



# Debates

WEEKLY HANSARD  
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

13 OCTOBER 2009

[www.hansard.act.gov.au](http://www.hansard.act.gov.au)



**Tuesday, 13 October 2009**

Petitions: Canberra Hospital—car park—petition Nos 100 and 103— ministerial response .....	4285
Ministerial responsibilities—resignation (Ministerial statement) .....	4287
Planning, Public Works and Territory and Municipal Services— Standing Committee.....	4290
Justice and Community Safety—Standing Committee.....	4291
Climate Change, Environment and Water—Standing Committee .....	4291
Annual and financial reports .....	4291
Legislation (Penalty Units) Amendment Bill 2009 .....	4294
Adoption Amendment Bill 2009.....	4297
Education Amendment Bill 2009.....	4310
Questions without notice:	
Hospitals—Calvary Public Hospital.....	4330
Actew—executive salaries .....	4333
Supermarkets—competition policy .....	4334
Schools—closures .....	4338
Taxation—GST payments .....	4339
Housing—public.....	4341
Taxation—GST payments .....	4342
Civil partnerships.....	4345
ACTION bus service—subsidies.....	4345
Taxation—GST payments .....	4347
Global financial crisis .....	4348
Answer to question on notice:	
Question No 260.....	4351
Personal explanation .....	4352
Answer to question on notice:	
Question No 266.....	4352
Papers.....	4353
Executive contracts .....	4353
Papers.....	4354
Capital works program—outcome report .....	4355
Papers.....	4357
Financial Management Act—instruments .....	4358
Financial Management Act—statement of authorisation of expenditure from the Treasurer’s advance in 2008-2009.....	4360
Papers.....	4361
Planning and Development Act 2007—schedule of leases granted .....	4362
Papers.....	4362
Mental health (Matter of public importance).....	4363
Education Amendment Bill 2009.....	4375
Adjournment:	
Girls Brigade.....	4386
Hike4Hunger .....	4387
Young Women’s Christian Association .....	4388
ACT Neighbourhood Watch.....	4389
Royal Australian Navy .....	4389
Chamber of Women in Business .....	4389

ACT Korean community .....	4390
Ride to Work Day .....	4392
Facebook site .....	4392
<b>Schedule of amendments:</b>	
Schedule 1: Education Amendment Bill 2009 .....	4394

**Tuesday, 13 October 2009**

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

## **Petitions**

### **Canberra Hospital—car park—petition Nos 100 and 103—ministerial response**

**The Clerk:** The following response to petitions has been lodged by a minister:

By Ms Gallagher, Minister for Health, dated 28 September 2009, in response to petitions lodged by Mr Hanson on 19 and 26 August 2009 concerning the proposed multi-storey car park at the Canberra Hospital.

The terms of the response will be recorded in *Hansard*.

*The response read as follows:*

Halt the carpark demolition planned for September 2009

ACT Health has undertaken a comprehensive and detailed master planning process for the Canberra Hospital which I believe has arrived at the optimum solution for the future of the campus. The location and design of the new multistorey carpark is a product of this planning process.

The Government has now approved the construction of the car park in its current location. On balance, this is a solution that both meets the needs of the campus for adequate car parking, and provides for a high quality, appropriate new mental health facility for the ACT.

Seek the advice of the Chief Psychiatrist as the mental health implications of building the planned carpark overlooking the planned new acute mental health facility, and publish that advice

The Chief Psychiatrist provided advice into the development of the proposed multistorey carpark and the Acute Adult Mental Health Inpatient Unit through her involvement in development workshops and value management reviews for the Capital Asset Development Plan Stage 2. She raised no objection to either development. This advice was provided in a workshop environment not as formal written advice.

In addition, there has, and continues to be, considerable input from Mental Health ACT staff and mental health carers and consumers into both the design of the carpark and the design of the Acute Adult Mental Health Inpatient Unit. This is evidenced by the range of features being designed into both the carpark and the Acute Adult Mental Health Inpatient Unit to minimise any possible impacts on the mental health unit from the carpark. For the carpark, these features include the “pixellated” facade to prevent overlooking and avoidance of possible points of self harm. For the mental health unit, these include its orientation towards the

more open view sides of the site; the inclusion of extensive external and internal landscaping, green and treed areas, quiet areas, and courtyards; and ensuring no patient bedrooms and living areas are in shadow.

Direct that any building located near the new mental health precinct conform to the latest version of the Australasian Health Facility Guidelines (shortly to be promulgated) especially re the location of a tall building near an acute care mental health facility

The design of the Adult Acute Mental Health Inpatient Unit is ongoing and the Australasian Health Facility Guidelines are being used to guide this design process, along with the model of care and the siting of the facility itself within the available space. The Australasian Health Facility Guidelines state that:

“All new work should be informed by these Guidelines, but it will not be possible to apply the guidelines in all situations. Individual projects that involve the reuse of existing assets are often compromised by existing space restrictions or other physical limitations ..... The primary objective of the Guidelines is to achieve a desired performance result or service. Prescriptive limitations, when given, such as exact recommended dimensions or quantities, describe a condition commonly recognised as a practical standard for normal operation. Where specific measurements, capacities or other standards are described, equivalent alternative solutions may be deemed acceptable if it is demonstrated that the intent of the standards has been met and the specific service can be safely and appropriately delivered” (10;405).

The emerging design of the Acute Adult Mental Health Inpatient Unit is cognisant of the benefits of open space, sunlight and aspect for the consumers who will use the facility. To maximise access to outdoor areas, the patient areas of the facility will be on the ground level. The new facility will also include extensive external and internal landscaping, green and treed areas, quiet areas, and courtyards.

The facility will be situated with an outlook towards the three more open view sides of the site, and away from the nearby multistorey carpark. The facade of the multistorey carpark will be designed to make viewing out very difficult. The facade will be perforated to allow natural ventilation, however the size and spacing of the perforations will mean the view from the carpark will be very ‘pixilated’. This will provide the new Adult Acute Mental Health Inpatient Unit with the required privacy.

Release information on the traffic implications of placing a large carpark tower at a crossroads within therapeutic areas.

To minimise the number of vehicle movements on the part of Bateson Road immediately adjacent to the Adult Mental Health Unit, the new carpark has a split entry and exit - the entry will be on Bateson Rd adjacent to the Unit, and the exit will be on the north western end of Bateson Rd (near Yamba Drive).

Further, the entrance to the new Adult Acute Mental Health Unit (at this stage in the design) will be approached from Dann Close which is 84 metres away from the entry to the carpark in a direct line or 110 metres by road.

An acoustics study has been conducted as part of the Adult Mental Health Unit design process which concluded that there is no reason for the proposed site not to be used as the facade can be engineered to mitigate noise intrusion. Further, in relation to the proposed carpark the study concluded that as traffic travel at low speeds in carparks the consultants do not expect elevated noise levels from the completed carpark.

Urgently review the community's preferred option of an alternative site for the carpark, and in particular on Yamba Drive west.

ACT Health has assessed the site across Yamba Drive for the new carpark. However there were a number of problems with this option including an inefficient structure due to the narrowness of the site; left turn /northbound access only; greater disruption to Yamba Drive due to queuing to get into the carpark at peak times; and the extra walking distance (for patients, visitors and staff).

Save the existing 3 storey Bateson Road carpark for night staff and disabled

ACT Health has undertaken a comprehensive and detailed master planning process for the Canberra Hospital which I believe has arrived at the optimum solution for the future of the campus. The location and design of the new multi-storey carpark is a product of this planning process.

The Government has now approved the construction of the new carpark in its current location, which will require the demolition of the existing 3 storey carpark. On balance, this is a solution that both meets the needs of the campus for adequate car parking, and provides for a high quality, appropriate new mental health facility for the ACT.

## **Ministerial responsibilities—resignation**

### **Ministerial statement**

**MR HARGREAVES** (Brindabella—Minister for Disability and Housing, Minister for Ageing, Minister for Multicultural Affairs, Minister for Industrial Relations and Minister for Corrections): I wish to give an explanation about why I wish to seek leave, Mr Speaker, with your indulgence. I am aware that a convention and agreement amongst members hitherto has been that ministerial statements per se will be circulated an hour or so beforehand. However, I believe that the content of what I wish to say this morning needs to be said now and not in an hour's time. So I seek leave from colleagues to make this statement at the moment.

Leave granted.

**MR HARGREAVES:** I thank members sincerely for that.

Yesterday, I announced my resignation from the ACT government ministry, effective from midnight on 31 October 2009. However, I intend to continue in the Legislative Assembly as a Labor member for Brindabella. The good people of my electorate re-endorsed me as their representative in the 2008 election and I will continue to serve them as their local MLA.

I have come to this decision after consulting with my family, staff and colleagues, and I informed the Chief Minister last week of my intention to resign from the ministry. The Chief Minister, Jon Stanhope, and my fellow Labor colleagues have my total and unequivocal support.

*Mr Hanson interjecting—*

**MR HARGREAVES:** I think the time for that sort of expression is some other time, Mr Hanson. I will say it once again, in case those people missed it. The Chief Minister, Jon Stanhope, and my fellow Labor colleagues have my total and unequivocal support and I intend to continue to serve the people of the ACT and the Labor Party from the Assembly backbench.

I leave the ministry of my own volition, for personal reasons. As I said last week, the selectively negative media attention that has dogged me for the last 12 months has taken its toll on me and my family and has been a factor in my decision.

I have always believed that the most important job of government is to make our communities safe, vibrant and inclusive and I have always believed in the primary importance of my role as a local MLA in the electorate of Brindabella. I cherish the personal connection that I have between myself and my constituents and the many stakeholders I have met on a daily basis while carrying out my ministerial duties.

I am proud of my achievements as a minister in the ACT Labor government over the last five years, and prior. As a minister, I have always tried to join the dots between the real person on the ground and the policy decision being made, and encouraged all of cabinet to do the same.

My proudest achievements as a minister include the creation of community fire units, which is something that Mr Corbell and I share a passion for, and also my work around the creation of community policing at the time when I was minister for police. And I will say that the biggest heartbreak I had was the passing of Audrey Fagan.

While I was Minister for Territory and Municipal Services, I introduced significant reform in the taxi industry, expanded the network of bicycle lanes, introduced a transport gold card for over-75 seniors, major road upgrades, local shopping centre upgrades, static speed cameras, and expanded the ACTION bus network.

As environment minister, I outlawed tail docking, preserved the Albert Hall, or tried to, and introduced compulsory microchipping and desexing of cats and dogs in the ACT.

I oversaw many initiatives, as minister for disability, designed to give a voice to Canberrans with a disability, to break down barriers and to improve social inclusion in the sector, such as improved funding for individual support packages, launching the companion card in the ACT and revitalising the Disability Advisory Council.

As Minister for Housing, I was responsible for changing housing need eligibility from a time-based system to a needs-based one, reducing average waiting times to below

90 days for priority allocations, reforming the operation of the community housing sector and introducing a transitional housing program for refugees and those fleeing domestic violence. I also oversaw the sale of Fraser Court, providing an additional \$8 million for public housing, and replaced the 1,200 public housing properties cut by the previous Liberal government.

I put in place initiatives to address homelessness and help people escape the cycle of poverty. I always actively supported initiatives that gave encouragement to housing tenants, such as joint champions and tenant of the month. I have also always actively campaigned to break down the many negative stereotypes accorded to public housing tenants, the majority of whom are model ACT citizens.

The portfolio of Multicultural Affairs was very dear to me. I worked hard to make Canberra's model of multiculturalism the most successful in the country, and the ACT is now internationally acclaimed for its approach to cultural diversity. You are all familiar with the passion and drive with which I have defended the right of each and every Canberran to share their culture, faith and traditions, safely and without fear. And I commend the people of the ACT, who have embraced multiculturalism in this city so comprehensively.

As Minister for Industrial Relations, I have overseen the introduction of a bank of legislation that will protect the rights of workers and guarantee them a safe workplace. However, the item that gives me the greatest personal satisfaction is the banning of consumer fireworks, and I thank all those Canberrans who have contacted me to express their support for the government's decision.

As Minister for Corrections, I oversaw the reception of the first prisoners into the AMC, introduced a restorative justice model underpinned to the principles of the ACT's Human Rights Act and closed the archaic and disgraceful Belconnen Remand Centre. To this day, it still amazes me that the Liberal opposition wanted to retain it.

As Minister for Ageing, I have been passionate in pursuing initiatives that promote healthy, safe and socially inclusive ageing and was pleased to announce recently that the social housing element of the stimulus package will involve the construction of homes for the ageing, which will help many older Canberrans to age in place.

I am delighted that Ms Burch has been elevated to the ministry and I wish her every success. She brings experience, enthusiasm and great skills to the position and will be an excellent minister for the territory. She is a wonderful addition to cabinet and I wish her well.

I would also like to thank all the dedicated, passionate and devoted staff of the various departments and agencies that I have worked with over my years as minister. These men and women are the real troopers in the implementation of government services in the ACT in the face of such issues as the GFC and the constant and, in many cases, unfair and baseless criticism.

I would also like to pay tribute to the community leaders, advocates and tireless workers and volunteers who, through words, ideas and deeds, have given me so much feedback, knowledge and information in my ministerial work. They are the true heroes of Canberra.



I would like to thank my ministerial staff, past and present: Kim Fischer, Mark Kulasingham, Jim Mallett, Stacey Pegg, Jennie Mardel, Geoff Gosling, Andrew Barr, Liz Lopa, Ian McNeill, Caitlin Bessel and Maria Vincent. Of course, I thank all of my dedicated and professional department liaison officers—specifically, Lee-Anne Wahren, Jenny Whichelo, Geoff Virtue and Keith Ward.

Finally, I would like to thank my ministerial staff, as I have just done, and also my colleagues Jon Stanhope, Katy Gallagher, Andrew Barr and Simon Corbell. It has been a tremendous honour and a privilege working in cabinet with you. My ministerial work may be coming to an end but I am looking forward enthusiastically to working on the backbench and to the next chapter in my political career.

Finally, Mr Speaker, from a parliamentarian's perspective, the greatest joy I had was working for the constituents of Brindabella in the first three years of my term. I intend to enjoy the last three years of my term working for the people of Brindabella. I also signal, of course, if I did not do it already, that I will not be contesting the 2012 election. I wish everybody who does so the very best of luck.

## **Planning, Public Works and Territory and Municipal Services—Standing Committee**

### **Reporting date**

**MS PORTER** (Ginninderra) (10.11), by leave: I move:

That the resolution of the Assembly of 25 February 2009 referring the issue of live community events to the Standing Committee on Planning, Public Works and Territory and Municipal Services be amended by omitting the words “by the first sitting day in October 2009” and substituting “by the last sitting day in December 2009”.

The Standing Committee on Planning, Public Works and Territory and Municipal Services needs to seek an extension of the Assembly reporting time for the inquiry into live community events. I reflect that the committee recently noted, after receiving a government submission, that the Cultural Ministers Council working group on contemporary music development is currently developing a best practice guide for the development of a legislative and regulatory environment supporting live music and entertainment. The committee believes that this guide is likely to be of relevance to its inquiry into live community events, and wishes, therefore, to have an opportunity to properly consider the guide before reporting to the Assembly.

The best practice guide is scheduled to be considered by the Cultural Ministers Council at its next meeting on 24 October 2009. I have already written to the Chief Minister to ask that a copy of the best practice guide be provided to the committee once it has been approved. The committee, therefore, seeks an extension to the Assembly reporting time frame for this inquiry from the current requirement to report today, being the first sitting day in October 2009, to the last sitting day in December 2009 in order to consider the Cultural Ministers Council's working group guide.

Question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Scrutiny report 13**

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

Justice and Community Safety—Standing Committee (performing the duties of a Scrutiny of Bills and Subordinate Legislation Committee)—Scrutiny Report 13, dated 12 October 2009, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS DUNNE:** Scrutiny report No 13 contains the committee's comments on four bills, nine pieces of subordinate legislation and eight government responses and a commentary on the privilege against self-incrimination. The report was circulated to members yesterday when the Assembly was not sitting and I commend the report to the Assembly.

## **Climate Change, Environment and Water—Standing Committee Report 2**

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens), by leave: I present the following report:

Climate Change, Environment and Water—Standing Committee—Report 2—*Inquiry into ACT Greenhouse Gas Reduction Targets*—Interim report—September 2009—Errata, dated October 2009.

## **Annual and financial reports Referral to standing committees**

Motion (by **Mr Corbell**), by leave, agreed to:

That:

- (1) the annual and financial reports for the calendar year 2009 and the financial year 2008-2009 presented to the Assembly pursuant to the Annual Reports (Government Agencies) Act 2004 stand referred to the standing committees, on presentation, in accordance with the schedule below;
- (2) the annual reports of ACT Policing and the ACT Legislative Assembly Secretariat stand referred to the Standing Committee on Justice and Community Safety and Standing Committee on Public Accounts, respectively;
- (3) notwithstanding standing order 229, only one standing committee may meet for the consideration of the inquiry into the calendar year 2009 and financial year 2008-2009 annual and financial reports at any given time; and

- (4) the foregoing provisions of this resolution have effect notwithstanding anything contained in the standing orders.

<b>Annual Report</b>	<b>Reporting area</b>	<b>Ministerial Portfolio</b>	<b>Standing Committee</b>
ACT Auditor-General		Chief Minister	Public Accounts
ACT Building and Construction Industry Training Fund Authority		Minister for Education and Training	Education, Training and Youth Affairs
ACT Cleaning Industry Long Service Leave Board		Minister for Industrial Relations	Public Accounts
ACT Construction Industry Long Service Leave Board		Minister for Industrial Relations	Public Accounts
ACT Electoral Commission		Attorney-General	Justice and Community Safety
ACT Gambling and Racing Commission		Treasurer	Public Accounts
ACT Government Procurement Board		Treasurer	Public Accounts
ACT Health		Minister for Health	Health, Community and Social Services
ACT Human Rights Commission		Attorney-General	Justice and Community Safety
ACT Insurance Authority		Treasurer	Public Accounts
	Office of the Nominal Defendant of the ACT	Treasurer	Public Accounts
ACT Legislative Assembly Secretariat		Speaker	Public Accounts
ACT Ombudsman		Attorney-General	Justice and Community Safety
ACT Planning and Land Authority		Minister for Planning	Planning, Public Works and Territory and Municipal Services
ACT Policing		Attorney General	Justice and Community Safety
ACT Public Cemeteries Authority		Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
ACTEW Corporation Limited		Treasurer	Public Accounts
ACTTAB Ltd		Treasurer	Public Accounts
Chief Minister's Department	ACT Executive	Chief Minister	Public Accounts
	Arts ACT	Minister for the Arts and Heritage	Education, Training and Youth Affairs
	Business and Economic Development	Minister for Business and Economic Development	Public Accounts
	Default Insurance Fund	Minister for Industrial Relations	Public Accounts
	Occupational Health and Safety Council	Minister for Industrial Relations	Public Accounts
Canberra Institute of Technology		Minister for Education and Training	Education, Training and Youth Affairs

<b>Annual Report</b>	<b>Reporting area</b>	<b>Ministerial Portfolio</b>	<b>Standing Committee</b>
Commissioner for Public Administration		Chief Minister	Public Accounts
Cultural Facilities Corporation		Minister for the Arts and Heritage	Education, Training and Youth Affairs
Department of Disability, Housing and Community Services	Disability and Therapy Services	Minister for Disability and Housing Minister for Community Services	Health, Community and Social Services
	Community Development and Policy— Community and Homeless Services	Minister for Community Services	Health, Community and Social Services
	Community Affairs—Ageing	Minister for Ageing	Health, Community and Social Services
	Community Affairs— Indigenous Affairs	Minister for Indigenous Affairs	Health, Community and Social Services
	Community Affairs—Women	Minister for Women	Health, Community and Social Services
	Community Affairs— Multicultural Affairs	Minister for Multicultural Affairs	Health, Community and Social Services
	Children, Youth and Family Services	Minister for Children and Young People	Education, Training and Youth Affairs
	Official Visitor— <i>Children and Young People Act 2008</i>	Minister for Children and Young People	Education, Training and Youth Affairs
Department of Education and Training		Minister for Education and Training	Education, Training and Youth Affairs
Department of Justice and Community Safety		Attorney-General	Justice and Community Safety
	Emergency Services Agency	Minister for Police and Emergency Services	Justice and Community Safety
	Corrective Services	Minister for Corrections	Justice and Community Safety
Department of Territory and Municipal Services		Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
	Animal Welfare Authority	Minister for Territory and Municipal Services	Planning, Public Works and Territory and Municipal Services
	Australian Capital Tourism	Minister for Tourism, Sport and Recreation	Public Accounts
	Conservator of Flora and Fauna	Minister for the Environment, Climate Change and Water	Planning, Public Works and Territory and Municipal Services
Department of Territory and Municipal Services (cont'd)	Heritage Council	Minister for the Arts and Heritage	Planning, Public Works and Territory and Municipal Services
Department of the Environment, Climate Change, Energy and Water		Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water

Annual Report	Reporting area	Ministerial Portfolio	Standing Committee
	Environment Protection Authority	Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
Independent Competition and Regulatory Commission		Attorney-General	Justice and Community Safety
Land Development Agency		Chief Minister	Planning, Public Works and Territory and Municipal Services
Legal Aid Commission (ACT)		Attorney-General	Justice and Community Safety
Office of the Commissioner for the Environment		Minister for the Environment, Climate Change and Water	Climate Change, Environment and Water
Public Advocate of the ACT		Attorney-General	Justice and Community Safety
Public Trustee for the ACT		Attorney-General	Justice and Community Safety
Rhodium Asset Solutions		Treasurer	Public Accounts
Totalcare Industries Limited		Treasurer	Public Accounts
University of Canberra		Minister for Education and Training	Education, Training and Youth Affairs
Victims of Crime Support Program		Attorney-General	Justice and Community Safety

## Legislation (Penalty Units) Amendment Bill 2009

Debate resumed from 20 August 2009, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MR SMYTH** (Brindabella) (10.15): I am sure Mrs Dunne will be returning to her seat to speak to this piece of legislation very quickly, given that the Legislation (Penalty Units) Amendment Bill is a very important piece of legislation. Mrs Dunne, of course, is fully briefed on the issue and will present the Liberal Party's position.

The way we fine people in the ACT is important. It is important that we get the balance right. For a number of years the amount of \$100 has not been raised and, in order to keep pace, it is appropriate that fines for breaches of the law should be increased. With that, I will hand over to my colleague Mrs Dunne, who is far more erudite in the depth of this matter.

**MRS DUNNE** (Ginninderra) (10.16): I thank my colleague Mr Smyth for his flexibility and his capacity to speak on important subjects even though they are not necessarily within his area of responsibility. That is, after all, what members of the Canberra Liberals are on about: we do actually keep our minds across many of the issues in the Assembly.

The opposition will be supporting this bill, which seeks to increase the value of penalty units. We will vote to give the revenue of the ACT an extra \$3 million a year. Penalty units are used as a means by which penalties for offences are calculated. From

an administration point of view, it is a practical process which was, in fact, first championed in the ACT by Gary Humphries when he was the Attorney-General.

Legislation setting monetary values for various penalties merely set the maximum number of penalty units for offences rather than an actual dollar value. The idea of this was to ensure that penalties were always kept up to date. The value of the penalty unit has always been set out in a separate piece of legislation and as a consequence applies to all legislation carrying penalties expressed in penalty units. It has always been a simple and effective means to ensure consistency across all legislation.

This bill would seek to increase the value of penalty units by 10 per cent. As a result, the value of penalty units applying to individuals increases from \$100 to \$110 and for corporations the value increases from \$500 to \$550. The new rate will bring us into line with the commonwealth and New South Wales rates and is comparable with those in a number of other jurisdictions.

I note that the last time the penalty unit's value was reviewed was in 2001. In that context the increase of 10 per cent might not be considered significant. Perhaps, however, as happens in other jurisdictions, if the Stanhope government were more efficient in its conduct of its business it might review its penalty unit values more regularly. At least then we would avoid hefty increases in one go. As mentioned earlier, the increases in the value of penalty units will raise additional annual revenue of \$3,136,000 for the Stanhope government.

In recognising this, one must ask about the timing of the increase. Is it merely to recognise the increase in the cost of administering penalties over the past eight years, or is it because the Stanhope government is desperate to hit every possible corner it can to bolster its finances after eight years of financial mismanagement? After eight years of boom, with unprecedented revenues, funding wasteful expenditure on wrong priorities, ideologies and whims, is it now the case that the cookie jar is empty?

Whatever spin you put on it, there is no denying the fact that the Stanhope government has an unenviable record for financial incompetence. It failed to save in the good years for economic rainy days—the economic rainy days we are now experiencing. Rather, it spent recklessly on projects and programs that the people of Canberra neither needed nor wanted. It failed to recognise and direct money to areas of need; rather, mismanaging and overspending on major capital works such as the GDE, the prison and now the Cotter Dam enlargement. It has failed the people of Canberra and now everyone is paying through higher taxes, reduced services and, in this case, higher penalties for offences.

**MR RATTENBURY** (Molonglo) (10.20): I rise today to support this legislation on behalf of the Greens. This increase was flagged as part of the 2009-10 budget process and today's legislation brings into effect the increase in the value of the penalty unit by \$10 to \$110. This will increase the revenue collected by government by an estimated \$3.1 million per year.

The Greens accept the rationale behind the increase in that it reflects both inflation and the increases in the cost of government administration. It has been eight years

since the value of a penalty unit was last reviewed and the effect of inflation in the intervening period does justify this increase now.

It is important as we pass this legislation to reflect on the impact of such an increase. It will impact differently on people, depending on their level of income and how many fines they accumulate. For those people on lower incomes who accumulate multiple fines, the impact of the \$10 increase will be much greater than for others, of course.

It has been noted here in the Assembly in the past the unfortunate fact that you can go to jail in the ACT as a way of “repaying” unpaid fines. From the Greens point of view, imprisonment should always be a last resort and the Greens do not support imprisonment for the non-payment of fines. In the vast majority of cases, imprisonment for a fine defaulter is completely inappropriate.

A sensible alternative to such an outcome was proposed in 2006 by my predecessor, Deb Foskey, who proposed that the court be given the discretion to order that fines be repaid through undertaking community service as opposed to through imprisonment. Whilst the government did not support that proposal at the time, citing a number of technical reasons why the proposal did need more consideration, I am pleased to note that in the 2009-10 budget the government committed funds to establish such a scheme, and the Greens fully support that initiative.

In August this year the Attorney-General noted that rollout of the policy initiative was around 12 months away. The reason for the lead-in time before the policy can come into effect is that non-government organisations will be responsible for directing the work to be undertaken during the community service. Clearly, an amount of time is needed for consultation and to develop the program before any court is given the power to require defaulters to undertake such a community service order.

The need for such a program of community service orders is reinforced by what we are discussing today because fines will increase as a result of the decision we make today and this can only be an increased burden on those on lower incomes who have defaulted on repayments. So the sooner the government is able to put this program in place to provide an alternative to going to prison for those who do default, the better.

Having said that, and just reflecting on the broader implications of this bill, the Greens will be supporting this bill today.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.23), in reply: I would like to thank members for their support of this bill. The bill amends the provisions of the Legislation Act 2001 that define the values attached to penalty units. The statute book for the ACT uses the concept of penalty units when an offence sets a maximum fine as a penalty. Section 133 of the Legislation Act 2001 defines the actual amount of what a penalty unit is worth. At present one unit for an individual is worth \$100 and one unit for a corporation is worth \$500. As members have noted, these penalty units were last reviewed eight years ago.

The bill sets out the amendment that the 2009-10 budget process approved, namely to increase the penalty unit rate for an individual by \$10 to \$110 and for a corporation by \$50 to \$550. In addition to aligning the territory with the commonwealth and New South Wales, which value a penalty unit for an individual at \$110, the increase in penalty unit values will increase the revenue collected by the territory by an estimated \$3,136,000 per year.

This amendment of the penalty unit values reflects inflation and the general increase in the cost of government administration of penalties since 2001 when the value was last reviewed by the Assembly. I thank members for their support of the bill and commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Adoption Amendment Bill 2009**

Debate resumed from 15 September 2009, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (10.25): The Liberal opposition will be supporting this bill in principle, and I am a little distracted because although we are agreeing to the bill in principle there are some issues that have arisen in our consultations with members of the public and in our own party room discussions in relation to this legislation that I would like to be able to explore a little more thoroughly. I thank the minister and his officers for providing my office and Mr Coe's office with a briefing on this bill in my absence when I was representing the Assembly in Tanzania.

I think that, generally speaking, the work done in the adoption bill is good work and it expands much of what needs to be done to improve adoption law, which has not really been addressed since it was last dealt with in 1993. In 1993, when Terry Connolly introduced changes to adoption law, it was extraordinarily controversial and I remember that as a member of the community and as someone who has had a number of dealings with adoption organisations over the years, mainly just through family associations and associations with friends who have been active in the adoption community, I was very aware of a number of concerns at the time of the introduction of the current legislation.

The work done by Mr Connolly and agencies at the time brought a higher level of confidence in the adoption arrangements that we have seen in place in the ACT over quite some time. I think that in the area of adoption there always needs to be a very high level of confidence in the process. In the ACT, as in most other places, the number of adoptions is not high in per capita terms and they have been decreasing



over the years. We see at the moment in the ACT probably in the area of 15 to 25 adoptions taking place each year, most of those being adoptions from overseas and step-parent type adoptions. There are very few adoptions of Australian or Canberra children as infants who are given up for adoption, as may have been the case 30 or 40 years ago.

The laws that we make in relation to adoption are very important and they have huge and long-term effects on the people who are subject to adoptions, who participate either as adoptive parents or relinquishing parents, or most importantly as the adoptee themselves. This bill ensures consistency with the Human Rights Act 2004 and the Children and Young People Act 2008 and it brings into play Australia's acceptance of the Hague Convention on Intercountry Adoption and the UN conventions on children's rights, and the ACT's commitment to an agreed national approach on intercountry adoption. Australia signed up to the Hague Convention in 1993 and some 100 other countries are now also signatories. In addition, Australia has a number of bilateral agreements with other countries who are not signatories to the Hague convention.

The bill incorporates a structural or language clarification and removes anomalies identified by the drafters. The objects and principles of the existing Adoption Act have been expanded significantly, providing a comprehensive outline of the extent, import and purpose of the act as amended. It includes recognising the role of birth parents in decision making about a child or young person's future and opening up the rights of an adopted child or a young person to their family background and culture.

It makes clear several times in the bill that the interests and welfare of the child or young person is of paramount importance and takes into account a range of factors relating to the child or young person.

It also sets out special requirements for Aboriginal and Torres Strait Islander children and young people, given that adoption outside traditional approaches using extended families is often considered unsuitable for Indigenous people. The scrutiny of bills committee considered this matter, drawing the attention of the Assembly to the question of whether this engages the antidiscrimination elements of the Human Rights Act, and the explanatory statement also addresses this issue.

The bill opens up the ease with which overseas adoptions can be concluded, primarily focusing on convention countries, or countries who are not signed up to the convention but who have pre-existing bilateral agreements with Australia. Even countries outside those arrangements are not excluded, provided that adoptions are done in a way which satisfies the Hague convention. It also broadens the already extensive access to information about adoption and access by birth relatives, including those who were born after adoption orders were made, for example birth siblings.

In the period since the current act came into being in 1993, the ACT's adoption profile has changed significantly. Today, some 80 per cent of adoptions in the ACT are from overseas or are step-parent adoptions. There is also an increasing trend for long-term carers seeking adoption orders for children in their care. That said, adoption numbers in the ACT are relatively small, as I have already said, with no more than 25 young people each year and a handful of adults seeking adoption.

The bill also notes that there is an increasing trend towards open adoption practices, whereby adopted persons seek their personal identity with their birth family as an extension of their relationship with their adopted family.

Mr Speaker, the opposition has three matters of concern in relation to this bill. The first relates to the naming provisions, which I note did have some opposition in the consultation process, and as recently as today I have been contacted by the Adoptive Parents Association, who still have concerns about these matters.

The new naming provisions seek to preserve the adopted person's identity, and this is outlined in the UN Convention on the Rights of the Child. It requires that the person's given name, or names, be retained unless a court is satisfied that they should be changed. The provisions of the particular section of the bill provide some guidance to the court and include a requirement for a report from the chief executive, and there is an option for additional birth names. This is the matter that is of particular concern to the Adoptive Families Association of the ACT. It is concerned that the naming provisions cannot apply to all adoption situations and is therefore discriminatory.

For example, families with children from China complete their adoption in China and are able to name their child as they wish. In addition, given that the central theme of the bill is to ensure that the best interest of the child or young person is paramount and that the purposes of the naming provision is to promote a secure sense of identity, it is hard to imagine why we in Australia would insist upon children maintaining their name if their name in their cultural language, their birth language, might mean something like, for instance, "abandoned child" or "orphan girl". The Adoptive Parents Association have raised with me, and I understand that they have raised with other members of the Assembly, that these sorts of names do not promote a sense of security and that the first thing that the adopted child's ethnic community that we would like them to bond with would know about this child would be that this child may have been abandoned, and that would be because of the naming regime which has been suggested in this legislation.

The Adoptive Families Association states that, further, there are many other ways in which a child can develop a secure sense of identity. Indeed, a greater sense of identity is achieved by mixing frequently with members of their cultural community, learning their birth language or travelling to their birth country—none of which are things that can be legislated for in adoption legislation.

The Adoptive Families Association has put it to me that what they need is more and appropriate education for people who are contemplating the adoption process, especially intercountry adoption, rather than legislation which may, whilst well intended, be quite insensitive to the security needs of young children who are adopted.

The second issue of concern relates to the removal of contact vetoes. Again, a central theme of the act is to hold the best interests of the child or young person as paramount, and there are many cases in which a child or young person would not wish to have any contact with their birth parents.

Many psychological issues can arise when an adoptive child or young person is confronted with meeting their birth parents and many questions and uncertainties can

arise. It may not always be in the best interests of the child or young person to be confronted with that situation and the blanket removal of any contact vetos may, I contend, and it is the contention of my party room, not be in the best interest of the child.

Similarly in the case of removal of the nondisclosure rule in relation to the information on adopted children or young people who have been born as the result of rape or incest offences, while there might be good medical reasons for disclosing this kind of information, the psychological impact on a child or young person in discovering their birth origins may not be in their best interests.

Mr Speaker, I made approaches to the minister's office quite early this morning to adjourn this bill after the in principle stage to allow for the Liberal opposition to contemplate some amendments in these important and very sensitive areas, but I have had a discussion both with the minister and with Ms Hunter and I understand that it is their intention to pursue this bill this morning irrespective of the opposition's concerns.

On behalf of the opposition I made commitments that we would deal with this Bill this week but had asked that, after we deal with the bill in principle, we adjourn it. It is a problem that I have been overseas on Assembly business during the last fortnight and not able to give my full attention to this matter. This is a very important piece of legislation that has long-term impacts on people who are citizens of the ACT, especially people who are born in and who live their early life in very vulnerable situations, and it is essential that we get this legislation quite right.

We in the opposition have been very keen to ensure that we do have good adoption legislation, and my party room and I have particular concerns, which I have outlined, with this bill but at this stage I have not had the opportunity to have thoughtful consideration of how best to carry this forward. I am extraordinarily disappointed that the Minister for Children and Young People and his opposite number in the Greens would not allow the adjournment of this bill for two sitting days to allow some more contemplation of these very important issues.

If it is the will of the Assembly—that is, the will of the Labor Party and the Greens party—to push this bill through irrespective of the concerns raised here today, I put it on notice that if it is necessary for me to bring back an adoption amendment bill to address the issues that we have concerns about I will do so, but it would be a better, more humane and more rational approach to deal with this in a thoughtful way in the detail stage of the debate, which could happen on Thursday.

I want to reinforce that the general tenor of the changes to the Adoption Act are strongly supported by the Liberal opposition. There are considerable concerns that we would like to address and I think that they should be addressed in the detail stage.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.40): The ACT Greens will be supporting this bill. The bill consists of significant changes for adoption in the ACT and brings the ACT more closely into line with the UN Convention on the Rights of the Child. Article 3 of the convention states:

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

Adoption is one of a range of options used to provide care for children who cannot live with their birth families. It is the process whereby the legal relationship between a child and their biological parents is severed, and the legal rights of the child are as if he or she had been born to the adoptive parents.

This is a serious issue, it is an emotive issue, and it requires both sensitivity and a well-researched approach. The Greens believe the purpose of this amendment bill is to provide the ACT with access to contemporary adoption practices and provide appropriate transparency and accountability for birth parents, children, prospective adoptive parents and the broader community.

The ACT prides itself on protecting the rights of all its citizens, including our children and young people. Children and young people rely heavily on the critical evaluation and guidance of adults to ensure that they have secure protection of their rights. In the ACT we have made efforts to achieve this through the ACT Human Rights Act 2004 and the Children and Young People Act 2008. We are signatory to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption and the United Nations Convention on the Rights of the Child. By enacting both legislation and convention responsibilities we play a critical role in working towards recognising and understanding the importance of protecting children's rights.

With regard to this current legislation before the Assembly, I am particularly pleased to have young people who are 12 years old or older, but not yet adult, recognised in the amendment bill as young people. The ACT Greens are also pleased that clause 5 indicates that the best interests of the child or young person receive primary consideration.

In December 1990, Australia ratified the Convention on the Rights of the Child. This convention makes the best interests of the child a paramount consideration, in actions and decisions concerning that child. The principle of the best interests of the child is one of the fundamental principles of the convention underpinning the interpretation of all children's rights and freedoms.

I welcome the changes in this bill surrounding the provisions made for Aboriginal and Torres Strait Islander children and young people. Under the Aboriginal and Torres Strait Islander Child Placement Principle, a department has a responsibility to consider placing an Indigenous child or young person with, in order of priority, a member of the child or young person's family, a member of the child or young person's community or language group, another Aboriginal person or Torres Strait Islander who is familiar with the child or young person's community or language group, or another Aboriginal person or Torres Strait Islander. If these placements cannot be found, then a placement can be arranged with a non-Indigenous family who have the capacity to support the child's cultural identity as a person of Aboriginal or Torres Strait Islander background.

It is incredibly important that this placement principle that appeared in the Children and Young People Act is now being reflected in these amendments to the Adoption

Act. Changes in the bill, as I said, bring the Adoption Act into line with the Children and Young People Act. The work on and consultation about the Children and Young People Act was thorough and well considered, and both the act, and these amendments, recognise article 30 of the UN Convention on the Rights of the Child, and that is that children have a right to learn and use the language and customs of their families, whether or not these are shared by the majority of people where they live, as long as this does not harm others.

This bill also brings the Adoption Act into line with the Hague convention, which rightly establishes a system of reciprocal cooperation between countries. The ACT Greens believe it is important to adjust the act to provide a set of principles to guide intercountry adoption, as this is an area that can be open to misuse or abuse by some people.

There are a range of changes involved in this amendment bill and the ACT Greens are confident that the legislation will be strengthened to ensure that all parties privy to these proceedings will have access to the process and legislation that clearly sets out the rights of all parties and requirements for both local and intercountry adoption.

While the amendments in this bill improve many aspects of the rights of children and young people, some concerns have been raised with the ACT Greens by stakeholders. One such concern that I would like to note is the issue of post-adoption support, which can be of particular importance in relation to intercountry adoption. Traditionally, couples and families going through the adoption process are required to undergo a training course prior to the adoption.

This is to gain a greater understanding of the issues they will face as a family and the types of strategies and supports that are available and may be useful to deal with the issues that may arise, particularly community perceptions of intercountry adoption. From the other side, we also understand that often families may choose to distance themselves from the government department that oversees the adoption process, and in essence get on with their life together.

However, we also know that families often need post-adoption support. In addition to the post-adoption checks by the department at regular intervals, it has been suggested that community service organisations are better placed to provide this support in an ongoing way. Within other jurisdictions Post Adoption Support Schemes funded by government exist to extend the supports available to these families. Ongoing assistance would ensure that families are managing their changed situation, and that the best interests of the child continue to be met.

Another issue of note that has been raised by Mrs Dunne is the naming of a child and the concerns surrounding this. This legislation provides that the given name of a child can only be changed in exceptional circumstances and upon application to the court. This change triggers both strong support and opposition from adoptive parents. While some are concerned about pronunciation, assimilation at school and parents' rights to name their children, others believe a given name is an important link to the child's culture and an important part of their identity.

This is a very difficult and contentious area within the intercountry adoption community. We understand both arguments, and agree that an application to the court

through the adoptions process may be the most appropriate solution. Some adoptive parents feel that naming the child creates a special bond in the development of their relationship, while some adoptive parents feel that keeping the child's name allows them connection to their country of birth and cultural identity.

It is important to understand that the legislation does allow this issue to be handled on a case by case basis. For example children adopted from China and the Philippines often have names that are recognised through these communities as being orphans or abandoned children. This, we presume, would act as evidence of exceptional circumstances. We are confident that the court system will ensure that the best interests of the child will prevail.

I would like to thank Mr Barr and his staff and the department for providing my office with information on these matters. In supporting this bill we hope that the children, adoptive parents and birth parents who are involved in adoption processes have their rights respected and that the ACT government will monitor the implementation of the changes to ensure the best interests of the child are maintained.

**MS PORTER** (Ginninderra) (10.48): I rise to support the Adoption Amendment Bill 2009. In particular, I commend the clauses of the bill that cover access to information by parties to a past adoption. Whilst the Adoption Act 1993 was progressive at the time, by making some provisions for exchanges of information about the circumstances of birth parents and adult adoptees, there has been a significant expansion of understanding about best practice concerning adoption since then.

The purpose of amendments in the bill relating to access to information is to help children and families to have the necessary knowledge and understanding of their adoption story in order to manage the feelings of loss, grief and joy. Having known some people who have been through this process, I can tell you that there is a veritable kaleidoscope of emotions at play, as one would expect.

The veto provisions of the Adoption Act 1993 provide a legal basis for protecting parties to an adoption from contact with each other. These veto provisions are contained in section 70, objection to contact (veto), section 72, counselling services, and section 73, declaration that contact shall not be attempted.

The original purpose of the contact veto was to preserve the right to privacy and confidentiality of parties to an adoption. The person making an objection to contact could be a birth parent, an adoptive parent on behalf of their child or an adult adoptee. However, by and large, the community have come to accept the concept of open adoption and understand that the intended comfort of a right to privacy has instead often been experienced as a debilitating shroud of secrecy. This is reflected in a progressive decline in the number of contact vetos being lodged—an average of one a year over the last five years.

In the past, a contact veto has sometimes closed the door on an adoptee wanting to find out about the reasons for their adoption, their genetic history and other details about their birth family. Many birth parents have also experienced unresolved grief and loss, not knowing if the child they relinquished a long time ago grew up enjoying a happy family life. The impact of such secrecy has been to leave a sense of

incompleteness in many people's lives. It is for these reasons that the government has acted, and acted with vigour.

So what is the solution? Current research suggests that access to information and the opportunity for contact with birth families in most cases will contribute to an adoptee's sense of identity, security and overall wellbeing. Importantly, the bill will, once enacted, ensure that an adopted child has the right to know about their family background and culture, that a birth parent is involved in making decisions about their child's future and that an adoption plan be drawn up that recognises the intentions of all parties in an adoption.

The adoption plan is presented to the court at the time of the adoption and nowadays most adoption orders will have conditions that specify arrangements for future contact between the adopted child and members of their birth family. Veto provisions in relation to current and future adoptions have been progressively removed in most Australian state legislation. If these provisions were kept, they would also become increasingly superfluous in the face of adoption plans that enable family contact.

There is a clear social imperative for removing these veto provisions and to ensure that the government's policy intent is expressed through the bill to protect the rights, interests and wellbeing of all parties to adoption and to ensure that the needs of children who are adopted are of paramount consideration.

How are we going to implement this change? Whilst the removal from the bill of the option to make a contact veto is forward looking and is based on extensive research, I draw the Assembly's attention to the possible quandary that this may present for those people who have previously sought a contact veto.

For the record, I wish to make it absolutely clear that previous undertakings will be respected. Each person within an adoption story has undergone a unique journey. The timing may not be right now, or even into the foreseeable future, for some people who have not had any contact or information about their child or birth parent since an adoption order was made. They should not be pushed into something they are not prepared for. But should they want it, counselling and assistance through the Adoption Information Service, to be renamed the Family Information Service, and a number of adoption support groups, is available for them.

In conclusion, I commend the legislation to the Assembly as a demonstration of the government's commitment to supporting all members of the Canberra community who are on an adoption journey.

**MS BURCH** (Brindabella) (10.54): I rise to support this legislation and, in particular, the provisions it makes for children living overseas and in need of adoption.

Members will be familiar with the media stories about celebrity intercountry adoptions and the questions that are often raised about the propriety of these arrangements. Members probably also know at least one Canberra family who have wanted to reach out to a child overseas who no longer has parents. To be loved and wanted is a fundamental human need, and the right to be able to participate fully in family life is enshrined in the United Nations Convention on the Rights of the Child.

The ACT has a reputation for being progressive and supportive of Canberrans seeking to adopt a child from overseas. This was commented upon by the House of Representatives Standing Committee on Family and Human Services in its 2005 inquiry into overseas adoption in Australia. However, for some time the ACT's adoption services have been delivered within an outdated legislative framework. This bill fills in a number of existing gaps in providing guidance about intercountry adoption practice and responsibilities under national and international covenants.

I am sure we have all heard similar stories about the complexities of intercountry adoption from bewildered and sometimes distressed constituents, family and friends. This bill clearly sets out the obligations upon the ACT government to ensure that the rights of all children from overseas joining a new family in Canberra are properly protected. It clearly identifies linkages to Australian government legislation and the international governance of intercountry adoption, ensuring that these adoptions are carried out properly and ethically. The legislation also provides for a guide for prospective adoptive parents, explaining the range of processes involved in adopting a child from different countries.

A new division 4 has been added to the bill and it describes the additional legal requirements for families seeking to adopt a child from overseas. The bill includes in its schedules the Hague convention on child protection and cooperation in respect of intercountry adoption. Australia ratified this convention in 1998 after the current Adoption Act was enacted.

The bill explains the role assigned to governments, referred to as central authorities, under the Hague convention. Australian central authorities facilitate adoptions only from countries that have signed the Hague convention or with whom Australia has a bilateral arrangement in relation to adoptions. Even so, each of these countries has its own unique laws that mean that the legal status in Australia of children adopted from overseas varies from country to country.

Furthermore, approximately a quarter of children adopted from overseas are adopted in their country of birth by parents who are living overseas at the time. With overseas postings being a feature of many Canberrans' lives, this option is often taken up. The legislation also explains the involvement of the Australian Department of Immigration and Citizenship and the Department of Foreign Affairs in managing the entry into Australia of children adopted overseas.

It is clear that overseas adoption is a complex process and may take several years to complete. The legislation will not speed up these processes, but for the first time it will explain them clearly and help to prevent inadvertent and sometimes painful errors along the journey.

Overseas adoption programs are rapidly changing. As domestic adoption programs become more established in many countries, there is a declining need for overseas children to be adopted. Many overseas authorities are now seeking adoptive homes for children with complex medical and social backgrounds, older children and children in sibling groups.



The decreasing number of overseas children identified as being in need of adoption by an Australian family has had a significant impact on how many of these children are joining a family in Canberra. In many cases, other countries allocate a specific number of children each year to be adopted by Australian families. This number is then divided proportionately between the states and territories based on population size.

During the last two financial years, 2007-08 and 2008-09, 11 children joined their adoptive families here in the ACT, coming from eight different countries. In 2007-08, children were adopted from Colombia, India, Korea, Sri Lanka and Thailand. This changed during 2008-09, when children were adopted from China, the Philippines and Ethiopia.

In closing, I would like to emphasise the importance of the new division 4 of the Adoption Amendment Bill 2009. Certainly, at the present time, the number of children and families affected by this aspect of the provisions is small. However, these reforms will help adoptive parents or prospective parents hoping to adopt from another country. It is yet another example of practical help for children and families in the ACT. These parents are enthusiastic about intercountry adoption and are confident that they have made the right decision to pursue this. They demonstrate extraordinary persistence, great love and pride in their children.

I do not wish to gloss over the usual challenges that these children and their parents will face, nor the unique challenges experienced by transcultural families. But Canberra is enriched by these families.

To summarise, as I said, I support this legislation, and in particular the provisions it makes for children living overseas and in need of adoption. The ACT has a reputation for being progressive and supportive of Canberrans seeking to adopt children from overseas. This bill clearly sets out the obligations upon the ACT government to ensure that the rights of all children from overseas joining a new family in Canberra are properly protected. The new division 4 which has been added to the bill describes the additional legal requirements for families seeking to adopt a child from overseas, and the bill explains the role clearly assigned to governments.

I commend this legislation, which enhances and strengthens the ACT government's policy in support of intercountry adoption for some of the most vulnerable children in need of a family.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (11.01), in reply: I thank members for their contribution to the debate this morning and for their support in large part for the legislation, although acknowledging there are different levels of support for it across the chamber. Earlier in the year I delivered a ministerial statement on the Children and Young People portfolio. I outlined a year of action and a year of planning for the future. I explained Labor's approach to this portfolio—practical help for all families; practical help for all children; practical help on everything from child friendly cities to sustainable jobs, from dropping kids off at childcare to helping dads play; pressing ahead with early

intervention in our new early childhood schools, child and family centres and playgroups; helping every kid feel like they fit in; and helping the most vulnerable families to help themselves.

This bill will help all children and young people and their families, both adoptive and birth families. Firstly, these reforms make the best interests of Canberra's children and young people central to all decision making. Secondly, the bill helps adoptive families who open their homes to children and young people. Thirdly, and just as importantly, it helps birth parents to build relationships with their children.

Before discussing these reforms, I will briefly address the comments raised in the scrutiny report. In relation to the commencement date, practical matters, such as the amending of court rules and procedures for adoption applications, must occur after the legislation has been passed. Mr Speaker, I have arranged for a revised explanatory statement to be prepared to explain this decision further. Adoption fees have been linked to the consumer price index, not the wage price index. This is because full cost recovery is not being sought through adoption fees. The government does not want the cost of adoption to be prohibitive for parents. In relation to the scrutiny report, in the examples of "light work", "court attendant" is in the context of sporting activities, not a court of law.

Finally, there was an observation, but not a recommendation, made about whether Aboriginal and Torres Strait Islander placement principles met the requirement for equal protection of the law under the Human Rights Act. This is a practical dilemma, one of competing rights and interests. Children and young people have a right to know about their birth family's background and culture and maintain their cultural identity. Although the Human Rights Act focuses on equal protection of the law without discrimination, the explanatory statement of the Human Rights Act acknowledges the importance of affirmative measures for Aboriginal and Torres Strait Islander children, their families and their communities.

In addition, the Adoption Act and the Children and Young People Act are underpinned by the principle of the best interests of the child. This principle is paramount. Therefore, the best interests principle has primacy over the Indigenous placement principle, but all efforts are made to link children and young people to their culture. This is a practical approach to decision making.

Mr Speaker, today's amendments will make a positive difference to all persons involved in adoption in the territory. In summary, these reforms will make the child or young person central to all decision making, make adoption easier to understand, incorporate the United Nations Convention on the Rights of the Child and the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, make it possible for financial support to be given to adopting families in certain circumstances, and help parents prepare adoption plans so that children's rights are well known throughout their lifetime.

The purpose of adoption in the ACT is to provide children and young people with safe, stable and loving homes. A new objects and principles section reflects this. Listening to children and young people is very important, and it will be a focus of our new young people's plan. So this bill provides guidance to families on how to enhance

participation and engagement of children and young people during difficult family times.

We know from the evidence and adoption best practice that an adoptee's sense of history and identity is vital to their stability and wellbeing. It is vital to their relationships with their families, both birth and adoptive. As many speakers have reflected on in this debate, a child's name is central to their identity. The right to retain name and identity is enshrined in the United Nations Convention on the Rights of the Child. Clause 45 of this bill stipulates that an adopted child has a right to retain their first name given at birth. The bill also gives adoptive parents the option of giving their child additional names. As Mrs Dunne and Ms Hunter have touched on, it does allow name change applications in exceptional circumstances.

Under existing legislative arrangements, non-continuing birth parents are able to initiate proceedings in the Family Court after an adoption order has been made in favour of the partner of the birth parent caring for the child. This can destabilise relationships and a child or young person's place in a successfully blended family. The bill provides certainty for children and young people. Clause 15 provides certainty to step-parents who adopt. Adoption by the step-parent must be beneficial and in the best interests of the child or young person, and the non-continuing birth parent must be consulted.

Importantly, we are amending a requirement for the consent of the birth father to adoption, whether they are known to the adoptee or not. It is important that, wherever possible, the identity of the birth father is determined and that he is involved in the decision to adopt his child. But if the birth father is unknown, this will no longer be a barrier to the adoption of a child or young person in need of a permanent family.

As other speakers have noted, the act is based on the principle of open adoption. Removal of section 58 from the 1993 act will allow the disclosure of information about a child being born as a result of sexual assault or incest. Whilst it would be distressing to learn of this currently prohibited information, it is important for an adopted adult to have the opportunity to understand the circumstances of their birth and to have access to medical history.

We are delivering practical help for all children and young people, and practical help for adoptive families. This bill takes into account the changing nature of adoption in our community. It makes the processes and procedures surrounding adoption, particularly overseas adoption, easier to understand for all families. We are also providing further support for adopting families.

Mr Speaker, adoption laws around the world vary greatly. In some cases, the legal standing of overseas adoptions has resulted in considerable confusion and legal uncertainty within Australia. The bill simplifies these processes. First, it identifies the different types of adoption orders made overseas. Second, it explains the procedures for obtaining full recognition of them in the ACT where this is necessary. This provides further certainty and support for adoptive families in the territory. In addition to simplifying processes, the bill provides for financial support to adoptive parents in special circumstances. This may be needed, for example, where a child has complex

care needs that are likely to place a significant financial burden upon the prospective adoptive family.

Finally, clauses 13 and 18 of the bill require prospective adoption parents to be ordinarily resident in the ACT. It is an obligation under the Hague convention governing intercountry adoption that adoptive parents need to be assessed by a government authority and that they must be habitually resident in the country of that authority. The current act is silent on this residency requirement. The government recognises the new provision could be an issue for a significant number of highly mobile families who are part of the Canberra community. Approved applicants whose primary place of residence is Canberra will be able to remain on the ACT adoption register until they return to the territory. This just goes to highlight some of the examples of practical help for families, both adoptive and birth, contained within this legislation.

The government's approach to this portfolio has been around practical help for all families and for all kids. That is why we have extended the decision-making period for adoption from seven to 28 days after birth. This does give more time to birth parents and their families to receive counselling, if they wish, to consider possible alternatives to adoption, to develop an adoption plan and to establish future contact arrangements. As potentially vulnerable people, parents under the age of 18 years will be able to receive legal advice and counselling.

The legislation addresses several matters relating to the exchange of information between parties to adoption. I think everyone in this place knows that family relationships can be difficult from time to time, but evidence tells us that open and honest relationships are in the best interests of the child or young person. This is why we are removing contact veto provisions. Instead of contact vetoes, counsellors from the Family Information Service, currently the Adoption Information Service, will sit down with adopted children and young people and talk about how they would like to build relationships with their birth parents.

Specifically, clauses 70 to 73 remove the option to register a contact veto for adoptions made after the legislation is enacted. This amendment does not affect contact vetos currently registered under the 1993 act. It will not be retrospective. It reflects contemporary adoption best practice and principles of open adoption.

Mr Speaker, in conclusion, the government are listening. We are listening to children and young people and their adoptive and birth families. We are listening when they tell us they want commonsense solutions and practical help, which takes into account the wide variety of modern families—families who sit down together after 20 years to swap photos and laugh about family stories, families who go to language classes every week and travel overseas every year so that their son or daughter knows his or her culture, families who buy a new school uniform, but then wonder what their son or daughter's shoe size is. So this government will provide practical help. These amendments will provide practical help to all families. For these reasons I commend the Adoption Amendment Bill 2009 to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

**Detail stage**

Clause 1.

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

That debate be adjourned.

The Assembly voted—

Ayes 6

Noes 11

Mr Coe

Mr Doszpot

Mrs Dunne

Mr Hanson

Mr Seselja

Mr Smyth

Mr Barr

Ms Bresnan

Ms Burch

Mr Corbell

Ms Gallagher

Mr Hargreaves

Ms Hunter

Ms Le Couteur

Ms Porter

Mr Rattenbury

Mr Stanhope

Question so resolved in the negative.

Clause 1 agreed to.

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

Bill agreed to.

**Education Amendment Bill 2009**

Debate resumed from 17 September 2009, on motion by **Mr Barr**:

That this bill be agreed to in principle.

**MR DOSZPOT** (Brindabella) (11.17): The Education Amendment Bill 2009 tabled by the minister is in many ways simply a token attempt and falls far short of addressing the real problem with antisocial behaviour in ACT schools. The idea of extending and strengthening the powers that a school principal has in dealing with seriously misbehaving students, both in the public sector and within the Catholic systemic schools, is a start. However, it is the opposition's opinion that this amendment will still leave the ACT far behind other states and territories and that the principals in ACT public schools will still have delegated authority to suspend students for the shortest time period out of all of the jurisdictions around Australia, and indeed with still limited attention given to actually looking at and addressing the issues that have forced the suspension in the first place.

It is time to examine urgently the apparent continued escalation of the behaviour issues as well as the inadequacies and the shortfall of current behaviour management practices. It is time to seriously address not just the symptoms but the root causes of the problem. Of course, before you can address the problem you have to actually admit that there is a problem, and that seems to be the major stumbling block with this minister.

The opposition welcomes the initiative of giving principals more autonomy when it comes to decision making surrounding behaviour management. However, we also believe it simply does not go far enough. We believe that we should increase the current limit of five days to 20 days suspension, which will at least bring us in line with other jurisdictions nationwide. In this way, the Education Amendment Bill will take away some of the red tape and frustration of the principals associated with referring matters to the CEO of ACT Education and provide much needed autonomy.

However, we feel it is also imperative that there is significant concentration on the strengthening of the support measures required to be in place to assist those students who may need to be suspended for an extended period of time. There are myriad circumstances and situations that could see a student face the full suspension of 10 or 20 days administered at a school level, but it would be important to know that these students are afforded the opportunity as well as being required to seek appropriate counselling for an appropriate length of time. The opposition have sought in our amendments to the bill to ensure that a student who has been suspended for 10 days or more attends a minimum of three counselling sessions.

We are aware of the lack of resources currently available to schools to address these problems adequately, and the provision of the additional number of counsellors and psychologists in our schools, particularly in high schools, is another argument and is one that warrants particular and urgent attention. But, of course, before you can address these problems you have to actually admit there is a problem. Again, that seems to be the major stumbling block with this minister: where spin is concerned, he is out there, but when problems are highlighted he seems to be just missing in action.

I am sure the minister is aware of the difficulties faced by the school counsellors currently working in ACT government schools. At best, these counsellors must spread their expertise across a number of schools, and the schools that have to share a counsellor may only get access to adequate counselling services on a couple of days in any given school week. This has been an ongoing problem and it can be safely said that this government have not come close to addressing it.

The students that may be on the receiving end of the extended suspension period will probably be, in most cases, students that have the potential to disengage from learning altogether. We heard recently during a public hearing, as part of the education committee's inquiry into the achievement gap, that there are some serious resource issues faced by organisations that support students who have disengaged from learning. The lack of a long-term funding guarantee and demand for assistance currently outweighing the capacity for them to supply the services are factors that are hindering the delivery of these programs.

Today, we are talking about those students who may well require the assistance of these programs—students who are on the verge of disengaging from school. There is an extreme need for us in this place to reassess the behaviour management practice in ACT schools to stop the vicious cycle that these young people face.

I would now like to address the other end of the behaviour management spectrum—that is, the perspective of potential victims of antisocial behaviour in ACT schools.

Many of the students that are suspended for an extended period of time could be suspended because the student, according to the Education Act:

- (ii) threatens to be violent or is violent to another student attending the school, a member of the staff of the school or anyone else involved in the school's operation; or
- (iii) acts in a way that otherwise threatens the good order of the school or the safety or wellbeing of another student ...

The minister makes this token reference to the so-called “zero tolerance” to bullying adopted by this government in the explanatory statement accompanying his bill:

This provision allows principals wider discretion in dealing with incidents in public schools. It will enhance their capacity to appropriately manage anti-social behaviour in their schools and to apply proportionate sanctions, reiterating the Territory's zero-tolerance approach to bullying and its focus on schools as safe places for all.

Mr Speaker, I can tell you right here that there are many families and students who would beg to differ that zero tolerance is actually the case in ACT schools currently. And to claim that this amendment impacts on the problem in a significant way is, quite frankly, laughable. The Education Amendment Bill 2009 takes us nowhere near where we need to be when it comes to being a zero-tolerance jurisdiction.

I have written to the minister on numerous occasions since my election to this place, on behalf of concerned constituents, and recounted some very distressing incidences of systemic overt and covert bullying. I can quite honestly say that I am appalled that the minister has now resorted to replying to this steady stream of representations in a very repetitive, unhelpful way, by referring the families to the DET website, despite this being the first place that these families and victims have often been to already, and sadly to no avail.

It must be said that the constituents that come to me are by now at their wits' end. They often have children that have completely withdrawn from a learning environment due to the bullying they have endured. These students—and I have heard from families with children as young as six and as old as 17—are also at risk of withdrawing from society altogether. These experiences, and the inability of the system to support them, can impact on their lives and on the lives of their families so severely that they never quite recover.

The bottom line is that, despite the minister's spin, bullying is alive and well and thriving in ACT schools. No increases in suspension time or punitive measures will put a stop to it without further understanding and the acknowledgement of the extent of the problem as it exists here in ACT schools.

The first port of call for this issue, one would hope, would be to ascertain the exact extent of the problem. DEEWR recently conducted a study into the extent of bullying across Australia titled *The covert bullying prevalence study*. However, only three schools in the ACT participated and not one of them was a government school. All three that did participate were Catholic primary schools. I repeat: only three schools in

the ACT participated and not one of them was a government school. In response to serious allegations of large-scale systemic bullying brought to me by families of children at Kingsford Smith school earlier this year, Minister Barr has said that “only six students from a population of around 750 have been involved in bullying incidents”. This equates to less than one per cent of the student population, according to the minister.

The DEEWR study results found that 27.7 per cent of children in government schools nationwide experience bullying. However, it could be argued that this number is much higher in some schools, as many incidents are simply not reported to teachers. If the ACT were properly represented in this study, would the minister’s figures stack up? Has the minister got a clear picture of how prevalent bullying is in ACT schools? If not, what is he, as minister, going to do to find out about it?

A better understanding of how prevalent both covert and overt bullying is would prove the effectiveness of counter-bullying measures currently in place and would also enable a greater understanding of the needs. It may prompt something more than a token amendment to the Education Act, and may prompt some real acknowledgement of a very real problem in ACT schools.

The opposition will be supporting, in principle, the Education Amendment Bill 2009 but will be presenting our own amendments which will address not just the suspension period but the remedial action that needs to be taken during the suspension period.

**MS PORTER** (Ginninderra) (11.28): I am pleased to support the Education Amendment Bill 2009—the suspensions. The minister has outlined for members of this Assembly the purpose of suspension, why the changes are necessary and, importantly, what is done to work with and support students whose behaviour threatens the safety and wellbeing of students and staff and disrupts learning of themselves and others.

Our schools are safe places. However, it is acknowledged that there are students who at times demonstrate aggressive and antisocial behaviour. This behaviour can serve to erode the sense of safety of people in the school community and undermines the broader community’s confidence in schooling.

Suspensions work hand in hand with other approaches to divert young people from antisocial pathways and to re-engage in their schooling. Diversion from antisocial pathways and re-engagement in schooling can only be accomplished when we work as one government and one community.

Contemporary practice in this vital area tells us that we need to engage with, or indeed create, the system of support that will guide young people to pro-social outcomes. This practice takes time, and it is this time that this amendment aims to provide for the principal in responding to antisocial behaviour and supporting students.

Members will recall that I moved a motion in this place in the last sitting about the importance of restorative justice and the practice of that in our ACT schools as one of the strategies that schools can apply to assist young people who engage in inappropriate behaviour. Restorative justice practice has been shown to work



extremely well in most circumstances. However, it is very much acknowledged that it is not a magic bullet. We should not apply a one-size-fits-all approach, especially when faced with the complex situations that we face in our community. The matters we are dealing with here and which are the focus of this amendment are usually very complex.

Members of this Assembly may be familiar with the expression “it takes a village to raise a child”. I believe the sentiment behind this is relevant in how we as a community can support our children and young people who feel disengaged from schooling. For some, this disengagement manifests itself in behaviour that threatens and disrupts the school environment, the learning of others and the safety and wellbeing of other students and staff, as well as themselves, as I said. It is easy to be critical of these young people. It is easy to sit back and say that if they can’t behave they should not be in school, where they disrupt the learning of other students and undermine their wellbeing.

However, it is important to keep this in perspective. The vast majority of students attend school regularly and enjoy their learning. They go through their years of schooling and contribute confidently and positively to the culture of the school. But we know that, for a small number, school can be very difficult. Sometimes these students have families who have great difficulty in their lives and who do not have the strategies or personal resources to assist their children through these difficult times. However, we need to support those who are vulnerable, especially the children and young people and their families in these instances.

We are very fortunate in the ACT that government and non-government agencies work in partnership to ensure that everything possible is done to support young people facing difficulties and adversity and their families. It is a new way of working. No longer is it sufficient for schools and families to go unsupported and to cope in isolation. The Assembly has already heard about the support programs in place within the Department of Education and Training. These programs range from early intervention programs to assist those students who are at risk of becoming disengaged with school to pastoral care programs and programs that support classroom teachers and schools in developing strategies to support students. These supports work in partnership with other agencies like Health and the Department of Disability, Housing and Community Services to provide holistic support for young people and their families.

There are three main interagency programs that support young people and their families. The first is the child and youth interagency network. This network is coordinated by the Department of Education and Training and it comprises a range of agencies, both government and non-government, that meet to support students with complex needs who would benefit from case coordination. Agencies involved might include Care and Protection, the Child at Risk Unit, Child and Adolescent Mental Health Services, and Youth Justice. As I said, often these situations are extremely complex.

The second program is turnaround. Turnaround is a program coordinated by the Department of Disability, Housing and Community Services. It aims to improve service response for young people aged 12 to 18 years who have complex issues in

their lives requiring a coordinated multiservice response. Schools are a vital partner in turnaround. Each young person in the program identifies the people and the agencies that are important to be members of their support team. Regular case conferences are held between the young person and their support team to identify goals and case plans and also to address any problems facing the young person.

The third program I would like to mention is the integrated family support program. This program is coordinated by the Department of Disability, Housing and Community Services. It aims to improve service response for children up to eight years of age who have complex issues in their lives requiring a multiservice response.

Not all children and young people who access these services will be suspended from school, obviously. As I said, in most cases, there are many strategies that can be employed prior to a decision to suspend, such as restorative justice and the practice of that in our schools. However, it is important when students are suspended and have specific and complex needs that the school has a range of services on which it can call.

The purpose of this bill is to give principals the time and flexibility to manage each suspension in a way that takes into account the individual circumstances of each suspension and the students involved. Importantly, suspensions will continue to be monitored by the central office of the Department of Education and Training, and the principles of procedural fairness and natural justice will continue to be applied. It will mean schools, when appropriate and essential, can give longer periods of suspension without unnecessary and time-consuming processes that could distract from what the school and other agencies and parents are trying to achieve.

As I said before, most young people go to school and are happy in their schooling and content to learn, but there are some circumstances, particularly when the family itself is undergoing complex difficulties, in which students will not be enjoying school and, because of the behaviour that they demonstrate at that time, it is necessary for us to take stock and to reach out to those young people and to their families. We need time in order to be able to do that, and that is what this bill will achieve.

I commend this bill to the Assembly. The passage of this bill will ensure a more effective process for our schools and, importantly, timely support for students.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (11.36): The Greens understand that the government's aim in making this amendment is to bring the ACT into line with other jurisdictions and is part of the ACT government's election commitment to better support teachers and schools by developing an option for tougher suspensions for longer periods for misbehaving students. However, the arguments made by the minister in his presentation speech lack the substance that is required to present a comprehensive view of the possible effects of this legislative change.

The ACT Greens are concerned that the needs of both the students suspended for an extended time and the students remaining at the school are adequately addressed. Suspension is a significant issue and we understand that on some occasions it is necessary to ensure a safe teaching and learning environment is maintained for all

students and teachers. However, it is equally important that the needs of the individual in question are also given due consideration.

There has been considerable research undertaken over many years in relation to the suspension of students from schools. In 2004, Professor Alison Elliott, research director, early childhood education, at the Australian Council for Educational Research, contributed to an opinion article in the Brisbane *Courier Mail* on trends for suspending students from schools, and I quote:

Removing troubled students certainly makes the teachers jobs less stressful. It reduces classroom disruption, increases learning opportunities and creates safer environments. But there are big problems with suspensions. Suspending troubled students compounds existing problems and results in new ones. Students can end up at home alone, or more worryingly wandering shopping malls and riding trains. They are rarely provided with an alternative education.

Unsupervised children and teenagers, already prone to trouble, are likely to engage in more inappropriate behaviour—fights, drugs and theft. Suspended students are the least likely to have the personal or family capacity to help themselves out of their difficulties. They need school and adult support.

In 2007, a study conducted by the University of Melbourne across 4,000 years 7 and 9 students in Victoria and Washington State—so that is Victoria, Australia and Washington State in the US—established that the detrimental effect of suspension is over and above other influences on student behaviour. These include family conflict, social and economic disadvantage or mixing with friends who get into trouble. It was also found suspension increases the risk of academic problems, school disengagement and drop-out, participation in crime and delinquency and alcohol and drug use.

With regard to those who are being suspended, students from socially and economically disadvantaged backgrounds are overrepresented in national statistics of suspended students and Indigenous students are more likely to be excluded from school than students from other cultures. There is also the issue that for some children suspension is seen as a reward of additional leisure time and recreation, particularly if parents are unable to take time off work to look after the child.

The issues I have raised are of concern enough for those children fortunate enough to be living at home in a stable environment. However, in the case of children in care, their supervision, if suspended, is even more difficult to manage. There is an acute shortage of foster carers in the ACT. In the ACT a far greater proportion of carers are in full or part-time work, more than in other states, and are not available to provide extra care during school hours if a child is suspended.

The greatest impact of these proposed changes will be on children who have already been identified as “at risk”, maybe by care and protection, or who are now in care and are as such the responsibility of the territory. As we understand it, it is not a requirement that the “territory parent” give consent for a suspension of a child in care. We are talking here about the most disadvantaged and underachieving group of all children in terms of educational outcomes, future employment prospects and poor physical and mental health.

The most recent data from the program for international student assessments, or PISA, which tests 15-year-old students, shows that nearly 25 per cent of these students from low income families do not achieve expected international proficiency standards. Overall, the proportion of low socioeconomic status students not achieving expected levels is about five times that of high socioeconomic status students. Suspending students in this situation for lengthy periods will not help to close the achievement gap.

There are alternatives to long suspensions. Rather than continuing to further isolate the students, the Greens would like to see more emphasis placed on reintegrating students into schools through programs that are run and overseen by the student support section at the Department of Education and Training, the use of restorative justice practices and in-school suspensions. Under restorative justice practices, keeping the parties involved at the source of the problem goes a long way to undoing or healing harm and maintaining relationships. The teaching of social, interpersonal and anger management skills is also an important tool which has been shown to prevent problem behaviour.

I note that the scrutiny report on the proposed amendments raises the issue in relation to section 11(2) of the Human Rights Act as to sufficient weight being given to “the right of the child to the protection needed by the child because of being a child”. It also notes that the amendment will have the effect of reducing the period in which there will be a review of the need for a suspension and for arrangements to be made in consequence of the suspension.

As I said, Mr Speaker, we understand that in some cases there is a need to suspend students for a range of reasons and the processes are in place to do this. Indeed, if the suspension has to be extended beyond five days, there are processes in place under section 36 of the Education Act to enable this to be done. I quote from section 36(2)(a) of the Education Act 2004:

The principal may recommend to the chief executive that the chief executive—

- (a) suspend the student from the school for a stated period of not longer than 20 days ...

What happens is that a student can be suspended for five days. If they wish to increase that they would need to fill out some paperwork showing that there is a need to increase the suspension and then they can apply for another five days or another 10 days, up to 20 days. So already in the act there is this option available that principals can take up.

Our concern is that the 10-day option may become the easy option. Simply removing the student does little to address a problem that must be confronted as quickly as possible for the sake of all parties. Any suspension, but particularly a 10-day suspension, will put disadvantaged children, and indeed all children, well behind in terms of achieving reasonable educational standards. It will impose considerable pressure on families, carers and the community sector. The Greens believe that this amendment does not put the child’s welfare at the centre of the issue. We are

concerned that these changes may be more in line with an election commitment than about well thought through changes that would produce better outcomes for students.

We have an existing system in place, as part of the current act, requiring close monitoring of suspensions and we have an Assembly committee addressing issues surrounding the achievement gap. Yet the government is proposing to increase the time away from school, which is often one of the only consistent, structured environments in the life of many troubled children.

We are also concerned about the proposed changes surrounding the delegation of the chief executive's power to transfer a student from a government school to another school and delegate that down to a public servant. The transfer of a student is a significant issue and should only be done after all other approaches have been exhausted. The chief executive's careful consideration of all cases provides another check to ensure that all of the options have been exhausted and proper process has been followed. I would add, again, there was little detail in the explanatory statement regarding this issue and also in the briefing about the need to change the act.

Mr Speaker, I would like to thank the education and training department and Mr Barr's office for briefing us on this amendment. However, while appreciating the issues involved, the ACT Greens will not be supporting the amendments. In response to Mr Doszpot's proposed amendment, I think I have put forward very clearly that we will not support an automatic suspension of up to 10 days. We want it to remain as it is now, up to five days. As I said, with some forms and paperwork filled out and some check and balance happening, the option then is to request another five, 10 or 15 days. We will not be supporting Mr Doszpot's amendment to give principals the power to suspend a child for 20 days.

I think I have put forward quite clearly that many of these children are facing many complex issues. They can be very troubled in many ways. I have actually consulted with people I have known and worked with over 20 years. These are children's advocates, people who have worked with children in education or in health—a whole range of areas. That is how I have come to my position. We cannot support an amendment around extending it to 20 days.

I feel that the amendment that has been suggested around counselling has been very last minute. There has not been an opportunity for any discussion. I do not think that is a good way to approach amending legislation. It says that students who are suspended for 20 days or more must attend counselling sessions. To put in a "must attend" is an issue in itself, but there are many issues that would need to be worked through and discussed, such as: what is the purpose of the counselling, who provides it, how is it provided? A whole range of issues need to be talked through. Having had the amendments in a timely manner to be able to follow through and have discussions would have been, I believe, a far more appropriate approach. We will not be supporting Mr Barr's amendments to the act and we will not be supporting Mr Doszpot's proposed amendments.

**MR SESELJA** (Molonglo—Leader of the Opposition) (11.48): I commend Mr Doszpot for the approach he has taken to this legislation. It is important that we deal with these issues in a serious way. There are a number of aspects to this debate.

Many of the speakers have touched on the fact that suspension is merely one tool in dealing with problem students—students who display violence in schools and indeed have other behavioural problems. Suspension is simply one part of that. It is worth putting it into context that suspension does not solve the problems. Allowing principals or others to suspend students for longer in and of itself will not solve problems, but it is one important step.

The question for the Greens, and indeed Mr Barr, becomes: why do they not trust principals in the ACT to do their job in the best interests of students in the same way that principals right around the country are trusted to do their job? That is fundamentally what we are dealing with here. Principals in New South Wales, Queensland, the Northern Territory, Victoria and South Australia—

**Ms Hunter:** So let's just go the lowest common denominator every time.

**MR SESELJA:** Ms Hunter interjects and says it is the lowest common denominator to give principals the ability to deal with this issue.

**Mr Smyth:** Don't trust principals.

**MR SESELJA:** Principals in New South Wales, South Australia or Victoria are somehow inherently more trustworthy in dealing with students and the issue of suspension. We have a situation where the 20 days suspension that has been proposed by Mr Doszpot would only be used as a last resort. It would only be used in the most serious of cases. It would only be an additional tool for principals to deal with the most troublesome of students—the most disruptive students, the most violent students. We know that these are a very small minority of students in our schools, but they are there and they cause serious disruption. We need to say, "Why would we not trust our principals?" What is it about our principals that the education minister does not trust when he will not give them the same ability as their interstate colleagues to deal with disruptive students?

That is the fundamental question here. It appears Mr Barr believes that principals in Queanbeyan, Gunning and Sydney—anywhere in our region—can do it, but in the ACT it is not reasonable, that in his opinion in some way they are not up to that and we can only give them this limited power of 10 days. That is the choice here. It appears that the Greens and the Labor Party have both determined that they do not believe that our principals are as trustworthy as their interstate colleagues.

We take a different approach. We actually believe that our principals are the best placed, in consultation with their teachers and other relevant officials, to make these decisions. They should be trusted to make these decisions. They are charged with running schools, with the safety of their students and with ensuring that it is a safe environment for students, teachers and anyone else entering the grounds. We happen to believe in our teachers and we happen to believe in our principals. That is what Mr Doszpot's amendment is about.

The principle of extending the power, the delegation and the ability is one we support. We simply believe that this is a piecemeal way of doing it, that we do not actually trust them in the same way that their interstate colleagues are trusted. That is where

Mr Barr needs to answer the question: why? Why would the minister essentially say to principals in the ACT, “I don’t trust you; I don’t trust you to do this in the same way that your colleagues virtually right around the country, in five other jurisdictions, are trusted to do this”? We take a very different approach.

We need to look also at the broader context. When we had our forum in Calwell last year we heard from teachers, students and parents. It was acknowledged, and it needs to be said again, that there are complex issues for schools to deal with. Teachers are dealing with, in some cases, all of the issues that are in our community—some of the worst and some of the best issues that are in our community. They are dealing with mental health issues, students with serious behavioural issues and issues of drug abuse—as they exist in the broader community. We have to give them as many tools as we can to deal with that. Suspension is one part of it; it is not part of a comprehensive strategy.

To his credit, Mr Doszpot has said, “Well, let’s actually start the conversation about what else we can do.” Counselling is one part of it; diversionary programs are another part of it—ensuring that the teachers have the resources to deal with the problem students. These are some of the broader issues which Mr Barr has not addressed. He has made a tokenistic effort here. He said, “Look, I have to show that I’m tough. I don’t really trust the principals, but I have to show that I’m a little bit tough so I’ll give them a little bit of latitude to actually make some decisions in dealing with it.”

**Mr Smyth:** Tokenism.

**MR SESELJA:** It is tokenism. It is tokenism at its worst and that is what we are seeing from this minister. There is no comprehensive policy to deal with the issue. It is simply five to 10 days. He has shown that he does not really trust his principals. There is plan to deal with the broader issues—that is, how do we assist some of these students? Many of these students are good kids who are having problems. How do we deal with them?

**Ms Hunter:** Suspending them for 20 days is not—

**MR SESELJA:** In some cases we have to suspend them. In some cases it is for the good of their fellow students and indeed for the student involved and their teachers that they be suspended and sometimes for a lengthy period. We believe that is reasonable. We believe that it should not be used as a matter of course, but it should be used as a last resort when dealing with some of the most difficult students. But what else will we do for them? This is the conversation we need to have. What are some of the diversionary programs that will be put in place to try and get some of these kids back on track, to give them the opportunity to come back into the education system to complete their education and to have some of the tools for life that are needed?

I commend Mr Doszpot for his approach to this. The approach of the minister and the Greens is to not trust principals. It is to say that our principals cannot be trusted as much as they are in other states. That is the wrong approach. But this does need to be part of a broader discussion of all of the issues in dealing with problem behaviour.

Suspensions are one important tool, but only one tool. We look forward to the debate over coming months about seriously addressing some of the issues around behaviour in our schools. Suspension is one part of it. We call on the government and the Greens to support our amendments, which will show that we trust principals to deal with this. We believe they are best placed to make some of these important decisions to protect their school communities.

**MS BURCH** (Brindabella) (11.55): I support the Education Bill 2009. This bill gives principals and school communities more flexibility in relation to suspension. The ACT government's vision for education is "everyone learns". The government is proud of the quality of education available to children and young people. We believe that all students and staff have the right to be treated fairly and with dignity and to learn and teach in a safe and positive environment. We support a school environment free from disruption, intimidation and violence.

Our schools have in place policies and programs to ensure that every member of their school community feels safe and every student has the freedom to learn. This commitment to school safety and student learning requires schools to maintain high standards of student behaviour, and for the most part the high standards are maintained in our public schools.

But, unfortunately, there are occasions of dangerous and violent behaviour which threaten the safety of students and staff. Depending on the circumstances, it may be in the best interests of the school community, and the student involved in violent or dangerous behaviour, for that student to be removed from the school for a period of time.

Suspension is one strategy for assisting a student to learn from a serious behaviour incident. It is the mechanism through which a student reflects on their behaviour and thinks about alternative ways of dealing with a situation. Suspension is most effective when it involves parents; when parents and the school work to modify the inappropriate behaviour of the child or young person and assist them to rejoin the school community as quickly as possible.

Suspension allows students time to reflect on their behaviour, time to acknowledge and accept responsibility for the behaviour which led them to the suspension, time to accept responsibility for changing their behaviour to meet the school's expectations in the future, time for school staff to plan appropriate support for their successful re-entry, and time for schools, where appropriate, to enlist the services of other agencies to support the student to develop a more appropriate response.

The proposed amendment to the Education Act acknowledges that it takes time for coordinated and suitable intervention to take place. It takes time to ensure positive outcomes are achieved for students who have been suspended. Our school leaders know their students well, they know their schools and they are in the best position to act in a way which suits the individual situation at their school. This is a balanced reform.

Suspension is one strategy to keep schools and students safe. There are many other strategies, which are included in our safe schools policies, alternative education



settings and pastoral care support. The ACT public schools have a variety of other strategies to not only address serious misbehaviour but also prevent it from happening in the first place. The Department of Education and Training has in place a suite of policies which guide schools in promoting supportive learning environments in which all students can expect to feel safe. These policies deal with countering bullying, harassment, violence and discrimination in all ACT public schools. These policies support schools to develop sound behaviour management structures—structures that empower students to make responsible decisions and take responsibility for their behaviour.

In addition, the government formed the Safe Schools Taskforce, which brings together key stakeholders to consider issues associated with student safety in ACT public schools. The department, principals, the ACT police, the Youth Advisory Council, the P&C and the preschool society all come together to develop innovative solutions to address ongoing and emerging student safety concerns.

Policies guide our practice, but what happens day to day? What behaviour management strategies are in place to address issues of violence, student safety and non-engagement? In terms of our health, we all understand the saying that prevention is better than cure, and I believe that that wise adage works well for schools as well.

The best behaviour management strategy of all is one that creates an environment and culture where misbehaviour is rare. And the best place to start is where the learning happens, in the learning environment. For most students, a good quality curriculum taught by skilled teachers is the most effective strategy for creating a climate of positive behaviour. In many cases, students who have access to challenging, interesting, relevant and meaningful learning activities are less likely to misbehave. And students in the ACT have access to such learning.

In 2006, the government released *Every chance to learn*, the ACT P-10 curriculum framework. This framework is comprehensive, up to date, purposeful and robust. It is the result of wide consultation with everyone who knows about learning for children and young people: principals, teachers, parents, curriculum experts and community members. It enables teachers to design learning experiences which target the needs and capture the interests of every child in their class.

Within the breadth of experiences offered by the new curriculum, students can access such things as gifted and talented programs, elite sports and arts programs, vocational education and training, Australian school-based apprenticeships, careers advice, student leadership opportunities, school musicals and bands, and team sports

All this happens in increasingly improved facilities, with half a billion dollars worth of new facilities, including new and refurbished schools and playgrounds, new libraries, gyms and classrooms, state-of-the art computer labs and industry standard performing art centres.

Children and young people are motivated to learn in these facilities and in our schools where teachers care about and respect them. Through these investments, we are creating safe schools for all children and young people.

Quality teaching underpins all of these learning opportunities. The government is currently recruiting for the 2010 school year, and over 800 applications have been received from teachers worldwide, all wanting to teach in Canberra. Many have applied to be one of the extra 70 teachers we are hiring to deliver on our election commitment to further reduce average class sizes in ACT public schools.

The ACT government is investing more than \$22 million to employ an additional 70 teachers and to reduce class sizes to an average of 21 in primary and high school and to an average of 19 in colleges. The 2008-09 budget also provided \$2.378 million over three years to enhance the quality of teaching in ACT public schools, providing support for teachers to become even more skilled in providing quality learning experiences for their students. And this government is prepared to pay our best classroom teachers \$100,000 to stay in the classroom.

State-of-the-art facilities, more teachers, better teachers, smaller classes, captivating lessons, exciting activities—all this leads to engaged students and positive behaviour.

It is not only classroom teachers who support their students in developing positive behaviours. Last year, as part of the \$1.47 million student welfare pastoral care package, this Labor government provided an additional school leader in every high school to coordinate pastoral care. Research has repeatedly shown that when children and young people feel cared for by their teachers and classmates and connected to their school they are more likely to have a positive self-image, form positive relationships and develop responsive behaviours.

Since 2008 a dedicated pastoral care coordinator in every high school has coordinated whole-school student pastoral care programs that take a personalised approach to support student wellbeing. Coordinators focus on implementing whole of school social and emotional learning programs to specifically address the needs of their school communities. They support staff to promote and increase student attendance, engagement with learning and their connection to school.

As part of the \$1.47 million student welfare pastoral care package, the government provided funds to strengthen student counselling and alternative education support programs in ACT public schools. Youth support workers and school counsellors work with teachers, parents and pastoral care coordinators to help students to develop positive self-esteem. They work with students to help them develop positive relationships, cope with changes in relationships and exercise control over their own lives and the challenges that inevitably arise.

Every child matters. Every young person is valued and is valuable. If our school-aged young people require an alternative setting for a while, one that suits their particular needs, our public school system can provide this. High school and college students have access to a range of settings and programs which support individual learning needs and encourage the completion of school and VET qualifications.

These alternative settings offer a flexible approach to suit the varying situations that students often find themselves in. These include achievement centres for disengaged students in years 7 and 8, located in each school district at Wanniassa school and

Canberra and Campbell high schools; connect 10 programs in each school district for students in years 9 and 10 who are at risk of dropping out, which are located at the Lake Tuggeranong college, Lake Ginninderra college, and Dickson college; and the Canberra Institute of Technology vocational college, which offers a personalised and tailored approach to studying for the year 10 and year 12 certificates. One of the big advantages delivered by the new CIT college is the ability to combine two courses of study. Students can work towards essential skills like year 10, year 12 and English while making a start on their work qualifications.

Besides these alternative settings, schools select a variety and combination of programs to assist them to care for every child and create connected and respectful communities where differences can be aired and relationships repaired. These programs include restorative practices, friendly schools and families and the “you can do it” programs, all designed to support schools in countering bullying and building positive relationships.

The government’s vision for education is that everyone learns, and this amendment to the Education Act will make it more possible for everyone to learn. Suspensions are one behaviour management strategy in schools. Principals and teachers know their schools. They should have more flexibility around suspensions. Combined with quality teaching, a diverse and interesting curriculum, a caring and supportive school community and alternative education settings, we will make sure that everyone learns and everyone reaches their full potential. That is the environment of the ACT public education system, and I commend this bill to the Assembly.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (12.09), in reply: I thank members for their contributions to the debate. We have certainly seen a diverse range of views expressed in the speakers from all three parties—so much so that I am reminded of a certain song that was sung by the band Stealers Wheel in the seventies, *Stuck in the Middle With You*. Whilst I will not regale the Assembly with a singing expose, I will—

**Mr Doszpot:** Just the chorus will do.

**MR BARR:** Yes, indeed. There may not be clowns to the left of me, Madam Deputy Speaker, but there certainly are jokers to the right, and I think we have seen that in the presentation from the Liberal Party on this bill today.

The government is listening to parents, teachers and the wider community. There is no doubt that they have expectations about behaviour in our schools, and we are helping principals to uphold those expectations. But we are also supporting students, providing checks and balances.

As previous speakers have mentioned, the bill increases the ability of principals to suspend a student from five to up to 10 days in ACT public and systemic Catholic schools. Parents and students expect principals to set standards—high standards of achievement and high standards of behaviour—in our schools. Principals have this responsibility, so principals should have the corresponding power and autonomy to uphold school standards.

This bill has been negotiated in some detail over a considerable period of time with the principals association and the Catholic Education Office, and we have reached this balanced position. Parents want this change, and it was a Labor Party election commitment and part of our approach to dealing with antisocial behaviour in our schools.

Ms Burch has alluded to our policy to support all students so that everyone learns. The Catholic Education Office have joined with the government in supporting this bill. My discussions and my office's discussions with the Catholic Education Office have been productive in relation to this measure, so I can indicate that the government will not be supporting amendments that Mr Doszpot has put forward, and they certainly were not part of our discussions with the principals association or the Catholic Education Office, who support the government's position on this matter.

The Education Act clearly provides the legislative basis for suspensions, exclusions and transfers. I think it is timely that education systems review their policies and practices. After five years of the ACT Education Act, this part of the act should be reviewed within the context of current community expectations about safety in our schools.

There is no doubt that community expectations change over time, and there is a very high expectation in the territory about safety in our schools. Members would all be aware of a recent tragic incident at a high school in northern New South Wales that clearly has sharpened community awareness about this issue.

Research about the efficacy of school suspensions in improving school safety indicates that a clear stated purpose for suspension, consistency of practices by schools and support provided to suspended students are critical success factors; that is, greater delegated authority of school principals or longer suspensions alone do not lead to improved school safety.

Schools operate in an environment of interagency cooperation and collaboration. Longer suspensions offer principals more options to restore safety, the good order and management of their school and, most critically, to implement interagency support for students and families.

I think it is worth reiterating that it is not intended that this legislative change will result in uniformity around length of suspensions. Principals are very aware of the family circumstances and when a suspension is deemed necessary. It is important to know that the individual needs of the student and family are taken into consideration in these circumstances.

This bill proposes that 10 days be the maximum period for which a student can be suspended by the principal. This change does not mean that all suspensions will be of 10 days duration. In most cases, the suspension period will be considerably shorter than 10 days. However, 10 days will allow schools to establish support services for the student to contribute to that student's successful return to school. In some of the more complex cases, other agencies will of course already be involved. Ten days will allow the support processes to be reviewed and changed if necessary.

It is also not envisaged that this reform will increase the number of suspensions. Students are not going to misbehave more as a result of this change, but it will give principals more time to calm a volatile situation down, to reassure students, parents and teachers and arrange support programs and strategies for the suspended student.

Parents want this change. They tell me regularly that they want safe schools, and this reform will make our schools even safer. But it is a tough balance between upholding the expectations of behaviour in schools and the rights of any victims in a violent incident and ensuring a suspended student is supported and re-engaged in learning.

The government believe we have got the balance right. It is worth noting that there has not been an increase in bullying and violence in our schools. Between July 2007 and March 2009 there has been a general downward trend in the number of critical incidents. In the July to September quarter of 2008 there were eight critical incidents, compared to 27 in the same period in 2007. In the October to December quarter 2008 there were 13 incidents compared to 18 in the same period in 2007. So I repeat: this is about principals having more flexibility and discretion to run their schools. A suspension period of up to 10 days gives schools more time and more flexibility—more time to reflect on an antisocial incident, to reassure students, parents, and teachers that their school is a safe environment to work and to learn in—and it allows principals to link up other programs and agencies to help the suspended student.

It is worth noting, too, that suspensions can occur for a period of up to 20 days, but the chief executive of the Department of Education or the director of the Catholic Education Office makes the final decision on whether this is an appropriate sanction. It is important that suspended students are encouraged to re-engage with education, whether that is through training, skills development, work experience or traditional education settings.

In conclusion, the government believe this is about balancing different needs. A 10-day suspension period gives principals more time and flexibility but it keeps the checks and balances and oversight of the chief executive or the director of the Catholic Education Office for suspensions longer than 10 days. We have got the balance right in this legislation and, judging from the contribution of those members opposite and on the crossbench, we have struck a middle position.

Finally, the scrutiny of bills committee made a comment in relation to an element of the legislation and it recommended that the opinion of the chief executive be based on reasonable grounds. I can advise the Assembly that the suspension processes are drafted taking into account the administrative law rules, the decision making, which include that decisions are to be made on reasonable grounds. I think all government executives would make decisions based on reasonable grounds; this is the legal standard usually applied and does not need explicit wording.

I thank members for their contribution to the debate. I understand Mr Doszpot will be moving amendments, but the government will not be supporting those amendments.

Question resolved in the affirmative.

Bill agreed to in principle.

**Detail stage**

Bill, by leave, taken as a whole.

**MR DOSZPOT** (Brindabella) (12.19): I move amendment No 1 circulated in my name [*see schedule 1 at page 4394*].

The amendment states that if a student is suspended for 20 consecutive school days the student must attend not less than three counselling sessions, and there are a number of other amendments that are included in the attachment list provided.

Mr Barr referred to a particular song, Stealers Wheel's *Stuck in the Middle With You*, and I cannot help but think that there is a more appropriate song that is more the Barr way of doing things, and that is *My Way*—my way or the highway. This seems to be the methodology, Mr Barr, albeit that you have actually provided the start of something that is very worthwhile.

We all agree, and that is where you seem to be stuck in the middle—the fact that you have come up with a good idea about increasing the days for the suspensions that currently the principals can impose. We have an opportunity to increase that, and it seems that you do agree that the principals need more autonomy. It is just how much more autonomy that seems to be the problem that you are stuck with. The point is that every other jurisdiction around the country—every other jurisdiction—carries the same terminology that we are talking about.

In fact, we go a little bit further in saying that not only is it the suspension period that should be in question but also we should address some of the things that we need to do to bring those students who are suspended back into the education forum, into the right levels of interaction with students.

The Education Amendment Bill, tabled by the minister as I said before, is simply a token attempt and it falls far short of addressing the real problem with antisocial behaviour. We are getting close, and we are addressing some of the issues that we need to address.

As for the Greens, on the other hand, I must say that I am somewhat disappointed because I have a very high regard for Ms Hunter's analysis of a lot of the problems and a lot of the issues that we have normally discussed. We were going to get together last Friday but I was there ready to talk to you, Ms Hunter, and you never showed up for the appointment that we were supposed to have. So, yes, I understand that we have not talked about the issues at length, but I would like to lay that at your door. I was available for discussions with you last week; you never showed. The other disappointing part about the Greens—

**Mr Barr:** I think you just have to accept there is a little bit of an ideological difference Steve, you know. You have got a red neck, I think.

**MR DOSZPOT:** It is a funding issue, I would say, more than anything else. But what I am finding quite intriguing in this whole debate to date is that we are all saying the

same thing: the principals are the best ones to address these problems. The principals are there at the coalface; they are the ones that are struggling with the issues that we are talking about here. It is not the bureaucrats, it is not us; it is the principals. What we are saying is that the principals can be trusted for 10 days, but we cannot trust them for 20 days. That seems to be coming through loud and clear. Across the border, we have people working under the New South Wales education system, a few kilometres outside of our area, who have more autonomy than our principals.

I cannot see any logical reason for not making this change, Mr Barr. The *My Way* classic, the Sinatra classic that we are talking about, I think typifies this approach, where in many ways recommendations to this minister are proving to be a waste of time and energy. His reaction is always the same—it is either his way or no way. We have seen this with recommendations that have been put by committees and his first reaction to the opening of the schools that we are talking about—a categoric no. He doesn't say we will examine these points; it is just a categoric no.

That is not my way, so I am not going to pursue the matter in that regard. Mr Barr, read the words to that song and you will find a few other indicative measures as to what happens when you do things your way. I am very, very disappointed that you have come only part of the way. I do not know what the reason is. I do not know what your thinking is in not going that extra step. Certainly the principals within the ACT jurisdiction deserve our trust and our faith in their ability to translate the policies that are enacted and the acts that are enacted here.

We should not have any problem with accepting their ability to translate and to put in place the measures that we are talking about. We are having to look at not only the days—and I think there seems to be a little bit of your being stuck in the middle on the days—but the suspensions themselves do not do very much for either the overall impact on the students coming back into the system or for the students themselves in the short term. We have to do more than just suspend them.

We have given them opportunities within certain areas to say yes, look, there are opportunities there. But there is no encouragement; there is nothing to make sure that something is done by the people who are suspended. We have to address all of these issues in order for the whole solution to be found. We have got to not just examine seriously the symptoms, but root out the causes of the problem. As we said before, before you can address the problem you have to actually admit there is a problem, Mr Barr, and that still seems to be a major stumbling block with you—to address the fact that there is a problem. We have got a huge problem and we are not addressing it.

Overall, the real question that we are talking about here is: why does the minister not trust his principals to have the same autonomy that their counterparts in New South Wales, Victoria, South Australia, Queensland et cetera, in all other jurisdictions, enjoy? Why don't the ACT principals have the same ability? Mr Barr has been failing on this issue for some time and now is the opportunity to make genuine reforms, Mr Barr. We are challenging you: go the whole nine yards. You have gone 4½ yards, Mr Barr—go the whole nine yards. Meet us on this, and do not be stuck in the middle. Step up to the mark and acknowledge the fact that the principals that we have in place can be trusted, that they can deliver the reforms that we need to have implemented in order to combat some of the issues that we have had with behavioural problems.

Mr Speaker, I commend the amendment that we have brought forward and I would seek the support of both the Greens and the government so that we are not just getting, to coin a phrase that Mr Barr is very fond of using, Mr Barr opposing for the sake of opposing.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (12.28): In response to Mr Doszpot's speech in support of his amendments, which was a little bit short on detail and a little bit long on rhetoric, there are a number of questions that the government has in relation to the amendments. So, firstly, I think it is worth putting on the record that these amendments came through very late, and there was a second set of amendments after the Liberal Party room meeting yesterday afternoon, I understand. Mr Doszpot may have been rolled within his party room—that is a matter for him to comment on—but it would appear that the last minute nature of these amendments leaves a number of questions unanswered.

In relation to the first amendment around counselling sessions, there is appearing to be a lack of clarity around what will happen for student re-entry if the student does not attend three counselling sessions. Why the number three? What if the matter is resolved earlier; would you still mandate in law that a student must—

**Mr Doszpot:** The matter is resolved—there is no problem, Mr Barr.

**MR BARR:** You are proposing to mandate in law that a student must attend not less than three counselling sessions. It is a clumsily worded amendment done at the last minute. It would not apply to independent schools. This section of the act applies to public and Catholic schools, but it would not apply to independent schools so it would create different standards there around re-entry which is, again, an interesting issue that would need to be further explored.

There has not been consultation with the non-government school sector of any detail, as I understand it. The cost implications have not been discussed. The involvement of the family in these compulsory counselling sessions has not been considered. Why exclude other support programs? Why only specify in the amendment three counselling sessions; why exclude all other forms of support to facilitate re-entry of a student into the school environment? So there are a number of very practical reasons why this amendment cannot be supported.

What this matter largely represents is a race to the right by the Liberal Party in this territory. Not content to support the government's position, which is a sensible, moderate, balanced position, the Liberal Party has to do just that little bit more, be seen to do that little bit more, and run off further to the right. Some would argue there is not much room left on the right wing in ACT politics for the Liberal Party to run to, but seemingly each time an issue of some ideological contention comes forward the Liberal Party feels the need to head off in that direction.

As I have indicated on a number of occasions in this debate, the government is seeking a balanced position here—one that we have negotiated with the Principals



Association and the Catholic Education Office; one that balances the variety of significant issues in this debate; one that is not a redneck response, like we have seen from the Liberal opposition in these amendments.

The Greens have raised a number of important issues in this debate that we believe are addressed in the variety of student support programs that are in place and in taking this measured and balanced approach.

We believe in greater flexibility for principals. We have discussed this matter at length with the Principals Association and reached this position, which we believe is the sensible, moderate, middle-ground position that will enable greater flexibility for principals, but also balance the issues.

**Mr Doszpot:** Why not join the other jurisdictions on this, Andrew?

**MR BARR:** I think in response to that particular interjection it is worth noting that the ACT is different from larger jurisdictions in that we have a smaller education system, a smaller number of schools, which means that the Chief Executive of the Education Department and the director of the Catholic Education Office can work closely with principals in their respective systems and that this is about striking a balance.

It is about striking a balance and, for all of the bleating of those opposite and all of their simplistic, poorly thought out amendments that leave many questions unanswered, the fundamental question the Liberal Party will have to confront sometime later this afternoon is whether they will support this bill or not. Their amendments will not be supported by the government and it would appear will not be supported by the Greens. So the threshold position will be for the Liberal Party, are they going to support the government's bill or not?

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

**Sitting suspended from 12.33 to 2 pm.**

## **Questions without notice**

### **Hospitals—Calvary Public Hospital**

**MR SESELJA:** My question is to the Treasurer. Treasurer, given you have said that the purchase of the Calvary Hospital will be made from existing cash reserves, what will be the impact on the ACT government's cash flow?

**MS GALLAGHER:** That is dependent on a whole range of decisions that are open to governments to make every year through the budget process. As members would know—and I do not have the exact details, as they were published in the budget in front of me—we have got accumulated cash surpluses over the forward estimates period. In fact, that has just recently been recognised by Standard & Poor's in their reaffirming of the AAA credit rating for the ACT government's budget. So the cash transaction as proposed and as detailed in the discussion paper outlined to the community and released a couple of weeks ago has a cash impact of \$68 million. Of

course, at the same time, we will have a \$77 million asset transfer to our balance sheet—if the proposal goes ahead.

**MR SPEAKER:** Mr Seselja, a supplementary question?

**MR SESELJA:** Thank you, Mr Speaker. Treasurer, how is this money currently invested and what interest rate is it currently invested at? In other words, what will be the opportunity cost of the proposed transaction?

**MS GALLAGHER:** I am happy to get those details for Mr Seselja in terms of what he is asking. Again, I think it is difficult to answer, when the government will make a whole range of decisions through the budget process which will impact. But we can give you a snapshot of where it is at this point in time. I am happy to do that. I should say, though, in the financial analysis that has been provided to—

**Mr Smyth:** It's not a financial analysis; it is accounting treatment.

**MS GALLAGHER:** Mr Smyth says it is not a financial analysis that has been provided. A document that has been provided which outlines the proposal is called "The future ownership and governance of Calvary Public Hospital and Clare Holland House", and in a document that has been outlined called "Treasury's financial analysis", which Mr Smyth now says is not a financial analysis, it looks at four different scenarios of the proposal that we are currently consulting on. I think this is something which obviously the opposition is really struggling to form a position on, which is not surprising.

**Mr Hanson:** Why can't you answer the question?

**MR SPEAKER:** Order!

**Mr Hanson:** If you haven't done the analysis—

**MR SPEAKER:** Order! Mr Hanson, your time will come.

**MS GALLAGHER:** I think we see this from the opposition in a whole range of areas. Fundamentally, this becomes a decision around whether or not the ACT government, the ACT community, should own and operate the second public hospital in Canberra. That is the question here. I know that the opposition are going to try and stumble, and they are going to try and confuse the matter with a whole range of alarmist propositions, including the one that they are obviously starting to run now. But when you look at that financial analysis, and I am sure Mr Smyth has, the impact of the decisions that this government, and indeed any other future government, will have to make about the future of Calvary Public Hospital are significant on the budget. Would Mr Smyth as Treasurer—(*Time expired.*)

**MR SPEAKER:** Mr Smyth, a supplementary question?

**MR SMYTH:** Yes, Mr Speaker. Treasurer, what services will be cut in either health or other areas of government to accommodate the purchase of Calvary public hospital, or are you planning to increase taxes?

**MS GALLAGHER:** No services will be cut. I think what the opposition are now trying to say, if I understand the argument that is being put forward—and I note their absolute and total silence on this proposal in the two weeks that it has been out. It did manage to elicit a Hanson term, which he always uses in his media interviews: a raft of ideas—there is a raft of measures and a raft of ideas—except they are completely devoid of them. They are silent about where they sit. This is fundamentally a question about ownership and governance of a public hospital in the ACT. The opposition now are trying to cause alarm by saying that we cannot afford it. Mr Smyth, from where I sit, we cannot afford not to do it. The impact of not doing it and of investing the \$200 million that we need to invest in Calvary Public Hospital in order to do it will hit our operating result, Mr Smyth. If you are going to sit there and say, “That’s fine; we can do that,” and the opposition will give us permission to double the deficit in that final year to pay for that, that is something I would like to hear from the opposition.

**Mr Hanson:** On a point of order, Mr Speaker: could you ask that the Treasurer address the chair and not the Greens convener?

**MR SPEAKER:** Ms Porter, a supplementary question?

**MS PORTER:** Thank you, Mr Speaker. What advantages are there to the ACT in relation to the proposed sale of Calvary, including the financial advantages?

**MS GALLAGHER:** I thank Ms Porter for the question. There are a number of advantages that the government believes from the potential purchase of Calvary Public Hospital. One of them is that the ACT government and the ACT community would own a significant asset. The second is that we would own and operate both public hospitals, thereby allowing for the integrated care that could be provided across the ACT health system.

It is unusual—I cannot think of any other place in Australia where 30 per cent of public hospital beds are owned and operated by a second organisation to the public system—

*Mr Smyth interjecting—*

**MS GALLAGHER:** Well, Mr Smyth, you can no doubt furnish me with the information where 30 per cent of the public hospital beds in a jurisdiction are managed by one other organisation.

*Mr Smyth interjecting—*

**MS GALLAGHER:** We look forward to your providing that, Mr Smyth: 30 per cent of any state jurisdiction’s public hospital beds being managed by another organisation; one other organisation, Mr Smyth.

**Mr Smyth:** You haven’t done the research.

*Mr Hanson interjecting—*

**MR SPEAKER:** Order!

*Mr Hanson interjecting—*

**MR SPEAKER:** Mr Hanson, your chance to ask a question will come later.

**MS GALLAGHER:** Thank you, Mr Speaker. We believe that is in the interests of the long-term health needs of this community and indeed the services that we can provide to the north and south of Canberra through the public hospital system. Indeed, this has been acknowledged by the operators themselves. This is something that has been lost in some of the discussion we have been having: LCM are wanting to sell the hospital. They have agreed with the discussions they have had with the government around—

*Mr Hanson interjecting—*

**MS GALLAGHER:** They are a large health provider across the country. They operate 3,000 beds. They understand another organisation's desire to deliver economies of scale by operating both public hospitals. *(Time expired.)*

### **Actew—executive salaries**

**MS HUNTER:** My question is to the Treasurer, and it concerns the failure of Actew to again publish executive salaries in their latest annual report. Treasurer, at a time when there is widespread community concern in relation to executive salaries, will you not follow the Assembly estimates committee's recommendation of June this year and ensure that Actew disclose executive salaries in their annual report?

**MS GALLAGHER:** This is a question that I have taken advice on. This is something that I have wanted to have further discussions with Actew on, but in my recent discussions with them I did not cover the publication of particular directors' salaries. They do publish some of the details in the annual report. Their view is that they do report everything that they are required to report, by law. I think there is value in looking at the requirements that Actew, when they are reporting and when they are following all the procedures, need to follow, and then weighing up some of the community interest in those salaries. It is a discussion worth having.

At this point in time Actew have said to me that they report as they are required to report and that there are some matters, as a corporate structure and as a board, that they are not required to report. They are satisfied that there are protections in place on that. I think it is worthy of further discussion. I know that it is mentioned in the estimates committee report, and I am happy to take it up with Actew further.

**MR SPEAKER:** Ms Hunter, a supplementary question?

**MS HUNTER:** Treasurer, could you explain the government's response to the estimates committee's recommendation? The argument around the commonwealth Privacy Act was used and it was said that it would be breached if Actew executives' remuneration were disclosed. How can this be the case when executive salaries of public companies across the country are disclosed in annual reports as a matter of law?

**MS GALLAGHER:** I am sorry; I do not have that detail in front of me, Ms Hunter. I am happy to pursue it and come back to the Assembly.

**MR SPEAKER:** Mr Seselja, a supplementary question?

**MR SESELJA:** Thank you, Mr Speaker. Have there been previous breaches of the Privacy Act by the government or Actew in disclosing the salaries of senior executives in the past?

**MS GALLAGHER:** Not that I am aware of. Again, I would be very surprised if there had been breaches that had not been brought to our attention, but I am happy to pursue that as well.

**MR SPEAKER:** Any further supplementary questions? Mr Smyth.

**MR SMYTH:** Thank you, Mr Speaker. Minister, until recently the wages of Actew executives have been published and have been reported widely. What changed?

**MS GALLAGHER:** I will have to take that on notice; it was prior to my becoming minister for this portfolio area. I will just have to take some advice on that. I do not necessarily believe everything Mr Smyth says, so I will just have a look at that first.

### **Supermarkets—competition policy**

**MS BURCH:** My question is to the Chief Minister. Chief Minister, as Minister for Business and Economic Development, you recently released a report into competition in the ACT supermarket sector. What were the main findings of that report?

**MR STANHOPE:** I thank Ms Burch for her question. As Ms Burch has just indicated, the ACT government has released a report into the ACT's supermarket competition policy, conducted by former ACCC commissioner Mr John Martin. At the same time I announced that the government would accept Mr Martin's recommendations.

Mr Martin was appointed as an expert adviser to the ACT government's review of supermarket competition policy in June 2009. It will come as no news to anyone in the chamber that two major supermarket chains—Woolworths and Coles—are the dominant forces in the ACT supermarket sector. They compete face to face in the four town centres, although not in the city centre. One of the two major chains operates in most of the territory's group centres. Each group centre only has a single full-line supermarket. Woolworths are in a particularly strong position in the ACT, as members know, with 39 per cent of supermarket floor space and 51 per cent of turnover, with Coles having 31 per cent and Supabarn next at 10 per cent.

The independent supermarkets in Canberra that operate in group or town centres are the Supabarn stores in Canberra city, Wanniasa and Kaleen, plus three IGAs in Kingston, city centre east and Hawker. The latter, interestingly, a Supa IGA at Hawker, is currently expanding to just over 2,200 square metres. The third major force is the independent grocery retail sector, IGA, which is dominant at local centres,

with 50-plus stores throughout the ACT. Mr Martin concluded that there was potential for the IGA network to expand, particularly at the local level.

The review also noted the dominance of Metcash as a wholesaler in the ACT and recommended that independent stores controlled by Metcash should be restricted. The review recommended that the introduction of an additional independent wholesale supplier would provide competitive benefits for the people of the ACT.

In the ACT, the only real competitive tension at the retail level comes from Aldi and the full-line independent chain Supabarn. Aldi is a substantial fourth force in Australian supermarkets. Aldi operates a restricted selection per category, budget priced and mainly own-label product range. It has 200 stores, including seven in the ACT and one in Queanbeyan.

Aldi argued in its submission to the review that “the Australian market is characterised by the market dominance of the two supermarket chains and significant barriers to entry and expansion”. Aldi in its submission expressed its strong desire to significantly expand its network of stores within the ACT. Aldi, of course, is not a full-line supermarket, stocking only about 800 lines, against the 35,000 average that a full-line supermarket stocks.

In the ACT region, specialty grocery and fresh food retailing other than supermarkets were found by the review to make up a smaller proportion of the total than in all other capital cities except for Darwin. From that perspective, the ACT could be seen to have a less diverse retailing sector than other cities in Australia. There are, of course, signs that that is beginning to change here.

The review concluded that ACT grocery prices are generally in line with equivalent regions. Price surveys by Grocery Choice and the ACT Treasury’s supermarket survey indicate that the two major chains are five to 10 per cent cheaper than the larger independents in the ACT and of course much further ahead of the smaller IGA independents. Aldi, with its more limited range, is the most economic supermarket for a staples basket, at almost 25 per cent less than the two major chains.

The review stressed that the main competition deficiency in terms of choice and diversity is within the full-line supermarket service. It was in that area that the review made a number of recommendations which are worthy of further consideration and, the government believes, implementation.

**MR SPEAKER:** Ms Burch, a supplementary question?

**MS BURCH:** Yes, thank you. Minister, what has been the reaction to the report from industry groups and consumer organisations?

**MR STANHOPE:** It is noteworthy that the ACT is the first jurisdiction in Australia to act in response to the ACCC retail grocery inquiry in 2008, and the response from observers has been overwhelmingly positive. We have had positive commentary from industry, from the business community and from various community organisations, most particularly those representing consumers.

The consumer group Choice has supported the recommendations and the government's approach to the review. The executive officer of Choice, Mr Christopher Zinn, has said:

CHOICE has welcomed the ACT Government's decision to accept the innovative recommendations of the Martin Review into supermarket competition policy to kick-start changes to the Territory's highly concentrated grocery sector.

Mr Zinn went on to commend the ACT government for a "well resourced review, which involved wide consultation with industry and the community, showed leadership and provided a template for other jurisdictions to follow".

The CEO of the Canberra Business Council, Ms Chris Faulks, said her organisation was "delighted that the ACT government has recognised the importance of competition and diversity in the retail grocery sector" and that it had accepted the recommendations of the review.

Mr Chris Peters from the ACT retail traders association also applauded the government's announcement and the move to enhance competition in the ACT supermarket sector by increasing opportunities for independent supermarket operators. Community groups have also shown strong support. The director of ACTCOSS, Ms Roslyn Dundas, said:

ACTCOSS supports the expansion of supermarket competition in the ACT—greater diversity should lead to greater choice in prices and this will benefit many Canberrans struggling to make ends meet.

Aldi, amongst a number of industry players, announced that it was pleased that the ACT government had accepted the recommendations in the review, "which will greatly assist our aim to bring the Aldi promise of smarter shopping—price, value, quality and convenience—to consumers in the ACT". Aldi acknowledged that the largest impediment to its expansion was "the inability to identify and access correctly zoned sites". Supabarn similarly expressed its support for the new policy. (*Time expired.*)

**MR SPEAKER:** Ms Porter, a supplementary question?

**MS PORTER:** Minister, what are the further benefits for the Canberra community of adopting the recommendations in this supermarket report?

**MR STANHOPE:** I think we are all aware quite innately of the benefits to this community of greater competition within the supermarket retail sector. Increased competition and diversity in the supermarket sector will inevitably lead to more choice and lower prices for all Canberrans. Of course price competitiveness is just one aspect of genuine competition. It is particularly important in relation to the staple groceries, the things that really are essential to life and quality of life. Accessibility is also important; diversity of product lines, convenience and service are other aspects of the mix.

The recommendations are quite specifically focused in that regard—it is not about picking winners but about ensuring that we do create a retail grocery sector that serves Canberrans better than we the government believe it is currently served. The new policy will lead to better planning outcomes and a much needed revitalisation of some group and local centres. All of that can only be good news for Canberrans.

I must say we in Belconnen have recently seen, particularly through the refurbishment of Jamieson, just how services for the residents of that particular region have been enhanced enormously. This has been a result of the capacity to revamp with the entry into Jamieson of Aldi. The refurbishment and enhancement of that particular group shopping centre has followed work that was pursued most particularly by Mr Corbell, as Minister for Planning, and a record of significant achievement by Mr Corbell following on seven years of complete inactivity in this area by the Liberal Party in government.

**MR SPEAKER:** Ms Le Couteur, a supplementary?

**MS LE COUTEUR:** Thank you. How will you ensure accessibility of supermarkets, particularly for disabled and otherwise disadvantaged consumers?

**MR STANHOPE:** I thank Ms Le Couteur for the question. Ms Le Couteur, the government has indicated that we will accept all 15 of the recommendations in the Martin review. We do accept that there are a range of critical decisions that need to be made in relation to the process going forward and in relation to the implementation of those particular decisions. We have established a working group. It is a working group that will cover all relevant agencies across government.

The sorts of issues you raise are around access and enhancement, not just of competition but enhancement in relation to access—not just in terms of physical access but access by consumers to diversity and choice within group centres most particularly. Under current retail hierarchy planning regimes, which have been in place, I think, since self-government, we have restricted access. We have essentially inhibited the competitive tension that comes from the possibility of more than a single supermarket in group centres.

I think one of the misunderstood aspects of the review is the potential for enhanced competition across, most particularly, group centres, with the capacity, through change to the retail hierarchy and some of our planning restrictions—that there will be greater competition and competition will drive not just that diversity of product and a response through price but, hopefully, a real commitment to enhanced access, for instance, physical access in the context that you raise it around capacity for all to better access supermarkets.

To the extent that there is that opportunity now for a reinvigoration of reinvestment, we can ensure that those arrangements in place in relation to disability access are fully implemented and fully pursued by the government. I would be more than interested, Ms Le Couteur, in hearing your views around what more we might do in relation to the issues around disability access.



### **Schools—closures**

**MR DOSZPOT:** My question is to the Minister for Education. Minister, the education, training and youth affairs committee recently reported to the Assembly on your school closures program and made several recommendations, including that the schools in Tharwa and Hall be reopened immediately. What preparations have you made to reopen these schools?

**MR BARR:** The government is currently considering the report of the committee and will respond in due course.

**MR SPEAKER:** Mr Doszpot, a supplementary?

**MR DOSZPOT:** Minister, will you reopen these schools?

**MR BARR:** The government is currently considering the committee report and will respond in due course.

**MR SPEAKER:** A supplementary question, Mrs Dunne?

**MRS DUNNE:** In considering the position put forward by the education, training and youth affairs committee, will you take into account, minister, that this view expressed by the committee was in fact a majority view of the Assembly?

**MR BARR:** I am aware that the committee report was dissented from by Ms Burch, that there was a dissenting report from Mr Hanson, and that there was a dissenting report from Ms Bresnan. There was also agreement on a range of recommendations. As I have indicated, the government will respond to the committee report in detail in due course.

**MR SPEAKER:** Ms Burch, a supplementary question?

**MS BURCH:** Yes, a supplementary. Would the minister be able to provide costings that should be pursued in reopening the schools?

**MR BARR:** One of the relevant considerations in relation to the committee report will be the costs associated with each of the recommendations—not just recommendation 13 that appears to obsess those opposite. Many of the other recommendations also have significant cost implications. Recommendation 13, at first glance, would appear to be the most expensive of all of the recommendations. I have made a number of statements in relation to the government's initial response, and that is to state absolutely categorically that not one cent of funding will be taken from another school to implement any of the recommendations of the committee.

I think it is an important assurance to provide to each and every school community that they will not have capital projects that are already approved ripped out from under them, nor will they have one cent of teaching resources or other special education resources—literacy and numeracy resources, pastoral care resources, special resources for Indigenous education—taken from them. Not one cent will be

taken from another ACT public school in order to fund the recommendations outlined in that committee report. However, as I have indicated on three previous occasions in relation to this line of questioning, the government will respond to the committee's report in due course.

### **Taxation—GST payments**

**MR SMYTH:** My question is to the Treasurer. Treasurer, what is the current GST relativity for the ACT that is used by the Commonwealth Grants Commission to determine GST payments to states and territories?

**MS GALLAGHER:** It is one of the classic Brendan Smyth—

**Mr Stanhope:** Yes, what a joke!

**Mr Smyth:** Well, just answer the question and we can move right along.

**MR SPEAKER:** Order, Chief Minister!

**MS GALLAGHER:** I actually do not know that exact figure. My interest in the Commonwealth Grants Commission at this point in time is making sure that the ACT gets a good deal out of the review that is underway. It has been underway for five years. For Mr Smyth's interest, 1,091 pages of submissions have been provided to the Commonwealth Grants Commission in response to the discussions that have been had to this point in time.

**Mr Smyth:** Can you table it?

**MS GALLAGHER:** If Mr Smyth actually did his job, he would note that a lot of them are on the website at this point in time and you can print them off yourself, with your exorbitant stationery budget that you all have down there in the non-executive wing. This is a serious issue for the ACT. And do you know what Mr Smyth's response to it is? Mr Smyth's response, when he goes AWOL for a week and feels that he has been deprived of media attention, is to come back and think: "Now what can I do now? Oh yes, we'll put out a media release about what the Treasurer's not doing on the Commonwealth Grants Commission side."

What I have been doing is staying at work all the time and working on the submission to the Commonwealth Grants Commission, to make sure that the ACT actually gets a good deal, as opposed to Mr Smyth's great brainwave that you put out a media release and offend the commission. That is Mr Smyth's great idea: not one submission, not any data. I am not aware of Mr Smyth having come up with any data, any evidence or any proposal that he might seek to lobby the Commonwealth Grants Commission on. Instead, all of the work that the government has been doing in arguments across health, education, community services and capital—

**Mr Smyth:** You don't even know the—

**MR SPEAKER:** Mr Smyth, you will get a supplementary in a minute.

**MS GALLAGHER:** All of those issues, Mr Smyth, are what the government has been working on, because this is a matter of great significance to the ACT budget. We take it very seriously. We have been working very hard on it. Officers in Treasury have been working very hard on it. And Mr Smyth, every two months, is putting out the same media release saying, “What’s going on?” or, “What’s the Treasurer not doing about the Commonwealth Grants Commission?” What a smart Alec! And people see you for that, Mr Smyth. They don’t actually think you genuinely care about the work that is underway to protect the ACT budget, because, from where I have sat for the past year, you have not been a part of any of the discussions.

**MR SPEAKER:** Mr Smyth, a supplementary question?

**MR SMYTH:** Treasurer, according to commonwealth budget paper No 3 2009-10, the GST relativity used to determine what the ACT receives is 1.27051. I can give you the page number if you want. Treasurer, does this relativity indicate that the ACT government is more efficient or less efficient in providing services to the community than other state governments?

**MS GALLAGHER:** The draft report, as identified by Mr Smyth in some of his media releases, as I understand it, has the relativity for the ACT at 1.15—as I recall, from a briefing from Treasury. Perhaps I did, in the depths of my enormous brain, have that answer that I have just taken a little while to retrieve, but for the benefit of members I recall that under the draft report it is 1.15.

**Mr Smyth:** It is 1.27—the same as last year.

**MS GALLAGHER:** Well, you would have read the draft report, Mr Smyth, so no doubt you would have been fully aware of the answer that I have just given.

**Mr Smyth:** No, no, no—

**MS GALLAGHER:** You hadn’t got to that page in the draft report? The money that we believe is at stake under the draft report is in the order of \$40 million to \$50 million. I think Mr Smyth is just blindly accepting the New South Wales government’s \$60 million. Within the portfolios of government there are a range of portfolios where we do better, where we are compensated through the Commonwealth Grants Commission process, and there are a range of areas where we lose. I would urge Mr Smyth to read the draft report and see how it applies to the ACT.

**MR SPEAKER:** Mr Seselja, a supplementary question?

**MR SESELJA:** Thank you, Mr Speaker. Treasurer, this figure has increased over the last few years. Does this increase indicate that, relative to other states and territories, the ACT government is steadily becoming less efficient?

**MS GALLAGHER:** No.

## **Housing—public**

**MS LE COUTEUR:** My question is to the minister for housing and is in regard to hot-water system replacement in Housing ACT properties. Why is the government installing heat pumps over solar hot-water heaters when we know that solar hot-water heaters are both quieter and cheaper to run?

**MR HARGREAVES:** Housing ACT installs a variety of heaters, hot-water systems, within its establishments and it depends on the replacement whether or not we are replacing like for like or whether we are actually going to another model.

**MR SPEAKER:** Ms Le Couteur, a supplementary question?

**MS LE COUTEUR:** What is the government's commitment to helping tenants to reduce their electricity costs in terms of hot water?

**MR HARGREAVES:** The government have quite a series of energy efficiency initiatives throughout our public housing stock and an additional education program for our own tenants to get them—for example, plug up draughts and that sort of thing. We also have curtains and more insulation going in. It depends on the actual building itself—whether we are renovating and replacing and then taking things from sometimes a two-star rating to a 4½-star rating. It really depends on the premises.

It has been a commitment of the government for the five years that I have been in the portfolio to have a more energy-efficient housing stock. We would actually achieve two things. The first, of course, would be that we would have a completely reduced energy footprint, and the second would be the burden of cost. The building's inefficiency is carried by the tenants and we do not want that to continue any longer than we need to. We recognise that our public housing tenants are usually on particularly low incomes and every bit of help counts.

If Ms Le Couteur would like a briefing on the extent to which those energy efficiency initiatives have been introduced and will be introduced we are happy to arrange it. It is quite an extensive list. It is such an extensive list that we are happy to arrange a briefing for Ms Le Couteur—or indeed Mr Coe, if he feels he would like that briefing.

**MR SPEAKER:** A supplementary, Ms Bresnan?

**MS BRESNAN:** Thank you, Mr Speaker. How does the government decide whether to install a solar heat pump or a gas hot-water service, and what proportion of each are currently being installed?

**MR HARGREAVES:** I will have to take the second part of that question on notice. I do not have those proportions in my mind at the moment. I am happy to do that for Ms Bresnan.

Essentially, we need to appreciate that the housing stock that we possess within the territory at the moment is the oldest stock in the country, and quite a lot of the appliances within those dwellings come to the end of their useful life. Once they

actually do that, we then look at the viability of a particular type of hot-water system and try to match the most energy-efficient one we can for that particular building. We cannot move a building on its block to face the thing north. Sometimes buildings can take solar hot water; then that is an option for us. Sometimes it is instantaneous gas hot water and sometimes the option is to replace an electric or gas system on the outside of the premises. It is a site-specific decision that I leave to the experts within the department.

**MR SPEAKER:** Ms Hunter, a supplementary question?

**MS HUNTER:** Thank you. Have any bulk purchases of solar hot-water heaters been made for ACT Housing properties?

**MR HARGREAVES:** We do not have a warehouse full of heaters, if that is what Ms Hunter might feel. What we actually do have is a series of contracts in place where we can pick a particular product to suit a particular solution for a particular problem within one of the dwellings.

For example, if there is an electric heater that has turned its toes up and we want to get another one, we have a contract we then invoke and then replace that heater with an upgraded one at the moment. It may be that we then decide that to replace that electric heater with another electric heater is not a crash-hot idea altogether, but we then look at the other appliances within the household and see how we can match that with a gas appliance, for example. We have a contract that we can access that then purchases that particular product. So we do not have a contract which says, "You will buy X units." This is my understanding, and I believe that I am right. It enables us to buy a particular unit to match a particular problem.

### **Taxation—GST payments**

**MR HANSON:** My question is to the Treasurer. Treasurer, following the release of the draft report from the Commonwealth Grants Commission on the methodology by which GST revenue is allocated between the states, some estimates have been prepared that show that the ACT could lose up to \$60 million in annual revenue. Treasurer, what analysis have you made of the commission's proposals and what are the outcomes from that analysis?

**MS GALLAGHER:** I see the opposition have just blindly accepted a media statement from the New South Wales Treasurer as being the potential loss to the GST. I think it is important that we deal with the facts here. The facts that I accept on this one are the facts coming from the ACT Treasury, which has been involved in this review for the past five years.

**Mr Hanson:** That is the question, yes.

**MS GALLAGHER:** Well, if you had listened to my answer to the previous question, you would have heard that the estimate of potential losses to the ACT is in the order of \$40 million to \$50 million. Submissions have closed in terms of final submissions from state and territory jurisdictions; they closed on about 2 October. You will find those submissions on the Commonwealth Grants Commission website, if you are at

all interested, which of course none of us on this side actually believe you genuinely are. And you will be able to read the submission put forward by the ACT government.

With respect to the most significant loss, there are losses and gains in a whole range of areas, because the discussions, for example, focus on community health, then they focus on admitted patients in hospitals. They are just a couple in health. When you look at education, there is a range of areas there. Under the draft report, there are gains and there are losses across a range of areas. The most significant loss is in the proposal around capital, and that proposal by the Commonwealth Grants Commission is for the first time that the commission will consider the full capital funding requirements of jurisdictions based on population growth; that is, in short, that those jurisdictions where the population is increasing the fastest will have greater capital requirements than jurisdictions whose population is not increasing as fast. That, potentially, puts at risk for us \$40 million.

We are not accepting those arguments at this stage, but we have worked hard behind the scenes, through the processes that are established, through this independent body which makes recommendations to the commonwealth Treasurer, with data, with evidence and with analysis. That is the way in which there will be any win through the Commonwealth Grants Commission process for the ACT, and I think we all accept that. I have to say that the work that Treasury and other departments have put into this is first class. I would like to acknowledge their work at this point in time. They have done an enormous job to make sure that a jurisdiction of our size gets heard at the table, because of the importance of the GST pool to the ACT.

In relation to the question—I can't recall; I think it was Mr Smyth's question—regarding the 2009 relativity, it is 1.27051. And I was correct on the relativity issued under the draft report which has, as I said, around a 1.15.

**MR SPEAKER:** Mr Hanson, a supplementary question?

**MR HANSON:** Treasurer, what proposals did the ACT government put to the commission in response to the terms of reference for the review of revenue sharing arrangements?

**MS GALLAGHER:** Treasury has put forward, as I said, 1,091 pages of submissions across absolutely every area of government possible in terms of services provided, in terms of potential for revenue sources—everywhere. Those submissions are made public. I note that the opposition hate it when I answer a question for them—they just hate it. As soon as I answer they think, “Damn, she has actually got the answer; we'll stop listening now because we really don't care about this at all.” That is the respect we get from this opposition. I have given you my answer; read the website.

**MR HANSON:** Mr Speaker, I raise a point of order on relevance. I asked the question and I was listening attentively. Her attack on us is not relevant and is completely out of order. She should answer the question.

**MR SPEAKER:** I am sure the Treasurer is coming back to the question right now.

**MS GALLAGHER:** I have answered it. They can find our submissions on the website.

**MR SPEAKER:** Mr Smyth, a supplementary question?

**MR SMYTH:** Thank you, Mr Speaker. Treasurer, previous ACT chief ministers and treasurers have personally presented the case for Canberra's funding to the Grants Commission. Have you done so?

**MS GALLAGHER:** No, I have not, but I have remained well briefed and I have asked around appropriate conduct in terms of the submission process. I have been advised accordingly by my department. I have taken that advice. I think at this point in time all the work that could have been done has been done. We also have an opportunity to discuss this further towards late October and I will be taking up that opportunity when it arises.

**MR SPEAKER:** Mr Smyth, a supplementary?

**MR SMYTH:** Thank you, Mr Speaker. Treasurer, previous ACT chief ministers and treasurers personally presented to the Grants Commission and were successful in getting extra funds for the ACT.

**Ms Gallagher:** I just answered that.

**MR SMYTH:** Why didn't you take up that opportunity?

**MS GALLAGHER:** Is that another—

**Mr Hanson:** He asked if you did.

**Mr Smyth:** Now I am asking why you didn't.

**MS GALLAGHER:** Brendan is loving these three supplementary question times. It suits him so perfectly. It is a flashback to school: the hand will go up and he will be sitting really straight with his back up. Then it is just that little cute play.

I have taken the advice of my department at every step along this way, Mr Smyth, and I am happy with how it is going. What I can assure you—

*Opposition members interjecting—*

**MR SPEAKER:** Order!

**MS GALLAGHER:** Again the standard response from the opposition is to ridicule and make fun.

*Opposition members interjecting—*

**MS GALLAGHER:** It is what we expect from you, Mr Smyth—absolutely nothing to demonstrate your interest in this.

*Opposition members interjecting—*

**MS GALLAGHER:** I can tell you, Mr Smyth, that I have done a damn sight more than putting out two media releases when it is a slow news day. That is what I have done—a damn sight more than you. I understand this issue a damn sight more than you, which I can tell from the questions in question time, and I know that must sit pretty uncomfortably with you.

I have done my job. Treasury are doing their job. The process is going as well as can be expected in what is a difficult review period, and there is more work to be done.

### **Civil partnerships**

**MS BRESNAN:** My question is to the Attorney-General and concerns mutual recognition of civil partnerships. Section 15 of the Civil Partnerships Act 2008 provides for regulations that allow couples who had entered into a civil partnership in another state to have their relationship automatically recognised without having to re-register when they move to the ACT. Attorney-General, has the government made those regulations under section 15?

**MR CORBELL:** I believe we have, Mr Speaker, but I will take the question on notice and advise the Assembly accordingly.

**MR SPEAKER:** Ms Bresnan, a supplementary question?

**MS BRESNAN:** Attorney-General, why has this information about when the regulations were made or when they will be made not been made available to the public?

**MR CORBELL:** I would imagine that information would be made available for couples who are seeking recognition of their partnership from another jurisdiction. There are of course only two other jurisdictions in the country that provide for a form of civil partnership—Victoria and Tasmania. Therefore, the numbers of people potentially affected would be quite low. Again I will seek the details from my department and provide advice to the Assembly.

### **ACTION bus service—subsidies**

**MR COE:** My question is to the Treasurer. In the draft report from the Commonwealth Grants Commission on the methodology by which GST revenue is allocated between the states, the commission has made a number of conclusions about national capital allocations. Treasurer, why has the commission concluded there should no longer be any allowance for the subsidy which is provided to ACTION to compensate principally for free parking in the parliamentary triangle?



**MS GALLAGHER:** Why has the commission made that finding? I imagine that is a question better directed to the commission itself, but I will see if Treasury can provide any further information on that for you.

**MR SPEAKER:** Mr Coe, a supplementary question?

**MR COE:** Thank you. Yes, I would appreciate that additional information and I would like to also know what arguments you use to support the retention of the allowance and the subsidy that is provided to ACTION.

**MS GALLAGHER:** Again I will check to see how those discussions have been handled. Are we going to go through, line by line, every area of expenditure?

*Opposition members interjecting—*

**MS GALLAGHER:** What I could do for the opposition, if they were genuinely interested, is provide them with a briefing—none of what has been asked for by the shadow Treasurer. He actually puts a media release out and says, “Oh, the world’s falling in. What’s happening? Nothing’s happening.” But guess what: he has not actually asked to be briefed on it. He does not ask for any of the additional information. And what—

*Opposition members interjecting—*

**MS GALLAGHER:** What I am saying is that I am very happy to provide you with a briefing. If we are going to go through—

*Opposition members interjecting—*

**MS GALLAGHER:** I would suggest a more efficient way of dealing with it, if there is genuine interest in every line by line part of the submission that has been put by the ACT government, we can have a full briefing for the opposition—if they are interested and if they are in at work on that day.

**MR SPEAKER:** Mr Smyth, a supplementary question?

**MR SMYTH:** Treasurer, in the event that this allowance is removed, what plans have you made to take account of the loss of these funds for ACTION?

**MS GALLAGHER:** The process has reached this point: there is a draft report, submissions have been finalised in terms of state and territory jurisdictions, and those are now being considered by the commission. I understand the commission may seek to have further discussions with state and territory jurisdictions. In fact, I know that they are having discussions with state and territory jurisdictions as they finalise their considerations in February.

I am not going to sit here and speculate about what the Commonwealth Grants Commission may or may not find in the interests of the ACT. I do not think that is a good use of everybody’s time at this point. It is about seeking to have our arguments

heard and our submissions accepted on the merit of the data that is being presented, and there are many more discussions to follow before this is finalised. The opposition may have given up on this process, but there is a lot more work to be done between now and February.

*Opposition members interjecting—*

**MS GALLAGHER:** And guess what: no-one believes you.

### **Taxation—GST payments**

**MRS DUNNE:** My question is to the Treasurer, Mr Speaker, and relates to the draft report from the Commonwealth Grants Commission on the methodology into GST. In that report the Grants Commission has made a number of conclusions about the national capital allowances, particularly in this case with regard to volunteer firefighters. Treasurer, why has the commission concluded there should no longer be any allowance for the additional costs that are incurred because of the low number of volunteer firefighters?

**MS GALLAGHER:** I think I have answered the general thrust of this question. If the opposition are genuinely interested in this I am surprised they have not sought a briefing. I stand here and say I do not know the reasons the commission found for every single line of the discussions that they have had over the past five years. Guilty as charged. If there is genuine interest in this, which I severely doubt, because of the way that they have conducted this campaign, let them have a briefing to get their minds across it.

**Mr Smyth:** My mind is across it.

**MS GALLAGHER:** Mr Smyth has no questions about this because his mind is across it all. I would be very surprised. So you understand the arguments around community health then, do you? You understand the arguments around education? You understand the issues around New South Wales, do you? I would be very surprised if any of you understood the depth of the discussions that have been had. If there is genuine interest in this then I look forward to working with Mr Smyth in a bipartisan way to lobby the Commonwealth Grants Commission around the best interests of the ACT. That is the issue here. That is the issue that the opposition needs to support.

**MR SPEAKER:** Mrs Dunne, a supplementary question?

**MRS DUNNE:** Thank you, Mr Speaker. Treasurer, what arguments did your agencies use to support the retention of the allowance for the low number of volunteer firefighters?

**MS GALLAGHER:** I am happy to provide the opposition with that information.

**MR SPEAKER:** A supplementary question, Ms Burch?

**MS BURCH:** I have one for the Treasurer. In light of the threats to the ACT budget from a reassessment of the GST, is it the environment in which to consider reopening closed schools?

**Mr Seselja:** Mr Speaker, I raise a point of order. I do not believe that supplementaries can come with preambles.

**MR SPEAKER:** Preamble aside, I invite you to reframe your question, Ms Burch. Mrs Dunne asked a fairly specific question. I would like you to reframe your question in that context.

**Mr Stanhope:** On the point of order, Mr Speaker: the question related to threats to the ACT budget as a result of a reassessment by the Grants Commission of GST payments. It seems to me that that is perfectly relevant and pertinent to the range of questions that have been asked of the minister, in this question and in previous questions.

**Mrs Dunne:** On the point of order, Mr Speaker: my question was specifically in relation to the allowance for volunteer firefighters. It was not a broad ranging question. I note that the minister could not answer those questions about firefighters. I would submit that Ms Burch's supplementary question is entirely out of order because it does not relate to the original question.

**MR SPEAKER:** I think Mrs Dunne has articulated my reasoning quite well. Ms Burch, would you like to reframe your question? If not, Mr Smyth, a supplementary question?

**MR SMYTH:** Thank you, Mr Speaker. Treasurer, in the event that this allowance is removed, what plans have you made to take account of this loss of funds in retaining volunteer firefighters?

**MS GALLAGHER:** This again is a hypothetical question: what would you do if this allowance is removed?

**MR SPEAKER:** Therefore you do not have to answer it if you wish.

**MS GALLAGHER:** Thank you.

### **Global financial crisis**

**MS PORTER:** My question is to the Treasurer. Treasurer, one year on from the emergence of the global financial crisis, can you advise the Assembly on the state of the ACT economy?

**MS GALLAGHER:** I thank members for the important question. This is, as usual, the time for the opposition to stop listening because there is actually some promising news in terms of the state of the ACT economy. As members would know, the global financial crisis had a very significant impact on economic development in the ACT. Thankfully, I think Australians have benefited greatly from the federal government's

very swift action to cushion the national economy from the effects of the downturn through their very significant stimulus payment.

Despite the negative impacts of the global financial climate, the ACT economy, as measured by state final demand, managed to grow in 2008-09, increasing by 0.3 of a per cent. This is low and is well below the long-run average. It came off strong double digit growth, more than 10 per cent, back in 2006-07, and should be seen in the context of previous high interest rates and consumer prices in 2007-08, and of course the GFC in 2008-09.

The fundamentals of our economy were strong at the time of the emergence of the global financial crisis. We had close to full employment. We had very strong participation in the workforce and a very highly educated population. The federal government's stimulus measures, and in some part our own local initiatives, have supported the local economy during this difficult period.

Recent economic indicators in general suggest that the ACT economy is stabilising and performing quite well. We have record unemployment and the second highest participation rate in the country. In the latest figures, in September 2009, we had an unemployment rate of 3½ per cent. The ANZ newspaper job ads for the ACT indicate that the weekly average trend number of newspaper job ads in the ACT recorded its third consecutive monthly increase in September 2009. Annual population growth strengthened further to 1.8 per cent in the March quarter, mainly due to natural increase and net overseas migration. Stronger population growth in the territory should support household consumption as well as underlying demand for residential property.

Apart from the improvements that we have seen in the housing and labour markets, there is evidence that confidence, particularly amongst consumers, is also improving. Household consumption in the ACT has shown resilience so far in face of the downturn and has contributed positively to economic growth.

There was some softening in retail turnover around the middle of 2009, but retail turnover in seasonally adjusted terms in the ACT rebounded in August 2009 following two consecutive monthly falls.

In construction, private dwelling construction growth in the ACT rebounded in 2008-09, reflecting initiatives to stimulate first home buyer activity, the low official interest rate and a gradual improvement in confidence and increased land supply. Private non-dwelling construction remained at a relatively high level in the ACT in 2008-09, despite decreasing from the very high level in 2006-07.

The credit rating agency Standard & Poor's recently affirmed the ACT's AAA long-term credit rating and noted that the territory's long-term growth prospects are steady. The government is very pleased with this affirmation, as well as Standard & Poor's assessment of the territory's economic outlook. However, we are still well aware of the challenges and the risks that lie ahead.

**MR SPEAKER:** Ms Porter, a supplementary question?

**MS PORTER:** Thank you, Mr Speaker. Treasurer, you mentioned Standard & Poor's credit report. Can you provide further information on what the Standard & Poor's report suggests about the territory's prospects?

**MS GALLAGHER:** I am very pleased to report that not only has the credit rating agency affirmed the ACT's credit rating in that highest level; importantly, it has also rated the ACT's outlook as stable. In the context of a year on from the emergence of a global financial crisis and the continuing degree of economic uncertainty worldwide, for the territory to have retained the highest possible rating is not an insignificant feat. This is good news for the territory's economy as it provides a degree of confidence to business and the community.

However, we are aware that there is still much more that needs to be done. The credit rating agency has acknowledged the government's prudent financial management; Mr Smyth would have hated that. Its publicly available research update states:

The stable outlook for the ACT reflects our expectation that the ACT government will remain committed to strengthening in its operating position.

The report also states that the government's history of prudent budgeting leaves us confident that liabilities will be contained.

It is reasonable to expect that, one year on from the emergence of the global financial crisis, credit rating agencies such as Standard & Poor's are likely to be particularly frank and risk averse in their assessment. In this most challenging financial and economic environment, the government has earned objective confirmation of its past, current and continuing commitment to the prudent financial and economic management of the territory. There is more work to be done. There are significant risks facing the ACT budget, some of which we have discussed in question time today, but we remain flexible with our long-term plan to recover the ACT's budget over a seven-year period; that we have enough time to do this and maintain essential services and infrastructure to the ACT community.

**MR SPEAKER:** Mr Smyth, a supplementary?

**MR SMYTH:** Treasurer, as a result of the global financial crisis, how many jobs have been lost in the ACT and how much revenue has the ACT government lost?

**Mr Stanhope:** On a point of order, Mr Speaker: that supplementary question was not relevant to the question asked.

**MR SPEAKER:** There is no point of order. I think the question was quite a broad one about the state of the ACT economy, and Mr Smyth's question falls within that.

**MS GALLAGHER:** The unemployment rate, I think, at its lowest point before it started increasing was 2½ per cent. It has risen to 3.5 per cent, I think, in the order of 6,000. It did go higher than that but it has been revised downwards in recent updates from the ABS.

**MR SPEAKER:** Ms Burch, a supplementary question?

**MS BURCH:** I have a supplementary for the Treasurer. Further to your responses to the question so far, can you tell us if the ACT housing market is showing signs of recovery?

**MS GALLAGHER:** The latest economic indicators—in fact, all of the economic indicators coming out in terms of the housing market—have seen significant increases in activity. We think a lot of this is a pull-forward of the first homeowners grant. I know from discussions I have had with Treasury that some of our revenue coming in, particularly in July, was certainly up on where we had forecast it in the budget. It is a matter of whether or not this has been a pull-forward of the first homeowners grant and we will see some evening out of that over the entire year.

In terms of some of the latest statistics, in August 2009 the number of housing finance commitments for owner-occupation in the ACT in original terms registered growth in the order of 24.3 per cent. This is against a national increase of only 0.5 per cent. Of course, we know that we do see large fluctuations in our numbers due to our small population. But the ACT recorded the strongest annual growth in the country, with residential building approvals in the ACT growing by 33.2 per cent year on year in original terms, compared to a 17.8 per cent fall nationally. With respect to the value of individual investor commitments in the ACT, it is up 16 per cent—the second largest increase in the country.

All of this points to improvements in our local housing market after we did see some significant downturn in the previous year. It is a matter of whether or not this continues through the year, and indeed after the first homeowners grant boost expires in December. But no doubt we look forward to Mr Smyth's positive media release. I am still waiting on the one congratulating us on the AAA credit rating, but I am sure it is being typed out and it will be here soon.

**MR SPEAKER:** Order, Ms Gallagher! Your time has now expired.

**Ms Gallagher:** You're the first with the bad news; why don't you just match it when there's good news?

**MR SPEAKER:** Order!

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

## **Answer to question on notice**

### **Question No 260**

**MRS DUNNE:** I would like to seek some explanations under standing order 118A. On 17 September, the 30 days expired on question No 260 to the Minister for Corrections in relation to community service orders. I would like an explanation as to why it is outstanding. It was not redirected to the Attorney-General.

**MR CORBELL:** That response has been provided to the Secretariat, Mr Speaker.

## Personal explanation

**MR SMYTH** (Brindabella): Under standing order 46, Mr Speaker, I would like to make a personal explanation.

**MR SPEAKER:** Yes, Mr Smyth.

**MR SMYTH:** During question time, the Treasurer cast doubt on whether or not the figures of remuneration for the Chief Executive of Actew had ever been published and said she would check. I have been able to check—

**Mr Stanhope:** On a point of order, Mr Speaker: this is not a personal explanation.

**MR SMYTH:** It is. She implied that I was lying and I am about to prove that I have not.

**Mr Stanhope:** This is not a personal explanation.

**Ms Gallagher:** No, I said I would check. I do not automatically assume you are telling the truth.

**MR SPEAKER:** Mr Smyth, this is not a personal explanation.

**MR SMYTH:** They have certainly been published in previous annual reports. The process was stopped under the current government.

## Answer to question on notice

### Question No 266

**MRS DUNNE:** Under standing order 118A, I seek an explanation from the Attorney-General as to why question on notice No 266, the 30 days having expired on 18 September, has not been answered.

**MR CORBELL:** The question has been answered and the response has been provided to the Secretariat.

**MRS DUNNE:** Could the minister tell us when the answer was provided to the Secretariat? Mr Speaker, saying that an answer has been provided to the Secretariat is not an explanation as to why the answer is late. I would like an explanation as to why the answer was late, and I would like to know when it was referred to the Secretariat.

**MR CORBELL:** Mr Speaker, I cannot advise when it was referred to the Secretariat. The question has been answered and provided to the Secretariat.

**MRS DUNNE** (Ginninderra) (3.05): Paragraph (b) of the standing order states:

- (b) at the conclusion of the explanation or statement, move without notice “That the Assembly takes note of the explanation” ...

I move:

That the Assembly takes note of the explanation.

In doing so I point out that the minister has failed to provide an explanation to the Assembly. To say that it is answered is not an explanation and it is not compliant with the standing orders.

Question resolved in the affirmative.

## Papers

**Mr Speaker** presented the following papers, which were circulated to members when the Assembly was not sitting:

Standing order 191—Amendments to:

Crimes (Murder) Amendment Bill 2008, dated 21 September 2009.

Dangerous Goods (Road Transport) Bill 2009, dated 23 September 2009.

Eggs (Cage Systems) Legislation Amendment Bill 2009, dated 22 and 23 September 2009.

ACT Legislative Assembly Secretariat—Annual Report 2008-2009.

Auditor-General Act—Auditor-General's Report No. 7/2009—Annual Report 2008-09, dated 29 September 2009.

## Executive contracts

### Papers and statement by minister

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage: For the information of members, I present the following papers:

Public Sector Management Act, pursuant to sections 31A and 79—Copies of executive contracts or instruments—

Long-term contracts:

John Meyer.

Kelvin Walsh.

Short-term contracts:

Alan Traves, dated 4 September 2009.

Daniel Walters, dated 9 September 2009.

Douglas Gillespie, dated 8 September 2009.

Edith (Dita) Hunt, dated 16 September 2009.

Jackie Wenner, dated 7 September 2009.



John Bissell (2), dated 3 and 8 September 2009.

Leanne Cover, dated 7 September 2009.

Marsha Guthrie, dated 21 September 2009.

Mary Toohey, dated 31 August 2009.

Nicole Stenlake, dated 7 September 2009.

Pam Davoren, dated 16 September 2009.

Robert Neil, dated 3 September 2009.

Stephen Ryan (2), dated 3 September 2009.

Stuart Friend, dated September 2009.

Sue Dever, dated 26 August 2009.

Contract variations:

Alan Franklin, dated 29 July 2009.

Conrad Barr, dated 26 August 2009.

David Evans (2), dated 20 August and 9 September 2009.

David Metcalf, dated 22 September 2009.

Floyd Kennedy, dated 20 August 2009.

Greg Kent, dated 26 August 2009.

Helen Strauch, dated 23 August 2009.

Mary Durkin, dated 21 September 2009.

Stephen Goggs, dated 21 September 2009.

Sue Morrell, dated 1 September 2009.

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

Leave granted.

**MR STANHOPE:** These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act which require the tabling of all chief executive and executive contracts and contract variations. Contracts were previously tabled on 15 September. Today I present two long-term contracts, 17 short-term contracts and 11 contract variations. The details will be circulated to members.

## Papers

**Mr Stanhope** presented the following papers, which were circulated to members when the Assembly was not sitting:

Administrative Arrangements—Administrative Arrangements 2009 (No 1)—Notifiable Instrument NI2009-472, dated 23 September 2009.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2008-2009—

Chief Minister's Department (2 volumes), dated 9 and 17 September 2009.

Commissioner for Public Administration, dated 9 September 2009.

Land Development Agency, dated 17 September 2009.

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2008-2009—

ACT Government Procurement Board, dated 23 September 2009.

ACT Public Cemeteries Authority, dated 18 September 2009.

Department of Territory and Municipal Services (2 volumes), dated 10 September 2009.

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2008-2009 (for the fourth quarter 2008-2009: 1 April to 30 June 2009).

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2008-2009—Cultural Facilities Corporation, dated 8 September 2009.

### **Capital works program—outcome report Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (3.09): For the information of members, I present the following paper:

Capital Works Program—Outcome Report—2008-2009.

I move:

That the Assembly takes note of the paper.

**MR SMYTH** (Brindabella) (3:10): It is fascinating to have this report tabled today. I will read it with interest, since we had a report with a remarkably similar title, *Capital works 2008-2009 program outcome*, tabled on 27 August 2009.

Monitoring the progress of capital works is one important means by which the community can hold the government of the day to account. It is a major area of spending of public funds and it also has a significant effect on the local economy, which still causes me to question why the Stanhope-Gallagher government decided in 2005 to make the quarterly reports on capital works secret. The government then claimed that these reports were too complex for the public, including the opposition, to understand. It is fascinating to note the *Canberra Times* article at the time which says that Treasury no longer provides regular updates on how much money it has spent on infrastructure because it does not think the information is useful. The article went on to say:

But a Treasury spokesman said last night the reports were neither required by legislation nor useful outside the bureaucracy. The reports were not user-friendly to the public as they were largely comprised of complex spreadsheets. They were determined to be more appropriately used internally within the government.

That is simply rubbish and I think an absolutely disgraceful decision, and it is good to see that it is now being reversed. I had to circumvent those decisions by obtaining these reports under FOI, which really amounts to a silly waste of resources. Moreover, the amount of detail in these reports has been reduced. As from the 2006-07 June quarter, these reports now do not contain the proposed completion date, and one can question that. It is quite interesting; I am happy to table these reports if the Assembly is interested.

In the report *2006-2007 capital works program*, there was a column titled “proposed completion date”. In the 2008-09 report, the proposed completion date has of course disappeared. Why would it disappear? Because it makes it far more difficult for the opposition and the community to hold this government to account for delays in capital works projects.

Following the tabling of the report in August, I asked the Treasurer a number of questions. I refer members to question No 320. As I read the answers, the Stanhope-Gallagher government has now recognised the error of its way; it will now release the quarterly reports again. I would commend the Treasurer on that. It is a victory for common sense. So note that: there is a bit of praise. Well done, Treasurer. But what we need to do is make sure that they contain sufficient detail to facilitate analysis and accountability, and in that regard not having the completion date really does make the report interesting but less than useful.

I will make further comments when I complete my analysis of this report. I simply bring to the attention of the Assembly, and in particular the Greens, that this information has, until today, been denied to the public of the ACT. I seek leave to table the two pieces of paper that I referred to and that have already been collected.

Leave granted.

**MR SMYTH:** I table the following papers:

ACT Health—Capital Works Program—Tables—  
2006-07—June quarter.  
2008-09—March quarter.

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Indigenous Affairs and Minister for the Arts and Heritage) (3.14): I would like to congratulate the Treasurer on tabling this exemplary report and drawing the attention of the Assembly and the community to the outstanding record of achievement by this government in relation to capital works.

It is interesting to reflect that this report, relating as it does to 2008-09, and a capital budget of somewhere in the order of \$300 million, represents a greater investment in capital than the Liberals invested in their seven years in government. It is good that we have this opportunity, through reports such as this, to reflect on the fact that this government, in one year, invested more in this community than the Liberals managed to invest in seven long years. Just this one report tabled today by the Treasurer

actually represents and reflects a greater capital investment in this community than the Liberal Party achieved in their entire last two terms in government.

I think it is a great opportunity to reflect on the level and breadth of this government's commitment to this community. Just look at some of the projects that have been delivered, most particularly through this last year. Belconnen Arts Centre: it is something that the Libs used to talk about that they were going to do but never got around to. They left it to us; we delivered. Tharwa bridge upgrade: no maintenance on the Tharwa bridge in their time in government. They left it to us to actually save the Tharwa bridge—a commitment of \$14 million.

Upgraded airport roads: \$22 million, left again to this government. All the major roadworks in this territory have been delivered by Labor governments. There we have it. Belconnen town centre: \$16 million for Cohen Street extension. North-south arterial road for Molonglo suburbs: \$11 million. North Weston pond: \$12 million. Flemington Road duplication: \$20 million. Upgraded Tharwa Drive: \$11 million. These are projects delivered by this government. Alexander Maconochie Centre: an investment of \$130 million in justice and in this community. New Belconnen police station: \$18 million.

It is actually stunning to reflect on what this government has built and then to just name one thing that the Liberals built in government. Just name them. Give us the list of Liberal Party investment in this community and then look at this list: arts centre for Belconnen; saving a heritage-listed bridge; upgrade of the airport roads; new roads at Belconnen town centre—massive investments. The Molonglo suburbs investment; \$12 million in amenity for the people of Weston Creek; \$20 million for the Flemington Road; \$11 million for Tharwa Drive; \$130 million for justice; \$18 million for a new police station at Belconnen; a multistorey car park for \$45 million at the Canberra Hospital; new mental health facilities; a capital asset and development plan for the department of health worth \$278 million; new Gungahlin college, \$66 million; school infrastructure program, \$90 million; Kingsford Smith school, \$45 million; establishment of regional community facilities and neighbourhood halls, \$27 million. What a massive commitment by this government to this community—more in one year than the Liberals delivered in seven. Thank you, Treasurer, for drawing our attention to this and thank you, Mr Smyth, for asking that this report be noted.

Question resolved in the affirmative.

## **Papers**

**Ms Gallagher** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2008-2009—

ACT Gambling and Racing Commission, dated 9 September 2009.

ACT Insurance Authority (including Office of the Nominal Defendant of the ACT), dated 22 September 2009.

ACTEW Corporation Ltd, dated 14 September 2009.

ACTTAB Ltd, dated 18 August 2009.

Department of Treasury—

(2 volumes), dated 22 September 2009.

Addendum—Volume 2.

Rhodium Asset Solutions, dated 3 September 2009.

Totalcare Industries Ltd.

ACT Health, dated 2 September 2009.

## **Financial Management Act—instruments Papers and statements by minister**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 16B—Instrument authorising the rollover of undisbursed appropriation of the Department of Disability, Housing and Community Services, including a statement of reasons, dated 30 September 2009.

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

Leave granted.

**MS GALLAGHER:** Section 16B of the Financial Management Act rollover of undisbursed appropriation allows for appropriations to be preserved from one financial year to the next, as outlined in an instrument signed by me as Treasurer. As required by the act, I table a copy of a recent authorisation made to roll over undisbursed appropriation from 2008-09 to 2009-10. This package includes one instrument signed under section 16B.

The appropriation being rolled over was not spent during 2008-09 and is still required in 2009-10 for the completion of the projects identified in the instrument. The instrument authorises a total of \$5.719 million in rollovers for the Department of Disability, Housing and Community Services; \$1.462 million of recurrent appropriations and \$4.257 million of capital appropriations.

These rollovers have been made as the appropriation clearly relates to project funds or where commitments have been entered into but the related cash not yet required or expended during the year of appropriation—for example, where the capital works projects were initiatives for which timing of delivery has changed or been delayed or where an outstanding contractual or pending claim exists or where there are delays in implementing budget recurrent initiatives.

The recurrent appropriation rollovers include the working with vulnerable people check initiative, the supported accommodation assistance program, the business and

industrial relations support for community organisations program and the establishment of regional community facilities and neighbourhood halls project.

The capital injection rollovers include \$0.914 million for an upgrade of heating and air-conditioning facilities at the Belconnen Community Centre, \$1.878 million for the establishment of regional community facilities and neighbourhood halls and \$0.371 million for upgrading the Gungahlin Community Resource Centre and a number of other youth and childcare facilities. Details relating to these and the other rollovers are provided in the instrument. I commend the paper to the Assembly.

For the information of members, I present the following papers:

Financial Management Act, pursuant to section 16B—Instruments authorising the rollover of undisbursed appropriation, including statement of reasons—

Chief Minister's Department, dated 24 September 2009.

Housing ACT, dated 24 September 2009.

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

Leave granted.

**MS GALLAGHER:** Section 16B of the Financial Management Act rollover of undisbursed appropriation allows for appropriations to be preserved from one financial year to the other as outlined in instruments signed by me. This package includes two instruments signed under section 16B. The appropriation being rolled over was not spent during 2008-09. It is still required in 2009-10 for the completion of the projects identified in the individual instruments.

The instruments authorise a total of \$8.811 million in rollovers for the Chief Minister's Department and Housing ACT, comprising \$1.986 million of recurrent appropriations and \$6.825 million of capital appropriations. These rollovers have been made as the appropriation clearly relates to project funds or where commitments have been entered into but the related cash not yet required or expended during the year of appropriation.

Significant rollovers and recurrent appropriations for CMD include projects such as the ACT safety first project, the convention centre trust fund and the government office accommodation project, mainly due to delays in finalising contractual obligations. Significant capital injection rollovers for CMD include \$1.462 million for the Belconnen Arts and Cultural Centre, because of delays in purchasing fixtures and fittings, installing external signage, landscaping and the construction contractors completing the final work, and \$2.104 million for the Canberra International Arboretum and Gardens because of delays in completing a range of projects, including roads, dams and design works and purchasing forestry plantings.

The rollover of \$1.697 million for housing in capital injection includes \$0.394 million for upgrading the infrastructure at the Narrabundah Long Stay Caravan Park, which was delayed due to difficulties in design and scoping of the works and assessing the safety and compliance of the built structures at the park with the relevant planning and building code requirements; \$0.402 million for helping younger people with disabilities in residential aged-care services; \$0.257 million for CSTDA—supporting

people with a disability—which was delayed due to difficulties in design and scoping of the dwellings to meet the specific needs of families; and \$0.644 million for the homelessness initiative “a place to call home”, which was delayed due to difficulties in sourcing suitable sites to locate the dwellings. Details relating to these and all remaining rollovers are provided in the instruments. I commend the papers to the Assembly.

**Financial Management Act—statement of authorisation of expenditure from the Treasurer’s advance in 2008-2009  
Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (3.23): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 18A—Statement of authorisation of expenditure from the Treasurer’s Advance in 2008-2009.

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

Leave granted.

**MS GALLAGHER:** I acknowledge Mr Smyth, who I think wrote to me around seeking the final expenditure of the Treasurer’s advance when it was tabled. It was during that that it was clear that there had been an oversight in that the summary of the total expenditure authorised against the Treasurer’s advance was not tabled within the required three sitting days. I apologise to the Assembly for that.

As required under section 18A(3) of the Financial Management Act, which requires that where the Treasurer has authorised expenditure under section 18 that we needed three sitting days after the end of the financial year, the Treasurer must present to the Legislative Assembly a summary of the total expenditure authorised for that year.

Due to an administrative oversight, the summary of the total expenditure authorised under the Treasurer’s advance was not tabled within the required three sitting days. The Appropriation Act 2008-2009 provided \$32 million for the Treasurer’s advance. The final expenditure against the Treasurer’s advance was \$22.637 million, leaving a balance of \$9.363 million which was returned to the 2008-09 budget. I move:

That the Assembly takes note of the paper.

**MR SMYTH** (Brindabella) (3.25): I thank the Treasurer for the acknowledgement that my office brought this to her attention. A summary of the use of the Treasurer’s advance in the previous year, what is called the final charge, is usually tabled in August each year. In August 2009, despite a reference to the summary having been tabled in the Assembly, it was not. If members look at documents of 18 August 2009, it lists a final charge for 2008-09. Not having found it, I subsequently had my office ask questions about the final charge from the Treasurer. Initially no-one in the Treasurer’s office seemed to be aware of the matter—perhaps they are too new to the processes—but finally I received a letter from the Treasurer last week which admitted to the administrative oversight. I will just read that letter:

Dear Mr Smyth

In response to your question regarding when the Final Charge on 2008-09 Treasurer's Advance was tabled, I can report that the Final Charge has not yet been tabled due to an administrative oversight. I have asked the Treasury to review their processes to ensure that this does not occur again.

The Treasurer kindly forwarded me a copy. She said:

Attached is the copy of the Final Charge on 2008-09 Treasurer's Advance for your reference. The Final Charge will be tabled in the Legislative Assembly on 13 October 2009.

I thank the Treasurer for tabling it today and apologising to the Assembly for their failure to table it previously.

Question resolved in the affirmative.

## Papers

**Mr Corbell** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2008-2009—

ACT Electoral Commission, dated 16 September 2009;

ACT Human Rights Commission, dated 18 September 2009;

ACT Ombudsman, dated 24 August 2009;

Department of Justice and Community Safety (2 volumes), dated 11 September 2009;

Director of Public Prosecutions, dated 23 September 2009;

Independent Competition and Regulatory Commission, dated 23 September 2009;

Legal Aid Commission (ACT), dated 11 September 2009;

Public Advocate of the ACT, dated 17 September 2009;

Public Trustee for the ACT, dated 1 August 2009; and

Victims of Crime Support Program (incorporating victims of Crime Co-ordinator, Victim Support ACT and the *Victims of Crime (Financial Assistance) Act 1983*), dated 23 September, 2009.

Department of the Environment, Climate Change, Energy and Water, dated 24 August 2009;

Office of the Commissioner for Sustainability and the Environment, dated 16 September 2009; and

ACT Policing, dated 9 September 2009, in accordance with the Policing arrangement between the Commonwealth and the Australian Capital Territory governments.

**Mr Hargreaves** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2008-2009—Department of Disability, Housing and Community Services—

(2 volumes), dated 1 September 2009.



Corrigendum.

ACT Cleaning Industry Long Service Leave Authority, dated 14 September 2009.

ACT Construction Industry Long Service Leave Authority, dated 14 September 2009.

**Mr Barr** presented the following papers:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Reports 2008-2009—

ACT Building and Construction Industry Training Fund Authority, dated 10 September 2009.

Department of Education and Training, dated 21 September 2009.

ACT Planning and Land Authority, dated 23 September 2009.

Exhibition Park Corporation, dated 18 September 2009 including an addendum.

## **Planning and Development Act 2007—schedule of leases granted**

### **Paper and statement by minister**

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation): For the information of members, I present the following paper:

Planning and Development Act, pursuant to subsection 242(2)—Schedule—  
Leases granted for the period 1 July to 30 September 2009.

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

Leave granted.

**MR BARR:** Section 242 of the Planning and Development Act 2007 requires that a statement be tabled in the Legislative Assembly each quarter outlining details of leases granted by direct sale. Section 458 of the Planning and Development Act, as amended by the Planning and Development Regulation 2008, also provides transitional arrangements for all direct grant applications made under the Land (Planning and Environment) Act 1991, now repealed, to be decided under the repealed act. The schedule I have tabled covers four leases granted for the period 1 July 2009 to 30 September 2009. In addition, 94 single dwelling house leases, three of which were land rent leases, were granted by direct sale for the quarter.

## **Papers**

**Mr Corbell** presented the following papers:

**Subordinate legislation (including explanatory statements unless otherwise stated)**

Legislation Act, pursuant to section 64—

Heritage Act—Heritage (Council Chairperson) Appointment 2009 (No 1)—  
Disallowable Instrument DI2009-58 (LR, 10 September 2009).

Road Transport (Public Passenger Services) Act—Road Transport (Public Passenger Services) Regular Route Services Maximum Fares Determination 2009 (No 3)—Disallowable Instrument DI2009-201 (LR, 10 September 2009).

Taxation Administration Act—Taxation Administration Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-44 (LR, 14 September 2009).

**Petition—Out of order**

Petition which does not conform with the standing orders—Kingston Bus Depot Markets—Proposed relocation—Mr Barr (19 signatures).

**Mental health**

**Discussion of matter of public importance**

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

The importance of government and community working in partnership to promote positive mental health in the ACT community.

**MS PORTER** (Ginninderra) (3.32): I rise in the matter of public importance today to speak about the importance of the government and community working in partnership to promote positive mental health in the ACT community.

This is indeed a matter of great public importance. As we know, one in five people in our community will suffer a mental illness episode in their lives so it is possible that it will touch many of us in this place in some way. The disabling nature of mental illness may impact on a sufferer's independence and autonomy.

Often defined by stigma, frustration and exhaustion, the impact of mental illness extends from individuals to families and colleagues as well as the wider community. The opportunity to reflect on this and the positive aspects of mental health were at the forefront during last week's National Mental Health Week. I was happy to be able to officiate at the launch of the supported hospital exit program, or SHEP, as well as the Festival of Belonging at the Rainbow during Mental Health Week.

The SHEP program responds to the needs of people being discharged from hospital after a mental health event and acknowledges that a great level of support is necessary for these people to return home, and to pick up the threads of their day to day lives which were often in a state of dysfunction prior to hospitalisation.

I also opened the Festival of Belonging conducted by Rainbow Mental Health Foundation ACT and Connection Program of Volunteering ACT, giving us all an opportunity to acknowledge how important it is to maintain one's connection to the community both from the point of view of those who experience mental illness and from the point of view of their families, friends and carers.

National Mental Health Week 2009 was being celebrated not only in the ACT and throughout Australia but in over 100 countries, aiming to raise community awareness

of mental illness and associated issues. The theme for this year was “informed and connected”. This theme signifies the need for individuals to be aware of and educated about mental illness and the benefits of supported connections within the community.

This government supported Mental Health Week 2009 with \$10,000 towards the hosting of the events on a very fat calendar. The information sessions, forums and social activities included the Festival of Belonging, as I just said, which emphasised the important theme. Other events were a community barbecue, a prayer service and the Mindscapes arts and music festival. There was also the launch of two story books for the children of parents with a mental illness, and there was a special seminar on critical incidents stress management. This is to name but a few of the activities. In all, the week provided events not only for learning and for sharing but also to engender a sense of social inclusion, belonging and value.

The growing impact of mental health problems and disorders is well recognised and is identified as a global priority due to the great social and economic consequences associated with it. There is increasing emphasis on promoting mental health and wellbeing and preventing problems before they occur. In recognising this, this government can attest to a strong commitment to expansion and investment in mental health resources as well as promoting issues through Mental Health Week 2009, as I have said.

Further commitments include the new purpose built facility for the Canberra Hospital campus for which consultation, planning and concept design have begun. These include the mental health assessment unit, due for completion in December 2009, and the new adult mental health inpatient unit and the adolescent and young people’s mental health unit.

As members would be aware, in the last Assembly I initiated an inquiry, as deputy chair of the Standing Committee on Health and Disability, into appropriate housing for people living with mental illness. One of the recommendations in that report called for the establishment of a step up, step down facility, and I am pleased that the government acted on this recommendation and set aside funding that would go towards establishing such facilities for young people and for adults. The government is also committed to building a secure mental health facility. Site selection is under way.

Recognising that more can be done to prevent mental illness or to reduce the impact of mental illness on people’s lives, and I believe there is always more we can do, the ACT government departments, led by ACT Health, work with community agencies to develop frameworks that promote mental health and wellbeing and to provide early intervention for people experiencing mental illness.

The launch of the two mental health frameworks during Mental Health Week 2009 demonstrated this government’s commitment to thorough planning. These frameworks are *Building a strong foundation: a framework for promoting mental health and wellbeing in the ACT 2009-2014*, and *Managing risk of suicide, a suicide prevention strategy for the ACT 2009-2014*. These were launched by the Minister for Health at one of the many events listed on the week’s calendar.

These frameworks articulate this government's commitment to the promotion of mental health and wellbeing, the prevention of mental illness and suicide, and the provision of early intervention for those experiencing mental illness. The frameworks will serve to guide practice that will increase resilience and reduce vulnerability as well as improve responses to those at risk and support for carers and bereaved families.

The ACT has led the way nationally in developing the first whole of government mental health promotion, prevention and early intervention framework. The framework is a successor to the previous *ACT action plan for mental health promotion, prevention and early intervention 2006-2008*, which was the first for any state or territory in Australia.

Mental health and wellbeing are affected by many factors outside of the health portfolio including housing, education and employment. The new frameworks reflect the important work that all sectors of the community are undertaking in this area, and promote strong linkages and partnerships with other agencies including those within government.

In recognition of the need for community based support and care for carers and consumers, this government works in partnership with numerous community organisations. Such organisations provide essential support in the community to promote mental health and wellbeing and also to provide advocacy. The commitment to 27 community organisations exceeds \$10 million per annum, with the ACT being the leading jurisdiction with the highest percentage of funding to the community and mental health sector, at 7.3 per cent above the national average.

The 2009-2010 budget allocations included an additional \$14.5 million for community mental health to continue over the next four years, and 50 per cent of this, or \$7.2 million, was allocated to community sector organisations. This commitment will continue to be expanded to enable capacity building in all areas of mental health care delivery. As I said before, there is always more work that we can do. In addition, the 2009-2010 commitments included over \$4.6 million for community organisations to provide supported accommodation and respite care services.

As I said, a new budget initiative was launched during Mental Health Week 2009, which was the supported hospital exit program, known simply as SHEP. This program goes beyond the traditional outreach support services to reduce the risks associated with making the transition from hospital to home for someone living with a mental illness. This new program stands beside a number of recent new programs, such as the youth step up, step down facility which opened its doors in March. I am pleased to say that this style of care has been extended to adults, with the new adult step up, step down facility opening in January this year as a fulfilment of this government's previous commitments.

The supported hospital education program is a critical program in that unless people get support, as I said before, once they leave hospital they can very well end up homeless or back in hospital in a more serious condition. The worst-case scenario, of course, is the danger that people may in fact commit suicide or attempt suicide. So we

can see that the supported hospital exit program is a crucial program in the suite of care that we can provide and offer to both the person suffering from a mental illness and their family and carers.

I would like to offer my congratulations to all those people who worked so hard for Mental Health Week, many of them of course behind the scenes, and I commend them for their efforts. It was a highly successful week of events and I noted, as I went around the various events, that they were well supported by the community. I also noted that the media interest was very positive, showcasing this government's commitment, efforts and successes and I am very pleased about that.

Once again, my congratulations go to the organisers and participants of a very successful Mental Health Week 2009. It is events like this that reconfirm the strength in partnerships between government and community, and this is something that the ACT government will continue to foster and support.

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (3.43): I would like to support the speech that was just given by Ms Porter, who spoke about the events of last week, Mental Health Week, of which I participated in, I think, at least three.

Mental illnesses and the people living with them continue to be misunderstood and too often become victims of stigma and discrimination. Indeed, a lot of the events that were on in the past week were about seeking to reduce the effects of stigma across a whole range of mental health illnesses. Illnesses such as anxiety disorders, major depressive disorder, bipolar disorder and schizophrenia are leading causes of family disruption and even suicide. These illnesses are also significant contributors to the global burden of disease.

I, too, would like to extend my thanks to everyone who organised and contributed to Mental Health Week events for their initiative and innovation that made the week a very big success. I was pleased to be able to officially launch two new mental health frameworks at the launch of Mental Health Week, which Ms Bresnan attended—“building a strong foundation: a framework for promoting mental health and wellbeing in the ACT 2009-2014”, and “managing the risk of suicide two: a suicide prevention strategy for the ACT 2009-2014”.

These frameworks reflect the recognition that a whole of government approach is required for the promotion of mental health and wellbeing. The work that has gone into these frameworks reflects the collaboration between many government departments and indeed community organisations, who have all worked together to develop new frameworks and who have all agreed to implement and report on progress on actions to ACT Health.

The key action areas of the building a strong foundation framework are to enhance the mental health and wellbeing of the whole community; support children, youth and families; enhance services to those with co-morbidity issues and/or who have received care in closed settings; and enhance the social equities and reduce the social inequities that influence mental health and wellbeing.

The ACT government funded new initiatives to promote mental health and wellbeing in the 2008 financial year. One of those was the Marymead children's circle of security program, which was provided to parents and care givers to support attachment in high risk families. Another was the Brindabella and Majura women's groups, who do a fantastic job in targeting and supporting isolated and disadvantaged mums with young babies.

In the 2009-10 financial year more mental health promotion, prevention and early intervention initiatives were funded. These include \$70,000 to expand the MIEACT program and \$117,000 to expand the bungee program run by Belconnen Community Services. I think that is the one that might be out in Tuggeranong. Ms Porter mentioned earlier the supported hospital exit program which was launched recently. This provides a short-term support service aimed at addressing the problems people living with mental illness face during the transitional period from hospital back home to the community.

There was also \$250,000 provided for supported accommodation and outreach for single men with mental health issues. This funding is targeted at men who have a mental illness, are at risk of homelessness and have experienced recent institutional care. The government has also funded the community sector mental health peak organisation \$155,000 to undertake community sector development around workforce and outcome measurement.

Over the next two years the government will provide \$200,000 each year for the expansion of the KidsMatter pilot. All primary schools in the ACT will be offered an opportunity to participate in this nationally recognised program. The funding will also enable MindMatters to be offered to all interested high schools. That was part of the Labor-Greens parliamentary agreement; I acknowledge that. Also in the Labor-Greens parliamentary agreement was money that has been budgeted for enhanced mental health training for emergency service workers, particularly focused on police and ambulance services. There were also some additional resources for the forensic in courts program.

Managing the risk of suicide, the new suicide prevention strategy also launched last week at the same event, takes a comprehensive and wide-ranging approach to the prevention of suicide in the ACT. It considers the biological, psychological, social and environmental factors influencing suicide, and aims to prevent suicide across the lifespan.

I am confident that the actions identified in these two documents will provide a strong foundation for improving the mental health and wellbeing of all ACT residents and that they will guide the provision of early interventions for those at risk of suicide and those experiencing mental illness.

I am also pleased to update the Assembly on the newly established Ministerial Advisory Council on Mental Health which held its inaugural meeting during Mental Health Week 2009. The role of the council is to provide independent high level advice and guidance to address mental health consumer and care issues, as well as mental health policies and services.

The members of the Ministerial Advisory Council on Mental Health represent individuals rather than organisations or sectors, but of course they all come with a background from a particular sector within the mental health community and all have particular mental health expertise in their own area. This expertise may include the experience of a mental illness, either as a consumer or carer, or vocational or academic proficiency in mental health.

The council members, Professor Beverley Raphael, Ms Leanne Wells, Ms Catherine Settle, Ms Judy Bentley, Mr Wilf Rath and Mr Simon Rosenberg, are also recognised for their contribution to the community. Last week's meeting was very productive—I can report, with a great deal of enthusiasm by all—and I am sure that the council will provide the government, and indeed through the government the Assembly, with invaluable advice over the coming years.

I should say that I have taken the decision to chair that council, just so that I am very much a part of and listening to the discussions as they are generated through that council in terms of some of the big policy issues that we are going to have over the next few years, dealing with the development of health legislation and mental health policy and in planning for the new suite of mental health facilities, all of which fall under the terms of reference of this group.

The group will provide ongoing advice on service reform and legislative change and will ensure that new mental health initiatives do not contravene human rights or antidiscrimination provisions relevant to mental health consumers and carers.

In terms of the capital asset development plan, members are aware of the plans for the new purpose-built facilities at the Canberra Hospital. The mental health assessment unit, which is a six-bed unit which will open in the emergency department, is due for completion in December 2009 and it will open in the new year once staff have been recruited to that service. That will allow for mental health patients presenting to the emergency department with a mental illness to be dealt with by experienced mental health staff within the emergency department—so additional staff, additional bed capacity and, hopefully, a better streamlined service in terms of their experience at the emergency department—should they be admitted to the PSU or indeed go home under some order.

The design of the new adult mental health unit is well underway. I have seen some draft sketches of that facility and I have to say that it could be the fact that it is replacing such a terrible facility that makes it look absolutely tremendous, but the use of light, the use of gardens, the breakout spaces, the areas to eat and the areas for people to withdraw to at times when they want to be on their own will greatly improve the environment for adults who have to spend time in the inpatient facility at Canberra Hospital.

The design is extremely conscious of the therapeutic benefits of open space, sunlight and aspect for the consumers who will use the facility. The design has taken into account the use of the block of land immediately adjacent to Hindmarsh Drive and Yamba Drive to allow the building to focus on access to light, views and landscaped areas, both inside and outside. There is plenty of socialisation space. Bedrooms are

grouped around courtyards, each with their own access, and small lounges located to the bedrooms provide an option for quiet relaxation or specific use. In addition, the design will give us some flexibility about where women and men are located and I think it will significantly improve the quality of the inpatient environment.

The current concept design of the unit will be approximately 2½ times larger than the current psychiatric services unit. The unit will have large areas of open space for a walking track and other gardens for recreational use. The gardens will also create a visual buffer for the new unit and that is very important, as consumers and carers have told us, in terms of ensuring the privacy and protection of people using the facility and spending time in the facility but also as a kind of dislocation from the rest of the hospital campus.

The site selection process for the secure mental health unit, the community process, has finished and ACT Health are currently pulling together all of the information to brief cabinet on the preferred way forward with that facility.

We have seen significant increases in mental health funding. There has been a 183 per cent growth in funding for mental health services from 2001 to 2009-10, with the budget now in excess of \$77.5 million. Of the health budget for recurrent mental health services in 2009-10, \$10.2 million is provided to 27 community organisations to deliver essential services throughout the community. This is a high percentage when compared to the national average, but we have committed, again through the parliamentary agreement, to working to ensure that we continue to increase that sector's capacity to deal with the changes in landscape of consumers and their care requirements.

Mental illness can have a profound impact on the lives of not only the individuals themselves but also their family members, their colleagues and the wider community. As members of this place we often receive correspondence—sometimes complaints but sometimes also appreciation—about the services provided across the mental health sector. Some of those letters are heart-rending in terms of the impact of the illness, particularly on individuals but also on their family and their friends. All of us, I know, would be touched by that correspondence and in a way it is certainly the feedback from the community that very much drives my passion to continue to improve services in the mental health area.

I am very keen to work with Assembly members to make sure that we have a flexible system that responds to change and responds to the increases in demand that we have seen but in a way that meets the needs of consumers and their carers. This is an area where, from my experience in health, the consumer and carer movement is very well organised in terms of representation, in terms of their involvement. I know in ACT Health we rely very heavily on the consumer-carer liaison role to assist us with deliberations as a government, and I know that the consumer community sector movement is very well organised as well and constantly gives me advice on things that we are doing right and things that we are not doing right, and it is a very important part of our response.

Our commitment to being flexible is reflected in the mental health services plan, which started off as a document that was not well received by the community but



ended up being a document that did receive broad support across the community. So I think we can do more of that. We can always do better. It is not just a case of more money; it is a case of making sure our current expenditure is used effectively in meeting the needs of people living with a mental health illness in the community and acknowledging that the majority of recovery and care occurs in the community and not in the acute setting, even though it is usually the acute that gets a lot of the focus, and indeed that will not change quickly. But I think if we all work together it can change over time.

**MS BRESNAN** (Brindabella) (3.57): I thank Ms Porter for the matter of public importance. The Greens recognise the importance of the government and the community working together, and these partnerships can result in very positive outcomes for people experiencing mental illness. What is also important, though, is to have a well-resourced and supported community sector which can provide services in its own right.

Mental health is a matter to which the Greens are deeply committed. If we are to improve the lives of people living with a serious mental illness, we need to provide appropriate services for people to get better and stay well. To do that we need to provide mental health services via community organisations, as they can more actively work with consumers on their recovery journey by providing a more trusting environment, developing peer support networks and being more flexible in the delivery of wraparound services. If we can do these things, perhaps we can stop that revolving door of the emergency department and mental health inpatient units.

Given the Greens' commitment to this issue, we did include specific items on this issue in the parliamentary agreement, which has already been referred to by Ms Gallagher. In recognition of the underfunding of mental health services, the agreement proposes that 12 per cent of health expenditure be delivered via mental health services. And I was pleased to see ACT Health dedicate 7.77 per cent of its budget to mental health services, up from 7.08 per cent the previous year. It will take time to reach this goal of 12 per cent given the history of lack of funding to mental health services, particularly after deinstitutionalisation occurred. That is why each year, through each budget, we would like to see an extra amount of funding put towards mental health so that we are making continual movement towards that goal. I would also like to note that at the Mental Health Community Coalition election forum Mr Smyth actually committed the Liberals to this goal of 12 per cent.

There is also a goal to see 30 per cent of mental health funding delivered via community organisations. The strong engagement of communities through the expanded use of community sector services characterises the world's most innovative and progressive mental health systems. New Zealand is an example which is often used where funding to community-based and community-run services has led to very positive outcomes for people with mental illness. In the ACT the current figure is 13 per cent. However, it is important to note that in the last budget we did see an increase in funding to this sector from \$6.5 million in 2007-08 to around \$9.5 million in 2009-10.

The other parliamentary agreement item I would like to mention is the commitment to an increase in the level of funding provided to emergency service workers; again

Ms Gallagher referred to this item in her speech. Through the last budget the Greens were able to secure funding over two years for this, which will involve the engagement of community organisations in providing consumer and carer-led education sessions to police officers.

With reference to the 30 per cent community sector goal, I would like to bring to the Assembly's attention some of the recommendations the ACT Greens have about how we can implement that funding on the ground. I recently tabled the Greens report entitled *My life, my community*. The report drew together the Greens' vision for mental health reform from looking at a body of policy and research from Australia and internationally. Most particularly, this paper sought to reflect the expressed views of consumers and the mental health community sector. The report also made 25 recommendations, covering areas such as health care, housing, daily living and legal matters.

In housing, for example, the Greens report recommended that the ACT government implement housing programs modelled on the NSW housing and accommodation support initiative, which is also known as HASI, for consumers who may have significant barriers to maintaining housing security. I am pleased to see an initiative based on HASI occurring in the ACT and I thank the ministers for both housing and health for the briefing on the progress of this initiative. I also attended a forum on this hosted by the ACT Mental Health Community Coalition.

One of the key aspects of HASI is that it involves a partnership not only between government and the community but also between government departments. A representative from the Richmond Fellowship involved in HASI in New South Wales noted that HASI cannot work without having health, housing and the community sector involved in the management and running of this initiative. I commend Housing ACT and its minister for this step forward on this excellent initiative.

The Greens report found that silos in service provision continue to be an issue for consumers and carers; an issue which has been identified in numerous reports by peak and other representative mental health organisations. As such, it is recommended that the government implement a cooperative intake model for care planning and service coordination across both Mental Health ACT and the community sector to facilitate access to a wide range of services and develop individually tailored, community-based programs of support. This should be networked in with services funded directly by the Australian government.

Another recommendation looked at the crisis assessment and treatment team. Due to problems encountered with the crisis assessment and treatment team, especially when it comes to some methods of intervention, the Greens report recommended that the ACT government fund an after-hours alternative to the CATT team through the further funding of appropriate existing community psychosocial rehabilitation services. The Mental Health Community Coalition in their budget submission identified such a community-based and run service as being key to developing and delivering improved crisis support.

The Greens report also recommended that legislative and practice support be provided to consumers to assist them in developing advance agreements and to oblige treating

teams and care coordinators to honour the terms of these agreements. At the moment we do have the legislative basis for advance agreements, but they only operate when a consumer has full decision-making capacity. A review of the mental health act will not occur until the end of 2011.

The recently highly distressing situation involving the treatment of a person with severe mental illness, where the case ended up being decided through the courts, highlighted the importance of having consumer-led advance directives in place which are recognised. We also recommended that advance agreements be recorded on the Mental Health ACT computer system, also known as MHAGIC, or in some other repository agreeable to consumers and Mental Health ACT. In my previous work with the Mental Health Council of Australia, the council conducted workshops across Australia with mental health carers, and in these workshops advance directives were again raised as a significant issue to be addressed.

As I mentioned earlier, breaking down silos in service delivery is a major issue. The way services are delivered impacts on both consumers and carers in being able to navigate the system of service delivery. We should be developing outcome measurements and quality standards to be used across government and community sector services in collaboration with government, non-government services, the community sector, consumers and carers. This would demonstrate and measure if services are in fact leading to changes and positive impacts for consumers.

Finally, in relation to current plans for the ACT, the latest mental health services plan was a great step forward in that it had a focus on the recovery model with greater community participation and it also provided targets, which are extremely important to have in any plan. In fact, the plan did echo many of the statements made in the ACT Greens paper and also responded to the Greens' motion on the draft plan.

How well the plan is implemented will depend on the Strategic Oversight Group, including what programs they and the Minister for Health recommend to fund. It will also be influenced by the level of commitment by all those involved to adopting a consumer-centred and recovery-focused model of service delivery, which is something peak mental health groups, consumers and carers have been calling for for quite some time.

**MR HANSON** (Molonglo) (4.05): I thank Ms Porter for raising this matter of public importance today and I also thank the minister and Ms Bresnan, who have both spoken well and raised some good issues in relation to this. It is one of those issues on which we have a shared aspiration, I believe, in this place to do more to reduce the stigma that those who suffer from a mental illness suffer and to do more to increase services across the community. I think we would all acknowledge, though, that more needs to be done and, although there will obviously be some disagreements in terms of how that is delivered and what actually is being delivered, I certainly acknowledge the shared commitment from those in the Assembly.

Last week was Mental Health Week 2009. It ran from 4 to 10 October and the theme this year was mental health and primary care, enhancing treatment and promoting mental health. Many of us went to a number of the various functions and events which

were held. One that I had the privilege of attending was the reading of two children's books which were aimed at creating a better understanding for children of how a parent with a mental illness can be a normal part of life for many children. The event was run at the Woden Library by the Mental Health Foundation. The books were actually read by the authors, and both of the authors had been touched by the mental illness of a parent.

It was a very moving event and it brought home to everybody who attended that the impact of mental illness is not just on the individual who is suffering from it but on family members, friends and the broader community. I read one of the books, *Bipolar Bears*, to my young son that night and he seemed to greatly appreciate it. That was just one event and one example of the great work that is being done in the ACT by so many community groups and indeed by many health workers within the ACT government sector.

We are lucky in Canberra to have so many great organisations working tirelessly to support people with a mental illness. I would like to mention the work being done by a few—this list is by no means exhaustive—such as the Mental Health Foundation, Lifeline, Beyond Blue, Mental Health Community Coalition, Mental Health Consumers Network, Mental Health Carers Network, Carers ACT, Children of Parents With a Mental Illness, Connections Volunteers, Volunteering ACT, the Australian Foundation for Mental Health Research and, as I said before, the workers who work within the ACT government sector.

I took the opportunity during Mental Health Week to focus on a particular issue that is of interest to me and that is the prevalence of mental illness in men. Men are often more reluctant to speak about their illnesses, particularly mental illnesses, than women and, although they often necessarily do not make up a high percentage, they do make up over three-quarters of all suicides. It is an issue that has been highlighted before but it is one that we need to keep highlighting.

The theme for this year's Mental Health Week was particularly relevant for the ACT. We face a real problem in the provision of primary health care in the ACT. That is well known. But for those who are suffering from a mental illness often their first stop is their GP, and the shortage of GPs and the difficulty of accessing those services have a real impact in preventing the onset of mental illness or the early intervention that is so important to those suffering from such an illness.

Beyond this, we know that the ACT still does have a number of challenges to face in dealing with the increased demand on mental health services. We in the opposition are very supportive of any measures that enhance the community sector's involvement in the delivery of mental health services. We know that approximately one in five people will suffer from a mental illness at some stage in their life and many of us here would have a family member, a close friend or a colleague who has suffered from a mental illness at some stage in their life.

We know that the ACT, according to statistics, has the highest rate of mental and behavioural problems in Australia and we know that providing care in the community, and with an emphasis on early intervention, will not only lead to better consumer outcomes but reduce the considerable financial and social burden caused by mental

illness in the community. That is why last year the Canberra Liberals took a number of very practical, well-targeted policies forward on mental health; policies that were realistic, achievable but nonetheless effective.

I do acknowledge that the government has introduced a number of programs and I applaud it for having done so. There is much more that needs to be done, though, in terms of additional programs but also expanding the scope of some of those programs; for example, step up, step down, a program that Ms Porter mentioned. The minister has said that she will increase that at some stage in the future and I await a response on that.

I do note, however, that the Greens-Labor parliamentary agreement relating to mental health funding contains some very specific agreements in relation to funding. It says:

Commit to continuing to increase the proportion of the health budget spent on mental health, with a goal of reaching 12% of overall funding. By 2012, 30% of mental health funding should be allocated to the community sector for the delivery of services.

When the 12 per cent figure was articulated, I think it was articulated as a figure that was going to be achieved within the near term; I think one would have expected it to be within the life of this Assembly given that that was the term, as I understand it, of the Greens-Labor agreement. But to date the level of funding is way below that. It is, as I understand, 7.7 per cent of total health spending and what we have not seen is a detailed plan articulated either by the government or by the Greens to demonstrate how we are going to get to the 12 per cent figure or how we are going to get then to a 30 per cent figure of money going to the community sector.

So I encourage the government and the Greens, if that is a commitment, to articulate how and when that will be delivered or, if it is not a commitment, to be honest with the community and express it as such. The Greens-Labor agreement included a joint communique of 30 June 2009 in which I looked for evidence of that sort of detail, but a scan of the document showed no mention of mental health funding in it. It did say, though, that there are 12 remaining items that will be the subject of further discussion before being progressed. I hope that the next joint communique as a result of the Greens-Labor agreement will include more specific detail of how and when the government will get to the 12 per cent that they have committed to—or a frank and honest discussion with the community that they will not actually achieve it. We need to know rather than just have a target that will not be achieved.

Although there are programs being introduced by the government, there is a lot that the government have not delivered on that they said they would. I have tracked back through previous election commitments and through what was articulated by the government. I can go back to Mr Corbell's statement in 2005 about what was going to be delivered: 20 acute beds for young people, 30 acute adult beds, a 15-bed high security unit; that was all meant to be delivered by 2008. Obviously we are in 2009.

I have looked, for example, at the 2004-05 capital works budget. A new psychiatric secure unit was proposed, and that was meant to be completed in August 2005, and a mental health forensic centre with a proposed completion date of 2004. So I do just

warn the community that, although we hear a lot of rhetoric about a lot of good works that are intended, the actual ability of this government to deliver and follow through on their promises certainly mismatches the rhetoric of their intent. Given this record of non-delivery, we should remain somewhat sceptical that they will be delivered on time, given that they are already in a number of circumstances four or five years late.

More recently, we have seen problems arising out of the nine-storey car park at the Canberra Hospital. The government called in the project due to what Andrew Barr described as “frivolous and politically motivated objections”. However, when the mental health community discovered the impact this car park could have on the proposed mental health unit at the Canberra Hospital, the government refused to budge. The consultation process around that hospital and the call-in process showed that the way the government does its capital works on mental health issues leaves a lot to be desired.

We hope that the government does continue to provide to the community the sort of services that are required for mental health. We all share the aspiration in this place. It is simply a matter of what the government can deliver and how successfully it can deliver on time. But we do all agree here that mental illness is a significant issue in our community and we share a common intent of doing what we can to help those with a mental illness and to support those community groups who are doing so much of the heavy lifting.

**MADAM ASSISTANT SPEAKER:** The discussion is concluded.

## Education Amendment Bill 2009

Debate resumed.

Question put:

That **Mr Doszpot’s** amendment No 1 be agreed to.

The Assembly voted—

Ayes 5

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mr Seselja

Noes 10

Mr Barr  
Ms Bresnan  
Ms Burch  
Mr Corbell  
Ms Gallagher  
Mr Hargreaves  
Ms Hunter  
Ms Le Couteur  
Ms Porter  
Mr Rattenbury

Question so resolved in the negative.

Amendment negatived.

**MR DOSZPOT** (Brindabella), (4.20), by leave: I move amendments Nos 2 and 4 circulated in my name together [*see schedule 1 at page 4394*].

I am moving for a continuation of the debate that has been circulating on this topic. The issues at stake in amendments 2 and 4 relate to the number of days for which suspension is sought, substituting 20 days and omitting the 10 days contained in the Barr proposal. We are saying the same thing in amendment 4, with respect to proposed new section 104B—page 6, line 15, omit 10 days and substitute 20 days.

Again, we come back to the crux of the argument—that Mr Barr’s amendments have gone partially towards addressing the problem but still leave a lot to be desired. The fact that the Greens have said they will not be supporting our amendments today means that they are quite happy for the filling out of more paperwork by the principals, and not giving them the authority to have the same advantage that their counterparts in every jurisdiction around Australia have. Filling out more paperwork, as Ms Hunter suggests, will not assist students that are facing suspension for periods of time. The head-in-the-sand approach will not help. We need to address these issues, and we need to address them along the lines that we have suggested.

The government have not gone far enough, and the amendments I am moving aim to strengthen the supports that are in place for a student who may be suspended for up to 20 days. Giving the principals power to suspend students for up to 20 days instead of their having to go through the red tape of the department, in line with other jurisdictions, is the right change to make to this bill. As Mr Seselja said, we believe that our principals are best placed to make these decisions, just like their counterparts in the states.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (4.22): The government will not be supporting these amendments, largely for the reasons I outlined on at least three occasions during the debate before lunch. The government believes that the proposals we have put forward in this bill are the appropriate and measured response.

I will repeat, for the benefit of members opposite who were not in the chamber earlier for this debate, that in preparing this bill the government consulted extensively with the Principals Association and the Catholic Education Office. Following that discussion, the proposal that the government put forward of 10 days was the position that was supported by those organisations. So we believe it is appropriate to continue on that path.

We believe that it will provide a series of different levels of sanction. It does not preclude suspensions of up to 20 days, but in the government’s view that is a most serious suspension, and one for which it is appropriate that there be consultation, in the context of public schools, with the chief executive of the education department, and in the context of the Catholic system with the Director of the Catholic Education Office. The Catholic Education Office are of that view as well. For those reasons we believe that it is appropriate to stick with the proposal the government has put forward and we will not be supporting Mr Doszpot’s amendments this afternoon.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (4.24): I did speak about this earlier but I reiterate that the ACT Greens will not be supporting

these amendments to allow a principal to be able to suspend a child for up to 20 days straight out.

We have put forward arguments today as to why we believe that the status quo should be maintained. Currently, for students who are antisocial, who do commit acts of violence or extreme acts within a school that may create an unsafe environment, there is provision under the act to suspend them for up to 20 days. But the process at present is that a principal can suspend for the first five days and then must put a case to the chief executive of the department for the time for that suspension to be increased. So there is already the capacity to suspend a student in extreme circumstances. I believe that both the minister and Mr Doszpot have been quite clear, along with the Greens, that we are talking about a 20-day suspension being in very extreme circumstances.

That capacity is already there. That is why the Greens believe that we will be sticking with the status quo. So we will not be supporting Mr Doszpot's amendments. We certainly did put forward arguments earlier around the importance of early action, of early intervention, of getting in there and addressing the issue, solving the issue, working with the student and with the student's family.

I believe that, to be able to just exclude a student straight off for 20 days, it leaves far too much time when there may not be proper action taken—proper services put in place, the sorts of interventions that you would want to see in this situation. I just do not think that is appropriate.

Also, I do not think that enough thought has been given to the sorts of implications this has for families, for carers and for parents. Obviously, if a child is excluded straight up for 20 days then that does raise a whole lot of issues for working parents or for those who may not have the capacity to supervise the child at home for that time. I believe that this is not a well-thought-through proposal and, as I outlined in my arguments earlier, we believe that the status quo is what we should be sticking with at this time. It still has the capacity to go to 20 days with a five-day review, and we believe that is where the ACT should be staying at this point in time.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.27): These are good amendments that will actually achieve what the minister claims to be wanting to achieve, which is to give principals the ability to deal with these issues.

The Labor Party and the Greens, in voting against this provision, are saying that they do not trust the principals to have that role. Minister Barr let the cat out of the bag when he almost seemed to be arguing against his own bill. He said: "This is running to the right. They're running to the right by giving them 20 days." And he used the term "redneck". Of course, the other five jurisdictions are all run by rednecks, and giving principals more ability to suspend is running to the right! So what is Mr Barr proposing then? I suppose that is running to the right. It was a ridiculous argument.

**Mr Barr:** A sensible and balanced approach, Mr Seselja.

**MR SESELJA:** No, but the position put by the education minister is to say: "I trust you, but really not very much. I trust the principals for an extra five days." It is



pathetic, isn't it? But he seemed to be arguing against his own provisions by saying, "It's a run to the right." So it is a run to the right to give principals more power, except if you do the exact amount that is proposed by Andrew Barr, because that is the correct amount. That is the balanced amount. What a joke! It is not a run to the right when he does it, but if someone else does it, apparently it is.

This is about actually trusting principals. This is saying that principals in the ACT are as trustworthy as their interstate colleagues. They are able to make these decisions, and no argument has been put forward by the minister as to why there should be this disparity between us and other states other than that it is a Liberal proposal. That seems to be the main reason. I think what we will get, as we often do, is to again have a minister who is empty handed. We will have a minister who comes back and who has achieved absolutely nothing because he was prepared to go for a token change rather than a substantive change.

We believe that, if you are going to bother to make these changes, the changes should mean something. They should be substantive and they should actually reflect the trust and the confidence that we have in our principals. That is what these amendments do. Mr Barr's proposed amendments do not, and we are again going to have a minister who has failed. He will have failed once more to get his agenda through.

I commend Mr Doszpot's amendments. They are very sensible. They are seen as sensible right around the country, but apparently not by this minister, who will end up with nothing because he is not prepared to negotiate and he will end up with nothing in terms of actually giving principals the power that they deserve.

**MR HARGREAVES** (Brindabella) (4.30): I just heard Mr Seselja speak for about five minutes and say very little. He could have said it probably in one sentence, but I guess that is what lawyers do. One of the things that I took from what he said was that it is all about punishment. It is all about taking these kids away as punishment for something that they are doing. He did not offer any suggestions on what could happen about the root cause. Why are these kids behaving in this way? He has not made any suggestion about that at all.

The other thing that I remark on is that Mr Seselja's principal argument was that the government did not trust the principals. If you ask the principals and you ask the Catholic Education Office what they think is a reasonable period of sanction that they can use—

**Mr Seselja:** They're just taking what they can get.

**MR HARGREAVES:** Would you mind being quiet for just a little bit, please?

**Mr Seselja:** Like you and Andrew were when I was speaking?

**MR HARGREAVES:** I heard you in silence—

**Mr Seselja:** It was not silent when I was speaking.

**MADAM ASSISTANT SPEAKER** (Ms Burch): Mr Seselja, please.

**MR HARGREAVES:** and I would ask you, for the first time in your life, to do something different and be courteous.

**MADAM ASSISTANT SPEAKER:** Mr Hargreaves, can we get back to the subject.

**MR HARGREAVES:** Thank you, Madam Assistant Speaker. You might like to ask Mr Seselja to try something new: courtesy. That might be nice.

The point, of course, is that the consultation process with the principals and the Catholic Education Office is around the safety of kids in that school environment, but it is also about saving the recalcitrant kids themselves. That is what it is all about. This is not a process of punishment. This is actually a tool that principals can use, in a suite of tools that they have about their person, to save some kid, to give some kid another shot, to give them another chance.

The other thing that these people across the way have not actually addressed—or that I have heard, anyway, and I have been listening upstairs as well as down here—is that they have not said what assistance they might give the families of these young kids. If you take these kids out of the school grounds for 20 days, are the Liberal opposition proposing that Education pay childcare costs? Are they suggesting that we can reimburse the parents for the leave that they have to take to cover this particular period? I did not hear any of that. It is all about parental responsibility and it is all about somebody else's problem.

If we could only have somebody approach this thing with the kids' interest at heart, instead of being over the top about punishment, it would be a refreshing change in this place.

Question put:

That **Mr Doszpot's** amendments Nos 2 and 4 be agreed to.

The Assembly voted—

Ayes 5

Noes 10

Mr Coe

Mr Doszpot

Mrs Dunne

Mr Hanson

Mr Seselja

Mr Barr

Ms Bresnan

Ms Burch

Mr Corbell

Ms Gallagher

Mr Hargreaves

Ms Hunter

Ms Le Couteur

Ms Porter

Mr Rattenbury

Question so resolved in the negative.

Amendments negatived.

**MR DOSZPOT** (Brindabella), (4.38), by leave: I move amendments Nos 3 and 5 circulated in my name together [*see schedule 1 at page 4394*].

Amendment 3 states that if a student is suspended for 20 consecutive school days, the student must attend not less than three counselling sessions. The addition of three days of counselling to the bill goes to the heart of the lack of support currently in place for students at risk of disengaging. We were quite happy to negotiate on the wording of this with the government. We were happy to change this to reflect access, for at least three days, to appropriate programs instead of counselling per se. Mr Barr's arrogant, unbending attitude will result in Mr Barr voting against giving ACT principals the same powers of suspension as in New South Wales and voting against giving suspended students counselling. Mr Barr continually takes an "all or nothing" approach to negotiation. Today, if he ends up with nothing, he has no-one but himself to blame.

When the bill was introduced, we supported it in principle. We suggested that ACT principals should have the same powers of suspension as principals in all other states and territories. We suggested that the department and school should work with the student through counselling to address the underlying issues and prevent repetition. Mr Barr rejected the proposals outright. If Mr Barr votes against the suspension powers amendment then it is quite clear that Minister Barr does not trust our principals to have the same powers as those given in other states and territories. We do trust them.

If Mr Barr votes against the suspension powers amendment then he also votes against the counselling. He does not believe in counselling for at-risk students during their suspension. We do believe in it. Mr Barr believes he knows better than every other state and territory government. He wants it his way, and his way only.

The opposition welcomes the initiative of giving principals more autonomy when it comes to decision making surrounding behaviour management. However, we also believe it simply does not go far enough. We believe that we should increase the current limit of five days suspension to 20 days, which is a maximum which will at least bring us in line with other jurisdictions nationwide.

In this way, the Education Amendment Bill will take away some of the red tape and frustration of the principals associated with referring matters to the CEO of ACT education, and provide much-needed autonomy for the principals. However, we feel it is also imperative that there is significant concentration on the strengthening of the support measures required to be in place to assist those students who may need to be suspended for an extended period of time. I commend these amendments to the Assembly in the interests of our schools, our school leaders and our students.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (4.41): Again, the government will not be supporting these amendments. I outlined prior to lunch the number of significant flaws in this hastily cobbled together piece of rubbish that is Mr Doszpot's amendments. Why he would seek to limit in the law the response to a suspension just to counselling sessions and then seek to mandate a minimum amount is crazy public policy. It really is unworthy of even being brought into this place as it is so poorly conceived and so hastily cobbled together.

The fact that these new rules would not apply to independent schools and would in fact only apply to public and Catholic schools also speaks to the sloppiness of the drafting effort, but in Mr Doszpot's defence my understanding is that the original amendments that were circulated by the Liberal Party yesterday, or prior to their party room meeting, were not as ridiculous as the ones that ended up being put forward at the last minute. So I do not believe that this actually represents Mr Doszpot's view; in fact it might have been pushed by his party room in a direction that has left him somewhat exposed in the context of this debate.

Fundamentally, if the Liberal Party do as they have signalled, as it would appear that the Greens will not support them, when these amendments are defeated and then they vote against the bill as a whole, they will have, as Mr Doszpot indicated, first voted for the bill and then later voted against it. They will then have to go and explain to all of those parents, to the Principals Association, to the Catholic Education Office and to all of those organisations why it is that before lunch they had a particular position on this legislation and then after lunch—

**Mr Hanson:** Maybe you could write them a letter.

**MR BARR:** I am quite happy to send them a copy of *Hansard*. That will be all that will be necessary in relation to the flip-flopping of the Liberal Party on this matter. The fundamental issues of principle, Madam Assistant Speaker, if you will excuse the pun in the context of these debates, is whether greater flexibility will be given to our school principals, what level of greater flexibility and what support mechanisms will be in place. The Liberal Party's amendments go further than the Catholic Education Office and the Principals Association are comfortable with, and go further than the government is prepared to go.

**Mr Hanson:** You're being obstinate.

**MR BARR:** The government does not support the policy position that the Liberal Party has put forward. It is as simple as that.

**Mr Hanson:** But it is not exactly your position—

**MADAM ASSISTANT SPEAKER** (Ms Burch): Mr Hanson, please.

**MR BARR:** It is as simple as that. So we are not going to support it. The Liberal Party's position is that they support in principle what the government is intending to do; they have just argued that it does not go far enough. So they are prepared, in the context of the final vote on this bill, it would appear, to not make any advance on the agenda that they themselves articulate.

**Mr Hanson:** Because you're not supporting the amendments.

**MADAM ASSISTANT SPEAKER:** Mr Hanson!

**MR BARR:** That is their business.

**Mr Hanson:** So you're happy for your bill to go down?

**MR BARR:** Well, we are in a minority government situation, Mr Hanson. From time to time you are not going to get your legislation through; that is minority government. But it does not mean that we are prepared to support bad public policy, and that is the threshold issue. The Liberal Party's position is bad public policy. In the context of the ACT, it is bad public policy. The amendments you have drafted are bad public policy. If we were to vote for your amendments, you would put in place two different requirements within the ACT. Independent schools and students in independent schools who were suspended would not be required by law to have your counselling requirements.

**Mr Hanson:** Will you support it if it included—

**MR BARR:** No, I do not support it.

**Mr Hanson:** Go on, then. Why don't you propose an amendment to the amendment to include independent schools and we can all vote on it and go home?

**MADAM ASSISTANT SPEAKER:** Mr Hanson!

**MR BARR:** I have indicated that the government's position is that we do not support the number of three, we do not supporting mandating only counselling, it is too inflexible and the Liberal Party amendments are not practical and should not be supported. On that basis, and on the basis of the detailed consultation that we have undertaken in preparing this legislation, we will not be supporting the Liberal Party amendments.

What the Liberal Party determine to do in the final vote is a matter for them, but I would remind them that any attempts by them to argue that the government has not responded in this area will be met by the blunt reality of their vote on this bill. This is your opportunity to demonstrate something beyond opposition for opposition's sake. This is your opportunity to prove that you do have an interest in this issue.

**Mr Hanson:** You are opposing good policy here, Andrew.

**MR BARR:** It is not good policy, Mr Hanson. It is very poor policy.

**Mr Hanson:** It is opposition for opposition's sake from Mr Barr.

**MR BARR:** And the government, Madam Assistant Speaker—

**Mr Hanson:** You are opposing your own legislation by not supporting the amendments.

**MADAM ASSISTANT SPEAKER:** Mr Hanson, if you want to contribute to the debate, you will have your opportunity. If not, can you stop interjecting from across the floor.

**MR BARR:** The government will be voting for the bill. We will be voting in favour of change. Those opposite will be voting no. You will be voting no, and you will have to stand by that voting record.

**Mr Doszpot:** So will you.

**MR BARR:** We will be voting for our bill, Mr Doszpot, and you and others will need to reflect on your position in relation to suspension policy.

**Mr Seselja:** It is embarrassing for a minister again to come away with nothing.

**MR BARR:** It is minority government, Mr Seselja; that is life. And I would prefer to see this bill go down than vote for poor public policy as articulated.

**Mr Seselja:** Well, you've done a good job.

**Mr Hanson:** You've got that right.

**MR BARR:** Given the choice between voting for the rubbish that you put forward or not having change, not having change is better than the sort of rubbish that you put forward. We believe that the position that we have put is a sensible, moderate, well-informed reform that has the support of the key stakeholders in the area in which we are seeking to make a reform. Once again, we have opposition for opposition's sake from the Liberal Party. They have nothing positive to contribute. All they can do is vote no, and we are going to have another exercise in that this afternoon, it would appear.

I signal that this issue will come back again for the Assembly to consider and the Liberal opposition will stand condemned for their failure to support a sensible policy measure this afternoon.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (4.49): Again, I will go over a few points that I put forward earlier in this debate around the proposed amendments that students who are suspended from school for more than 20 days must undergo at least three counselling sessions. Some of what I am going to say will echo what Mr Barr has just said. I am very unclear about why the number of three was chosen, and why the Liberal Party is insisting that this particular approach be put into the legislation.

Obviously, when you have a situation in a school where there has been antisocial behaviour or some critical incident has occurred then there may be many different approaches. There may be many different support services that need to get involved. I am not clear as to why we would put in legislation one approach that is certainly being prescribed. It means that children and students who are in this situation must do this. I just think that it has not been well thought through and certainly we have not had the opportunity to understand the approach being taken here.

As I said, when there are critical incidents, when there are safety issues at school, when there is antisocial behaviour, of course action needs to be taken; of course there need to be consequences. But that could involve many different approaches, engaging

many different types of services. Some of them may need to involve the family. It may be a family services approach where the whole family needs to be engaged with support services, with counselling services and so forth.

*Members interjecting—*

**MADAM ASSISTANT SPEAKER:** Mr Doszpot and Mr Barr, can Ms Hunter please speak.

**MS HUNTER:** Some may be around support programs for young people. Of course, we know that the Department of Education and Training provide a lot of different programs. I am very pleased that in our public school system we do have youth support workers in schools, we do have school counsellors, we do have pastoral care coordinators and we have welfare teams. Of course, they are engaging with them, and community sector agencies are engaging with schools. Hopefully, what can happen in these situations is that not just schools but the broader community and the community sector organisations can all be working together to find a solution that will re-engage the student in question, maybe find alternatives to education, and certainly look at a rosier future and a better outcome. As I said, in many cases I would suspect it may well have to involve the family that this young person is a part of.

I think it is a very complex area. It is not something that can come in with one simple approach. Therefore we will not be supporting these amendments because we do not believe you can take one possible solution or option and embed it in legislation. That is not a good way forward and that is why today we will not be supporting these amendments.

**MR HANSON (Molonglo) (4:52):** I was not intending to speak to these amendments but having heard Mr Barr's rhetoric and his obstinate approach to this matter, I feel compelled to. He knows full well that, if he wants to get legislation through as a minister, and as he has seen his colleagues do, he should sit down and negotiate an outcome.

I think our intent is broadly the same; it is simply that we view a certain measure of amendments being required to extend the suspension period and the other amendments that Mr Doszpot has put in, which I think are very well based and well thought out. His failure to even acknowledge them or sit down and have a discussion demonstrates the characteristic sort of "my way or the highway" approach to pushing through policy that we have seen.

He is the one that is voting no here. He is the one that has been voting no to what are very sensible amendments. If that leads to a consequence where the entire bill is voted down then be it on his head. He knows the implication of what he is doing by voting no. He raised the fact that this does not cover independent schools. If that is a concern for Mr Barr then have that conversation with Mr Doszpot or submit those as amendments and I am sure that, if they make sense, we would support them.

Turning to Ms Hunter's objections, and also to points made by Mr Barr, the fact that this is limited to three counselling sessions does not mean that is all that would be occurring. It is putting in place a marker—the fact that you do not suspend people from school without other action being taken. It does not say that is the only action

being taken but at the moment nothing is mandated. We view that something should be mandated. I think that is an entirely reasonable and appropriate measure to start with, and indicates that there is a lot more that could be done that is not being done. If there were other measures that were appropriate that could be legislated then I am sure we would support those amendments as well.

The art of being a minister is the ability to work through complex negotiations, to push the piece of legislation through. What we are seeing is characteristic from this minister, which is an obstinate approach to pushing through policy—just coming up with rhetoric: “Oh, it’s opposition for opposition’s sake; therefore if you don’t like what I’m doing you’re not going to get a result.” I think that you should really consider supporting these amendments, to get the legislation through. If it does not quite accord with what you specifically want, that is too bad.

**Mr Barr:** They are rubbish. They are poorly drafted. A rush job.

**MR HANSON:** That is the problem, Mr Barr. You are unable to see anything other than your own position. I commend Mr Doszpot’s amendments. They are entirely appropriate. They are good policy. They are well thought through and they will significantly improve this piece of legislation.

Question put:

That **Mr Doszpot’s** amendments Nos 3 and 5 be agreed to.

The Assembly voted—

Ayes 5

Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Mr Seselja

Noes 10

Mr Barr  
Ms Bresnan  
Ms Burch  
Mr Corbell  
Ms Gallagher  
Mr Hargreaves  
Ms Hunter  
Ms Le Couteur  
Ms Porter  
Mr Rattenbury

Question so resolved in the negative.

Amendments negated.

Question put:

That the bill, as a whole, be agreed to.

The Assembly voted—

Ayes 6

Mr Barr  
Ms Burch  
Mr Corbell  
Ms Gallagher  
Mr Hargreaves  
Ms Porter

Noes 9

Ms Bresnan  
Mr Coe  
Mr Doszpot  
Mrs Dunne  
Mr Hanson  
Ms Hunter  
Ms Le Couteur  
Mr Rattenbury  
Mr Seselja



Question so resolved in the negative.

## Adjournment

Motion by **Mr Corbell** proposed:

That the Assembly do now adjourn.

## Girls Brigade

**MR COE** (Ginninderra) (5:01): Recently, I had the pleasure of attending the Girls Brigade Australia national conference here in Canberra. The national conference is held every three years, with the host city being on rotation. So the event taking place in Canberra was a significant occasion.

The conference opened on 3 October at the Greenhills conference centre. In spite of the rain that challenged the group for the duration, the opening and the events that followed were very successful. I understand one of the highlights of the trip, and one of the highlights of the event, was a reception at Government House hosted by the Governor-General.

The Girls Brigade was formed in 1965 by the merging of the Girls Brigade (Ireland), which was formed in Dublin in 1893, the Girls Guildry, founded in Scotland in 1900, and the Girls Life Brigade, which was founded in England in 1902. In Australia, the first Girls Brigade company was established in 1927 at Wyalkatchem Methodist Church in Western Australia.

Today, the Girls Brigade operates in more than 50 countries with the supreme aim, adhered to throughout the whole movement, of helping girls to find true enrichment of life. The Girls Brigade's main aim is to "help girls become followers of the Lord Jesus Christ and through self-control, reverence and a sense of responsibility to find true enrichment of life".

The girls do many activities, including things such as arts and craft, bushwalks, camping, communications, cooking, excursions, first aid, painting, pet care, other social events, and many others.

The national patron of the Girls Brigade Australia is Her Excellency Quentin Bryce AC. The other office bearers include the National Commissioner Coral Anderson, the National Deputy Commissioner Helen Webb, the National Treasurer Allan Gibson, the National Chaplain Ruth Ebell, the National Administrator Renelle Neale, the ACT State Commissioner Elizabeth Moglia, the NSW State Commissioner Janet King, the Queensland State Commissioner Glenda Brooks, the South Australian State Commissioner Lyn Ray, the Tasmanian State Commissioner Jane Banham, the Victorian State Commissioner Wendy Sinclair, and the Western Australian State Commissioner Yvonne Waddell.

I would also like to pay particular tribute to Canberra resident Mrs Elizabeth Harding, who on 3 October at the opening of the conference became a life member following years of selfless service to the organisation.

Here in the ACT, we have five companies that meet: the 5th Canberra, which meets at Hughes Baptist Church; the 9th Canberra, which meets at St Andrew's Presbyterian Church; the 14th Canberra, which meets at the Tuggeranong Baptist Church; the 15th Canberra, which meets at Tuggeranong Uniting Church; and the 16th Canberra, which meets at Wattle Park Uniting Church.

I commend the many volunteers that make these companies possible here in the ACT. I congratulate the organisation for their many achievements, and look forward to the many years of success which lie ahead of them.

### **Hike4Hunger**

**MS PORTER** (Ginninderra) (5:04): Recently I had the great pleasure to attend an event organised to raise awareness of global food security through the Hike4Hunger, which was held on the morning of 9 October. This is the first year that this event has been held, and the focus for the Hike4Hunger 2009 campaign is food prices in Zimbabwe. In the ACT the Hike4Hunger event was held at Federation Square, in front of the forecourt of Parliament House, where the hikers set off from to walk to Mount Kosciuszko in the alpine national park.

It is fitting that the hike started from this place, the home of democracy in Australia. In this land of plenty it is easy to take for granted our freedoms and liberties. Civil unrest, peace and security challenges and human rights abuses are issues that Australians do not have to grapple with every day. Most of us are not faced with the daily challenge of having enough food for ourselves and our families, for instance. The suffering of the Zimbabwe people cannot be ignored.

One of the speakers that morning—her name was Helen—spoke about her experience as a nurse in one of the hospitals where she served in Zimbabwe, where it would not be unusual for her to find at least four babies dead during the night next to their mothers as a result of the effects of starvation. In March 2008 around 4 million Zimbabweans were dependent on international food aid. We know that water, sanitation and food security are likely to be continuing priorities.

Whilst Zimbabwe's challenges remain daunting, some progress is being made and the Australian government has provided support to improve the conditions of those suffering hunger and poverty in Zimbabwe. We did hear from Mr Bob McMullan that at the moment other African countries that are producing food are actually exporting it to Zimbabwe, which is a very sad event indeed when Zimbabwe used to be the breadbasket of Africa.

Individuals can make a difference, and I want to take this opportunity to applaud the commitment and efforts of those sponsoring and participating in the Hike4Hunger in meeting those challenges by raising awareness and funds. I also applaud those Zimbabweans that sang and spoke on the morning and helped us really understand the impact of what is happening in Zimbabwe at the moment and the importance of the work that they are doing by hiking to Mount Kosciuszko to raise awareness.

Zimbabwe has been identified as one of the worst affected areas for hunger. As I said, the hike started on 9 October and finishes on United Nations World Food Day, 16 October 2009. I would draw people's attention to the memento of the walk that is on display in the Speaker's office which details the hike and will stay with us in the Assembly until 16 October, when it will be presented at the federal parliament.

I am proud to support the Hike4Hunger campaign, as it works towards providing food security and building peaceful and just communities. I congratulate the organisers of this event, the volunteers, the sponsors, the trekkers and their supporters and acknowledge the hard work and dedication of them all.

### **Young Women's Christian Association**

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (5:08): I want to speak about a wonderful event that I attended along with Ms Joy Burch and Ms Amanda Bresnan last night over at Old Parliament House. It was to start the celebrations of the YWCA's 80th birthday. For 80 years the Y has been delivering services, working with young women, and of course in later years expanding its programs to also work with young men and with families.

We heard many speeches last night. We had a speech from the Governor-General, who spoke about her pride in the sorts of things that the YWCA has done and the times that she has been able to be involved in the activities of the Y.

We also heard from the current young chairperson of the board, the president of the board, and also from another young person. The stories they spoke of covered not just the sorts of services that are provided—and they do provide housing services, youth services, after-school services and vacation programs and so forth—their focus was also on young women, and young women as leaders, with leadership programs. I have been along to a number of events and it is a highly professional organisation that really does provide wonderful training and support and opportunities for young women to really get involved and to shine. I have always felt that was a wonderful thing that the Y have provided over the years and I have certainly been impressed with how they have gone about that.

One of the other highlights of the evening for me was that they are putting together a history of the Y, the 80 years in Canberra, and they have been talking to those people who might have gone along to one of the groups or have worked previously with the Y or been on the board. My grandmother, Mary Stevenson, was actually president of the YWCA here in Canberra from 1940 to 1942. They are selling some 80-year commemorative articles—tea towels, aprons and T-shirts—and I was really pleased to see that they have put on the apron a quote from my grandmother, who said in 1940, "We strive to give to young women and girls a design for living, a design that we show them how to live fearlessly."

I am really pleased that they chose a quote from her and they put it onto their commemorative apron. But I also would encourage people to get along to any of the activities the Y will be holding this year, to maybe purchase an apron, a tea towel or one of the T-shirts. I believe the slogan on the T-shirt is "this is what a feminist looks

like”. It is a particularly nice shade of purple and I am sure that Mr Coe, who has spoken on a number of young women’s organisations and events he has been to recently, might be interested in having a look at the T-shirts.

I congratulate the Y on the fantastic years of service they have given to the ACT community and I wish them all the best for the many years ahead.

**ACT Neighbourhood Watch  
Royal Australian Navy  
Chamber of Women in Business**

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.12): Ms Hunter, your grandmother sounds like a very impressive woman. I understand she was a Liberal, wasn’t she?

**Ms Hunter:** I think she ran as a Liberal candidate. That was because there was no Greens Party.

**MR SESELJA:** Very good—a Liberal. A very wise woman. We will put it on the record.

Madam Assistant Speaker, I want to make mention of a couple of events I attended recently and pay tribute to some of those organisations involved.

On 25 September, along with a number of Assembly colleagues, I attended the ACT Neighbourhood Watch 25th birthday dinner at the Hellenic Club. It was an excellent night. It was a dinner to celebrate the 25 years of Neighbourhood Watch in the ACT and an opportunity to reflect on and recognise those who have contributed to the organisation over that time.

The community and all past members of ACT Neighbourhood Watch were invited to attend. I particularly enjoyed hearing some of the stories of the beginnings of Neighbourhood Watch. I believe it was down in Kambah, here in the ACT. Of course I also have recollections of when Neighbourhood Watch first started having a presence in our suburbs and getting the engravers to engrave all of our household items, including our VCR and other things.

I would like to pay tribute to the work that Neighbourhood Watch has done over those 25 years here in the ACT. It really has made a significant contribution. It is about neighbourhoods working together to ensure that people are safer, to ensure that we look out for each other and that we try to protect our homes. It is really solid grassroots community action and so I take my hat off to them. I take my hat off to Margaret Pearson, the president, and acknowledge all of the work that has been done by so many volunteers and contributors to Neighbourhood Watch in the ACT over the last 25 years.

Madam Assistant Speaker Burch, I also had the opportunity on 1 October to attend the annual commemoration service at the National Naval Memorial—I believe you were also there. I would like to thank Peter Cooke-Russell, Commander RAN (Retired),

President of the ACT section of the Naval Association of Australia, for the invitation and for hosting the function.

The Royal Australian Navy commemorated its founding and remembered those who died as a result of their service in Australia's Navy with a memorial service conducted near the anniversary of the date on which the Royal Australian Navy fleet entered Sydney Harbour in October 1913.

There were a number of other distinguished guests there, including the Chief of Navy, Vice Admiral Russell Crane. There was Lieutenant General David Hurley on behalf of the Chief of the Defence Force, Brigadier Don Roach on behalf of the Chief of Army, Air Commodore Ian Smith on behalf of the Chief of Air Force, Lieutenant Commander Peter McNay on behalf of the Naval Association of Australia, Rear Admiral Ken Doolan from the Returned Servicemen's League of Australia, Group Captain Arthur Skimin (Retired) on behalf of the RAAF Association, Peter Ryan from the Vietnam Veterans Association, Brian Parker from the Royal Naval Association, Pauline Trounson from the ACT WRANS Association, Ms Shirley Percival from the War Widows Guild of Australia, and Mr Chris Hudson of the TPI Association. So I pay tribute to the association for the memorial service; it was a wonderful event.

I would also like to pay tribute to the Chamber of Women in Business for their launch which I attended recently. The launch was conducted by former Chief Minister Kate Carnell. Their Purple Tick Initiative recognises businesses that provide a service that is women and family friendly, and it was a great pleasure to be there and to hear about the Purple Tick.

The Purple Tick will indeed represent a women and family-friendly workplace that provides confidence and certainty when shopping for goods and services. The Women in Business Purple Tick Initiative allows Canberra businesses to complete a detailed checklist to ascertain how women and family friendly their businesses are. It is a wonderful initiative and I am sure that many of our local businesses will take it up over time as word spreads. We will be very happy to promote it in any way that we can. I once again congratulate Ms Kate Carnell and indeed the Chamber of Women in Business for this initiative and for the very professional launch.

### **ACT Korean community**

**MR DOSZPOT** (Brindabella) (5.17): In my capacity as shadow minister for multicultural affairs, a couple of weeks ago, 29 September, I had the pleasure of being the guest of the ACT Korean community as they celebrated the celebrations of Chu Suk, which, translated, means the harvest full moon festival. It is a time when families and friends gather to share food and enjoy their time together, giving thanks to their ancestors for the year's bountiful harvests. It is also a time when families from all around Korea pack up and head on the road to visit their families' ancestral sites, while here in Canberra the Korean community, far from their motherland, share these traditions with their Australian families and friends.

It is also a special time for me, because it was during these celebrations nearly 10 years ago that I met Dr Song, the then Korean ambassador to Australia. Dr Song discovered that my ancestry was Hungarian. He told me that we were, in fact, brothers,

as Hungary and Korea share a very distant ethnic linkage. Dr Song and I formed a strong friendship. I have been an admirer of Korean wisdom, culture and spirit ever since.

In 2001, I was the leader of a study commissioned by the Australian government that looked at ways to strengthen the bilateral economic partnership between Australia and South Korea. Through this study I discovered the many areas where South Korea was becoming a world leader, such as the take-up of broadband that resulted in broadband services reaching 72 per cent of all South Korean households. The rate was many times higher than in any country at the time. Today South Korea still has the world's highest number of broadband services, with nearly 85 per cent of Korean households being broadband subscribers.

In 2002, I observed with admiration how South Korea utilised the massive power of international football, *chook-goo* as they call it. Through the 2002 FIFA World Cup they managed a rebranding of South Korea to the rest of the world as South Korea created football history by becoming the first Asian nation to reach the semi-finals of the World Cup. The Korean Red Devils, coached by Guus Hiddink, captured the hearts and minds of not only the Korean fans but also the huge global television audience that was captivated by their courageous performances. Australia followed South Korea's lead as we engaged Guus Hiddink for the 2006 World Cup and also created history with the Socceroos' courageous performance.

In my capacity as shadow minister for multicultural affairs in the ACT, I was also particularly pleased to extend my personal congratulations and best wishes to the Korean community as they gave thanks to their ancestors for the year's bountiful harvests and observed their strong traditions. I also thanked them for allowing me to share this special occasion with them, as I also proudly share with them our exciting journey of migrant experience.

In Canberra we have a strong and vibrant South Korean-Australian community of around 3,000 people, who have a deep and abiding love of their motherland and also are important contributors to Canberra and our wider multicultural community. They all share experiences and stories of courage and initiative. Their contributions to their new homeland have affected quite considerably the social, cultural, scientific, artistic, business and sporting life of our present-day Australia, including our own Canberra community. All of us newcomers to this proud land have found peace, freedom and opportunities while a direct contribution has been energy, work ethic, values and traditions.

I was in the company of several prominent Korean and other friends at the function—Dr Woo Sang Kim, the Korean ambassador to Australia, Mr Ju Yong Cho, the president of the ACT Korean community, and Mr and Mrs Keith Lee. Mr Lee was a former president of the ACT Korean community. My colleague Alistair Coe was also in attendance.

I would like to finish by offering my colleagues in the Assembly the Korean greeting which I actually read out in Korean on the night. I will not test the services of Hansard by having them transcribe my Korean, but the Korean message we gave was: “Be

blessed on this harvest full moon festival, and I sincerely wish you and your family to be full with health and happiness all the times. Thank you all. Gam sah ham nee dah.”

### **Ride to Work Day**

**MS LE COUTEUR** (Molonglo) (5.21): I rise today to talk about what is happening tomorrow morning. It is Ride to Work Day and I know all MLAs and inhabitants of this building have been invited to attend the breakfast. Ride to Work Day is a national day encouraging people to ride to work. I think it is only three years old as a national celebration. It was held in individual states before that. Two years before my involvement with the Legislative Assembly, Australian Ethical Investment, where I worked, hosted a community breakfast. This year I will be going to the community breakfast here in Glebe Park. Before the breakfast I think Mr Corbell will be joining me in riding round the city loop. It will be a nice early start—maybe not nice! Riding is a really good thing to do. It is good for your body and it is good for your mind—although not so good for your mind when you are going down Northbourne Avenue. It is good for the planet because we are using less fossil fuel. It also saves money. Riding is generally a win-win and I hope to see you all at breakfast with your bikes tomorrow morning.

### **Facebook site**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (5.23): I rise briefly to update the Assembly on my episode, or whatever, on Facebook. Last sitting I again raised the issue around the photo that appears on the fake Katy Gallagher site and asked the Leader of the Opposition to confirm that this individual was known to the Liberal Party and to members in this place. Strangely enough, just after the Assembly adjourned last period, on Thursday, 17 September, at around 7 o’clock at night a letter was squashed under the door of my office saying:

Dear Ms Gallagher,

I refer to your comments in the adjournment debate on 16 September 2009. In response to comments you made, I can advise you that I do not know the gentleman in the photo you tabled and I am advised that none of the Liberal MLAs know who this gentleman is either.

Yours sincerely,  
Zed Seselja

It is strange that he will not come into this place and say those words but he waits until the Assembly adjourns. It just adds a bit more to the mystery surrounding this whole Facebook site. I would say that there are rumours around the fact that Liberal MLAs—or through their staff—are aware of who that individual is or who the individual behind the Facebook site was—if it is not the photo of the man identified.

I am going to keep raising this issue because it is about the dignity and respect of members of this place, which has been severely damaged by the actions of, I believe, the Liberal Party. I think they should take responsibility for it. I just cannot believe that a fake Katy Gallagher site, poking fun at me professionally and personally, with a

group of members of that site, friends of that site, who all have links to the Liberal Party, was not put together by the Liberal Party.

Forgive me for joining the dots and coming to this conclusion, but the Liberal Party should come in and say, "Yes, it was one of us and we take responsibility for it." I am not interested in suing the individual. I am not interested in humiliating the individual. I want the Liberal Party to take responsibility for it. Frankly, the response from the Leader of the Opposition, sadly, is what I have expected but it is not worthy of the position that he holds in this place.

Question resolved in the affirmative.

**The Assembly adjourned at 5.27 pm.**



## Schedule of amendments

### Schedule 1

#### Education Amendment Bill 2009

##### Amendments moved by Mr Doszpot

**1**

**Clause 5**

**Proposed new section 36 (6A)**

**Page 2, line 23—**

*insert*

- (6A) If the student is suspended for 20 consecutive school days, the student must attend not less than 3 counselling sessions.

**2**

**Clause 6**

**Proposed new section 36B (1)**

**Page 3, line 16—**

*omit*

10 days

*substitute*

20 days

**3**

**Clause 14**

**Proposed new section 104 (6A)**

**Page 5, line 23—**

*insert*

- (6A) If the student is suspended for 20 consecutive school days, the student must attend not less than 3 counselling sessions.

**4**

**Clause 15**

**Proposed new section 104B**

**Page 6, line 15—**

*omit*

10 days

*substitute*

20 days

**5**

**Proposed new clause 15A**

**Page 6, line 17—**

*insert*

**15A Suspension or exclusion of students—other  
non government schools**

**New section 105 (8A)**

*insert*

- (8A) If the student is suspended for 20 consecutive school days, the student must attend not less than 3 counselling sessions.
-