This has led to the growth of some government schools at the expense of others.

Furthermore, it is quite wrong to presume that young students with particular gifts and talents need a larger setting to flourish. Gifted and talented students need, more than anything, to have those gifts recognised and extended. This is more likely to occur in the setting where teachers can get to know the student individually and holistically, to know that person’s background and the extra input they need at the school to help them develop that skill and that talent. This has certainly happened in my children’s schools.

The continual assertion that small schools make for poorer education is a classic Howardism: the continual repetition of an untrue statement in order to establish it as uncontested fact in support of an ideological position. It can work very well as a way of dividing communities. It is true that the family-community approach of smaller schools might not suit all teachers. They are usually less institutional and require a more flexible approach to students and to their families than larger, more conventional schools. This can be a strength to communities but perhaps is less welcomed by departments.



It is also true that the pay is less for principals at smaller schools and that principals have an economic benefit as a school gets larger. That could be one of the reasons why we have seen the changes to the government schools over the past years. It might reflect weaknesses in the school-based management system. The school-based management system has not always delivered better education to the wide range of students.

Nonetheless, I would like to argue in favour of diversity within the system. The minister for education seems to have noticed that the cooperative school in O'Connor is a highly successful early childhood school with an extensive waiting list. But has he noticed that its success is not simply a product of the age of the students, that it reflects the scale of the school—it is small—and the high degree of parental involvement? Ironically, the 2020 plan for the O'Connor cooperative school might erode this very strength which is very much because of parents' involvement and commitment. Another form of gloss in the *Towards 2020* proposal is that it uses the co-op school's success to make much of its plan to establish early education centres out of other existing schools but does not support the scale or the management model of the co-op school which contributes so much to that success.

One of the key areas of contention for school communities is the notion of empty desks and the method by which excess capacity is being calculated. This is significant because the public description of schools being at 23 or 45 per cent capacity is a powerful way to suggest that the community and its school are bludging off the rest of the community. It was a deliberate, considered strategy to assess the capacity of those schools in the firing line along a 1970s formula of students per square metre. It was an easy way of whipping up some numbers in a hurry that could be compared but it is, and it was, inaccurate, unhelpful, upsetting and unfair.

Similarly, the average cost of educating students—\$18,000 per annum in a small school, when \$12,000 is a more accurate figure; and the average cost of a student at a larger school of \$8,000 rather than \$9,000—is part of a campaign to falsely represent the cost to the community and to unfairly attack small schools, their communities and their students. It is a mean, personalised attack. When you look at where those schools are that are under attack, who the students are that go there and who the families are that are part of those school communities, it is an attack on some of Canberra's poorest, most marginalised people.

The schools plan is unfair and inequitable, and Labor Party members should be ashamed of it. Indeed, many of them are. We know from the estimates process that there was no attempt to assess the risks of choosing this shock-and-awe approach. By nominating a number of schools and preschools for shutting down while at the same time promising a consultation process that gave the people a sense that their school might not be closed, the government has sown uncertainty and doubt into the minds of staff, students and parents. The time for enrolling for students, for parents and for schools is not after 9 December, when the government hands down its decisions; it is in July, August and September.

Those schools for the axe are already losing enrolments due to the threat. I must say, in light of this, Dickson college's increased enrolment of 200 indicates the strength of that school, though they believe, from their surveys, they have lost 50 or 60 enrolments. For

some of these schools, it was a kiss of death, or almost. Given the disruption that the plan offers the whole public system, one can only presume that the non-government sector is getting many of those extra enrolments from those families that can afford to choose.

I feel sorry for the ACT department staff who care about education and who have to impose this half-baked plan on teachers, children and families, especially seeing as they are about to lose a very significant number of people in the department. There will be fewer people to do a lot more work.

What might well be particularly distressing is that the department and the previous minister seem to be quite a long way down the path of a much more considered process which was called *Education 2010*. As Mr Barr mentioned, there are a series of seminars starting next week on shaping the future of public education that were part of that original plan. I wonder how much they had to change to fit the 2020 process rather than the 2010. It is ironic and frustrating that a community engagement process such as this should be overwhelmed by a slash-and-burn strategy which may result in a flight from government schools by many of the more motivated parents whose input is so important to our schools.

We should bear in mind that staff in the department and teachers throughout the system have been working on a new curriculum framework which has been welcomed by all sectors of education in the ACT. But I am worried about the ability of schools to implement that under these cuts and threatened closures. There have been many bitter jokes made that the government had planned ahead for these changes by putting money aside for a jail and choosing to neglect the kids who might end up in it. Yes, early childhood intervention is important, but our schools are the places where we have the chance to intervene in children's and families' lives. Especially for those children who are at risk, schools are incredibly important.

One of the things that are not being noticed, because there is no social impact analysis, is that what is being left out is the role those schools play in community development. I visited schools where parents are an integral part of the way that school runs. I met a principal who said that she has a program of empowerment of a lot of those parents who come in. They are not brave. A lot of people have had bad school experiences. Getting them into a school in the first place is difficult enough. Let us acknowledge the role that schools play. Some communities really do not have any other institution where people can meet and gather, and that is particularly so in those disadvantaged areas. Of course, there are issues about fitness and wellbeing.

I have a question, finally, on the vision in 2020. What is the world going to look like then? We already know that it is going to be harder and harder for people to drive their cars. We know that in some cities they are already making that adaptation back to the neighbourhood plan that Mr Corbell decried both yesterday and this morning. We are going to need to go back there half foolish if we cut off our options now and close and then sell schools, which means there is no turning back.

We have to have a 2020 vision. Where are the studies that look at Canberra in 2020 to justify this? We have got old demography statistics; we have not even got up-to-date statistics, as the Chifley community showed us. People want a revision. If people had been asked, they would have said that education mattered to them; health matters;

education matters. They would not have chosen for the guillotine of this budget to come down on the very thing that makes Canberra a very attractive city. Why else would we have it on the web site? To attract people to come from Sydney to Canberra. Education is what makes Canberra what it is. People are our main resource. We are a service economy, and here we are cutting this investment in our young people.

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

## **Education—international students**

**MS PORTER** (Ginninderra) (4.36): I move:

That this Assembly recognises that:

- (1) international students at ACT tertiary institutions make a valuable contribution to campus life and to the broader ACT community; and
- (2) student organisations provide invaluable support for international students in fostering a positive educational and cultural experience.

Australia is currently hosting more than 140,000 international university students, around 4,000 of whom call Canberra home. The flow of international students into our universities has continued to increase over the past years despite constant predictions that numbers will falter. According to the Department of Education, Science and Training, international students contribute annually around \$7.5 billion in export earnings to our country's economy. This makes international education Australia's third largest service export industry. However, the students and the staff at the Australian National University and the University of Canberra know that the most valuable advantages gained from international students living in our city are not economic. The social and cultural benefits from campus life, and indeed the broader Canberra community, are immeasurable.

The international students studying at the ANU and the University of Canberra gain first-class qualifications from the time they spend at these institutions. But these two institutions also gain something from international students who study there. International students bring a fresh perspective to their study, which enriches the experience of domestic students and staff. The interactive nature of tutorial classes at our universities is one example of the unique contribution that international students make to the learning environment. Consider how a political science class studying the nature of capitalism is enhanced by the presence of students from China, a nation only just emerging from its communist history, or how a student from Malaysia can bring another level of understanding to the economic phenomenon of the "Asian tigers". Imagine a comparative constitutional law course to which an American student brings distinctive practical knowledge that Australian students would not otherwise have. This is the worldwide perspective that is now standard in our university classrooms and our students are all the better for it.

These cross-cultural experiences extend far beyond the classroom into everyday campus life. I had an enjoyable experience earlier this year of attending, with my colleague the Minister for Multicultural Affairs, Mr John Hargreaves, the ACT National Union of Students Harmony Day celebrations. It was a day of cultural dance, food, music and

speeches and also a wonderful opportunity for Australians and the international students to mix in a social environment. I was particularly encouraged to see the “interfaith barbecue” being run, where halal, kosher and vegetarian options were all available.

Helen Keller said that the highest result of education is tolerance. Well, here in the Canberra university community students and staff are moving beyond the simplistic notion of tolerance to truly celebrate their cultural diversity, and I congratulate them all on it as I believe the concept of tolerance is redundant in the city of Canberra where “understanding” is the important focus. To tolerate someone or something is to bear it, to put up with it, to endure it, to stand it. The diversity of culture in Canberra, which is so enriched by the international student community, is not something that Canberrans tolerate but something we should both understand and embrace. The increasing globalised nature of the world means that multiculturalism is here to stay, and I would like to see all Canberrans follow the example of our university students and celebrate, not tolerate, the diverse nature of our city. I think we are very lucky that this is in fact acted out on a daily basis in our city.

I am here today not only to highlight the important contribution made to our community by international students but also to recognise the invaluable role played by student organisations in providing support for international students. The National Liaison Committee for International Students in Australia, the NLC, is the peak representative body for international students in Australia and it works in conjunction with the National Union of Students. This committee does wonderful work in seeking to represent international students on a national level by lobbying for improved living standards, better quality education and enhanced international student welfare. The NLC has seven branches around the country, including an extremely successful one here in the ACT. It is the role of our universities to provide a positive educational experience for international students. However, it is the wonderful student organisations at the ANU and the University of Canberra that provide rich social and cultural experiences for international students.

I want to tell the people in this place a little bit about the wonderful work done by the ANU and UC student associations in supporting university students who come from overseas. Following a series of discussions, the Australian National University Students Association recently identified that international students often struggle to fully participate in the Western educational context. Voicing an opinion in a university setting in your second language is understandably a daunting experience. As a result, the ANU Students Association has launched a series of English conversational classes in which Australian student volunteers work with international students to increase conversational skills. This is a wonderful initiative as it fosters both learning and friendship between international and Australian students.

Both of the Canberra universities provide mentors for new students and this service is being overwhelmingly accessed by international students. New students are assigned a mentor who helps them with signing up for classes, accessing student email, understanding the library system and much more. I can remember that my first day at university as a mature age student was a daunting experience in that I was confronted by an array of information which I did not quite understand when I was signing up for my classes. We must have empathy with our international students who must find that even more daunting. Mentors usually share a similar field of study to the new student and so

can provide practical advice about course choices and study. Importantly, mentors are often involved in helping students settle into Canberra, which I am told involves passing on key information like where to get the best coffee on campus and what time the uni bar closes!

Both ANU and UC student associations have international student officers who help organise various events for international students and represent international student concerns on student councils. These officers are vital in ensuring that the welfare of international students is cared for and providing fundamental services like organising visa information for them.

I am sorry to say that it is likely that international student numbers may decrease in coming years. What is even more disappointing is that these welfare support services are under threat. The Howard government's voluntary student unionism laws have taken effect this university semester and may totally undermine campus life. However, these laws will not just hurt Australian students—they will also undermine the vital services I have mentioned which international students rely on.

Statistics from the Department of Education, Science and Training show that the number of international students enrolled between 1997 and 2002 in Western Australia was significantly lower than throughout the rest of Australia. The national liaison committee believes that these numbers show a negative growth in the industry that was directly attributable to the introduction of VSU in Western Australia at that time. Indeed, during debate before these detrimental laws were introduced, the Australian Vice-Chancellors Committee warned that VSU would deter international students. Australian Vice-Chancellors Committee CEO John Mullarvey has warned:

Making student association payments voluntary will lead to the certain demise of many students services, and for international students who rely upon the services that are available during their time of study in Australia, this could be detrimental.

Mr Mullarvey went on to say:

If student services are no longer available, studying in Australia will become increasingly difficult and an unattractive option to international students.

I remain at a loss as to why the Howard government chose to implement this voluntary student unionism legislation. There has been much debate on this issue, and the damage to domestic student welfare and the university experience has been highlighted time and time again. I feel that by introducing VSU the Howard government has done a great disservice to the international students who study in this country.

As I have already said, international education injects about \$7.5 billion into the Australian economy each year, and yet the international students of the ACT are having services which they both need and deserve stripped away. International students need the educational assistance provided by student organisations in the form of tutors and English conversational classes like those I have just mentioned. International students need the social interaction with Australian students provided by the student mentors and campus events like Harmony Day. International students need the cultural support provided by international student officers and cultural clubs on campuses, and

international students need the national representation provided by the national liaison committee and the National Union of Students.

Today I have spoken about the immense contribution to our community made by international students. I have spoken about the wonderful support provided to these students by the ANU and UC student associations. I have also spoken about the threat that these support services face. Nelson Mandela has said that education is the most powerful weapon which you can use to change the world. I hope that Australian and international students of the ACT use their educational experience to encourage change so that all Canberrans embrace and celebrate multiculturalism. I hope that these students will recognise the value of their student organisations and continue to support them in the future.

I hope that despite the immense setback of VSU, international students will continue to come and study in Canberra and that our universities will continue to provide them with the rich educational experiences that they so thoroughly deserve. I know that we would welcome this.

**DR FOSKEY** (Molonglo) (4.49): I would like to speak briefly about this topic. As someone who has had experience teaching international students at a tertiary institution, I am aware of the other side of the issue where it is not all lovely and shiny. It is wonderful that we have students here from all over the world. We have students who come from Europe, usually, of course, on a very short-term exchange basis, but we have many more fee paying students who come from other parts of our own region.

I think that welcoming international students is wonderful and important. It makes our own universities and the lives of Australian students richer. But it is not good when universities have to have international students because they need the income that they provide. I hope there is an attempt to find a balance in respect of the desire of governments to take in full fee paying students. I heard today that some degree courses cost in excess of \$200,000 to complete. I am sure that there are many people here who could not afford to pay that sort of money for their children. We, of course, are in the privileged section of society. However, we must realise that many of the families of these international students can hardly afford the fees. But they have made the choice to invest in their children because they value education so much. They recognise, as we do, that education is the way by which people are able to move from their situation into, hopefully, a better life with a job that is of more interest to them and with a higher income. Certainly, education has been my path through life. I belong to a family with four children and none of us would have gone to university if there had not been government scholarships at the time. I fear that it will not be so easy for my daughter.

In the broader context, the fantastic ANU and the University of Canberra do a reasonably good job of providing services for international students but often such students need a lot more pastoral care than our universities are capable of offering them. I think unless these students belong to a cohort, live in a college where there is care, or—this is a bit like the school children I was talking about before—interact with people in a holistic way, they can fall through the net. From what I have seen, I think emotional and mental issues are of real concern to many of those students. We all know that in university you are meant to work out for yourself that you need help and go looking for it. People are not wandering around and seeing who is need.

University organisations have expressed a concern that, because international students have to live in a university and have no home to go to, the university has to provide them with everything they need. They rely more on facilities provided by the university than do local students. They have to stay on campus during their holidays and they are very unlikely to know about all the events in Canberra that they could be attending to broaden their lives. So perhaps there is a role for the ACT government in trying to increase the interaction between the university and the ACT community. My own experience since I became an MLA is that it is very hard to find a student at the ANU who reads the *Canberra Times*, for instance. So they are not likely to know much about what is going on here and what is available for international students. Friendly societies and the different international groups could make more effort to help students who live on campus.

As Ms Porter mentioned, the voluntary students union bill has impacted on those people who rely on university facilities just to have any life at all. Ethno-cultural clubs on campus are no longer receiving any assistance. I think there have been issues around food. I believe that there was an issue around the supply of halal food at some of the residences at the ANU. While there might be good vegetarian options at the colleges—and certainly most of them now have fantastic food—they need to go that extra mile to provide the appropriate diet for students from Muslim families.

This is one of those topics that the ACT government cannot really do a lot about. I have mentioned a few things. There are initiatives that we could take but, on the whole, I do not know that it is a burning issue for us here. Perhaps there could be a pat on the back for us somewhere—usually these kinds of motions are about that. But in this case the ACT government could consider the needs of non-English-speaking background students and think about accommodation. I am aware that international students who live in the so-called affordable accommodation in City West require a fairly large weekly allowance to enable them to pay their rent. We also need to watch that student residences are not privatised because if they are they will be run for profit and not so much as a service. So there are issues here for the ACT government to consider.

**MRS DUNNE** (Ginninderra) (4.57): As Ms Porter has said, international students make a significant contribution to our community and to our tertiary institutions. However, I take the point that Dr Foskey makes: there is little that the ACT government can do in relation to that. I therefore question the usefulness and the utility of the motion that is now before us. Much could be said about what the ACT government might do to foster international students. Many of the issues that arise when people come to university could be circumvented if international students were already used to the ACT system and to Canberra. I think one of the failings of successive governments is that we have not been all that switched on to encouraging foreign students to come here in their later years of high school in order to make their transition to studying at tertiary institutions an easier one.

I am a great advocate of the economic utility of encouraging students to study here. There are many people, especially in Asian countries, who do not have the opportunity of studying at high quality institutions because there is so much demand for them. We offer high quality education through our schooling system, our tertiary institutions and the CIT. If we are to provide better services, we need more students so that those

services can be better delivered. We should be working together to encourage more students to go into our colleges and our CIT—areas in which we can actually do something.

I think that Ms Porter's motion is well intentioned but it does not go the whole hog. I would be happy on another occasion to debate and discuss the benefits of international students for our economy and for our education system.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (5.00): I commend Ms Porter on the motion and confirm the government's view that international students do play a vital role in the life of our tertiary institutions and the broader ACT community. The Canberra community is fortunate to have access to a wide choice of institutions in which to pursue further education. We are served by four universities and three vocational education and training institutions. In 2004 there were 4,797 overseas students studying at ACT tertiary institutions, and this represents a significant involvement in the educational, economic and cultural life of our community.

The Australian National University and the University of Canberra accounted for the bulk of enrolments, with 2,739 and 1,950 students respectively. These enrolments confirm the esteem in which Canberra's universities are regarded by the international community. Overseas students accounted for 19 per cent of total enrolments at the University of Canberra and 21 per cent at the ANU. The most recent figures available for 2003 indicate that the greatest proportion of overseas students enrolled in the ACT came from China and Hong Kong, 31 per cent, followed by Thailand, seven per cent, and Singapore, six per cent.

International students are vital to the intellectual and cultural life of our tertiary institutions. International students assist Canberrans to develop intercultural understandings and skills. They allow our local students to engage with and understand different modes of thought and different approaches to education. Interacting with international students promotes cross-cultural awareness in all students and it enhances their understanding and respect for the languages and heritages of others and encourages the use of cultural diversity as a resource.

Students are given a framework for all students to examine and appreciate their own cultural backgrounds, how cultures operate and the role that individuals and groups play in the creation and interpretation of culture. By learning together with students from other cultures our students realise that they need to challenge the basis of their assumed knowledge to understand how much of what they know is based on bias and how much is based on fact. In doing so, they learn to think more broadly and more creatively. By helping international students to engage with campus and community life in Australia, local students also gain a greater appreciation of what it means to be Australian and the values and freedoms that we hold so dear in this country. By thinking critically about our society, our students are in a better position to consider how their own studies can lead to future careers that contribute to community life as a whole.

It is worth noting that international students also make a valuable contribution to the ACT economy. In 2005 fee paying overseas students made contributions totalling close to \$16 million at the University of Canberra and close to \$35 million at the ANU.



Nationally in 2002, as Ms Porter indicated, overseas students provided \$2.7 billion or 13 per cent of all revenue to Australia's higher education providers.

Knowledge-based industries are vital to Canberra's future economic growth. With our internationally esteemed universities and research institutions, we are in a very strong position to capitalise on our strengths in education and innovation. The future will be information and technology rich and the government is committed to supporting our knowledge future in order to generate new and creative industries that will lead Canberra's economic development.

International students are a great strength of the intellectual and cultural life of our community and, as such, they are an important part of Canberra's future. Of course, sometimes things do not go well for students, be they international or domestic, and that is when student organisations have kicked in and done their bit to assist. Student organisations across the ACT provide services ranging from childcare to university bars. But perhaps most important, they provide advocacy and support when students get into trouble.

I was recently fortunate to be given the opportunity to open the University of Canberra Students Association's new offices and I would note they are very impressive. I would encourage all members of the Assembly to join as a friend of the students association and support the useful work that they do. The UC Students Association has a history of standing up for international students, both those studying on the Bruce campus and those students studying offshore at UC's partner institutions across South-East Asia. The work the UCSA does in supporting international students is impressive. It supports an international officer and participates in events throughout the year to assist in integrating international students into university community life, and it stands up for the ongoing quality for all students at UC.

Student organisations are also important for all students, but particularly those who find themselves in trouble a long way from home. I commend the University of Canberra Students Association on the work they have done in upgrading their services and facilities to serve their members better. I would also like to place on record my appreciation for the work done by the ANU Students Association in assisting their members. Let us hope that all these important organisations can survive the new environment they find themselves in and can continue to work with our international students and universities to ensure a complete experience for all our students.

**MS GALLAGHER** (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (5.05): As members will be aware, the value of international students studying in the ACT is significant not only in terms of income for local universities but also for the broader contribution they make to our economy and our community. In the area of health, where the ACT faces significant skill shortages, particularly in the provision of GP services, we are trying to attract more international students. International medical student admissions are in addition to the domestic allocation and do not impinge on domestic admissions. The same admission criteria apply to both international and domestic students. Currently the ANU medical school has approximately eight international students studying within it.

Recruitment activities are ongoing and primarily focus on Canada. These activities in Canada include attending a "study abroad" fair. ACT Health's web site has been updated to provide information for overseas recruitment. I hope that more students come to study health and allied health programs here in the ACT to assist us in dealing with the skill shortages that not only we are experiencing here but also are being experienced across the country and, indeed, internationally. We need to ensure that we continue to be an attractive place for students to come to.

I think our contribution of around \$14 million in the recently opened ANU medical school at the Canberra Hospital and the Calvary campus, which I opened earlier this year, will assist us in attracting medical students to the ACT for study. Hopefully, once they have finished their degree, they will make the decision to continue working in the ACT. I should say that our first graduates coming out of the ANU medical school will finish next year. We will also take in our final-year students. We have also recently seen additional graduates in our physiotherapy area, and Allied Health is due to finish in December this year the work that is being done on the purpose-built building at UCan. So, again, there have been significant areas of investment by this government to make sure that we are attracting international students to the ACT.

This motion points out that student organisations continue to provide invaluable support for international students, and I have spoken before in this place about my concern around the federal government's legislation against student unionism. Already we are seeing that this is seriously undermining student services in our campuses here. Anecdotally, my office is hearing that student organisation membership at the University of Canberra has dropped from 10,000 to a little over 300 members. Because of that reduction there has to be a consequential drop in the services provided to those students and that will affect local and international students alike.

We know that if you are given the option whether to pay for something, many people, particularly young people, will not choose to pay. Because of voluntary unionism, services which provide support to victims of sexual violence, services that support students with disabilities, services that provide childcare facilities for students while they pursue their education, and, of course, the provision of sporting facilities, which we have heard a number of speakers talk about, have been affected. I think it is really regrettable that in recent years we have seen this ideological push, and the effects of that push will be felt for many years to come by students at university who will not have access to the services that we had when we were students at university and which many of us took for granted.

We saw in Western Australia that the minute voluntary student unionism came in the services that were the first to go were the ones that were probably most needed by disadvantaged, vulnerable students on campus. They no longer have cheap, often free, access to support services. I guess this is in line with other decisions that have been taken where those who are poor, who are weak and who are not in a position to purchase services for themselves are being disadvantaged. I think all of us, even those on the opposition benches, will come to regret this decision once its full effect is felt in years to come. I have spoken before about this.

Today we heard that students could face fees of \$230,000 to acquire a degree. Again, that is what people have been predicting and that is what we are starting to see.

**Mrs Dunne:** Mr Speaker, I take a point of order. I seek your guidance on relevance. This is a debate about the importance of international students. It has been wide-ranging but Ms Gallagher seems to have taken it to quite a wide extent. She has extolled the virtues of the medical school and physiotherapy and now we are moving on the cost of full fee degrees, which affects everybody. Ms Gallagher has not spoken at all about international students.

**MR SPEAKER:** I think the cost of full fees is relevant to international students, Mrs Dunne. I do not think you can mount an argument that it is not relevant.

**Mrs Dunne:** International students have not been mentioned in the last five minutes.

**MR SPEAKER:** I am sure that full fee paying students are part of the subject matter.

**MS GALLAGHER:** Thank you, Mr Speaker. If Mrs Dunne wishes to refer to *Hansard* she will see that I have referred to international students at every point of the speech that I have been giving today. In fact, the comments I am making are around the desirability of Canberra to be a place for international students to come and study. If you downgrade services at universities, Canberra will be less attractive to international students and they will go elsewhere to study. We are in an international market. We know that students make decisions based on the services that are provided at a university and the cost of attending that university. What I have been arguing, or was about to argue before Mrs Dunne raised one of her serial points of order, was that if you increase fees, if you withdraw services, then students who may be sitting in China making a decision about where they would like to go and study might think they will study elsewhere where those services are provided and where their degree may not be so expensive. So what I am saying is entirely relevant to the motion that Ms Porter has brought to the Assembly today.

The decisions that the federal government has taken in relation to higher education will damage our standing internationally as a desirable place for study. As I said, I think those opposite will regret that, as we do already, and the impacts of those decisions will be felt for many years to come. What we are trying to do here with our investment in health education is ensure that we remain an attractive place for international students to attend, particularly in areas where we have significant skill shortages, and that is in the area of allied health and in the training of medical students. So we have invested millions of dollars in the ANU medical school and we have provided a \$10 million grant to the University of Canberra to enhance their capacity to take on allied health students.

We are already seeing that international students are wanting to come and study here. So we will do what we can locally, despite the efforts of the Liberals federally, to make our universities a place where international students want to come and study, as opposed to the view the federal government has taken, which is to reduce services, increase fees and, my guess is, make Australian universities a less attractive place for international students to choose to study in.

**MS PORTER** (Ginninderra) (5.15), in reply: I would like to thank members for their participation in this debate. As I said before, I am very concerned about the welfare of international students. I thank Dr Foskey for her concern for them and for her additional remarks and points about how isolating it can be without the extra support and the recognition that the student associations afford these students.

Like Dr Foskey, I am very concerned about the level of fees. I listened to, I think, the same radio program that she heard this morning and I was staggered to learn that some students are expected to outlay or go into hock for what I thought was an amount of up to half a million dollars for one course. Apparently some university chancellors are calling for more federal funding for universities to allow them to offer lower fee paying courses to students as their universities are not reaching their quotas. Of course, if that is the case, this is very damning for the federal government. The effects of these Howard policies, with the lack of funding for universities and the VSU legislation, are clear to see. I agree with Ms Gallagher that these policies are typical of what the Howard government is doing.

As Mrs Dunne said, we are here to talk about international students and to celebrate the fact that we enjoy the presence of so many international students here in Canberra. We appreciate the extent to which they add to the life of Canberra and to the life of our universities and in fact increase the educational experience of our young people. I would like to say how grateful I am that we have so many international students here. But in closing, I would emphasise that this is all under threat because of the VSU legislation and the high fees that students face.

Question resolved in the affirmative.

## **Schools—closures**

**MRS DUNNE** (Ginninderra) (5.17): I move:

That the ACT Government extend the consultation and decision period on school closures until the end of March 2007, and further that no school closures occur before December 2007.

This is it. This is what this government has been trying to avoid for most of the day, but we will get some of the way through this. The pain will not go away as a result of the filibustering that has gone on today. The motion the Liberal opposition is moving today is an exact replica of the amendment to the controversial general resolution No 6 moved on the 28th at the ACT ALP conference.

**Ms Gallagher:** The Chris Uhlmann idea.

**MRS DUNNE:** Actually, Chris got it from me, but do not worry about that. We decided to do that long before Chris wrote about it.

**Ms Gallagher:** You were one step ahead.

**MRS DUNNE:** Yes, indeed. This motion today, this replication of the amendment that was moved and voted on at the conference nearly three weeks ago by five Labor members here present, is a deliberate challenge to those five members to vote the same way again. The notion of school closures is a difficult one, and it has caused considerable angst. It has produced merchandise like a save our schools CD. I now have a collection of T-shirts in my office and am collecting more.

**MR SPEAKER:** One of which is in this house and is disorderly.

**Ms Gallagher:** Yes, it is disorderly, Mrs Dunne. Take it off, Mrs Dunne.

**Mr Seselja:** Don't ask her to take it off.

**Mr Barr:** I second Mr Seselja. Don't ask her to take it off.

**MR SPEAKER:** I don't intend to.

**MRS DUNNE:** That would be more disorderly. This motion has been brought about because almost all of us in this community are opposed to the bulk school closures and restructuring proposed in *Towards 2020*. Almost all of the people in the community who are opposed to that have a variety of means by which they will address and attack this stupid, short-sighted, unresponsive plan put forward by the new minister for education.

The ACT opposition is opposed to this proposal of bulk closures and reorganisations because it is too far-reaching—39 schools, adding to the one Ms Gallagher has already closed. To close 40 schools in the life of this Assembly is too much for any community to bear. The savings are probably not there and, for the most part, the disruption this will cause to the community is unwarranted. No research or consultation with the community has gone into any of this process.

The variety of mechanisms that will be brought forward in this place and being called for in the community are to do a number of things: first and foremost to put a halt to the insanity that, somewhere between 6 and 21 December this year, this minister, and the government he is part of, is going to announce a fairly large number of school closures.

We heard from the Chief Minister yesterday: there will be school closures, let there be no doubt about it. We do not know how many school closures—and some schools may get a reprieve. We do not know what the criteria are for getting a reprieve. I suspect most people out there in the community think that the squeaky wheels will get a reprieve, the people who are most able to put their case forward. Their case may not be as good as somebody else's. But there are no criteria.

There are no criteria for anything in this motion. This is why the Liberal opposition has taken a principle position. We will oppose everything in *Towards 2020*. But if this government wants to talk about school closures, we will have the conversation with them and with the community, on the community's terms. Remember we are the servants of the community. They pay our salaries; they put us here. The community has turned out in force. You have seen the thousands of signatures and the number of meetings. Mr Barr has made a sterling effort going to meeting after meeting, and for that I commend him.

He has not shirked from this, and his behaviour on all these occasions under really difficult circumstances has been admirable.

I do not think there is another person on that side of the chamber who could have done the job Mr Barr has done with such bearing and courtesy. He has sat through really hard meetings and has never once lost his cool. I do not think the Chief Minister would have sat through those meetings and not lost his cool, and I do not think Ms Gallagher would have. I commend the minister—and I have commended him on a number of occasions. I have said to people that he needs to be admired for the way he has approached this.

This minister is really the chump in this. Let us think about what has really happened here. Andrew Barr gets elected to the Assembly, he gets rocketed right into the ministry before the ink is dry on the declaration of the return because there is no-one else there to do the job. Let us think about it. Do you reckon that he filled a casual vacancy to come in here? He has no knowledge of what is going on in the department of education. Yes, his mum taught him the system; yes, he is a product of the system; yes, his brother teaches in the system; but he has no knowledge of his portfolio.

The first thing he does is not a minor restructure of his portfolio but a complete ripping apart of the major part of his portfolio. Do you reckon that was his idea? I do not think it was. I think we had Messrs Stanhope and Costello saying, “Your mission, Andrew, should you choose to accept it, is to go out and gut the school system, because we need to sell off the land.”

Mr Barr has been doing a manful job of sort of covering up the real reason, but the community is not fooled by this. Wherever you go, the community says, “Look, they just want to sell it off.” It was a parent who said to me, about Gilmore primary school, “Look at the panoramic views. Of course they want to sell it off, it is prime real estate.”

We saw this with the selling of Ginninderra district high school. Ms Gallagher at a meeting used almost exactly the same words that the Chief Minister used yesterday: “We have no plans to sell the school.” When you go through the FOI requests, there was somebody who had crunched the numbers, they had done the valuations. They worked out that, if they closed and sold off all the schools around and in relation to Ginninderra district high school, they would make \$60 million. That is the reason they wanted to close Ginninderra district high.

**Ms Gallagher:** Has it been sold?

**MRS DUNNE:** No, not yet, because you haven’t got the kids out yet; you have to actually get the kids out. But it will be sold. Here we have a government that has overseen a lie, a government that, before the last election, allowed their spokesman to go out and say, “There will be no school closures.” No-one ever gainsaid that statement.

The minister, whose spokesman made that statement and who is walking out the door because she cannot stand the heat, oversaw that lie. She let that lie stay in the community. That lie was repeated to me in my office by the same official after the election: “There will be no school closures.” When I asked him why there were no consultation guidelines approved when the Education Act began in 2004, he said, “You do not need them because there will be no school closures.”

When the P&C council asked the same question of that same official, they were told exactly the same thing: “We do not need a consultation framework because there will be no school closures.” Forty school closures later, we are here today challenging those members of the government who in one forum had the guts to say, “At least we need a bit more consultation.”

It is quite true that no-one has come out and said, “The government is wrong.” They have come out and said, “The government’s consultation process is wrong, it needs to be longer.” That is why today we are discussing a motion that says that the consultation and decision period of school closures should be extended until the end of March 2007, and further that no school closures occur before December 2007. These are the words that five people in this chamber were prepared to vote in favour of at their federal conference last week.

We also know that there are eight other people in this chamber who were prepared to vote for that. Both Dr Foskey and I—on behalf of the Liberal Party—have introduced legislation today with essentially those elements in it. Five and seven of us plus Dr Foskey makes 13.

We know that, of the five who voted the other day, two have shown themselves to be completely lacking in integrity. They came out afterwards and said, “It was not us; it was however many faceless men and women of the left who made us do it.” So either they had no integrity or no will—or no capacity to judge what is right.

There are still three members. Unfortunately, one of those members is not here. It is a shame that Ms MacDonald is not here. Seeing that she has already alienated herself from her former faction, from her present faction, from the government and particularly from the minister, in her apparent desire to stand up for the community, it is a shame that she could not be here to stand up and be counted today on this vote.

There are other people present who voted that day in favour of this motion that the government extend the consultation and decision period on school closures until the end of March 2007, and further that no school closures occur before December 2007. Those people have had the integrity not to come out and say, “It was not me; it was the 36 faceless men who made me do it.”

Those people, along with Ms MacDonald, have been around the town attending meetings, putting out newsletters and generally bemoaning school closures. Some Labor members have been more vociferous than others in opposing school closures when they have gone to school meetings, and some Labor members have a longstanding history of being opposed to school closures. But today is crunch time.

We might not get to this vote until next week, but whenever this vote is taken it will be crunch time. It will be an opportunity for those members who voted in favour of this motion on 29 July to be true to themselves and true to the community. Mr Gentleman, in particular, has particular need of rehabilitation after his reported goings on in the estimates committee. He has to do something to redeem his reputation to show that he is a gentleman by name as well as by nature.

The motion before the Assembly is about truth. On 29 July the ACT ALP gathered in force and people who are members here took particular public stances in a public forum. This motion uses exactly the same words as those used on 29 July. This motion today gives members the opportunity to be truthful to the community.

If any of those members vote differently, they do not have to account to me, to Dr Foskey or to any member of the opposition. They have to account to the parents, teachers and supporters of schools like Hall primary school, Flynn primary school, Gilmore primary school and all the schools in Kambah that this minister is proposing to close.

It is up to them what they do when the time comes. They have been to the meetings, they have talked the talk and they have said they are not happy. It is now time to take the vote in the same way they took the vote the other day and vote in favour of the same motion that they were prepared to put their hands up for at their state conference. If they cannot do that, they have a lot of accounting to do to the community.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Tourism, Sport and Recreation and Minister for Industrial Relations) (5.32): The government will be opposing the motion tabled by Mrs Dunne. We do so on the basis, as has been referred to in this debate, of the resolution of the Labor Party annual conference that did not support such a resolution.

Mrs Dunne's motion seeks to do two things—extend the already extensive consultation period to towards the end of first term next year and then delay the proposed amalgamations until the end of 2007. The community and members of the Assembly are aware of the issues facing our education system. We have declining enrolments, ageing infrastructure, changing demographics and too many schools in the ACT.

The government is tackling these issues not by seeking to run down schools or talk schools down, but by engaging in a genuine consultation process on the future of public education and, most importantly, by making record investments in school infrastructure and information technology. The government's approach is to put forward a real proposal and engage in a process of genuine consultation on that proposal.

As I indicated, the government is making a massive investment in the infrastructure of our schools—\$90 million—the single largest investment in public education in the history of ACT self-government. This government is absolutely committed to providing the Canberra community with the highest possible quality learning environments.

The investment we are injecting will have significant educational benefits for children across Canberra for the next 10, 20, 30 or 40 years. We want to ensure that schools remain viable and provide a breadth of diversity of programs for students by addressing ageing infrastructure and changing demographics. The *Towards 2020* proposal offers students and their families a more diverse range of education options in government schools, including early childhood schools, middle schools and comprehensive high schools that offer specialist programs in technology, vocational training and the arts.



The 2006-07 budget makes a substantial investment to support these reforms. As I have indicated, there is more than \$90 million in capital injections to improve infrastructure, increase confidence in government schools and make them a more attractive choice for parents and students.

The provision of information technology and communication services across the school system is a continuing priority for our education system. The government has provided a further \$20 million over the next four years for the smart schools-smart students program, which will ensure that all ACT government schools remain at the forefront of new technology. Unlike the opposition, whose track record on school closures is not good, the Stanhope government does not believe in closing schools and then walking away and leaving the community to suffer without any additional investment.

ACT government schools are the best in Australia. Our results speak for themselves, whether in literacy and numeracy or all the benchmarks in international results in science and mathematics. But leading the country takes real investment, strong commitment and constant innovation.

Our students deserve the best opportunities, the broadest choices and the best facilities. These goals are at the heart of the *Towards 2020* proposal. Under the Education Act—legislation passed by this Assembly—before closing or amalgamating a government school the minister must have regard to the educational, financial and social impacts on students at the school, the students' families and the general school community.

That is exactly what the government is doing in our comprehensive and ongoing consultation process. In fact, to strengthen the consultation provisions in the act, in June of this year we made amendments to the act outlining the principles of the consultation process.

This process must involve a focus on access to and provision of quality education opportunities; be open and transparent; lead to sustainable decisions by ensuring effective community engagement; provide timely information in an accessible way to enable maximum community participation; provide opportunities for feedback about the proposal, especially from families and other people with a significant interest in the proposal; and seek the views of school boards that are likely to be affected by the proposal. The government is engaging with the community on this basis.

As would be expected in the early phase of consultation, the community has raised a number of questions and we are responding to those requests. We are consistently and constantly placing answers to frequently asked questions on the website, at public meetings and in this place. Before the estimates committee I detailed the consultation process the government is undertaking.

We have had eight well-attended community forums across Canberra, each of which was an opportunity for the community to listen to details of the proposal for their specific region and have questions answered, either immediately or at one of the many follow-up meetings with individual schools that either I or my departmental officials have attended. There has been a large volume of correspondence, either in hard copy or by email, and

feedback through the website and various email addresses. We have called for submissions, and that has been well-advertised in the media.

This is an open, transparent and extensive consultation process. Now is not the time to shift the goalposts and change the rules as Mrs Dunne proposes. It is time to get down and engage in the process at hand. This government is engaging in genuine consultation on the proposal we have put forward to the community. We have acknowledged that there are difficult issues facing our education system. That is why we are ensuring a record investment in public education to provide a world-class, sustainable education system.

I acknowledge that some community members would like more time, but others at community forums and meetings have acknowledged the difficulties this would present for some schools. They have asked, in fact, that decisions be brought forward. The government believes that schools, parents, carers and the broader community require certainty for planning the 2007 school year and future years, and therefore the government will be opposing this motion.

**MR STEFANIAK** (Ginninderra—Leader of the Opposition) (5.38): In speaking to this motion, which is exactly the same amendment put at the Labor Party conference—and as we have heard, five of the current nine members of the government here voted for it—I will be the echo. I will start by echoing the points made by Mrs Dunne as to the commonsense of this particular motion.

Mr Barr talks about consultation. It is not proper consultation when you announce what you want to do and then consult. It is called putting the cart before the horse. Whatever you might say about the previous government—and I find this rather amusing—we at least engaged in consultation. It is quite interesting to see the way you people struggle to try to find a few areas where you justify your actions by, funnily enough, some of the things we were trying to do.

What we did was very different. Take, for instance, the examples given by the Chief Minister of Charnwood and Stirling. Might I remind you, Stirling is still there today as part of the Canberra College—an amalgamation which took place under us as a result of consultation before the event which lasted more than 12 months. I was going through some old *Hansards* today. A question Mrs Dunne asked of you, Mr Barr, in question time is interesting because Mr Corbell asked a question there of me in 1999. It reads:

Does the Minister agree that forcing young children to walk long distances to school away from their local neighbourhood is both unsafe and unwise? Does the Minister agree also that parent participation and local community involvement in schooling is facilitated by our system of neighbourhood schools and could be undermined by wholesale closure? What consultation has the Minister had with local school communities on the issue of school closures and his most recent comments?

I think that was a paper in terms of looking to the future of ACT education and talking about the possibilities of amalgamation and consultation. Here is something very different. I must say we had not heard anything like what you are saying until after 13 April, when the 2010 document was signed but seemed to go out the window. Then guess what happened: the functional review came in and, suddenly, we had that replicated in your budget of 6 June 2006.

It is all too much for many in our community who are, I think, bamboozled and totally perplexed by what you are now seeking to do. It is something you cannot wriggle out of. Any amount of attempted justification such as, "We are really going to consult, we are really consulting now," is seen by the community as a nonsense because it is consultation after you have announced your desired outcome. It is called, as we used to call it in the military, situating the appreciation—and that is probably being kind to it.

Mrs Dunne's motion, which is effectively the amendment you had at your conference, is an eminently sensible one. It does not even stop you ultimately doing what you intend to do, perhaps, but gives you a chance to engage in proper consultation, and it gives school communities a chance to engage in proper consultation with you. It also means that there will not be a horrendous shemozzle at the end of this year because of the time frame.

Yes, you are right. In respect of your six months you say, "We have to consult because of the act." You did not consult beforehand. That would have been helpful. Given that you announced it on 6 June, you have until 6 December, by the act, to engage in whatever sort of consultation sham it may be. That causes very significant problems in relation to this.

What is so bad about the approach you are taking is that you are going to end your consultation period in December, and that could not be worse for families. What a great Christmas present that is for families. They will be wondering in the lead-up to Christmas whether their school is going to get the chop. Of course many will now try to switch to new schools, which will mean a lot of anxiety for parents, children and teachers. That is what happens when you have targeted a school for the chop in this very crude fashion.

Just when your consultation period ends the schools will be shut down. How are parents supposed to sort out those arrangements? That will be of immense difficulty and worry to them over the Christmas break. That is a time when people want to be with family. They go on holidays, they forget about school, they want a clean break. Maybe the Grinch lives in the form of the Chief Minister and his brand new education minister. I think that is a nasty bit of work for the Canberra community at this particular Christmas coming up.

The government may not exactly have stolen Christmas, but they seem hell-bent on ruining it. Really this motion says: extend the consultation period until March, let people have their Christmas, avoid the huge, potential mess that you seem to be creating for yourselves when you make your announcements in December. The second part of the motion, of course, is to not have any school closures until the end of 2007.

This motion is not rocket science. It is something you people put up yourselves. I think it was Sue Robinson who put it up, if I read your sheet properly, seconded by someone else. Mrs Dunne has merely replicated it here. It is a motion which the P&C is quite happy with.

I watched the demonstration organised by Dr Foskey earlier today. I think the head of the P&C said she was very happy with that type of approach. It seems an approach that 96 out of 100 people during the conference, if you can believe the *Canberra Times*, thought

was a pretty good idea and voted on. It is certainly something that most people in the community think would be a sensible first step in this particular problem that is concerning so many people in our community.

It is not just the schools you have targeted, it is the other schools as well. I have heard from many people from other schools in the community that, “We are going to have to get demountables; we do not have the room.” I have heard from people making inquiries now as to what school they can send their kids to, especially in my electorate of Belconnen. They are finding that, sorry, there is no room at other schools.

This is only going to get worse. Some people who are worried are probably already leaving schools if they hear they are going to close. In many instances other schools which are scheduled to remain open cannot take them. Other people are hoping that what you are engaging in now is not total sham consultation, and that their school may yet be saved.

That may or may not be so, but the fact that you are not going to announce your decision until 21 December or some time after 6 December, effectively Christmas Eve, is going to create absolute havoc. I think that decision by you people is an incredibly stupid one. You had an opportunity for an out—it was provided at your own conference. Quite clearly, and it would seem historically, many members of the Labor Party in Canberra have always been against school closures and have grave reservations about them.

The opposition you lot have shown since the first Assembly in relation to this issue has certainly been consistent, but now we have had a sudden and amazing change. It is not even a logical, structured change where you say, “Well, some might have to close. Let us talk to the community.”

Let us take the 2010 document, which Ms Gallagher ticked off on, which had about six parts to it. It included something along the lines of the future look of our system and looking at such things as what schools may amalgamate or close in, I would hope, a logical way. Yes, schools have amalgamated to close under previous governments, and in fact under the previous Labor government. Griffith primary, I recall, finally closed back in about 1992 or 1993 when Bill Wood was minister.

It has happened in the past but it has never ever happened like this. It has never ever happened with such dislocation in the community with such a cold-blooded, insensitive and arrogant announcement that: right, you 39 schools are for the chop; oops, we had better justify it now; oops, we will have to have the mandatory consultation period after the event. I think the community is right to be outraged, and it is outraged about this.

You people—and we have said this on a few occasions; it is not just moot words—have a chance to stop and think, and realise that there is a better way of doing it. Your own party conference almost showed you the way. In voting for that motion, regardless of saying yesterday in the media, “We had to do that because of our factions,” I am sure, and I know, that at least one or two of you genuinely believed there was a better way of doing it.

I would certainly think you, Mr Speaker, with your consistency in these matters, going back to the first Assembly, were probably one of those. It is a better way that some of

you people—in fact Sue Robinson, I assume—came up with. Maybe it was just one faction. I think Ms MacDonald's faction was going to do it. I do not really care about that. That is your business, quite frankly.

*Government members interjecting—*

**MR STEFANIAK:** It is your business that, at the end of the day, a large section of your party came up with this particular motion, which Mrs Dunne is replicating here today, which is supported by the P&C, which Dr Foskey has said she will support, which everyone out there at the demonstration thought was at least a good first step that will get you out of this unholy, dreadful mess you lot have got yourselves into.

It is a sensible motion, it emanated from people in the Labor Party. Mrs Dunne is right to bring it forward. It is supported by the P&C and people out in the community, and you people should support it too.

**MR STANHOPE** (Ginninderra—Chief Minister, Treasurer, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts) (5.48): The Leader of the Opposition went back through *Hansard* and quoted from it. I would like to do the same, to give some historical reference to the context of Mr Stefaniak's views on this issue as expressed by him as a member of the government of 1990. Mr Stefaniak said:

I also want to talk about a few points about our school systems and about the school closures ... the neighbourhood system has changed a fair bit in recent times in that, on the figures we have, it seems that in some cases up to about 30 per cent of enrolments at certain schools are from out of area. That tends to put another slant on the argument often used by the Opposition of the distances some kids are going to have to travel to go to school.

Our system is very good. Mr Humphries realises that; the Government realises that, and Mr Humphries has continually stated that this excellent system will be maintained. I think we have always had a good system here. It might have been better in the past than it is now, because I note that about a third of our kids are in private schools and a lot of those schools have waiting lists.

He says that that had been the case for many years, but he did not think he really had to delve into that part of the debate today. It continues:

I am probably the only member of this Assembly who went through the ACT state school system, from kindergarten ... to year 12 at Narrabundah High School. I can recall quite clearly in my years in high school that many students at Narrabundah were bussed in from Curtin, Lyons, Chifley and Hughes before those schools went up in the Woden valley.

He goes on to say that it is interesting to note that those same kids who started off in year 7 or 8 at Narrabundah, when Woden Valley high and Deakin high came on stream, remained at Narrabundah and made that quite considerable journey in buses or by riding their pushbikes there. He says that he can recall walking, as a five-year-old, to Griffith. It continues:

I can recall many students I went through infants and primary school with walking considerable distances to get to school.

I think it was in those years that we got on to a neighbourhood school system, and in each of the suburbs that blossomed in Canberra-in the expansion in the late 1960s and 1970s-a primary school was provided. But the Federal ... Government in 1988 realised that that really was something that could not continue. And this Government, regrettably - because it would be desirable if we did have the money to do that-realises that that, unfortunately, is a luxury we ... cannot afford. I think Mr Humphries should be commended for the very hard, agonising and difficult decisions he has had to take - and, indeed, this Government has had to take.

No-one likes closing schools. It would be lovely if we could keep that system. We cannot, unfortunately.

We cannot keep it. He continues:

We are standing on our own two feet now and, unfortunately, just as in the rest of Australia - just as in those Labor States that recognise the same problem ... rationalisation has to take place ...

He goes on to say that Mr Humphries is doing that. He says:

... Mr Humphries is doing all he can to ensure that that is as painless as possible and that the excellence of the education system remains.

That is what Mr Stefaniak wants.

**Mr Stefaniak:** That's good, Jon. Look at the way we did it—much better than you.

**MR STANHOPE:** That is what you thought, Bill. Those were your honest opinions on this issue. They refer to the very substance of the debate except, of course, with some significant changes. The 30 per cent of students attending non-government schools has now grown to 41 per cent. The 30 per cent of students who travelled at a distance when Mr Stefaniak was giving his speech has now grown to 60 per cent. Mr Stefaniak thought it was an issue worthy of debate that 30 per cent of our school population were in non-government schools. It is now 41 per cent and growing at a per cent each year.

**Mrs Dunne:** And you have done nothing about it.

**MR STANHOPE:** We are doing something about it now. That is the puerile nonsense that Mrs Dunne continues to spout. Mr Stefaniak thought in 1990 that it was a matter of some concern, or was relevant to the debate about amalgamations and the impact on the neighbourhood school systems, that 30 per cent of children travelled out of area. Fifteen or 16 years later, it is 60 per cent. Yet Mr Stefaniak and the opposition have now retreated from the position of principle which they did not have the bottle to carry through on. Hence the double hypocrisy here. It was their well-articulated, well-argued position, but of course support within cabinet and within the party room collapsed. The minister, now Senator Humphries, was left high and dry.

It is very interesting today to refer to the very bitter concluding remarks of Mr Humphries as the abandoned Minister for Education, the Minister for Education who lost the support of his ministerial colleagues, lost the support of his party room and abandoned the school closure process.

Gary Humphries said in retrospect: my advice to a government of the future to whom we are leaving this issue—another government on another day—is to carry through with the process and the proposal which I could not as a result—

**Mrs Dunne:** Has somebody got a violin?

**MR STANHOPE:** I know Senator Humphries can lay it on with a trowel, but that is what he said. After that government bowed, after it wilted, after it fell over, when he had lost his ministerial and party room support, when his government decided to abandon a principle and policy which they knew to be right, Senator Humphries explicitly advised those governments of the future that he knew would one day again have to visit this proposal. It is, of course, highly amusing. That was Mr Humphries in 1990.

By 1996 the battle had passed to Mr Stefaniak as minister for education. In a minor sense—not in the grander sense, the fuller scale with which Mr Kaine and Mr Humphries sought to grapple with this particular issue—Mr Stefaniak submitted to his cabinet, quite appropriately, a proposal for the closure of two schools. Mr Stefaniak's horizons lowered the baton to some extent, but he attempted to pursue a process in relation to Charnwood and Stirling. In relation to Charnwood college, what was the consultation process that was followed?

**Mrs Dunne:** Charnwood high. It is in your electorate.

**MR STANHOPE:** Charnwood high. It was quite simple, it was quite brutal: announce the decision in August, consult in September and finalise the decision in October.

**Mr Stefaniak:** No.

**MR STANHOPE:** It is there in the submission. Bill Stefaniak's consultation model was: announce the proposal in August, consult in September and announce the decision to close in October. That is the Liberal Party's most recent consultation model as espoused by the then minister for education, Mr Bill Stefaniak. A three-month consultation period accompanied then by those other—

*Mr Stefaniak interjecting—*

**MR SPEAKER:** Order, Chief Minister! Mr Stefaniak, you have to cease interjecting.

**MR STANHOPE:** Thank you, Mr Speaker. Then there was the suggestion, the below-the-belt blow, to reduce all funding to schools with lower enrolments to the average; ensure that there is no top-up funding to deal with those issues in relation to a lack of economies as a result of a particular size. The Liberal Party's position was: Look, just fund them at the average, that is all they deserve. Do not provide extra support to a small school.

**Ms Gallagher:** Squeeze them out.

**MR STANHOPE:** Squeeze them out, starve them out, force them into submission. It is all there for the world to see in the Bill Stefaniak approach to school closure. The process the government is following in relation to consultation is the statutory process. It is a process that the then minister, Ms Gallagher, negotiated for almost a year with the then president of the P&C, Dr Morgan. It is essentially the P&C's model. The consultation model included within the legislation took a year to negotiate because of the concern of the P&C council in relation to a model which was acceptable to the P&Cs of the school community.

It is Dr Morgan's model. It was negotiated over a year, it was incorporated into the legislation and it is now being faithfully complied with by this government. It is passing strange that a model which was fully supported, fully negotiated and introduced into the legislation only after the most detailed consultation, only with the full agreement of Dr Morgan and the P&C council is, now that it is being utilised, all of a sudden fatally flawed. It is the P&C's model. We are fully abiding by it in good faith and will continue to do so. The motion will not be accepted.

**MR SMYTH (Brindabella)(5.59):** This is a worthwhile motion because it asks people to stand up for what they believe and it puts it on the public record in the most public forum of all, the Legislative Assembly. Yesterday we learned an interesting concept from Mr Corbell: you can be a private citizen when you want to be and you can be a minister at other times during the day. I am not sure what is the ALP duty statement for a minister, but when I was a minister it was 24 hours a day, seven days a week, every week of the year.

**MR SPEAKER:** Order! The member must be relevant to the motion.

**MR SMYTH:** Mr Speaker, this is about whether or not we believe in something. When Mr Stanhope, as Chief Minister, introduced his ministerial code of conduct in 2004 he said that ministers must make decisions every day. The motion we are debating, which Minister Corbell and Minister Gallagher voted for, comes under the purview of that ministerial code of conduct. Every day ministers must publicly defend cabinet on every decision.

**Mr Stanhope:** On a point of order: the motion that is being debated is a motion that was moved by Mrs Dunne. As we are all aware, the motion relates to a consultation process and whether or not the statutory process with which the government is currently complying should be changed. The government's view, of course, is that it should not be changed or amended.

**Mr Smyth:** What standing order are you referring to?

**MR SPEAKER:** Order!

*At 6.00 pm, in accordance with standing order 34, the debate was interrupted and the resumption of the debate made an order of the day for the next sitting. The motion for the adjournment of the Assembly was put.*



**Adjournment**  
**Multicultural affairs**  
**Mr Michael Westerberg**

**MR SESELJA** (Molonglo) (6.00): Last night I attended a function celebrating the 59th anniversary of Indian independence. India is one of the powerhouses in our region and the world both economically and globally as a result of the respect it has gained from its engagement with other countries. With over 150,000 people of Indian ethnicity living in Australia this group of itself forms a strong economic and cultural bond between Australia and India. Our relationship also encompasses significant trade links such as in gold and coal. India is a key export market for Australia and one that has shown rapid growth over recent years.

Our links are not just economic. Around 21,000 Indian students are studying in Australia, an increase of over 80 per cent since 2002. This makes India the second largest source of overseas students in Australia. We share one of our national days: Australia Day and India's Republic Day both fall on 26 January. It is a welcome link between our countries that India will host the next Commonwealth Games in 2010 following the successful event held in Melbourne earlier this year.

Our ties are obviously strong in other areas—for example, cricket. Both nations share a great love for cricket and it is one of the things that unite both cultures. When I meet Indian people one of the first things we talk about is how the Australian cricket team is going, how the Indian cricket team is going, and who will win the Ashes. We also share common institutions—for example, a common legal system that we inherited from the British, which strengthens the ties between both countries. Those similarities mean that interaction between both countries and between Australians and Indians living in this country is somewhat more coherent than it might be with countries that have different heritages.

In Australia the contribution of people of Indian heritage is especially noteworthy. The influence and contribution of Indian-Australians are evident in many areas such as business, public service, education, science, engineering, medicine and the arts, to name a few. Of the more than 100,000 people with Indian heritage living in Australia, 80 per cent are Australian citizens, which is well above the average of 75 per cent. At the last 2001 census it was apparent that 93 per cent of Indian-born Australians speak English fluently. At 30 June last year 94,000 Indian-born Australians over the age of 15 years were employed.

I pay tribute to the contribution that our local Indian community has made to the ACT along with many other ethnic groups that have come here and made Canberra their home. I think the Indian community is well respected as a particularly law-abiding community and one that has made a genuine contribution to this country, as have many other ethnic groups. Our relationship with India will become more and more important as it becomes one of the world powers in the next 20, 30 or 50 years. India will be one of the most powerful nations in the world and the Indian-Australian community will play an important part in assisting to maintain Australia's links with that important nation.

I would like to comment on and give a plug to Michael Westerberg, a Canberra resident and fourth dan black belt in the Australian tae kwon do team. He recently competed at the New South Wales open tae kwon do championships held at Sydney's Olympic Park. He was talented and committed enough to win five of the six events that he entered. Mr Westerberg's performance makes him the most successful competitor at the tournament.

Mr Westerberg's performance also guarantees that he will represent the ACT at the Australian championships to be held next month. I take this opportunity to congratulate him, to wish him well at those championships, and to acknowledge the significant commitment and discipline that goes into achieving that kind of success in tae kwon do.

### **Legislative Assembly—conduct of members**

**Mr Murray Bookchin**

**Environment—plastic bags**

**DR FOSKEY** (Molonglo) (6.05): I was going to talk in the adjournment debate about filibustering after I realised the number of ways in which it can occur, including the filibustering tactics that were used today in the house. One thing about which we should all be really happy is that many filibustering tactics are not possible in this chamber because of our standing orders. In the United States Senate filibustering has been raised to a high art. I believe the longest filibuster went for about 24 hours.

**Mr Seselja:** He did not even go to the toilet in that time.

**DR FOSKEY:** That is right; it is obvious Mr Seselja has also done some research. He had to go to a steam house to ensure that he did not need to use the toilet. At the time he made his speech I believe someone was standing by in the lobby with a bucket. I do not think I could teach members anything about filibustering that they do not already know, as it is covered under our existing standing orders. Thank goodness for our standing orders. We could do with a few more cross-party agreements.

I take this opportunity to mention Murray Bookchin, an American man about whom no-one in this chamber has probably ever heard, but I believe he is worth remembering. He died recently at the age of 82. I am sure his name means more to the Greens than it does to anybody else because he was one of the early green thinkers. Most people have heard of Rachel Carson, who wrote *Silent Spring*. In 1952 Murray Bookchin wrote his first book entitled *The Problem of Chemicals in Food*, although I am not sure why he did not use his own name.

A decade later Murray Bookchin wrote a book entitled *Our Synthetic Environment*. His focus has always been on decentralised society and alternative energy. He also wrote prophetically about pesticides, cancer and obesity. He anticipated the greenhouse effect in a book that I know best, entitled *The Ecology of Freedom*. In a sense, Murray Bookchin was the founder of human ecology but that is best known as social ecology. He founded the first school of social ecology in Vermont, the Institute of Social Ecology, which had an international reputation for its courses in social theory, eco-philosophy and alternative technologies.

Even though people might not know his name, Murray Bookchin was one of the great thinkers who contributed to what we know about ecology and living in a way that is best for society and for the planet. Murray Bookchin was a rabid anticapitalist and a Marxist who tried to bring Marxism into the late 20th century. He made the comment:

Capitalism is a social cancer. It is the disease of society. Capitalism can no more be 'persuaded' to limit growth than a human being can be 'persuaded' to stop breathing.

That was his view. Recently I was at a shop in Kingston, a place to which people go when they are looking for that "essential" ingredient. On the counter I saw a note entitled "plastic bag policy", which states:

Please note as from 1 July 2006 the following applies to the use of plastic bags in the store

Small \$0.30  
Medium \$0.50  
Black Eco \$1.50

- Assist a better understanding of the impact of plastic on the environment.
- Assist a better understanding of bag management and our responsibility as consumers.

Tim, the proprietor or manager of that store—I am not sure of his role—said that some people really took offence at being charged for a plastic bag. That indicates that there is still a role for government. Brave retail centres are prepared to do these things but until we create a general understanding and awareness in society we are leaving it to them to do the hard yards. That is fair enough but I think the government could give them a hand in regard to plastic bags.

### **Industrial relations—reforms**

**MR GENTLEMAN** (Brindabella) (6.10): In retaliation to John Howard's new WorkChoices laws the Australian Council of Trade Unions launched the Your Rights at Work campaign. That campaign has been greatly successful, with all Australia's trade unions contributing to the operation. The Media, Entertainment and Arts Alliance published the ACTU's *Your rights at work: a survival guide*, a booklet designed to be used as a reference source for workers to look over at any time should something concern them in their workplace.

The Liquor, Hospitality and Miscellaneous Workers Union employed the talent of Australian actor Matt Doran, who appeared in *Star Wars II*, *The Matrix* and *The Thin Red Line*, in its anti-WorkChoices movie *36 Ways to Get Fired Thanks to John Howard*. But most of the action has been delivered by the ACTU. That action included constant television advertisements telling the shocking truths of WorkChoices and how that has affected and will continue to destroy workers' rights in atrocious ways such as we saw in the Cowra abattoir case. I refer also to the Spotlight case and the Boral driver, Tim Bollard, in Canberra.

Other action included strong petitions, such as the one sent to Barnaby Joyce, requesting him to cross the floor on John Howard's WorkChoices legislation. Those petitions included a staggering 85,189 signatures. Orange Day resulted in thousands of workers wearing orange to work and the Sea of Orange resulted in thousands of small orange flags covering the lawns of Parliament House. An assortment of Your Rights at Work merchandise was produced—for example, T-shirts, hats, jumpers, lollies, stubby holders, and keyrings, all with the "Your Rights at Work-Worth Fighting For" emblem proudly printed on them.

In a unique move UnionsACT has begun Jammin' for Justice, the largest battle of the bands style competition in history, with prizes to the value of \$15,000. One of the major prizes is a recording package. The first heat is to be held on 24 August—an event that is sure to receive much public attention. In June UnionsACT and the Canberra Raiders came together to hold a community event in support of the Your Rights at Work campaign. That hugely successful day resulted in the Canberra stadium being filled with footy fans wearing orange.

Next year the entire Canberra Raiders team will have CFMEU logos on the front of their jerseys. This is the first time in Canberra's history that a union has sponsored a local sporting team. On top of this, many trade unions have published information packs and booklets such as the Health Services Union's *Fact Pack*, a seven-page booklet with the Health Services Union's "Your Rights at Work" badge on it. The CPSU published a brochure entitled *Your Questions Answered*, a comprehensive troubleshooting-style document. Almost all unions are electronically publishing ongoing regular bulletins and newspapers, updating workers on a particular union's progress and breakthroughs in the Your Rights at Work campaign.

This is just the beginning of the Your Rights at Work campaign. We can expect to see more as long as John Howard's WorkChoices legislation continues to hurt Australians. We often fail to realise that the people most in danger are our children, those aged between 15 and 25 years, the youth of Australia and our future. These members of our community are often easy targets for employers to take advantage of due to the fact that it is their first job and often they are not informed of their rights. The ACTU and all Australia's trade unions will endeavour to send this important message to the workers of Australia: WorkChoices will hurt Australians.

### **Estimates 2006-2007—Select Committee**

**MR SMYTH** (Ginninderra) (6.14): I am pleased that Mr Gentleman is still in the chamber. Last night when I went home I read with great interest his additional comments and dissenting report to the report produced by the Select Committee on Estimates. It is fabulous. Paragraph 2.1 of Mr Gentleman's report shows how hard he worked to address some of the unfair comments, but he still keeps making them. When he tables documents in the Assembly those documents have to be truthful.

Mr Gentleman refers in his dissenting report to discrepancies. He said that I asked questions that somehow confused or misled those who were being questioned. I asked the Chief Minister a question but he could not answer so I asked Mr Harris, the head of

the Chief Minister's Department, about staff losses. This is a bit that Mr Gentleman forgot to put in his dissenting report. Mr Harris said:

It is important to realise though that these two numbers are not comparable. They are not based on equivalent structures.

Well done! That was a good start. Mr Harris went on to state:

Therefore when you make the comparisons the comparison numbers are ...

Mr Harris then does some accounting on page 397 of the transcript, which I suggest Mr Gentleman should read. He does a comparison to show what is in and what is out and he concludes:

Those comparable numbers therefore show a decline in staffing levels of 318.

Mr Harris understood. If Mr Gentleman had paid more attention perhaps he would also have understood. Mr Gentleman's dissenting report then contains a fabulous section about Googong Dam. He said he could not support recommendation 13 of the committee report. Recommendation 13, which is a tough recommendation, states:

The Committee recommends that the Chief Minister update the Legislative Assembly on negotiations concerning the ownership of Googong Dam.

Mr Gentleman fought to stop that but he did not do a very good job. Is it not devastating that the Chief Minister might have to come back and tell us who owns Googong Dam? At the estimates committee hearings he revealed that ownership was not transferred at self-government, which I suspect is what most of us thought, but that it remained with the federal government. So there we go. All we wanted was an update but Mr Gentleman was out there fighting to stop this. My absolute favourite is chapter 8, which deals with planning. In paragraph 8.4 Mr Gentleman goes on to state:

Although Mr Smyth proceeded to continue with this line of questioning, during the construction of the report there was an oversight. There were not 80 people listed on the LDA directory as stated by Mr Smyth.

I went back to my enormous pile of notes—members saw what Mary Porter tabled yesterday—and I found a print-out from the ACT government directory dated 21 June 2006, the day of the inquiry. I tabled a photocopy of that print-out from the ACT government directory. Going through it slowly and inexorably, and counting from one to 80, one finds that 80 staff members are listed. I hope Mr Gentleman has the courage to stand up and withdraw what he wrote in his dissenting report because it simply is not true. He wrote:

There were not 80 people listed on the LDA directory as stated by Mr Smyth.

I seek leave to table a photocopy of the print-out from the LDA directory dated 21 June 2006.

Leave granted.

**MR SMYTH:** Mr Gentleman's dissenting report is not a dissenting report. It might be inaccurate, lunacy, mismanagement, or a number of other things, but it is not a dissenting report. Dissent should be based on fact, and all the facts Mr Gentleman supposedly put forward can be quite easily debunked, as I have just shown on three out of eight occasions, by reading the *Hansard*, getting the data, reading it and understanding it. Paragraph 2.1 of Mr Gentleman's dissenting report states:

Mr Gentleman worked hard to address some of the unfair comments.

Instead of addressing unfair comments Mr Gentleman should have taken the time to tell the truth and get the facts.

**MR SPEAKER:** Order! I ask the member to withdraw that statement.

**MR SMYTH:** I withdraw, Mr Speaker. Mr Gentleman should have made sure that what he put in his report was accurate. On three occasions there are clear examples of Mr Gentleman stating that I misled the people I was questioning. Gee whiz, a member of the opposition asked tricky questions to try to get to the bottom of a budget that has been tabled—a budget that is full of holes, errors and discrepancies.

**Mr Gentleman:** Selective quotation does not work.

**MR SMYTH:** I am told that I am quoting selectively. A member of the opposition asked a question seeking information. Shame on him for trying to get to the bottom of the budget! I got to the bottom of Mr Gentleman's attitude. He referred earlier to a movie entitled *36 Ways to Get Fired Thanks to John Howard*. Perhaps there is a 37th reason—abusing a colleague in a deliberative session of the Select Committee on Estimates.

### **Eco-tourism**

**MS PORTER** (Ginninderra) (6.19): Earlier today we were talking about eco-tourism. I refer members to the web site [www.planeta.com](http://www.planeta.com), a global journal on practical eco-tourism. Tour operator Ronda Green raised concerns that were raised earlier when we were talking about eco-tourism. She asked whether it gave people a satisfying wildlife experience and whether it endangered wildlife and their habitats. She said that if it did she would not be in eco-tourism. She stated that eco-tourism had many positive effects on wildlife conservation, such as monetary and other contributions to conservation and research by tourists and tour operators, economic arguments for preserving wilderness, and an opportunity to promote an enhanced appreciation of fauna and flora and support for their conservation. Ronda said that there are problems that we cannot ignore. The web site refers to the 10 commandments on eco-tourism, which are as follows:

1. Respect the frailty of the Earth.
2. Leave only footprints. Take only pictures.
3. To make your travels more meaningful, educate yourself about the geography, customs, manners, and cultures of the region you visit.

4. Respect the privacy and dignity of others.
5. Do not buy products made from endangered plants or animals.
6. Always follow designated trails.
7. Learn about and support conservation-oriented programs and organisations working to preserve the environment.
8. Wherever possible, walk or utilise environmentally sound methods of transportation.

This morning Mr Gentleman referred to the pains to which people went when they put up Skyrail to ensure they did not damage the environment. The ninth commandment is:

9. Patronise those members of the travel industry who advance energy and environmental conservation; water and air quality; recycling; safe management of waste and toxic materials; noise abatement; community involvement; and which provide experienced, well-trained staff dedicated to strong principles of conservation.

We observed all that while we were at the conference in Queensland. Eco-tourism in Queensland encourages people to abide by all those principles. There are serious issues to be addressed not only by tour operators but also by governments. If we are to consider eco-tourism in this territory we need to take all those things into account.

### **Deputy Chief Minister—responses to representations**

**MR MULCAHY** (Molonglo) (6.22): Tonight I speak about the conduct of a government minister and her failure to respond reasonably to representations made on behalf of constituents. Notwithstanding Ms Gallagher's view that the adjournment debate should be nice, it is imperative that I raise these issues. I make it clear at the outset that thankfully this is not the practice of all government ministers. Most ministers reply to representations promptly and provide reasonable and courteous answers that demonstrate a level of investigation and effort. It is my practice to forward all replies to constituents without amendment. I thank those ministers for their efforts and for abiding by what I believe is, and should be, the standard practice of a minister in the ACT Legislative Assembly.

In contrast to her colleagues, the Deputy Chief Minister and Minister for Health, Ms Gallagher MLA, has consistently failed to provide reasonable responses to many representations that I and fellow member for Molonglo, Mr Seselja, have made to her on behalf of constituents, both in her current role and when she was minister for education. A typical response from the minister reads:

Thank you for your correspondence of ... regarding representations from—

the named constituent—

If you are able to provide contact details of

the named constituent—

I would be able to respond directly to them. Alternatively, a briefing can be arranged for you to address this issue.

Since March this year I have received more than 20 of these replies in relation to issues ranging from health care funding, waiting times in hospitals and elective surgery, funding levels for Canberra schools, specific programs in ACT public schools, and concerns over the size of classes. It is worth noting that both her predecessor, as minister for health, and her successor in the education portfolio have replied to similar representations for my constituents and the people of Molonglo with meaningful answers.

Ms Gallagher's responses are unacceptable. As the Deputy Chief Minister well knows, it is not a requirement, or appropriate, to provide home address details to the minister without the constituent's agreement so that she can simply bypass their elected representative, nor is it remotely realistic to receive a briefing on every issue that arises. On that issue, this year I have taken up more than 600 matters, according to statistics in my office, on behalf of constituents. It defies comprehension that any minister in this government would expect a member to make an appointment and have a briefing every time a constituent comes to him or her.

I have written to the minister expressing my displeasure at her practice and requesting that she abide by the convention of replying to representations made on behalf of constituents. Not surprisingly, my letter has not been acknowledged or even replied to in any way. Since I wrote to the minister on 29 June I have not received even an inadequate response to representations. I accept that this is a particularly busy time, but I note that the Deputy Chief Minister's colleagues have responded to representations during this period. I am sure that all members, regardless of their political party, recognise that our primary role is to represent those who elect us to this Assembly.

Ms Gallagher's decision repeatedly to ignore representations from constituents is unacceptable. I suggest that it is creating a very unhelpful perception of her approach to genuine issues that are raised by people in Canberra who come to their elected representative. In one way or the other I have been involved in politics for 34 years and I have worked in the offices of many members of parliament, ministers and a premier. I have never seen ministers of parliament from either side of politics treat with contempt legitimate representations from elected members in any state parliament or at the Commonwealth level. They always receive a formal response on the understanding that the member will be reporting back to the constituent.

I am sure Ms Gallagher's decision to ignore representations from constituents will be widely seen as unacceptable by the electorate and by most members of the Assembly. I do not know whether laziness, indifference or a misguided belief that, as a minister, she does not have responsibility either to this Assembly or to the people of Canberra, is motivating her, but I respectfully urge her to improve her attitude and begin making meaningful responses to the very genuine concerns of Canberra residents.



The minister thinks this is funny and she is laughing at my contribution but I have had angry constituents coming back to me who have been discriminated against after taking genuine problems to Labor and Liberal members. Constituents received replies that were designed to offend the member but they offended them. I strongly suggest that the minister rethink her approach.

### **Deputy Chief Minister—responses to representations**

**MS GALLAGHER** (Molonglo—Minister for Health, Minister for Disability and Community Services and Minister for Women) (6.27): I need to defend myself after Mr Mulcahy's attack. I was laughing because every time Mr Mulcahy speaks he cannot resist patronising me. Younger women must irk him because more often than not his comments to me are extremely patronising.

I note the points raised earlier by Mr Mulcahy. I read the letter of 29 June and apologise to him for not having responded to it. I thought I had. I listened to the arguments he put forward today. I have responded to every letter that I have received from Mr Mulcahy and I have offered him a briefing, but he has not taken up one of my offers. I know he is a busy man but he has not taken up one offer of a briefing to address issues that he has written about. Sometimes he repeatedly addresses a number of issues that are difficult to respond to in a letter.

His letters are usually couched in the following terms: "Dear Ms Gallagher, my constituent has raised an issue of concern about the funding of health services in the ACT. Please tell me what the government is doing to address this." This government provides \$751 million in funding to the health system. What sort of letter would encompass all Mr Mulcahy's concerns?

**Mr Mulcahy:** It is the concern of constituents that I want you to respond to.

**MS GALLAGHER:** That is right. Mr Mulcahy writes to me on behalf of constituents.

**Mr Mulcahy:** Everyone else can do it.

**MS GALLAGHER:** I presume Mr Mulcahy wants the information that is being sought, which is why I offer him a briefing.

**Mr Mulcahy:** No, it is the constituent. The constituent is raising it.

**MS GALLAGHER:** It is generous of ministers to offer briefings in the way I have been offering them but to this point Mr Mulcahy has not taken up one of my offers.

**Mr Mulcahy:** You are the only one who takes that approach.

**MS GALLAGHER:** His letters are couched in the following terms: "Dear Ms Gallagher, I am concerned about funding to public schools. Please advise me on this issue." What about funding to public schools? His letters are general to the point that it is difficult to respond to them. I take the correspondence that I receive extremely seriously and I try to address every issue that is raised. However, when I get a letter that states, "I

am concerned about the health system in the ACT; tell me what you are doing to address this concern," it is difficult to write a response to such a broad request.

**Mr Mulcahy:** Why do you want their addresses then?

**MR SPEAKER:** Order!

**MS GALLAGHER:** So that I can take up the issue with the constituent.

**Mr Mulcahy:** No, you want to bypass the member.

**MS GALLAGHER:** I can contact the constituent to establish whether there is a particular issue to which I can respond, or I can establish whether it is a general concern about the \$.75 billion that is being provided to the health system.

**Mr Mulcahy:** You are the only one who takes that approach.

**MS GALLAGHER:** I have listened to Mr Mulcahy's arguments and I will try to be more responsive to him. However, the general nature of his correspondence makes it very difficult to respond, other than by trotting out a form letter stating, "We put so many million dollars into this and so many millions of dollars into that." I have noted his comments and advise him that it is not a question of my being lazy or not doing my work.

**The Assembly adjourned at 6.30 pm.**