



# Debates

WEEKLY HANSARD  
SEVENTH ASSEMBLY

Legislative Assembly for the ACT

10 NOVEMBER 2009

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**Tuesday, 10 November 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.

### **Daily on Demand Statement by Speaker**

**MR SPEAKER:** Members, I would like to make a brief statement about our new Daily on Demand internet service. I wish to draw your attention to the introduction of a new service that is being trialled during the November sittings. The Daily on Demand supplements the Assembly's live webstreaming of proceedings by providing members and the wider community with archived and searchable audiovisual replays of Assembly proceedings via their own computer internet browser.

The objectives of the trial are to evaluate the effectiveness of this innovative way of providing improved community and ACT government access to the work of the Assembly, and to test the technology solution that is being implemented. At present, the trial is limited to Assembly chamber proceedings. Replays of morning sessions will be available by 1 pm, question time replays will be available 45 minutes after the conclusion of question time, and afternoon and evening sessions will be available the following morning.

Details on how to access Daily on Demand are available on the Assembly's website, and I encourage all members to test the service and provide their feedback to the Hansard, Communications and Library Office.

### **Petition Battery cage eggs—petition No 102—ministerial response**

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

By Mr Corbell, Acting Minister for Territory and Municipal Services, dated 20 October 2009, in response to a petition lodged by Ms Le Couteur on 26 August 2009 concerning the banning of cage produced eggs.

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

*The response read as follows:*

The ACT Government notes the petition submitted by the petitioners, tabled by Ms Le Couteur MLA, on 26 August 2009 and makes the following comments:

- The ACT has one caged egg production facility, located at Parkwood Macgregor, housing 146 000 birds with an average space allowance of 750cm<sup>2</sup> per bird.

- The Parkwood facility complies with current ACT Legislation and the production method is accepted as a lawful form of egg production in all Australian jurisdictions.
- In September 2007 the ACT Government offered an industry assistance package to Pace Farms Macgregor of \$1 million to convert their current cage egg production system to a barn egg production system. The assistance package is still available.
- Sales data indicates that over 75% of all eggs sold in the ACT are sourced from cage production facilities either produced in the ACT or originating from other jurisdictions.
- All Government agencies and faculties are required to source either barn-laid or free-range eggs as an alternative to using cage produced eggs.
- The ACT Government does not support the banning of cage egg production in the ACT without a national ban being in place.
- Amendments to the *Eggs (Labelling and Sale) Act 2001* have recently been passed in the Assembly which will help to ensure consumers are more aware of the production method being utilised, relevant to their egg purchase.

## Leave of absence

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

That leave of absence be granted to Mr Hargreaves for the period 10-19 November 2009 due to ill health.

## Administration and Procedure—Standing Committee Membership

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.02): Pursuant to standing order 223, I move:

That the following changes be made to the membership of the Standing Committee on Administration and Procedure:

Ms Burch be discharged from the Standing Committee on Administration and Procedure and Ms Porter be appointed in her place for the period 10 November to 20 November 2009 and that Mr Hargreaves be appointed to the Committee from 23 November 2009.

Question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Scrutiny report 14**

**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 14, dated 9 November 2009, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS DUNNE:** Scrutiny report 14 contains the committee's comments on 10 bills, seven pieces of subordinate legislation and nine government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## **Public Accounts—Standing Committee Statement by chair**

**MS LE COUTEUR** (Molonglo): Pursuant to standing order 246A, I wish to make a statement on behalf of the Standing Committee on Public Accounts.

On 24 February 2009, Auditor-General's report No 1 of 2009 entitled *Road projects—Fairbairn Avenue upgrade and Horse Park Drive* was referred to the Standing Committee on Public Accounts for inquiry. The audit report presented the results of a performance audit of the management of road projects, with a particular focus on two road projects, the Fairbairn Avenue upgrade and the Horse Park Drive—Gundaroo Drive to Federal Highway—project.

The committee received a briefing from the Auditor-General in relation to the report on 6 August 2009. The committee has resolved to inquire further into this report as part of its inquiry into ACT government procurement. The committee is expecting to table its report in the Legislative Assembly as soon as practicable.

## **Annual and financial reports 2008-09 Referral to committees**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.05), by leave: I move the motion circulated in my name which amends the resolution of the Assembly of 13 October 2009 which referred annual and financial reports to the relevant standing committees:

That the resolution of the Assembly of 13 October 2009, which referred the annual and financial reports for the calendar year 2009 and the financial year 2008-2009 to the relevant standing committees, be amended as follows:

**Amendment 1***After*

|   |                                  |  |                                       |
|---|----------------------------------|--|---------------------------------------|
| Department of the Environment, Climate Change, Energy and Water |                                  | Minister for the Environment, Climate Change and Water | Climate Change, Environment and Water |
|   | Environment Protection Authority | Minister for the Environment, Climate Change and Water | Climate Change, Environment and Water |

*Insert*

|                                 |  |  |                              |
|---------------------------------|--|--|------------------------------|
| Department of Treasury          |  | Treasurer                                  | Public Accounts              |
| Director of Public Prosecutions |  | Attorney-General                           | Justice and Community Safety |
| Exhibition Park Corporation     |  | Minister for Tourism, Sport and Recreation | Public Accounts              |

**Amendment 2***Omit*

|  |  |  |                                       |
|--|--|--|---------------------------------------|
| Office of the Commissioner for the Environment |  | Minister for the Environment, Climate Change and Water | Climate Change, Environment and Water |
|--|--|--|---------------------------------------|

*Substitute*

|   |  |  |                                       |
|---|--|--|---------------------------------------|
| Office of the Commissioner for Sustainability and the Environment |  | Minister for the Environment, Climate Change and Water | Climate Change, Environment and Water |
|---|--|--|---------------------------------------|

**Amendment 3***Omit*

|  |                                |  |   |
|--|--------------------------------|--|---|
|  | Conservator of Flora and Fauna | Minister for the Environment, Climate Change and Water | Planning, Public Works and Territory and Municipal Services |
|--|--------------------------------|--|---|

*Substitute*

|  |                                |  |                                       |
|--|--------------------------------|--|---------------------------------------|
|  | Conservator of Flora and Fauna | Minister for the Environment, Climate Change and Water | Climate Change, Environment and Water |
|--|--------------------------------|--|---------------------------------------|

**Amendment 4***Omit*

|              |  |                  |                              |
|--------------|--|------------------|------------------------------|
| ACT Policing |  | Attorney-General | Justice and Community Safety |
|--------------|--|------------------|------------------------------|

*Substitute*

|              |  |  |                              |
|--------------|--|--|------------------------------|
| ACT Policing |  | Minister for Police and Emergency Services | Justice and Community Safety |
|--------------|--|--|------------------------------|

**Amendment 5***After*

|  |                                |  |   |
|--|--------------------------------|--|---|
| 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   |
|  | Heritage Council               | Minister for the Arts and Heritage                     | Planning, Public Works and Territory and Municipal Services |
|  | Conservator of Flora and Fauna | Minister for the Environment, Climate Change and Water | Planning, Public Works and Territory and Municipal Services |

*Add*

|  |                 |   |                 |
|--|-----------------|---|-----------------|
|  | Shared Services | Minister for Territory and Municipal Services | Public Accounts |
|--|-----------------|---|-----------------|

This motion makes a number of technical and administrative changes to the resolution of the Assembly referring annual reports and financial reports to the relevant standing committees of the Assembly. These anomalies have been identified by the committee secretariat following resolution of the motion, and this motion seeks to amend that motion to provide for clarification of those anomalies.

Question resolved in the affirmative.

**Unlawful Gambling Bill 2009**

Debate resumed from 15 October 2009, on motion by **Ms Gallagher**:

That this bill be agreed to in principle.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.06): The opposition will be supporting this bill. This bill has provided the opportunity to modernise many of the provisions relating to the regulation of gambling in the ACT. I thank the Treasurer for the briefing that was provided by the Gambling and Racing Commission and her staff.

This bill is the culmination of an extensive period of research, consultation and consideration. The final result of the commission's work is a piece of legislation that approaches the matter of gambling and illegal gambling in a reasonably balanced and sensible way.

As the minister said when introducing this bill, all gambling will be unlawful unless it is explicitly sanctioned as being a lawful gambling activity—a means of responding to the fertile human mind, which is always thinking up new ways to gamble. Any legislation dealing with gambling has to balance the nature of a gambling activity with

the consequences of that gambling activity. This bill is an attempt at that balance, and provides a legislative regime in the ACT that is consistent generally with the approaches adopted in other jurisdictions, although not completely, and I will come to that. We are all aware of the concerns continually being expressed about the pervasive influence of problem gambling in our community.

One issue that has been raised in the context of the consultations that have led to this bill being drafted relates to what I will call public gambling tournaments. In some jurisdictions, gambling tournaments, such as poker tournaments, are permitted to be held. In the ACT, these types of tournaments are only permitted in the casino. Public gambling tournaments are held throughout New South Wales, for example, and this means that people from the ACT can travel to Queanbeyan to participate in these tournaments.

The concerns that exist about these types of gambling activities, however, are that they are completely unregulated. Where they cause problems or harm to players, there are no means for dealing with these concerns. They do not generate any return to the public purse. Indeed, one which has been put by the government is that they could lead to more complex community problems. The commission concluded that, on balance, the status quo should prevail with these types of gambling activities. The ACT government accepted that position and the opposition broadly accepts that position also.

The concern with gambling that is never far from the surface is that of problem gambling and the disastrous consequences that can result for the person concerned, for their family, perhaps for their employer and for the community in general. Problem gambling reaches throughout the community and imposes costs on everyone. Of course, we see again on the front page of the *Canberra Times* today one of the results, it would seem, of problem gambling.

We do see crocodile tears from the government and the Labor Party in this place on the issue of problem gambling. We heard the minister say this in her speech:

While poker tournaments are available in other states, concerns continue to be raised in other jurisdictions over gaming integrity issues, claimed increases in problem gambling and increased availability generally of gambling in the community as a result of these tournaments.

Given what a massive beneficiary of gaming revenue the Labor Party is in the ACT, of course, we know that these are crocodile tears. To put the argument that poker tournaments are going to be the main source in some way of increased incidents of problem gambling is a bit of a joke, coming from the Labor Party.

We do read about some of these cases. They come up from time to time—these tragic cases of people severely addicted to gambling. Of course, a case was mentioned in the paper today where it was alleged that an individual put more than \$800,000 through poker machines over two years at the Tradies Club.

The Labor Party in the ACT continues to be a major beneficiary of gaming revenue and will continue to be hopelessly conflicted on this issue as it is such a major



recipient of gaming revenue from those sources, particularly the Labor clubs, of course, and the Tradies clubs as well, which are owned by an affiliated union.

Problem gambling does reach throughout the community and imposes costs on everyone. What this bill does is to largely maintain the status quo. There are a number of measures in place in the ACT to respond to problem gambling. Unfortunately, whilst individuals make these decisions on their own, we know that for some people it is a severe addiction, and the fact that \$800,000 over a couple of years can be put through one club demonstrates that there is a lot more to be done to try and fight the scourge of problem gambling in our community. On balance, this bill has a common-sense approach to private gambling such as occurs in private homes. The good news is that, as many of us are aware, the issue of playing card games for money in one's own home will now become legal.

The bill also deals with what is described as charitable gaming, and this matter raises some interesting issues. In general terms, we support the approach to regulating these activities. It recognises community fund-raising activities, which are, of course, an important part of our community, and appropriate regulation is required to ensure the integrity of these activities.

We have had some discussions with groups such as the Australian Hotels Association on this issue, particularly around the issue of poker tournaments. They have had a bit to say about the issues around charitable gaming and how that would be regulated. Obviously, that is something that needs to be watched and properly regulated, as with all aspects of gaming. There is a draft regulation dealing with the issue of charitable gaming. This regulation does not appear to impose onerous conditions on an organisation that wishes to undertake charitable gaming. The nature of record keeping and reporting seems to be in accord with what would be expected.

There are also proposals concerning the playing of two-up on Anzac Day—the removal of restrictions on where two-up can be played. I draw the attention of the Assembly to some of the comments in the scrutiny report on this bill. The committee raises a question about what is meant by “dishonestly”, as this word is used in clause 23. Further, the committee notes it would be useful to have some examples to explain the concept of “dishonestly”. I would commend those points to the minister.

In summary, the opposition will be supporting this bill. The issue around these public gaming tournaments is something that will no doubt be revisited down the track. I understand there is an agreement with the casino at this stage for those sorts of tournaments to be held only in the casino. I have an open mind on that, and that is something that will be looked at down the track. But at this stage we are very pleased to support the bill. It does balance these challenging issues.

As I say, this will continue to be an issue that the Labor Party are heavily conflicted on because of their massive reliance in the ACT on gaming revenue. They simply cannot escape the fact that has been noted by many commentators on this issue, particularly by people such as Tim Costello, that the Labor Party in the ACT, by being such a massive beneficiary of gaming, are hopelessly conflicted when it comes to the issue of regulation and, indeed, in dealing with the serious scourge of problem gambling. We will be supporting the bill.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.14): The Greens support what this bill endeavours to do, which is to promote consumer protection, minimise the possibility of criminal or unethical activity and reduce the risks and costs to the community of problem gambling.

The Greens understand that in order to implement these undertakings a review of the current legislation was required. This bill before us today will bring together unlawful gaming and unlawful betting provisions by replacing the existing Unlawful Games Act 1984 and two other outdated acts, the Games, Wagers and Betting Houses Act 1901 and the Gaming and Betting Act 1906.

The Greens are pleased to see that the provisions of the bill were developed following a public review of the Unlawful Games Act 1984 by the Gambling and Racing Commission and that the government accepted all of the commission's recommendations.

The commission identified that the Unlawful Games Act 1984 required review as it had become outdated, did not address a number of current gaming issues and was unclear in some of its provisions. The new bill is clear in its intent that all gambling is unlawful except to the extent that is permitted under this bill or another gaming law. The Greens welcome that this bill clarifies the concepts of unlawful gaming and unlawful betting, provides for the control of public gaming tournaments outside the casino, clarifies that private gaming in private homes is allowed and provides for approved charitable fundraising through games under certain circumstances.

The Greens can support this bill as we have long believed that any measures that minimise the risks of problem gambling are a positive step. I do take on board the comments from Mr Seselja that we have a long way to go with the harms of gambling, and we will continue to be part of that debate. We support the commission's findings that public gaming tournaments outside the casino continue to be prohibited for both regulatory and social reasons. This recognises the risks of introducing the provision of poker tournaments outside the casino—that the risks associated with introducing this form of gambling into the territory outweigh the possible benefits.

The Greens welcome the new oversights and controls on unlawful gambling. The harm from problem gambling is well documented, and of course we are not immune from this issue here in the territory. The Greens will be supporting this bill today.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.17): The Unlawful Gambling Bill will replace the existing Unlawful Games Act 1984 and two other outdated acts, the Games, Wagers and Betting Houses Act 1901 and the Gaming and Betting Act 1906. It brings together unlawful gaming and unlawful betting provisions into one act and will be a fundamental piece of legislation that controls gambling in the territory.

This government takes seriously the issues of problem gambling within the community and the particular vulnerability of children and young people to gambling

harms. I would like to speak today about the consumer protection and harm minimisation measures in this bill.

The bill contains a number of measures to protect consumers and minimise harm and includes offence provisions where this is appropriate. For example, the new regime for charitable gambling has a number of safeguards, including limiting the number of charitable gambling events and ensuring that these events do not occur in existing licensed gambling venues where patrons may be tempted to go from charitable gambling to gambling with real money.

In addition, the regulations will provide that charitable gaming can be conducted only with play money, not actual cash. The regulations will further provide that participants in the games are given only one allocation of play money and that play money cannot be exchanged for real money. I draw to the attention of members the exposure draft of the regulation that was tabled with the bill in October.

The measures in the regulations are intended to further minimise any harm that could be associated with the introduction of charitable gambling. The conduct of charitable gambling is being permitted on the basis that participants may experience the concept of gaming in an environment that has minimal financial risk. The dissociation of betting with real money is therefore deliberate, in order to minimise the risk of potential financial harm and problem gambling. In this context, the restriction to only one allocation of play money ensures that persons do not purchase additional play money through the event and inadvertently spend more than they planned or intended at the commencement of the activity.

Another harm minimisation measure in the bill relates to private gaming. In recognition that private gaming is now generally accepted within the community, this bill will make this activity lawful. However, while the bill allows for private and social gaming, there are restrictions to ensure that commercial gambling is not operated under the guise of private gaming. This is an important measure that will enable the Gambling and Racing Commission to take action against unscrupulous persons that seek to exploit individuals in the context of private gaming.

A fundamental part of the government's harm minimisation strategy in relation to lawful gambling is to ensure that persons under the age of 18 do not participate in gambling. It is of more significance that vulnerable persons under the age of 18 years do not participate in unlawful gambling. For this reason, the bill has a significant penalty of 200 penalty points, two years imprisonment or both for the conduct of unlawful gambling involving minors.

The bill includes a number of other measures to protect children from exposure to or participation in gambling. For example, under the bill it is unlawful for minors to participate in any way in charitable gambling; for a person to invite a child to bet; for a child to place a bet with a person knowing that they are a race or sports bookmaker, including by using a false identification or someone else's identification; for a race or sports bookmaker to accept a bet placed by a child; and for a person to place a bet on behalf of a child with a race or sports bookmaker.

It should also be noted that other gambling laws have their own provisions relating to minors. For example, the Casino Control Act 2006 and the Gaming Machine Act 2004 prohibit minors from entering the casino and from being in a gaming machine area, respectively.

In conclusion, I wish to emphasise that this bill is consistent with the government's overall policy objectives for gambling while allowing for some new forms of lawful gambling in the territory on a restricted basis. There are strong measures in place to minimise the harmful effects of gambling and to protect children and young people as a priority.

**MS PORTER** (Ginninderra) (10.22): I am happy to speak with the other members in support of this bill today. In addition to updating and clarifying the provisions relating to unlawful gambling in the territory, this bill will provide, as other speakers have said before me, for charitable organisations to raise funds through gaming events in a controlled and tightly regulated manner.

We are all aware of the importance of charity organisations being able to raise much-needed funds. In this regard, the bill will be providing for a new form of gambling in the territory. The government does not take this step lightly; the potential risks associated with this form of gambling have been subject to review and detailed consideration and assessment by the Gambling and Racing Commission.

In a review of the Unlawful Games Act 1984, the commission concluded that if it can be determined that fundraising based on gaming activities is for charitable or philanthropic purposes and not for private or commercial gain, and there are appropriate, strict regulatory controls in place, then risks associated with this type of activity can be controlled.

I note, as other speakers have said before me, that gaming fun nights take place in a number of other jurisdictions across Australia, generally under a permit or approval system. The government considers that charitable organisations in the ACT should also be permitted to hold fundraising gaming nights under an approval system that has appropriate restrictions. This provides charitable organisations with additional means of fundraising in an environment where there is significant competition for economic contributions and stress on organisations to maintain or improve their service delivery. As we have experienced in the recent past, the global economic crisis has certainly affected organisations in this regard.

In relation to the conduct of charitable gaming, any game or activity that is not captured by the definition of "unlawful game" would not require an approval or permit from the commission.

While allowing for this new activity, there will be tight restrictions in place, as I said before, to ensure that risks associated with this activity are minimised. One of the key restrictions is that charities are prohibited from holding these events in existing licensed gambling venues such as a club or hotel that has gaming machines or a casino. This is to ensure that licensed gaming venues are not used by charitable

gaming as a mechanism to entice new customers into venues for further gambling after the charitable event.

In allowing charitable gaming, the government is providing a new opportunity for charities to fundraise, and it would not be appropriate for gaming venues to profit from these events. To hold these events, charitable organisations will need to obtain a formal approval from the Gambling and Racing Commission. More detailed information will be available on the commission's website before the act commences.

Whilst some charitable organisations do not support fundraising through gambling activity, and therefore would not choose to participate, I expect that there will be others for whom this will provide a valuable source of additional funds so that they can continue to undertake their good work in the community.

In conclusion, I would like to draw members' attention to the fact that, under this bill, two-up will be allowed on Anzac Day. We know how many people enjoy that activity on Anzac Day. I note that the bill will now allow any organisation, not just clubs, to raise money for charitable purposes through the playing of two-up on Anzac Day.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.25): I thank members for their contributions to this debate and I thank all sides for their support. Having assumed responsibility for the gaming portfolio at midnight last night, let me say that it is my very great pleasure, 10½ hours later, to be able to see through the passage of this legislation. I again thank the Treasurer for all of her hard work—and the Gambling and Racing Commission and all those who have been involved in the development of this bill.

As we have heard, the bill makes all gambling unlawful except to the extent that it is permitted under the bill or another gaming law. An important safeguard is provided for the community in this legislation. It ensures that a positive decision must be made in order for new gaming activities to be lawful in the ACT. This contrasts with the alternative approach of the legislature having to, in effect, catch up with developments in the gambling industry and be reactive rather than proactive.

The approach taken in this bill will enhance the government's ability to achieve its gambling policy objectives. This is particularly the case in relation to minimising criminal or unethical behaviour and reducing the impact of problem gambling. It is also consistent with the legislative approach taken in other Australian jurisdictions.

As we have heard, the bill was developed following an extensive public review of the current acts by the Gambling and Racing Commission. These acts—the Unlawful Games Act 1984; the Games, Wagers and Betting Houses Act 1901; and the Gaming and Betting Act 1906—are clearly outdated. They do not address a number of current gaming issues and are unclear in some of their provisions.

Therefore a key objective of this bill has been to update and clarify the unlawful gambling provisions in the territory. In achieving this important update, a number of the provisions in the older acts were not carried through, as they were either no longer relevant or are now covered in existing legislation such as the Criminal Code.

Therefore duplications and inconsistencies have been removed from the territory's statute book by the drafting of this bill.

The most significant area that has been clarified has been the definition of an unlawful game. The government agreed with the commission's recommendation that there should be an updated general definition in conjunction with modifying provisions. This approach is needed because it is not possible for a general or fundamental description of an unlawful game to capture all of the games that are intended without inadvertently capturing some common non-gambling games.

The bill includes a number of changes to the definition of an unlawful game. The changes are as follows. Firstly, games which are purely of skill are no longer included in the general definition. Secondly, games that offer prizes, but where nothing is staked or risked, are now captured in the general definition. Thirdly, the prohibition extends to the activities of non-participants—for example, side-betting on the hands of the participants in the game. Finally, there is now a capacity to exempt certain games from being unlawful, in addition to the current capacity of declaring some games to be unlawful.

Under the bill, the Gambling and Racing Commission will have the power to declare, through disallowable instruments, that certain games are either unlawful or lawful. This ensures that decisions about individual games can be made in a timely fashion and that they are made by the independent expert body tasked with regulating gambling in the territory. The Legislative Assembly will of course have the opportunity to scrutinise and disallow the commission's list.

The commission's power to declare certain games exempt or lawful games provides a mechanism for declaring common non-gambling games which are inadvertently captured by the general description as being exempt from being unlawful. The commission has advised that the sorts of games that would be declared include bridge; chess; games such as those ordinarily found at fairs, fetes, shows or amusement centres; and board games such as Scrabble and Monopoly. The commission's declaration will be tabled prior to the act commencing. This will ensure that there is no period when it would be unlawful to participate in these activities because they had not been declared an exempt or lawful game.

The commission's capacity to declare certain games as unlawful provides a mechanism for ensuring that games such as those designed specifically for betting are consistently unlawful where otherwise they may have been captured by the general description in some circumstances. This provides certainty for the operators, players and regulators in relation to particular games.

The commission has advised that the sorts of games that would be declared as unlawful include games such as roulette, blackjack, baccarat and all forms of poker. This means that poker tournaments in clubs and hotels will continue to be unlawful in the territory. While poker tournaments are available in other states, concerns continue to be raised in some of these jurisdictions over gaming integrity issues, claimed increases in problem gambling and increased availability of gambling in the community as a result of these tournaments. The government is particularly mindful

of the fact that these sorts of tournaments may lead to people going into gaming machine venues who would otherwise not do so.

Given these issues, and the availability of tournament poker at the casino, the government has decided that it is not appropriate to allow poker tournaments in clubs and hotels and has agreed with the commission that the current prohibition on poker tournaments should be maintained. In short, the risks associated with introducing this form of gambling into the territory far outweigh the possible benefits, particularly the risk of increasing the level of problem gambling in the community.

I thank the scrutiny of bills and subordinate legislation committee for their comments on the bill. The only issue raised was a suggestion that some examples of dishonest activity be included under clause 23 of the bill, as this would assist in the understanding of this provision. Clause 23 is an offence provision that relates to a person dishonestly obtaining an advantage in a gambling activity. It is intended to capture scenarios such as one where a person deliberately marks cards or tampers with dice so that they can obtain an unfair advantage over other players. This offence provision is similar to the offences of fraud and theft in that it includes an element that deals with the intent of the person to act dishonestly in order to obtain a gain or benefit. As such, the concept of dishonesty is used reasonably widely in criminal law, and we do not believe that it is necessary to add an example to this offence provision.

In closing, let me say that this bill updates and clarifies important concepts in relation to unlawful gambling and provides for lawful private and charitable gaming. The policy issues underpinning this bill have been the subject of considerable analysis from both a policy and regulatory perspective in order to produce the best practicable outcome. I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

### **Justice and Community Safety Legislation Amendment Bill 2009 (No 3)**

Debate resumed from 15 October 2009, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

Debate (on motion by **Mrs Dunne**) adjourned to the next sitting.

### **Education (Participation) Amendment Bill 2009**

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

That this bill be agreed to in principle.

**MR DOSZPOT** (Brindabella) (10.35): Mr Speaker, there is no argument that ACT students need to be given every opportunity to better participate in the increasingly competitive job market, and keeping our youth in school-based or vocational training is an important and logical way to achieve this. The opposition will be supporting the bill before us today, and I will take the opportunity to thank Dr Jim Watterston, the CEO of the Department of Education and Training, and Ms Jocelyn Vasey, also from the Department of Education and Training, for their time yesterday. I was very interested to hear their perspective on how the bill will affect the day-to-day running of schools, the recruitment and training of specialist teachers, the interaction with partner organisations and also the impact it may have on business and industry groups.

I have also discussed this initiative with many stakeholders in the education sector, and whilst it is difficult to argue against the broad principle of giving our young people every possible chance—certainly within the education sector there is no opposition to this initiative—there are some concerns about the finer details surrounding the implementation of such a change.

We are encouraged by the statistics that show the ACT already has a high participation rate in relation to other jurisdictions—in fact, the highest—and that the aspirational target set down by the minister will, therefore, not be an unrealistic goal for the ACT to achieve. However, I will take this opportunity to again voice the opposition's concerns and remind the government and the department that there will never be a one-size-fits-all model, and that certain sectors within the community do need to be afforded extra attention in those crucial years between 15 and 17.

During the public hearings of the inquiry into the achievement gap, we heard about the issues facing young people who have disengaged from a learning environment altogether who will, no doubt, fall through the cracks at either 15 or 17, whenever the school leaving age is. These are young people who are already lost to the system but who may have a thread of hope and opportunities through the services that are provided by some innovative support organisations. The government must ensure that agencies and support providers, such as Gugan Gulwan and Galilee, to name just two, are funded and supported in a timely fashion in their efforts to assist those students who are most in need.

We heard during the achievement gap inquiry, for example, that Gugan Gulwan has no guaranteed funding stream from year to year, which makes it near impossible to plan programs and offer the security of a place to students and, indeed, to retain staff whose dedication is stretched to the absolute limit as they wait anxiously to see if their hard work in engaging with these students is going to be maintained or whether lack of funding will mean abandoning these students at a critical stage of development.

The commendable program at Canberra college, CCCares, aimed at young parents, which was featured on a WIN news story recently, is another example of programs that are preventing at-risk youth from disengaging from a learning environment. This is a valuable addition to the education landscape of the ACT.

The pressure on these organisations will undoubtedly increase, and it is imperative that the whole-of-government approach so widely heralded by this government is



actually in place and is made to work. Funding cannot and should not be duckshoved between agencies, and mechanisms need to be in place to ensure long-term security for these organisations that deliver important support programs. This is particularly important with the looming efficiency dividend implication which, in education's case, will be around a \$12 million cut to the bottom line.

One of the strong concerns about this change to the school leaving age that I have heard from many educators is that the effective tracking of students may prove to be a very difficult proposition, especially in the non-government sector, and that this will prove to be an onerous side effect of this legislation for the schools and the principals. Who has the ultimate duty of care and will bear the responsibility for these individuals? After my discussions yesterday with Dr Watterston and Ms Vasey, I understand that, whilst ultimate responsibility lies with the parents of the students, there is a need for another mechanism. I understand the metaphor of the baton, whereby education institutions must take responsibility for handing the student over to continue their education journey, and this is key to avoiding the falling through the cracks that could possibly occur.

I look forward to hearing more about the outcomes of the youth commitment agreement that is a work in progress. I understand that this will engage all stakeholders and eventually formulate a more formal agreement or charter that will be a useful tool as we move forward.

I would also like to raise concerns for the record about those students with a disability who will also require extra resources and attention. We know that already the special schools are packed to the rafters with students that are past 17 and 18 years and who have no post-school options. What impact does this have on these schools and these students?

It must be said in this debate and for the record that the opposition will be very reluctant to support any large-scale changes to the college system, such as was mooted by the minister some weeks ago. I will also state for the record that I am amazed that the minister would be so naive to the issues facing the Tasmanian Premier that he would see the benefit in holding up the failing split college system in Tasmania as an example and model for a possible change here in the ACT. With so many glaring problems with this system in Tasmania, I am amazed the minister would even consider that system as a poster child for change. Mr Barr said he had taken a keen interest in the experience of Tasmania in reforming its college system this year. If he had, indeed, been taking a keen interest, he would have noted the arguments put forward by teachers, students and communities and seen words such as "chaos" and "unworkable" used when describing the system.

This is the policy that the Premier, David Bartlett, had said would probably cost him his job at the next election. This is the policy that has seen unprecedented industrial action across the teaching fraternity, who are appalled at the way this system is working and the effect it is having on whole school communities, teachers and students alike. What were you thinking when you flagged this polytechnic concept, minister, and when you stated that it was time to get out of the 70s, through this concept? Many experienced educators have been left shaking their heads in disbelief, as your Tasmanian folly is not a forward looking initiative but a throwback to the 60s.

We have all heard the arguments for the bill we are considering today. Australia has one of the lowest completion records for secondary school students among OECD countries. We are aware that employer groups have been pushing for changes to the school leaving age to address what they claim are serious skill shortages—poor literacy, numeracy and computer skills. According to the Australian Bureau of Statistics, early school leavers are 2½ times more likely to be unemployed.

The fundamental premise to aim high and keep our youth engaged in a learning environment as long as possible is sound. However, we must remember this will not work for everyone, and there will still be students who fall through the gap. Education departments across the nation now face the challenge of ensuring that this change to the school leaving age is enforced, tracked and monitored. That is no easy task for departments already under-resourced and facing massive change across the board.

Departments must also take responsibility for ensuring that there is continued capacity in the resource side of things. Whilst there may not be a need at the moment to address any resource implications, this will, no doubt, be a factor in years to come as this initiative is rolled out and issues emerge.

I will say again that students on the fringes must be supported by government as much as possible. I understand that this legislation is just the beginning, that this initiative will be a work in progress. I agree with the sentiment that the hardest part will be the intangibles, and that there is much work to do in the coming years. I will be taking a great interest in the supports put in place by this government and the department that must ensure this initiative does not create more issues or layers of bureaucracy than need be.

Also, it is worth concluding today with the findings of scrutiny report 14 of the Standing Committee on Justice and Community Safety, performing the duties of a scrutiny of bills and subordinate legislation committee. A number of questions are raised in this report in regard to clauses of this bill that may unduly trespass on personal rights and liberties. Some arguments put forward in the report are directly related to the rights of parents and families as a whole—for example, proposed section 12A in the bill, which states that the chief executive has the power to issue or refuse an exemption certificate for a student that is unable, for various reasons, to comply with the act. The section goes on to say that the chief executive may also consider whether the exemption would benefit the child. The scrutiny report raises some concerns over this, stating that this section makes no reference to the wishes of the parents of the child.

Again, there is a lot of work to do for the department and our school communities to ensure that this legislation is effectively implemented with no unforeseen impacts and that due consideration is given to issues raised in the scrutiny report, as well as by the students, families and schools themselves, as the rollout of the legislation commences. In closing, the opposition will be supporting the Education (Participation) Amendment Bill 2009.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.46): We understand that this amendment to the Education Act will bring the ACT into line

with the agreement reached by all states and territories under the national participation requirements on youth attainment and transitions and the funding associated with it. While the Greens are very supportive of ensuring that our young people have the opportunities to reach their potential, we do have some real concerns about the time allowed, again, by the commonwealth to enable proper research and consultation to implement possible new programs prior to the commencement of the “earn or learn” in 2010. There is very little detail around how it will be implemented, what happens to those who do not engage in the earn or learn approach and the implications for students, schools and tertiary education institutions, families, business and the community.

This is a most significant change in the way of skilling our young people in the 21st century, and it must mean we build a broad system which does not begin and end at the school gate but which embraces the tertiary education sector, alternative education programs, community organisations, families, small business and industry. It is wrong to expect school and tertiary education institutions to fix everything. Even with an education, it is not possible to solve social and unemployment issues.

In briefings we have had on this issue to date—and we thank the minister and his department for organising those briefings—there has been acknowledgement of the fact that a concerted effort will be required to ensure that the new system will not fail a considerable number of students in the 15 to 17-year-old-age bracket who will not engage in “earn or learn”. Advice we have had is that in the ACT there are potentially between 100 and 400 students in this group at present who are essentially not engaged in school, learning or employment. Our concern is that the earn or learn policy will not fit everyone. What happens to those who do not fit the new system, and how will the department of education manage this?

We were concerned also when we read this report in the *Sydney Morning Herald* on 23 October 2009 by Anna Patty, the education editor:

Government earn or learn policies are masking growing youth unemployment with new analysis showing more than 50,000 young people will no longer be included in statistics.

She went on to quote figures referred to by Maree O’Halloran, the Director of the Welfare Rights Centre, in recent Australian government Senate estimates hearings, showing that 66 per cent of the 82,612 youth allowance recipients in Australia who are under 21 and not students—a total of 54,523—have not completed year 12 or an equivalent qualification.

A research report released on 8 October 2009 by the Foundation for Young Australians reveals a sharp rise in the rate of youth disengagement from work and study. The report, which is titled *How our young people are faring '09*, shows that the proportion of teenagers not learning or earning full time has jumped from 13.4 per cent a year ago to 16.4 per cent, the highest level since the recession of the early 1990s.

Dr Lucas Walsh, Director of Research at the Foundation for Young Australians, has said in assessing the findings in this report:

In the wake of both recent economic instability and longer term structural challenges, there is no doubt the conditions of earning and learning for young Australians have deteriorated in 2009.

As we understand it, teenagers under the new earn or learn policy who are not earning or learning will no longer be eligible for youth allowance. When you look at the commonwealth Department of Education, Employment and Workplace Relations website and read the *State of Australia's young people* report released by Minister Kate Ellis this year, you see that it devotes a few short lines to the possible withdrawal of youth allowance under the heading of "Changes to youth allowance (other)", and it says:

From 1 July 2009, if you apply for and get Youth Allowance (Other) and you don't not have Year 12 or a certificate II qualification, you probably need to do further study or training. If you were already getting Youth Allowance before 1 July 2009, this will apply to you from 1 January 2010.

I am not certain how many ACT young people are represented in the 54,523 Australians who are under 21 and not students and who are eligible for youth allowance, but if that is when youth allowance ceases, there is real concern as to how some will survive. Added to this, in 2006 there were over 32,000 homeless young people in Australia, and there is a real danger that they will be further disadvantaged if the allowance is discontinued.

Captain Paul Moulds, coordinator of the Salvation Army's Oasis Youth Network in New South Wales, in May this year said:

... homeless young people would still require income assistance while they address their personal circumstances. It is simply not possible to attend training courses or obtain employment when you do not know where you will be sleeping each night.

The ACT Greens consider homeless and unemployed young people deserve more in relation to their income support under this new policy from both ACT and commonwealth government politicians than the throwaway line on Minister Ellis's website of "you probably need to do further study or training" if you want to keep your youth allowance.

There will be significant implications for families and carers of young people and students if this income support is withdrawn or young people in their care are forced into an earn or learn situation when clearly the young person is either experiencing difficulty getting work or is not able to study or capable of further study. This also allows significant buck passing from the commonwealth to the ACT government. The need to support these young people will be left to the community organisations and also, of course, families. As we know, these community organisations and many of these families are already struggling.

With the community organisations, we have seen significant increases in the number of people seeking support, and this has been brought about by many factors, but

particularly the global financial crisis. In the end, because the commonwealth government stops the youth allowance, the ACT taxpayer pays and not the commonwealth.

I mentioned earlier that there is very little information available around the implementation of this scheme and the implications for the ACT. We are seeking additional information from the minister in relation to the financial impact this will have on the ACT in relation to the administrative, teaching and building resources required in the department, schools and tertiary institutions to cater for the additional students. There has been no clear plan put forward by the ACT government that shows how these issues are being addressed. The commonwealth government funding support is also unclear.

I note that the *Melbourne Age* on 5 November reported that applications for tertiary courses for 2010 were up by six per cent compared with last year, despite a smaller year 12 cohort, and that mature age students accounted for 82 per cent of the extra applications. This is a reflection of the softening of the labour market and fierce competition for jobs, but for “earn or learn”, it is also an indicator of the battle for university places for students. In the ACT we may face the same situation where younger students wanting to learn under this earn or learn policy cannot get places at our universities and will seek places at CIT, which will already have a higher intake of 15 to 17-year-olds. This may well mean that CIT will not have enough places to meet the demand.

The ACT Greens will support this amendment to the Education Act, but we call on the government to engage with all sections of the community on this change, not just the education sector. This change may also have financial or other implications for groups such as youth and community services, who may end up providing services or programs as part of the earn or learn policy.

I repeat that it is wrong to expect education to fix everything. This in no way means that we should not be providing a range of educational opportunities, but it is clear from the concerns raised by those dealing with young people in this age bracket that the broader implications of the change need to be considered. It is also clear from the briefings we have had that the minister’s own department acknowledges there will be significant challenges with those who do not comply with the requirements or, as I said, fall through the cracks, and there are between 100 and 400 young people in this category at present.

Just moving on to the scrutiny report on this proposed amendment to the Education Act, we note that there are a number of inconsistencies around the explanatory statement tabled in the Assembly and the proposed amended Education Act. In addition, the scrutiny of bills and subordinate legislation committee raised some concerns about some of the changes being compatible with the Human Rights Act 2004. So I do call on the minister to address those concerns and ensure adjustments are made.

In conclusion, it is incredibly important that we do provide opportunities for our young people. We want to ensure that there are a range of programs and opportunities

for them to reach their potential, whether that be in a mainstream school setting, an alternative education program, some sort of vocational program or, indeed, out there in the workforce. Really, the devil is in the detail with these sorts of new schemes and reforms. We will be closely watching how this rolls out, and we will be seeking further information and briefings from the Department of Education and Training.

**MS PORTER** (Ginninderra) (10.57): I am pleased to be able to speak in support of this bill which enshrines in legislation the principle that every child matters. Every young person is valued and valuable. As the minister has already outlined, this bill provides for changes that will enhance educational opportunities for every student in the ACT. It provides for a flexible framework to support young people's experience in schooling and their transition into further work and study.

This government is committed to providing additional support for young people and to tailoring the delivery of services to maximise youth engagement in education, their retention and their level of attainment. In response to strong community support, the government intends to make it compulsory for young people to be either at school, in training or at work until the age of 17. That is, they are to be earning or learning so that they have better life choices as they progress through their life.

This government acknowledges that going on to year 12 or to university is not what every young person will choose, nor is it necessarily what will provide them with the best opportunity. However, the ACT government wants to ensure that every young Canberran is studying, training or working after year 10 in a way that suits their needs, their abilities and their plans for the future.

In addition, this ACT government is also committed to increasing the number of students going on to year 12. Already the ACT provides alternative settings for young people who are at risk of dropping out of education and training. There are many successful alternative programs that support students to learn and to develop in ways that respond to their diverse backgrounds, learning styles and individual needs and that help them complete school or vocational qualifications. Some of these programs operate through partnerships between schools and government and non-government agencies.

I am very proud to have been the person that introduced one of these programs through Volunteering ACT many years ago called SPICE, which stands for students participating in community enterprises. The SPICE program engages young people from years 7 to 10 who are at risk and has proven to be a highly successful program.

In addition to the government initiatives outlined by other members, the government already provides a variety of additional support programs to assist education providers and families in meeting the needs of young people. Recent policy decisions by all levels of government have seen the profile of vocational education and career education rising in the community.

In ACT schools, vocational learning encompasses Australian school-based apprenticeship work experience, vocational education and training in schools, including structured workplace learning, enterprise education, career education and

simulated businesses set up and run by students as part of their study program. This is with support from an educator and is called practice firms. Australian school-based apprenticeships offer students the opportunity to achieve a nationally recognised vocational qualification by combining paid work and training as part of their education program and contributing towards their year 12 certificate.

Work experience opportunities are available for students at public colleges, high schools and special schools. These placements are short-term, unpaid participation in the workplace. The moving forward program places one additional full-time equivalent teacher in each ACT public college. This targeted staffing is assisting in facilitating the transition of students into and out of the college sector and improving students' access to career programs and vocational learning. This initiative also ensures that all career advisers in schools will hold the certificate IV in career development by 2012, to align with the introduction of national professional standards for career advisers which also come into force in 2012.

The Australian National University secondary college program operates in partnership between the department of education and the ANU and offers high-level extension courses for year 11 and 12 students in mathematics, physics, chemistry, conservation biology and Japanese. High-achieving students who are accepted into the program remain enrolled in their home college and generally complete one of the extension subjects after school hours.

The Canberra Institute of Technology vocational college offers personalised and tailored approaches to studying for the year 10 and year 12 certificates. Enrolment in access 10 enables students to achieve an alternative, self-paced year 10 certificate or the year 10 subjects needed to engage successfully in year 12, further education or vocational training.

Students can also complete year 12 at CIT. Both tertiary and accredited non-tertiary courses are available, as well as vocational study. Students can enrol in YARDS, a transitional support program for young people that aims to give them the personal and life skills they need to bridge the educational gaps so that they can transition into further education, training or work.

CIT central courses are available to provide an opportunity for young people in year 10 to try out a career. The courses run for 14 weeks and result in a statement of attainment in the chosen course. CIT scholarships offer students assistance with fees and course materials. The program is being expanded to approximately 1,000 students per annum in the areas of skills shortages.

Student management consultants work in schools to build teacher and system capacity to support learning outcomes for students with challenging behaviours. The complex needs team consists of three student management consultants, one inclusion support consultant and one social worker, who work with schools, supporting the inclusion of young people with high and complex needs. Youth support workers work in high schools to facilitate connections to broader support networks. They work to re-engage young people in education and support their participation in school and community life. Of course, school counsellors provide assessment and counselling for students and advice to teachers and parents.

A team of specialised teachers build the capacity of the schools, as well as the skills of the teachers, in order to support the individual learning plans for students with disabilities in mainstream classes. A cross-disciplinary team provides technical support, professional learning, specialised advice and assistance to address pedagogy and the needs of students with disabilities in schools. The disability support officers assist students in making successful connections in developing greater independence within the community, as outlined in their individual learning plans.

Already a number of departmental interagency groups and committees operate to coordinate activities and programs, generally targeting specific cohorts of young people. The ACT youth guarantee will establish networks and coordinating arrangements to allow synergies to be established across the entire spectrum of youth education and support programs.

The SPICE program, as I mentioned previously, provides work experience and home tutoring to young people aged 12 to 15 who are at risk of not completing year 10. The 2008-09 budget provided over \$800,000 to enable Volunteering ACT to continue to deliver this important work.

This government has a proven record of support for young people and provides them with the opportunity to develop their skills for future employment prospects. Labor has always been the party that prioritises education, the party which takes job creation seriously and the party which is economically responsible. No-one needs to tell this government that we owe it to our young people to deliver them excellent education and training opportunities. This is the key to their future and I am confident that young people will take up these opportunities to improve their life chances.

From the national data released last week, we know that, if we provide the means, young people in the ACT are capable of taking these opportunities to learn. An investment in the education of young Canberrans is an investment in their quality of life and provides the key to a productive and happy life for the individual and will provide them with the economic, social and lifestyle benefits for themselves and, of course, has great flow-on benefits to the whole community. As I said at the outset, every young person in our community is valued and deserves to be given every opportunity for a happy and productive life, and that is why I support this bill.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (11.06): Today is a significant event for the ACT. The introduction of the Education (Participation) Amendment Bill 2009 into the ACT Legislative Assembly is an important component of implementing our response to the youth compact and the youth attainment and transitions national partnership. These reforms occur at a unique juncture, enabling a set of expectations to be established in our community regarding young people's experience in schooling and their transitions into further education, training and work. The challenge is for our schools, our vocational education providers and our universities to transform universal opportunity into universal outcomes for each and every student.



Mr Speaker, as you have already heard, the Education Act 2004 is being amended to create a requirement for all children and young people to participate in schooling until they complete year 10 and participate in full-time education, training or employment, or a combination of these activities, after they have completed year 10, until the age of 17. These amendments to the Education Act and the COAG reform agenda present the ACT with a significant opportunity to transform education in the ACT. These reforms provide improved educational opportunities for every school student in the ACT that will enhance their employment capacity, enhance their earning potential and enhance the ACT's record of excellence in educational achievement.

As part of this reform, the ACT will develop a youth commitment that will ensure that the needs of each young person are at the heart of agency activities. If a student moves from school to further education and training or work then he or she will continue to be accounted for, cared for and supported.

As the new minister for children and young people, it is the ACT youth commitment that I would like to highlight today. The ACT youth commitment will support young people in school, training and the workplace. The youth commitment will require all agencies that serve young people to the age of 17 to commit to ensuring that no young person is lost from education, training or employment. It establishes a shared responsibility among the people and organisations important in ensuring that the right opportunities are provided, that the right choices are taken, by young people in the ACT when it comes to their education, training and work. This partnership therefore includes public and government schools; private and non-government schools; the Canberra Institute of Technology; registered training organisations; community organisations; employers; parents; related government, commonwealth and ACT, and non-government agencies; and, indeed, the young people of the ACT.

The youth commitment will establish a new set of expectations for ACT schools and the community regarding young people's experience in schooling and their transitions into further education, training and work. The youth commitment is underpinned by the ACT Education Act amendments to the compulsory education age and the range of policies, services, activities and programs, both current and into the future, operating to support children and young people.

Similar approaches to this exist in other jurisdictions and in other countries but the ACT is in a unique position to apply the youth commitment better than anyone and further enhance the ACT's record in educational achievement. For young people in the ACT, the message is simple. It is that you matter.

Agencies will sign an agreement and procedures will be developed to ensure that transfer of and responsibility for the young person from one agency to another happens effectively. This will be an enduring shift in the ACT's approach to supporting young people through this important stage of their lives.

The responsibility of an agency is to know where a young person that they are responsible for is and what is happening to support them. If a young person moves from one agency or sector to another, the responsibility of that agency extends to the

effective transfer of that young person. It will no longer be sufficient to let go. It will be necessary to actually hand over the baton to ensure continuance in the care and progress of young people in education, training and employment. Further, the youth commitment seeks to make these transitions a positive experience for each young person.

The messages to the community must be simple. The activity and the effort required to support the youth commitment will be complex, because the initiative is complex. But everyone agrees that the goal of establishing the ACT youth commitment is worth while.

The ACT government and the Department of Education and Training have been consulting widely because we know how important it is to get the ACT youth commitment right. Recognising the benefits of achieving the goal and the complexities associated with that ambition is why it is so important for stakeholders to stay connected and committed to this process.

Throughout 2010, processes will be refined and further consultation will occur with the community to ensure that all of us understand the new expectations and that families and young people understand the new opportunities that are available to them. All young people need to be able to access the range of services and programs that are available to them and they need to be able to access the right service at the right time.

Appropriate technology support to assist in the implementation of the youth commitment will also be developed. Following further ongoing development and dialogue with stakeholders, the youth commitment and a framework of support should be fully operational in the year 2011. While the finer details of the youth commitment are still being finalised in consultation with stakeholders from across the ACT, there is already a clear understanding of what the youth commitment might look like once implemented. While the ACT public schools have already in place student pathways plans, these would be enhanced and augmented to ensure that no student leaves year 10 without an appropriate pathway or transition plan.

I have already mentioned that the ACT government is partnering with key stakeholders through the process of development and implementation of the youth commitment. It is also important to acknowledge that this process is only possible following the significant investments already made by the ACT government to support the vocational education and training sector and career transitions support for students in the ACT. Our \$3.4 million investment for additional career and transitional teachers and our commitments regarding the certificate IV in career development will assist with student transitions and choices.

In fact, the 2008-09 ACT budget established a strong platform, with \$51 million allocated to the vocational education and training sector to build the infrastructure we needed to position the ACT for the future. Additional funding was also made available to CIT to increase skills through a responsive vocational education and training system, and additional funding has been provided for user choice to ensure that Australian apprentices receive the training they need through the national partnership agreement. In the most recent budget, the ACT government announced

further initiatives, including \$1.5 million to support Australian school-based apprentices, \$1.4 million to assist with tuition fees in areas of skills shortage by increasing the availability of scholarships at the CIT, and in developing initiatives such as the out-of-trade register.

Building on these foundations and partnerships established with education and training stakeholders, the youth commitment is a vital part of the education reforms being discussed here today. These efforts collectively will mean that all young Canberrans will complete year 10 and will study, train or work after year 10 in a way that suits their needs, their abilities and plans for the future.

Education will become more flexible; it will centre on students' choices. If they choose to spend two days on a building site, a day at training and a day at school, then this government will be there to support them. We are raising expectations and raising the level of accountability to ensure that no young person will miss out.

The ACT government is determined to introduce a youth commitment to ensure that no young person is left behind in education, training or employment. The youth commitment and the improved support processes will ensure that transitions for young people are seamless and a positive experience, ensuring that they remain engaged in the community.

While the implementation of this initiative may be complex, the message that this youth commitment gives to the young people remains simple, and it is that you matter. Furthermore, the legislative changes that underpin the youth commitment will meet the ACT's national obligations under the multi-jurisdiction youth compact and the youth attainment and transitional national partnership, and I am looking forward to working with my colleague the minister for education, Mr Andrew Barr, on this commitment and other youth programs. I commend this bill to the Assembly.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (11.16), in reply: I thank members for their contributions to the debate and for their support of the legislation, albeit again, for some, seemingly through gritted teeth.

This legislation is important because it redefines education and it redefines our views around providing a broader and more flexible system. It is about helping young people to find their passion. It is about saying there are no more excuses; that it is time for everyone to stand up and to take responsibility, and it is about establishing high expectations to transform universal opportunity into universal outcomes.

Through this legislation, we are redefining education in the territory. After extensive community consultation, this legislation introduces a mandatory participation age of 17 and aims to increase young people's engagement in education and training. This reform will enhance young people's earning potential, reduce the risk of unemployment and build on this territory's impressive record of excellence in educational achievement.

The bill not only meets our national obligations under the youth compact and youth attainment and transitions national partnership; it fundamentally changes how we define education in the ACT. The key is flexibility. As previous speakers have alluded, the system must be flexible to meet the needs of individual students, and, if they choose to combine their education, training and work options throughout the week that involves spending some time at a work site, some time training and some time at school, the system must support them.

The bill is also, critically, about helping young people to find their passion. I have spoken earlier in this debate about being able to ensure that for those students who have passions in particular areas that might at times be socially undesirable, such as the ability to hot-wire a car, that really should be leading to a future career in the automotive or mechanical industry. Students who enjoy tending to the school garden should think about the options that they have in the fast growing horticulture industry in this territory. It is about providing options—training, employment and schooling options—that meet the needs of a diverse range of students.

But it is also about ensuring that there are no excuses and that everyone learns. There are no excuses—not for students, not for teachers, not for parents and not for politicians or for governments. It is time for everyone in the community to stand up and take responsibility for all young people. That is why we have developed the youth commitment, where all government agencies; schools, government and non-government; training organisations; the CIT; and employers will commit to links which make sure that every student is engaged. There are problems which some students and families face. We recognise that. We will not be ignoring those problems, but they are certainly not an excuse for doing nothing, for waiting for a break or blaming others.

It is also about high expectations. We know that high expectations from schools, from teachers, from parents and from governments produce results. When a student says, “I think I want to own my own business,” but then has a second thought and says, “But I don’t think I can do it,” we need a teacher, a parent, a trainer, a responsible adult—someone—to step in and tell them that nothing is beyond their reach. The challenge is for our schools, our vocational education providers and our universities to transform universal opportunity into universal outcomes for every student.

In their contributions to this debate, The Greens and the Liberals have expressed some concerns. In response to Ms Hunter’s contribution, I acknowledge that the challenge we are setting ourselves is a difficult one. This will be hard. It will be hard to engage with all students. But I do not think it is acceptable to say that that means we should give up. I do not think it is acceptable to suggest that because it is going to be hard we should lower our expectations; that because it is going to be hard we should make excuses for failure or we should make excuses for inaction. Ultimately, this would be an admission that we might just have to give up on some students and focus our efforts on the easy cases. As education and training minister, I say that this is not good enough. I am going to stand up and take responsibility and I hope other parties in this place will join with me.

Mr Doszpot spoke at some length about concerns around resources and funding, capacity and infrastructure, and enforcement and tracking, especially in relation to the non-government sector. I can respond by indicating that on the funding side the government has already invested over \$90 million to tackle skill shortages in the territory, \$2.8 million for 27 registered training organisations and over a quarter of a million dollars for a dedicated support team to work with young people studying at the CIT vocational college. At the inquiry into the achievement gap only a few weeks ago, we heard from the CIT about a program that is delivering fantastic results. In fact, it is probably the single largest education and training provider for young people in the territory—larger than any of our secondary colleges—and is providing support in an alternative setting for students who find mainstream education settings not suitable. It is a terrific initiative and one that we want to continue to see go from strength to strength.

I acknowledge Ms Porter's contribution to the development of the SPICE program and, as she indicated in her speech, more than \$800,000 has been provided in support of that outstanding program. An initiative in a recent ACT budget was to provide \$3.4 million towards transition support teachers working in that important transition from high school to college. So we have undertaken a lot of work in this area. We have mapped transition and attainment programs across government and we are reviewing support and career programs provided in schools. We have invested very heavily in the Canberra Institute of Technology—nearly \$25 million over four years for capital upgrades in new facilities, for example, in horticulture and electro-technology. We continue to strengthen the partnership between the CIT and our schooling system—this is a matter that I will return to in a moment—with a number of collaborative partnership plans being developed in the last two years.

We are receiving \$1.65 million from the commonwealth to introduce the new youth commitment, to review structured workplace learning, to implement VET learning in alternative programs such as those I am very pleased to see supported by the opposition, such as CCCares, and to implement career education earlier in our schools.

On the matter of capacity, we estimate that between 100 and 400 students are not currently learning or earning. Within our schools and training places we do have the capacity to support this increase in enrolments. We are investing over half a billion dollars in capital works in our schools, in new classrooms and new state-of-the-art teaching and learning facilities.

As the minister for all schools, I can advise the Assembly that the youth commitment will include non-government schools and systemic Catholic schools. Agencies, trainers and employers will commit to inform the Department of Education and Training if a young person chooses another option or drops out of their enrolled education or training program.

Employers have obligations as well. That said, skill shortages and tight labour markets are not a new phenomenon for ACT businesses, so the implementation of this learn or earn policy is an opportunity for employers to train up young apprentices. I can assure the Assembly that very strong relationships already exist between

employers, schools and training providers. The only obligation is to continue these relationships and let the department know when a young person makes a different choice.

These reforms focus on student choice. If a student chooses an apprenticeship or work then we will support them. We will continue to invest and deliver in this area. For example, in recent budgets we have invested over \$4 million in providing additional funding to the user choice program to meet high demand for Australian apprenticeships, and the most recent budget included \$1.4 million for industry-based training under the Australian school-based apprenticeships program.

This legislative reform today, together with the Bradley review of higher education, is going to mean fundamental change in education and training in the ACT. I can confidently say in November 2009 that our higher education training system will be fundamentally different within five years. This work is underway within our autonomous universities. It is a piece of work that will be extensively undertaken through 2010 in relation to ACT government-run education and training providers.

But there is a lot of background to this and, in light of some recent commentary in the *Canberra Times* and some observations in relation to alternative models, I think it is wise to remind members that back in 2006 the government commissioned a review into the secondary college system in the ACT and it made a number of recommendations. I would like to talk about those in the time I have remaining, particularly around the extensive and effective collaboration that is needed between the ACT college system and the CIT in developing and delivering VET programs, which was a very clear recommendation in the secondary college review.

When I talk about learning lessons from the Tasmanian experience and looking at Tasmania, why do I say that? Why is Tasmania relevant? It is a jurisdiction of similar size to the ACT, it has a very similar educational structure, in that years 11 and 12 are separated from high schools, and its policy objective in making the changes it has made is to engage with just the sorts of students that our system is currently not engaging.

**Mr Coe:** It has been a complete failure, Andrew.

**MR BARR:** I have never suggested, Mr Speaker, that we would just pick up the Tasmanian model and adopt it in the ACT. But I have been to have a look at its polytechnics and what appeals to me is how it has very effectively utilised the fantastic VET resources that it has in its TAFEs and brought those facilities to year 11 and 12 students. As many education stakeholders in this territory have observed, we must improve the quality of our VET programs in years 11 and 12, and I am determined that the debate in this territory will move beyond just the university pathway. Whilst a higher percentage of students in the ACT than anywhere else in the country go on to university, still the vast majority do not go on to university but take alternative education pathways. We must in our education system respond to the needs of those students.

As the review of secondary colleges said, we must reconceptualise our accredited courses; they must complement vocational courses. Consideration must be given to

structural arrangements that will enable greater continuity of curriculum provision. There is a particular quote from the secondary college review that is pertinent:

While there is much to admire in current effort and achievement in colleges, there is also a need for fundamental change in core aspects of culture, structure and practice to ensure the continuing effectiveness of the model.

We must have these debates. They are critical to the future of vocational education and training in this territory and I will not shy away from looking at the Tasmanian model and those in other Australian jurisdictions and elsewhere. There is a lot to learn from the experiences and practices elsewhere, as we are not the only jurisdiction in Australia seeking to grapple with these issues. It is important that we take an open mind to these and that we do not just parrot the views of the Tasmanian education union, which Mr Doszpot appears to be content to do. The day that the AEU in Tasmania determines education policy in the ACT will be a very sad day for this territory.

In closing, I would just like to respond to the comments of the scrutiny committee. I thank them for the valuable contribution they have made to the clarity of the bill's intent and can advise the Assembly that their comments will be given ongoing consideration and may result in future amendments. The committee highlighted the tension between the rights of the child and the rights of parents in relation to decision making. Decisions regarding exemption and approval of training and employment options will be taken on a case-by-case basis, assessing the relevant factors comprising the circumstances of each child. With this in mind, there are a whole range of safeguards regarding considerations of the chief executive, such as the Human Rights Act, the Children and Young People Act and administrative law provisions.

This is not to say that parental preference for their child is not relevant but simply that, by the very nature of exemptions being for exceptional circumstances, there may be circumstances such as poor health of the parent that mean the right of the child assumes greater importance. I am about to run out of time, but in closing I thank members for their support of this bill. Today is a very significant day in education and training.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## **Government—achievements Ministerial statement**

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development,

Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (11.31), by leave: It gives me great pleasure today to report to the Assembly on some of the achievements and activity of the 12 months since Labor formally returned to government in the ACT on 5 November last year. It has been a year of incredible activity, achievement and purpose, from a government that is united, experienced and as energetic as the day it was first elected.

In every area of service delivery and policy development, Labor has been energetically delivering on the commitments it took to the 2008 election as well as responding to emerging issues, including the advent of the global financial crisis. Labor has spent the past 12 months delivering for the people of Canberra, building a better, more sustainable city and a stronger, more inclusive community. Today I have the pleasure of providing a summary of achievements from the last year. I will also table, for the information of members, a longer, though by no means exhaustive, list of the year's labours.

Labor's vision to make the national capital the country's solar capital, a vision we articulated before the last election, is coming into sharper focus, with the successful introduction of the nation's most generous feed-in tariff. A thousand homes have had photovoltaic arrays installed since the scheme began. The government has also identified possible sites for a major solar power station and called for expressions of interest for the construction of the facility, in which the ACT government will co-invest. Industry response has been excellent and the expressions of interest are currently being examined.

The first of 100 new-generation clean-diesel buses have joined the ACTION fleet. The buses, worth a total of \$49.5 million, have environmental credentials equal to the best of the compressed natural gas buses on the market. And of course they are all wheelchair accessible.

In the past year, GreenPower has formally become the first product that must be offered to all new electricity customers in the ACT, turning what was previously an opt-in system for clean, renewable energy into an opt-out system. That is just one of the myriad ways in which Labor is acting to move towards the long-term target of zero greenhouse gas emissions.

Over the past year, Labor has commissioned a multidisciplinary team from the University of Canberra to conduct research that will feed into the development of the country's best clean industry policy. Our city has been named by Better Place as the first Australian destination for the rollout of electric car infrastructure, and the government has announced its intention to convert its own fleet to electric over time.

The first sod has been turned on a climate change institute, with the ACT government contributing \$2.5 million towards the construction. The institute will attract 90 of the best and brightest minds to work on the challenges of tackling climate change.

A great education is the most valuable gift any government can offer its community. The first year of this term has seen the opening of new government schools where they are needed and a massive investment in what goes on inside all our schools. Four



new early childhood schools have been opened. The state-of-the-art P-10 Kingsford Smith school has welcomed its first students and construction has begun on a secondary college for the people of Gungahlin.

Labor has completed a major investment in the facilities inside the classroom too, with the completion of the rollout of fibre-optic cable to all secondary schools. The most recent budget delivered funding for an additional 70 teachers in our public schools. This will deliver on the government's election promise to reduce average class sizes in every single year of schooling. And now the government is pursuing the biggest revolution in education for a decade—it has just been completed this minute—"earn or learn", based on the proposition that every young Canberran aged 17 or under must be at school, in training or in a job.

Good health is the other gift a good government can offer. In the first year of this term the government has opened new operating theatres at our two public hospitals, opened a satellite breast screen clinic and is in the final stages of design work for the brand-new women's and children's hospital. They are all part of a billion-dollar health rebuild to serve Canberrans today and tomorrow. Over the course of the year the government has embarked on consultation for other crucial elements of this rebuild, including the walk-in clinics and a new mental health precinct.

In response to the global swine flu pandemic, the government delivered 34,300 vaccinations by the end of October and operated dedicated flu centres at the Canberra Hospital and Calvary for the duration of the winter flu season.

A new step-up, step-down mental health facility has been opened at Lyneham, mental health training has been funded for emergency services workers and teachers, and the ACT mental health services plan 2009-14 has been released.

During the year a new equipment hire service was opened for children and young people with a disability. Eight new speech therapists have been employed and new therapy playgroups have been established for children with a disability.

Labor believes that working men and women are entitled to a life that balances work, family responsibilities and leisure. In the first year of this term, Labor has boosted paid public sector maternity leave by four weeks, to 18 weeks, making the ACT government's scheme the most generous public sector scheme in the country. Paid bonding leave has been doubled to two weeks.

In response to the global financial crisis, Labor has established a mortgage relief program to hold out a hand to Canberra families at risk of losing their homes due to factors beyond their control. Designed in consultation with finance providers, financial counsellors and the community sector, the program gives families a breathing space when temporary unemployment or major illness puts their home in jeopardy.

Labor is always alert to the needs of the most vulnerable in our community and in the past year has employed more front-line case managers for our care and protection services. A major recruitment campaign in the first months of the term resulted in the employment of dozens of additional case workers.

Labor has introduced an emergency second appropriation to support volunteers and carers, and the people they support. And in recognition of the importance of the community sector, the government has introduced legislation for a portable long service leave scheme for the community and childcare sectors. Legislation governing the rights and responsibilities of residents and operators of retirement villages has been drafted and will shortly be tabled by my colleague Ms Mary Porter as an exposure draft for public and industry consultation.

The government is working hard this term to find new ways of informing, engaging and consulting with Canberrans. Among the early reforms have been the introduction of weekend community cabinet meetings and the weekly community noticeboard in the Saturday *Canberra Times*.

In 2007, ACT Labor delivered the nation's most ambitious and wide-ranging affordable housing action plan. In the first year of this term, we have focused afresh on the special housing needs of older Canberrans and Canberrans at risk of homelessness, releasing a stage 2 report featuring dozens of innovative new actions. Meanwhile, the government has got on with the job of implementing the 63 actions from stage 1, with numerous bricks-and-mortar results to show for 12 months of labour.

The first proud homeowners have moved into affordable dwellings delivered under OwnPlace, a partnership between the government and local builders. New residential fronts have opened in three Gungahlin suburbs, with 15 per cent of all blocks in every new estate now reserved for affordable house-and-land packages under \$300,000. The first dwellings delivered under the partnership between the government and CHC Affordable Housing have welcomed their new tenants this year, and a local lender has been secured for the land rent scheme.

Global economic turmoil notwithstanding, the ACT has retained its AAA credit rating, a welcome vote of confidence, by some of the toughest of critics, in Labor's plans to return to a balanced budget—a vote of confidence in Labor's prudent financial or fiscal discipline leading into and throughout the crisis.

Over the first year of this term, the government has worked shoulder to shoulder with industry and the business community to confront the challenges of the financial crisis. The government has invested \$450,000 in a domestic tourism campaign targeting Sydney and surrounding regions and \$100,000 in a marketing campaign to promote Canberra's fantastic national attractions over summer. At the height of the crisis, the government invested \$100,000 in a "shop local" campaign to boost retail spending over the Christmas period.

A payroll tax concession scheme has been designed and implemented, to encourage businesses to come to the territory.

Through an emergency third appropriation in February, the government invested \$25 million in local capital projects to support local jobs. By 30 September, \$12.4 million had been spent, 97.5 per cent of the allocation for the first year.

In the wake of a series of high-level industry roundtables, significant reforms have been introduced to planning and procurement processes. In the area of procurement, quotation and tender thresholds have been raised and changes to pre-qualification rules have been made. A goods and services procurement forecast is now published on the Procurement Solutions website and updated weekly. E-tendering has been introduced for some low-value, low-risk procurements, and businesses may now quote online.

In the area of planning, thousands of development applications have been assessed by the independent statutory decision maker—at arm's length from politics, as they ought to be. Within this independent framework, the flexibility of the territory's planning system has allowed the government to take decisive action over the past 12 months to support jobs and growth.

In response to the global financial crisis and within weeks of forming government, Labor announced ACTPLAN, a partnership between the government and industry, in December last year. Through ACTPLAN, the Planning and Land Authority has worked with industry and community groups to cut planning red tape and support local employment through the financial crisis.

In response to the federal government's building the education revolution program, the government introduced special regulations to ensure that all ACT schools could start building quickly with commonwealth provided funds.

Throughout, the government's focus on planning for climate change has not diminished. A highlight has been ACTPLA's sustainable futures program, a critical exercise in listening to the community and gathering the best evidence and ideas to ensure that our planning policies support our sustainability policies and our climate change action plan, weathering the change. A discussion paper on that program will be released by the minister in the next few weeks.

Labor wants its policies to be based on evidence, not intuition or ignorant supposition. We have engaged the microbusiness community through the first-ever forum dedicated to their particular interests. At the other end of town the government has partnered with the ANU on a climate change institute and partnered with NICTA and industry on an e-government cluster.

A former commissioner of the Australian Competition and Consumer Commission, Mr John Martin, was engaged to review the territory's supermarket competition policy. His recommendations, accepted by the government, will be implemented before the end of the year and will encourage new players and revive the fortunes of local and group centres.

Early and enhanced community consultation on the 2010-11 budget has begun, including opportunities for online submissions from members of the public, community groups and industry organisations.

The result of all of this focused work has been a rebound in business confidence and a city that, despite the global uncertainty of the past year, is actually and audibly humming.

The year dawned with a fresh reminder from Victoria of the brutal power of our climate combined with our landscape. While we have learnt much from our own disaster of 2003, we have the chance to learn more from Victoria's more recent calamity. With another fire season looming, a brand-new strategic bushfire management plan was launched by the government in September. Six new community fire units have been funded in the most recent budget, and a number of new emergency vehicles have joined the fleet over the first year of this term. These include the new ACT Fire Brigade aerial appliance and eight new medium bushfire tankers. A revised national scaled warnings framework has also been implemented.

But of course not all threats are from nature, and not all are confined to the urban fringe. Our public spaces have been made safer over the past 12 months. Closed-circuit television coverage of public spaces has been expanded and live CCTV monitoring on Thursday, Friday and Saturday nights has begun. A canine drug detection team has been established. Gungahlin police station has become a 24-hour, seven-day-a-week station, with an additional 24 police officers. Videoconferencing equipment has been installed in our courts for victims of sexual assault and vulnerable witnesses. And airport-style security screening has been installed at the entrance to the Magistrates Court and Supreme Court.

In the first year of this term Labor has made the largest ever ACT government allocation to building and maintaining this city's cycling and pedestrian network. All up, \$18.8 million has been assigned this year, to be spent over the next four, for construction and maintenance of cycling paths, signage and footpaths. That is on top of our exemplary record.

The past 12 months have been a time of research, but also delivery. Feasibility studies on the upgrade of EPIC and possible on-site tourist accommodation have been conducted. A street furniture replacement program has improved the look and feel of Civic, and a designer has been engaged to advise on refurbishment of the Sydney and Melbourne buildings. The multimillion-dollar restoration of the Albert Hall is under way. Master planning is well advanced for Kingston and Dickson; tenders have been called for the Haig Park master plan; and the master plans for Black Mountain Peninsula district park and Weston Park are in the community consultation phase. A working harbour has been completed at the Kingston foreshore. Two immensely popular dedicated dog exercise areas have opened and locations are being scouted for a third.

On our roads, the Tharwa Drive duplication has been completed, as has a major upgrade of the intersection of Mawson Drive and Yamba Drive in Woden. The airport roads projects are all nearing completion and work has begun on GDE stage 2. Two road safety roundtables have been convened in partnership with the NRMA over the past year to pursue vision zero, a vision of eliminating road deaths in the ACT.

Planning has been completed for a \$1 million trial of a high-frequency, limited stops, rapid bus service, Redex, which will start operating this month. The Redex will link Gungahlin, Mitchell, Northbourne Avenue, the city, Russell, Barton and Kingston, running every 15 minutes between 7 am and 7 pm, Monday to Friday.

Work has begun on the \$124 million facelift to the Belconnen town centre, in partnership with Westfield Belconnen, a project that will deliver a new bus interchange to replace the 1970s concrete and plastic interchange that has just been decommissioned.

Development of a sustainable transport action plan has begun. Separate strategies on public transport, cycling and walking, parking and transport infrastructure are being developed.

When Labor formally assumed the reins of government on 5 November last year, no-one anticipated the alarm bells that would soon be sounding worldwide as the GFC rolled inexorably in with every tide. Over the first year of this term an unprecedented level of local activity has been generated by the commonwealth's \$350 million investment in Canberra infrastructure as part of its various stimulus programs. The ACT government's delivery of this massive investment is in the middle of the schedule.

Work is afoot in every school under the building the education revolution program. In the area of social housing, 352 new dwellings have been funded; stage 1 is underway, with 33 of 57 properties now under construction. Under the heading of regional, local and community infrastructure, an upgrade of Glebe Park and a major new skate park at Eddison Park are complete.

Only a fraction of the work of government takes place in the parliament, and only a fraction of that fraction involves passing laws. But it is an important role even if it does not always attract attention. In the past 12 months in the Legislative Assembly the definition of murder has been strengthened, penalties for illegal dumping have been increased and new powers have been created to allow the seizure of vehicles involved in illegal dumping. Amendments to unit title laws have been introduced, including publication of a *Unit titles dispute resolution guide* and a *Guide to the new obligations of owners corporation managers*.

Legislation has been passed in relation to conclusive certificates under freedom of information laws. A security of payments bill for the building and construction industry has been introduced. The bill, strongly supported by both employer and employee organisations, will protect subcontractors and ensure they are paid. The Work Safety Act 2008 commenced operation this year. The act is the most advanced occupational health and safety legislation in Australia and leaves the ACT as the best positioned jurisdiction to make the leap to nationally harmonised OH&S laws in 2012. A bill passed in August 2009 established the framework for portable long service leave in the territory.

These are good laws to make us a safer community and a better city.

I have given just a modest listing of some of the work undertaken by Labor on behalf of the Canberra community over the past 12 months, the first year of this term. I have not spoken of things that are business as usual, but of new things—innovations, ideas acted on, dreams delivered and challenges met. I present the following paper:

The first year of the Third Stanhope Government—  
Ministerial statement, 10 November 2009.  
A year of activity, achievement and purpose.

The document I have tabled today is an impartial, though partial, list of one year. I commend it to the Assembly. I move:

That the Assembly takes note of the ministerial statement.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (11.49): I would like to thank the Chief Minister for his reflections on the first year of the Seventh Assembly and acknowledge many of the achievements of this government over the past year. In many ways, the Greens share the pride felt by the Chief Minister in the work that has been done both in this place and by the ACT public service and the ACT community, because this year, as we are all aware, has been an important one for the Greens and for our involvement in the governance of this territory.

As members of this place are aware, four Greens were returned to the Assembly at the last election, leading to the formation of a minority ALP government and the creation of the ALP-Greens parliamentary agreement. The Greens are proud not only of the election outcome but also that we were able to put together, in conjunction with the government, the beginnings of a policy direction for the new term. We are pleased that a number of the policy items in that agreement have been fulfilled, while also acknowledging that there is much more work to be done, both on the agreement items and on other areas of policy development.

The Greens believe that, in our first year, we have been both responsible and practical in our engagement with the Assembly, that we have put forward a constructive agenda, engaged actively on policy development, and applied a commonsense filter to all the work that we do. At the same time, we believe it is because we Greens are here in the Assembly in such numbers that we have seen a government that is sharply refocused on issues of sustainability and environment.

Perhaps more importantly, we believe it has not only delivered stable minority government for the people of the ACT but better government. And this is a point of great pride for a political party that believes in having more voices at the table of governance, that communities are best represented in democracies with systems of government such as our own that encourage a wider spectrum of voices.

We have a clear three-party legislature in the ACT today, and I and my colleagues believe that it is broadly delivering better governance with better outcomes for our community. We continue to engage actively in a detailed policy debate and put forward initiatives that we think the government and its agencies should consider. In many cases, we have been heartened by the way the government has acknowledged that there is a new policy agenda to be addressed and that there is a strong new force of Green politics in the Assembly.

Good policy development requires a willingness to work constructively with other parties. While providing briefings and information is all useful, it has been

disappointing that on some occasions, when the Greens have put forward legislative solutions that move to push the agenda on particular issues, such as solar hot water, they are met with a kind of resistance that speaks to the attitude that it is the government that governs and that the legislature comes second in its consideration.

However, there are many other policy areas that we hope to engage positively with the government on. Climate change and urban water are but two of those. We look forward to real, genuine engagement on these issues as we believe that it can only add to the outcomes for the people of Canberra.

The Greens have, over the past year, dealt with every issue on its merits, something that is probably exemplified by our voting record that clearly indicates that we have voted with both the ALP and the Liberals regularly in this place. But what remains important is the outcome, and that will remain our focus. The Greens will continue to ensure accountability to ensure that we achieve those outcomes.

I would like to touch briefly on some of the outcomes that the agreement has delivered for the people of Canberra to date. A substantive number of the agreement items have been signed off on. These include changes to the standing orders of this place to bring about a better accountability of government and wider engagement of other parties and the adoption of the Latimer House principles; delivery of expressions of interest process for the solar facility; urban wetland recovery program; increased purchase of renewable energy by government; an inquiry into legislated greenhouse gas reduction targets; Monash Drive struck off the map; and the Redex trial that is on its way.

Many of these items are still works in progress and we are looking forward to seeing them implemented: the 40-kilometre limit shopping centre consultation; commercial waste assistance and small business impact statements; street-level recycling; child-friendly planning guidelines; six-star rating for new homes by 2010; and plumbing visits.

In our first budget, we achieved \$55 million worth of green initiatives and that spending was undertaken in a responsible way. In the next budget, we have already ensured that the community sector is protected from the efficiency dividend.

I would like to return to the Chief Minister's speech, though. The first item on the Chief Minister's agenda, the very first, was sustainability. A number of initiatives that he mentioned are ones that are very dear to our hearts: the feed-in tariff, the solar facility and, indeed, a long-term target for greenhouse gas reductions or even zero net emissions.

There is absolutely no doubt that, as I said before, this is a government that realises it has to act on sustainability. I do not think it takes too much thinking to figure out why. The presence of four Greens in the Assembly and the increase in our vote at the last election have meant that the government can no longer only partially deliver on these issues.

While I have outlined a number of direct ways the Greens have shifted the agenda here, I am also incredibly heartened to see the government start to take these issues

more seriously, and I suspect that both the importance of sustainability in the ACT community and the prominence of the Greens in the political landscape have resulted in a reprioritisation.

It does seem a little ungracious of the Chief Minister not to mention the role and influence of the Greens on many of the issues he mentioned: policy outcomes that may not actually have been moved forward without the result at the last election or without the presence of the Greens in the Assembly. The Chief Minister made no mention of the parliamentary agreement, and yet it has formed part of his agenda over the past 12 months also.

I turn to some specifics on that agenda. Community consultation is the first. Although the government transferred the community engagement unit to the Chief Minister's Department, as per the agreement, it seems that getting community consultation right is still a big effort for this government. We have seen a few local planning issues brought to the floor of the Assembly this year, as people really were not able to have a say in the developments about to occur there. The Greens have now proposed that a formal precinct planning process, complete with consultation, be reinstated for such situations in future.

On the feed-in tariff, the government's energy policy centrepiece this year has been the feed-in tariff. The Greens were instrumental in bringing the implementation date of the feed-in tariff forward to March. And thank goodness we did, because the government is still debating how to extend the scheme out to medium and large-scale generators, after the scheme was watered down in February. The Greens are very supportive of the feed-in tariff being extended in the context of a broader energy policy which we await with interest.

The delivery of an energy policy is, of course, another item in the parliamentary agreement and another example of how the Greens are, by our presence, holding the government to account. This government began consultation on an energy policy in 2006. We are hopeful of starting detailed community consultation on it at the end of 2009, hand-in-hand with a clear sense of the government's commitment to reducing greenhouse emissions.

Neighbourhood planning has also been part of the parliamentary agreement and, as well as proposing a precinct planning process, the Greens are proposing that additional master plans be developed for Erindale, Hall and Tharwa.

On affordable housing, we commend the government on its efforts to increase the stock of affordable housing but note that there is far more work needed to ensure that both new and existing housing stock is made more affordable to live in, especially for low income households, by decreasing the energy needed to heat and cool our houses.

On stimulus package special regulations, the Greens believe that the government could have still met the development targets within the deadlines without having to withdraw third-party appeal rights. Given that these appeals are in place to ensure the developments are of a high quality and meet the requirements of the territory plan, the Greens would have preferred to retain them, even throughout the accelerated process.



The Greens worked with the government to get a better balance between speed and integrity of the ACT planning system.

On small business, I am concerned that the Chief Minister has put on his list of achievements the government's engagement with the microbusiness community. The government held one forum a few months ago and there has been little follow-up or continuing engagement on any of the issues raised. This forum was only held due to it being an item in the parliamentary agreement. We hope that there is some follow-up from the forum that delivers some meaningful outcomes in this area.

On supermarkets, we commend the government on their work on updating the ACT's supermarket policy. This is a complex area and one which is being grappled with across the country. We applaud the work of John Martin in attempting to create a policy which will break down the dominance of the two major supermarket chains in the ACT and provide more space for independent supermarkets to thrive. We are also pleased that Mr Martin has taken on the Greens' concerns in his review about supporting local shopping centres which are the lifeblood of our neighbourhoods.

On cycle paths, the Chief Minister's pride in new cycle paths is heartening indeed but we must remind people that the funding for these paths has come through due to the Greens putting this in the parliamentary agreement. This extra funding has led to an increased focus on improving our cycle path network across Canberra, as well as the development of a cycle path and pedestrian network plan.

On the greening of the local economy, it is great too that the Chief Minister is proud of the greening local economy paper which is being developed. However, again it must be noted that this paper would not be in the process of development had it not been an item proposed in the agreement by the Greens, and we look forward to seeing the paper very soon.

On the Kingston library, we would have liked to have been acknowledged. We are a bit disappointed the Chief Minister did not acknowledge the role of the Greens in the delivery of the Kingston library—if not at least acknowledge that this was an agreement item then perhaps acknowledge that the community itself played a strong role in advocating for the re-establishment of a library service in the inner south.

The Greens have also been instrumental in ensuring that the greater community is informed about the changes to the Unit Titles Act and, in particular, the creation of the two new guides. Again, it would not have happened without the Greens' intervention on this matter.

We are very pleased that Mr Stanhope has taken the road safety campaign to heart. However, we note that the proposal to reduce speed limits around town and shopping centres to 40 kilometres is a Greens proposal in the agreement. The Greens are also very concerned about road safety issues and will continue to push the government to make our roads safer for all users—car drivers, passengers, motorcyclists, cyclists and pedestrians alike.

In summary, we would like to join the Chief Minister in feeling proud of the outcomes of the past 12 months, and we take pride in the things that we too have

achieved in this place during that time. We seek to provide a voice not only for the environment but also for all those in the community, particularly those who are most disadvantaged.

There are, of course, many other issues which the Greens have been working on in the background and which often go unnoticed. The Greens will continue to work on a broad range of issues with the government, with constituents and with community groups. We think that the ACT parliament is working much better with the Greens at the table and that all Canberrans are getting a better deal from minority government. And in many ways, seeing the government try to out-green the Greens is the biggest compliment of all.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Children and Young People, Minister for Planning and Minister for Tourism, Sport and Recreation) (12.02): To begin my remarks where Ms Hunter just left off, I feel obliged to say that my tie selection today was not based on trying to outgreen the Greens. Nonetheless, it is a very nice tie, and if in any way it was inspired by the flavour of politics then so be it.

Twelve months ago, Labor won a historic third term of government in the ACT. Some 80,000 Canberrans voted Labor, and to them we said, “We will deliver on our commitments.” We also acknowledge though that many did not vote Labor in 2008, and to them we said, “We have listened, and we are changing.” The government knew we needed to do much better, so we are determined to get on with the job, to get back to common-sense government for the people of Canberra. That means listening to the community, investing in our economy, and delivering on our commitments. Twelve months in to the third Stanhope government, the story is simple: commitments made, commitments delivered. So many opportunities for Canberra, but so much work still to do.

I have said before that being education minister is the most important job I have ever had, so I am proud of the government’s achievements already in our third term. The opening of the Kingsford Smith school marked a new era in education in the ACT. State-of-the-art building is matched only by the dedication of the school staff, the school’s board and the parents and citizens association. All have worked incredibly hard to successfully start the school with a positive culture, and they deserve real public credit for this.

This is a school that not only has a great school pride, but it offers the latest in teaching and learning. The school provides great facilities ensuring all students have access to the latest technologies to prepare them for their future in the 21st century. The school’s environmentally sustainable design includes building orientation, solar passive design and underground rainwater storage tanks. I think we can say very confidently that it is a truly sustainable school. These features help students understand what they can do every day to play their part in tackling climate change. The school is also designed to meet the needs of all students, featuring a purpose-built early childhood wing and excellent facilities for students with special needs. Again, a commitment made and a commitment delivered.

Three new early childhood schools also began operations at the start of the year in Isabella Plains, Narrabundah and Scullin. These new centres are nation leaders, offering quality education and early childhood development for kids from birth to eight years of age. They also support families, providing one-stop access to services in health, counselling, parenting skills and many other areas. Again, a commitment made and a commitment delivered.

The work of building up new school communities continues. Last week the chair of the Urambi school board and I turned the first sod marking the start of construction for a \$55 million school for the Tuggeranong community. When I talk about building up new school communities I mean more than bricks and mortar. Community building means listening to people as well. This new school is the school the Tuggeranong community told us they wanted. They told us that in 2006 when we were reforming our education system for the benefit of every student. They told us that this year during the extensive public consultation process that has just recently been completed. So we have listened. Commitment made, commitment delivered.

Still more school communities are being built up by this government. At Harrison, enrolments are so strong that we are bringing forward the opening of the new high school to 2012. Indeed, the 2009-10 budget contained \$43.5 million for the construction of Harrison high school to serve the growing communities of Harrison, Franklin, Forde and Gungahlin. Locals and visitors to Gungahlin see site works for the new college moving apace. It is exciting, and I can say that I cannot wait to put on yet another hard hat and hi-vis vest so I can go and turn yet another sod to start construction on yet another great Canberra school. This government is committed to upgrading every ACT public school and to building new schools where they are needed most. Commitment made, commitment delivered.

In education, the old public versus private debate is over. Every school matters, because we want everyone to learn. So in October last year, we committed to providing \$2.1 million in new support for every parent group in the ACT—in government schools, Catholic schools and independent schools—delivering \$15,000 for school P&Cs and P&Fs and \$1,500 for preschool parent associations. We also committed \$4 million to provide additional funding for non-government schools to assist students with special needs. The budget saw this money delivered, and the benefits are being felt by children in Catholic and independent schools across the territory. Another commitment made, another commitment delivered.

Last year we committed to helping kids struggling to read, write or do maths by providing specialist teachers. For these alone, Labor provided more than \$34 million in the budget. We went to the people in 2008 with a commitment to reduce class sizes to an average of 21 in primary and high schools and to an average of 19 in colleges. To achieve this, we are recruiting 70 extra teachers, and class sizes will start coming down from the first day of school next year. Commitment made, commitment delivered.

Teacher quality is the magic ingredient in education, so we have worked hard to make real progress in the last 12 months. We have seen an enterprise bargaining agreement

completed which leads the way for \$100,000 salaries for the best classroom teachers. The idea here is simple: not performance pay, but merit promotion. Seniority out, merit in. Not everyone will earn more, but catching up with how other professions pay means catching up with how other professions promote. It is the only way we will get top salaries for top teachers.

Madam Deputy Speaker, 2009 has also been a year in which the government has delivered much for children and young people. My friend and now ministerial colleague Ms Burch takes on the children and youth portfolio, on which she will report to the Assembly later in this debate. But for myself, I would like only to record my thanks to the management and staff of the Department of Disability, Housing and Community Services and, in particular, the Office for Children, Youth and Family Support, who serve the people of Canberra well—thank you.

Good planning policy is all about balance, meeting the challenge of climate change, supporting economic growth and including the community in decision making. This is the only way to maintain balance for the long term. Keeping politics out of planning is our firm commitment. So let me touch on two key areas—case studies, almost—of our approach in the last 12 months. In October last year, we committed to new master plans for the Kingston and Dickson group centres. The extensive community and business consultation processes have now been completed, and a planning report is to be available by the end of the year. Draft master plans are to be released early in the new year. These plans will provide a long-term blueprint that reflects the community's needs, including those of local business.

The global financial crisis demanded decisive action from all governments. This year, our simpler, faster and more effective planning system was part of the solution. Following the election last year, as the size of the threat unfolded, the government sat down with industry. The idea: to listen to their concerns and work together to respond to the economic crisis by cutting planning red tape. One of the results was the joint effort towards the development of ACTPLAN. We have redeployed staff to clear backlogs of development applications, assigned more expert staff to ACTPLA's shopfronts to help people lodge applications, and provided more flexible assessment and approval of run-of-the-mill applications and changes to the territory plan.

Now almost one-third of single dwelling development applications are more quickly assessed. We have also invested with the commonwealth to deliver e-development, and this new system now sees more than 40 per cent of development applications lodged electronically. We further streamlined the planning system to ensure every ACT school could make the most of federal Labor's historic building the education revolution package. Between Christmas last year and the end of last month, I can report that ACTPLA assessed and approved nearly 1,500 merit track development applications with an estimated value of \$1 billion. A simpler, faster and more effective planning system.

In the time remaining, I would like to talk briefly about tourism, sport and recreation. We went to the election promising a new autumn tourism event, and I am delighted to report that this year we have forged an alliance with the National Gallery of Australia that will see the first event to be an absolute blockbuster. *Masterpieces from Paris*

will be in Canberra from 4 December to 5 April. Canberra will be the first of only three cities in the world to host this magnificent event. It will be great for Canberra. Commitment made, commitment delivered.

The first 12 months of the government have been full of energy in my portfolios, from building schools to planning suburbs, from opening early childhood centres to drought proofing sports grounds. The first 12 months of the Stanhope government have also been full of ideas about the future of vocational training, designing new suburbs and world-class tourism events. A year into the government, we are effectively at quarter time. I am reminded of the words of Mick Jagger and Keith Richards, who said that you can't always get what you want, but if you try sometimes you just might find that you get what you need. And that sums up the first year of the third term of government. (*Time expired.*)

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (12.13): Today I rise to speak on some of the achievements of the third Stanhope Labor government, an active, progressive and consultative government that I am proud to be a member of. I also rise to make my first address as a minister in this government with responsibilities for disability, housing, children and young people, community services, ageing, women and multicultural affairs. I thank the Chief Minister for the opportunity to serve the people of Canberra in a ministerial capacity, and I look forward to delivering on the commitments of the ACT government to the people of the ACT at the last election.

As the Chief Minister mentioned earlier, ACT Labor has been listening, consulting, developing new policies and delivering on commitments we made to the people of the ACT at the election 12 months ago. I would now like to outline some of the work that has been carried out in the first year of this government in agencies that I have inherited. Before becoming a minister, I was already familiar, through committee work, events, hearings, other Assembly business and through interactions with the dedicated and professional men and women who work at DHCS, with the wonderful work of DHCS, which is primarily a service-driven and service-based organisation.

The government has provided specific support services and worked with our community partners to improve the lives of all Canberrans, but particularly those most in need of support. I could see at once the strong relationship between the community sector and the government, which is demonstrated through consultative processes, joint policy work, funding arrangements and development of new services and community initiatives. In this first year, the ACT Labor government has continued to demonstrate its support for the community sector and focus on building community capacity for our most vulnerable citizens. For example, in the 2009-10 budget, the ACT government committed additional resources to supporting the sector, such as funding for additional speech pathology positions and a new initiative of funding for play therapists.

The ACT government has allocated space and completed designs for over 40 community organisations in community hubs, completed consultation with the community on two new neighbourhood halls in Griffith and Bonython, completed the

refurbishment of Noah's ark children's resource centre at the former Rivett primary school and completed refurbishment of Hall cottage and Tharwa hall. We have also invested \$1.5 million to build a new senior citizens centre in Tuggeranong. I was at a recent Tuggeranong Community Council meeting where the architects and designers presented that to the group, and there was strong, positive feedback from the Tuggeranong community. Some \$400,000 worth of energy efficiency upgrades for not-for-profit childcare centres and community centres were completed on time and on budget by June 2009. I note that tenders for the construction of the child and family centre at west Belconnen will close this week.

As a strong advocate for women's issues and equal opportunity, I commend my predecessor, Ms Gallagher, for her passion and drive in this area. Achievements include targeted training of staff from ACT Health and DHCS on conducting a gender assessment pilot, which will give us an opportunity to evaluate some of the implications involved in rolling the commitment out across government. Also, the ACT government held the 2009 ACT women's summit in July, which provided an avenue for feedback that will be used in the development of the new ACT women's plan, due to be released early next year. I also note that a request for tender to deliver the new initiative of ACT micro-credit programs targeted for women opened in September and closed last week. Over the August-October period, the Assembly passed the Adoption Amendment Bill 2009. We have also provided additional accommodation and support for women and children escaping domestic violence over the Christmas period.

When it comes to childcare, the ACT government is not just focused on increasing the number of places available, and I thank my predecessor, Mr Barr, for his drive and focus on improving care, educational quality and rectifying skills shortages in this area. An extra 666 new childcare places have come online at 11 childcare centres in the ACT during 2009. Through the Canberra Institute of Technology we have been able to offer fee-free courses for the diploma and advanced diploma of children's services, and more than 400 students have enrolled in these courses. That is a 172 per cent increase on last year. We have also consulted widely with young Canberrans on our draft plan for young people and will soon commence a similar process in relation to our children's plan.

I would also like to acknowledge my predecessor in disability, housing, ageing and multicultural affairs, Mr Hargreaves, and his passion for social justice and empowerment of the most vulnerable in our community.

In the area of housing, the ACT government has also worked with the Rudd government on national housing and homelessness reforms. We have implemented key commonwealth initiatives to improve housing affordability, increase the supply of affordable housing and respond to homelessness. We are delivering on our obligations under the federal stimulus package. Some 351 properties will be delivered under the social housing construction program, 15 more than the commonwealth requirement. In addition, hundreds of jobs in the ACT building and construction industry have meant that our builders, plumbers, carpenters, electricians, brickies and carpet layers have all benefited from these initiatives.

The ACT government remains committed to social justice and the empowerment and inclusion of the most vulnerable in our community. The government has supported the disability community by improving services provided for Canberrans with a disability and their families. Over the past 12 months, we have promoted and supported a number of initiatives, such as the policy framework for children and young people with a disability and their families, and also the future directions: towards challenge 2014 policy framework to improve outcomes and opportunities for Canberrans who have a disability. The ACT government has committed \$400,000 over four years to fund the ACT companion card. I note that this wonderful initiative was launched in September of this year.

On multicultural affairs, this government has been using outcomes from the consultations with the multicultural community, the 2008 multicultural summit and the ACT community in general to finalise the ACT multicultural strategy for 2010-13, which will be released by the end of this year. In addition to countless events showcasing the cultural heritage and creative talent of our local culturally diverse communities, the ACT government has also supported the sector through initiatives such as the work experience and support program, the multicultural grants program, the community language grants program and the multicultural radio grants program.

In the vital area of ageing, the ACT Labor government has actively worked to develop a whole-of-government strategic plan that will promote positive ageing through supporting healthy and active ageing initiatives, reducing social isolation and addressing elder abuse. This will be outlined in the soon-to-be-released ACT strategic plan for positive ageing. The government has appointed a new ministerial advisory council, we have supported the strategic review of the elder abuse prevention program, and we have approved a new contract to extend ACT government major sponsorship of the retirement and lifestyle expo event for a further three years.

In conclusion, we can see that that the ACT Labor government has hit the ground running. We have not taken our responsibilities lightly. We are delivering on our promises, honouring our commitments and looking forward to and planning for the future. We are repaying the faith placed in us by the people of the ACT, and we intend to do so well into the future.

It has been said that issues of disability, housing, ageing and community services, children, young people and cultural diversity are, indeed, light-load issues. I do not consider them to be light, and I will commit 100 per cent to this. But looking forward and not only backwards, I glimpse into the coming weeks and I look forward to working with the children's services sector on the commonwealth national quality agenda for early childhood education and care. I look forward to delivering, across the depth of the complex portfolios I have, for the people of the ACT.

*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 12.23 to 2 pm.**

## Questions without notice

### Hospitals—Calvary Public Hospital and Clare Holland House

**MR SESELJA:** My question is to the Minister for Health. Minister, is the government willing to decouple the sale of Clare Holland House from the deal to purchase Calvary hospital?

**MS GALLAGHER:** The proposal which we are consulting on at this point in time has two elements to it—the purchase by the government of Calvary Public Hospital and the sale by the government to the Little Company of Mary of the hospice. That is the proposal that we are consulting on. I am in constant discussion with Little Company of Mary as we move through the consultation process, but it is not the intention of the parties to separate the proposal as it stands for the community's consideration at this point.

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

**MR SESELJA:** Minister, can you advise the Assembly whether the sale of Clare Holland House will proceed even if the purchase of Calvary does not?

**MS GALLAGHER:** If the sale of the hospital does not proceed, will the sale of the hospice proceed? Is that the question? If the proposal as it stands is not supported by the Assembly, I guess the decision by the government will be how to manage the future steps, and that will involve discussions on the hospice and discussions about how we finance the upgrade at Calvary Public Hospital.

**MR SPEAKER:** Supplementary question, Mr Hanson?

**MR HANSON:** Minister, how long has the government wanted to sell Clare Holland House and why did the government not take this policy—that is to sell the hospice—to the community prior to the last election?

**MS GALLAGHER:** The discussions around Clare Holland House and the future of Clare Holland House came up at the beginning of the discussions with the Little Company of Mary about the proposed future arrangements of Calvary Public Hospital. I think I have been on the public record a number of times about that. It has been involved in the discussions from the beginning. We went public at the first opportunity once the decisions and the facts around the proposal were clear, including the costs—

*Opposition members interjecting—*

**MS GALLAGHER:** Mr Speaker, I am talking about when the government came out with the proposal as it stands. It happened at the earliest opportunity once agreement had been reached about matters which were subject to the transfer agreement and the costs of both Clare Holland House and Calvary Public Hospital.

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



**MS BRESNAN:** Yes, Mr Speaker. Will the government be taking into account the outcomes of the consultation process and looking at the decision making that has taken place?

**MS GALLAGHER:** Yes, we will.

### **Children—kinship carers**

**MS HUNTER:** My question is to the minister for children and young people. It concerns kinship carers. Minister, in election commitments the ALP promised to provide \$800,000 over four years for a grandparent support service, including kinship carers. Minister, can you tell us when this commitment will be delivered? And how will kinship carers be involved in the rollout of the information, advice and support programs?

**MS BURCH:** I understand the advice that that program was delivered as part of this budget but I also will provide some additional information that, as of October of this year, 496 children and young people in out-of-home care were in foster care arrangements, 237 were in kinship care placements, 40 were in residential care and nine were individual support placements. A weekly age-related subsidy is paid to foster and kinship carers but this is not the case across all jurisdictions. I think here in the ACT we do well in that area.

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

**MS HUNTER:** Minister, what has been done to recognise the role that kinship carers play in bringing up children other than their own?

**MS BURCH:** Currently 60 per cent of kinship carers looking after children in care of the chief executive are grandparents. Marymead is supported to provide a grandparent support network in south Canberra. The service provides referral information, support and advocacy through direct contact and newsletters. The ACT government has recently committed to strengthening information and support networks for kin, grandparents and Indigenous kin carers as part of our election commitment. An ACT kinship representative group has recently been formed and a kin grandparent support group has been established in north Canberra.

**MR SPEAKER:** Supplementary question, Ms Bresnan?

**MS BRESNAN:** Yes, thank you, Mr Speaker. Minister, can you give an assurance that kinship carers, many of whom are spending their superannuation and pensions by providing a home for children, will be given the level of support necessary to manage?

**MS BURCH:** As for information on financial support offered to kinship carers, the care subsidy is intended to contribute to the basic living costs associated with housing, food, utilities, transport, recreational activities and basic school items. Carers are eligible to access payments in addition to the weekly subsidy where approved as part

of a care plan such as a childcare school holiday program and tutoring. The high-level subsidy payments may be made to support placements for children and young people with more complex needs. Also in 2009 the standard fostering kinship care subsidy for a 12 to 14-year-old is \$199.25 per week and is \$587.15 for the same age group person in specialised foster care. These subsidies are non-taxable and are increased annually in line with the consumer price index. In the past 10 years, from 1998 to 2008, subsidies have increased by 48.5 per cent.

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

**MRS DUNNE:** Thank you, Mr Speaker. Minister, what actions will you be taking in your new role to address the concerns particularly of grandparents who are struggling, often on a pension and with very small remuneration, to raise their grandchildren?

**MS BURCH:** I intend to work closely with the stakeholders—that is, the parents, the grandparents and the children in this sector—with respect to these vulnerable children, the ones that are in the care of grandparents who may be struggling and experiencing financial hardships. I will work across the department and the NGO sector to do all that we can for them.

### **Hospitals—Calvary Public Hospital and Clare Holland House**

**MR HANSON:** My question is to the Minister for Health, and is in relation to the Treasury analysis produced to justify the proposal to purchase Calvary hospital. The respected RMIT economics professor Sinclair Davidson asserts:

The ACT Treasury calculations do not support the purchase of Calvary Hospital—rather they support the status quo or base case.

In addition, Dr Terence Dwyer, who has a PhD in economics from Harvard University, has stated in relation to this analysis:

The accounting “analysis” has nothing to do with the real economic cost to the community—which is the cash cost.

Minister, what is the estimated cash cost of the purchase over the next 20 years, and where is this figure included in the Treasury analysis?

**MS GALLAGHER:** As the shadow minister will know, because he has had a briefing from Treasury and he has had access to the financial analysis from Treasury, the cash impact of the three scenarios, including the base case, the buy case and the build case, is outlined in the financial analysis that I am sure he has in front of him. The impact there, as you can see from chart 4, which shows the cash impact over a 20-year period, is roughly \$374 million in cash flow terms for the base case; for the buy case it is \$535 million, and that of course includes the purchasing and financing costs of buying the hospital. The difference of course is that we get an asset in return, and that is reflected in the balance sheet.

I think you rely heavily on these experts in your own financial analysis, if you can call it that, in your media release, and it seems to me that you are still struggling with the

concept of recurrent versus capital. The financial analysis of this transaction has to be seen from the operating impact, has to be seen from the balance sheet impact and has to be seen from the cash impact. The Liberals in their blatant refusal to consider this have to respond to, I think, questions from the community about the \$145 million improvement over a 20-year period in our operating balance, and you are just prepared to ignore that.

That is the question for you—you are prepared to ignore it; you ignore the fact that this is the most cost effective way to manage the future health needs of this community. Nobody can dispute that. You can argue about accounting treatments, but nobody goes to the point that in return for our outlay of cash we get an asset back—we get the asset back and a \$145 million improvement on our balance sheet. That is what we get; that is what the people of the ACT get. They get to own and operate their public hospital and they know their taxpayer funds are used to finance and rebuild the public hospital system on the north side of Canberra. It is an asset for the entire community; it is not a gift to a third party.

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

**MR HANSON:** Minister, will the government raise taxes to accommodate this cash cost in its budget or will it cut services to the community elsewhere?

**MS GALLAGHER:** Again, the shadow minister fails to grasp the financial analysis. I note that in his original question he, I think, implied that the Treasury analysis had been determined to fit the government's proposal. I just would urge members in this place not to besmirch the reputation of Treasury officials who were given a job to do—and act in the interests of the public service and the community more generally to analyse—

*Opposition members interjecting—*

**MS GALLAGHER:** You go and read your question where you said that the Treasury analysis was used to fit the government's proposal. The issue here is that we have the cash available to purchase this.

*Opposition members interjecting—*

**MS GALLAGHER:** We have the cash available to purchase this. The operating impact on our budget—the buy is the most cost-effective way forward. Mr Hanson, you have not been able to dispute that. Nobody has been able to dispute that. Dr Dwyer's comments did not go to the operating impact or to the balance sheet impact of the transaction. You cannot ignore them. These are matters of significant importance to any government of any political colour in this place. The status quo will result in a gift of \$200 million to a third party and it will hit our operating impact. It will hit it. If you think about the deficits that we have to deal with in the next seven years—for example, if we made the decision—

*Opposition members interjecting—*

**MS GALLAGHER:** Mr Hanson is unable to grasp the analysis as it stands, and that is unfortunate.

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

**MS PORTER:** Minister, in relation to the proposed purchase of Calvary, can you please outline some of the benefits, including the financial benefits of a networked public hospital system?

**MS GALLAGHER:** I would be very happy to do so. In relation to the financial analysis, I have to say even though we have had criticism on the sidelines from a number of players, they have been unable to prove that the Treasury analysis is wrong. That is the challenge. That is the challenge to those that oppose this deal.

**Mr Hanson:** On a point of order: the question was specifically about the financial benefits of a networked public hospital system, rather than the Treasury analysis about the purchase of Calvary hospital. I think there is a significant distinction between the financial benefits of actually having the two hospitals operating together and the financial benefits of that. They are very separate issues, Mr Speaker.

**MR SPEAKER:** Treasurer.

**MS GALLAGHER:** Thank you, Mr Speaker. I was just getting to the point that the financial analysis clearly shows that, under the proposal to buy the hospital, of all the options, it is the most cost-effective way to manage the rebuild of the Calvary Public Hospital at Bruce, and nobody has been able to dispute that. So the financial analysis clearly shows that, over a 20-year period, our balance sheet, our operating result, will be better off in the order of \$145 million.

In relation to the networked hospital, that is something that I think the opposition are using as a reason not to support the move. They have failed to understand the possibilities or the opportunities that are generated from a networked public hospital system.

For example, if one were to attend the emergency department at Calvary and required transfer to the Canberra hospital, at the moment both emergency departments are managed under different governance and management arrangements. The IT systems do not speak to each other. The public hospital at Bruce is managed by paper. We have an electronic system at TCH. For that patient to be transferred to TCH requires a significant amount of work between the management structures of both hospitals to allow that to happen. It happens as well for transfers from Canberra hospital to Calvary hospital.

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

**MR COE:** Minister, are Professor Davidson and Dr Dwyer wrong?

**MS GALLAGHER:** Their analysis is incomplete. It does not look at the impact on our budget. It does not look at the impact on our balance sheet. In relation to

Dr Dwyer, he uses the figure of \$160 million when the figure he should be measuring is \$110 million. So, yes, there are mistakes in the analysis, but it does not look at the complete picture. And nobody has been able to discredit the Treasury financial analysis. So if you are going to come in here and rubbish it and trash it, come in here and prove that it is wrong.

### **Childcare—fees**

**MR DOSZPOT:** My question is to the Minister for Disability, Housing and Community Services. Minister, do you estimate childcare fees will rise in the next few years? If so, what will cause the rise and what impact will this have on families in the ACT?

**MS BURCH:** I would imagine the cost of living would result in increased costs. Other details I am certainly happy to bring back. Generally, across the community increased cost across a range of services is to be expected, as in so would the cost of cornflakes and bread increase.

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

**MR DOSZPOT:** Minister, which measures being considered or implemented by the government will put upward pressure on childcare fees?

**Mr Corbell:** Point of order. The member is asking Ms Burch for an announcement of government policy in terms of announcements that may result—

*Opposition members interjecting—*

**Mr Corbell:** I think the question both seeks to anticipate announcements that have not been made, and to that extent is hypothetical, and invites the minister to make a public policy announcement, which you cannot do in this forum.

**MR SPEAKER:** On the point of order, Mr Doszpot?

**MR DOSZPOT:** I am willing to take out “considered” from my question.

**MR SPEAKER:** Would you like to reframe the question, Mr Doszpot?

**MR DOSZPOT:** Minister, which measures being implemented by the government will put upwards pressure on childcare fees?

**MS BURCH:** I will answer that. This government is working closely with the commonwealth government. There is an agenda for a national quality framework across early childhood that could have a ripple effect across every jurisdiction across childcare centres. That could come in to increase the cost. It is around quality services to our early childhood sector. It is an ongoing discussion between the commonwealth and jurisdictions. As that discussion develops, I am quite happy to keep you updated.

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

**MRS DUNNE:** Thank you, Mr Speaker. Minister, will you commit to ensuring that any government measures that put upward pressure on childcare fees will be matched by ACT government measures to help bring down the cost of childcare?

*Members interjecting—*

**MR SPEAKER:** Order! Minister Burch, you have the floor.

**Mr Hanson:** Is that why you're doing it, Jon?

**Mr Stanhope:** It will assist across the board.

**MR SPEAKER:** Order, members! Mr Hanson, Mr Stanhope, that is enough.

**MS BURCH:** My response would be to highlight our commitment to early childhood centres. We have brought on 666 new places this year, which brings the figure to over 15,000 childcare places. We are about quality education. We are providing cost-free tuition through CIT for early childhood education to bring in the workforce capacity across the sector. So whilst there could be upward pressures, we are also going to create service provision improvements that will balance those along the line.

### **Battery cage eggs**

**MS LE COUTEUR:** My question is to the Minister for Territory and Municipal Services and concerns the government's approach to poultry welfare. Why has the ACT government failed to implement the model code of practice for welfare of poultry in the ACT, despite repeated calls from the ministerial council over many years to implement it as a matter of priority?

**MR STANHOPE:** I thank Ms Le Couteur for the question. I do not think it is fair to say that the government has failed to implement it. It is a voluntary code, accepted or adopted by industry. A voluntary code adopted by industry is a code for industry to implement on a voluntary basis.

I think at the heart of your question is a suggestion perhaps, a policy position to be put by the Greens, that the voluntary code should not be voluntary; it should be mandated or there should be a statutory requirement. I think the answer to your question is that the attitude adopted by this jurisdiction and, as I understand it, other jurisdictions around Australia is to pursue issues in relation to the codes as model, voluntary codes for adoption and implementation by industry.

I am aware of some earlier advice I have provided on this. I do not remember the specific detail of it. I find it perhaps best to take the question on notice and actually respond to you on the specifics of the question you asked on the way in which the codes operate so as not to mislead you or the Assembly. But that is my understanding.

I think there is a debate to be had on the enforceability of codes that impact on poultry farming, particularly caged egg production, and I am more than happy to come back

to you with specifics on the technical aspects of how the codes on animal welfare in that particular industry operate.

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

**MS LE COUTEUR:** Thank you, Mr Speaker. Given that New South Wales already has legislation to implement the poultry welfare code properly and we do not, do you still maintain that the ACT leads on animal welfare and that chickens would actually be much worse off if they were relocated over the border?

**MR STANHOPE:** In the context of floor space available, it is quite interesting. I would be more than happy to engage in discussion on this. The issue in relation to the non-implementation of the voluntary code that is of most concern to you is the size of the door to the cage. The point that I have made repeatedly and upon which I base that assertion is that, as a result of decisions taken by Pace Farms at Parkwood, on average, across the farm, hens housed at Pace Farms at Parkwood occupy a space almost double the code requirement. My understanding is that that is one of the very few cage egg production facilities in Australia where the hens actually occupy almost twice the mandated space in terms of floor space.

You have raised issues on the extent to which doors in the Pace egg production facility meet Australian standards. You and I can have a debate about whether or not a hen that occupies twice the floor space in the ACT as opposed to a hen in New South Wales which occupies half the space but has a bigger door, which it only exits twice in its life, is actually enjoying better standards than a hen that does not. If your particular proposition that hens in New South Wales enjoy a higher quality and are better off because they have a bigger door which they never use than a hen which has double the floor space in which it lives, I will stick with Pace Farms at Parkwood. But I am more than happy to have that conversation with you.

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

**MS PORTER:** Yes, thank you, Mr Speaker. Minister, has there been any progress on the government's offer to help phase out battery hen production in the ACT?

**MR STANHOPE:** I thank Ms Porter for the question. I think members are aware of the government's activism in relation to the issues around cage egg production. We have taken the lead. We have taken the lead as a jurisdiction at ministerial councils. I believe I am probably the only minister with responsibility for animal welfare that has ever raised at a national ministerial council the prospect of phasing out cage egg production in Australia. I was not successful; but I made the effort and a conversation ensued as a result of that. There has been as a result of that some movement in relation to a national conversation around some of the issues that cage egg production creates.

I am sure it is the case that ours is the only jurisdiction in Australia where money has been put on the table, offered, to arrange for the conversion of a cage egg facility to an alternative system of egg production. There is still and there remains a \$1 million offer on the table in the ACT to Pace Farm to convert. I have previously advised

members of the Assembly that that is an offer that has been rejected by Pace Farm. They insist that it is not nearly enough; that the economies are not there for them.

We have indicated strongly our commitment to seek to enhance, and I am sure ultimately to phase out, cage egg production. Our position on this is unequivocal: we do not believe other than of course accepting that there is a leadership role for governments to play in relation to issues of community concern. I believe there is a leadership issue. We have shown leadership on this issue. We have not shown the extent or degree of leadership that perhaps some would like; in other words that we simply close the facility, with the impact that that would have on employment and on our economy. I think there is, Ms Le Couteur, a reasonable and genuine argument to be had: to what extent is the animal welfare of a single hen enhanced by simply moving the facility into New South Wales? (*Time expired.*)

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

**MS BRESNAN:** Are you taking action against Parkwood under the Animal Welfare Act for confining animals in a way that causes injury, pain or excessive distress using a method that does not even meet the minimum standard in the poultry welfare code?

**MR STANHOPE:** Ms Bresnan, if you have specific allegations to make against Pace Farm, I would be grateful if you would refer them to me and I would be more than happy to refer them to the appropriate authorities.

### **Actew Corporation—portfolio responsibility**

**MRS DUNNE:** My question is to the Treasurer. Treasurer, last week, in a briefing given by officials from Actew Corporation, members of the opposition were informed that Minister Corbell does not have ministerial responsibility for Actew Corporation. We were informed that you as Treasurer have portfolio responsibility and this is borne out by the administrative arrangements. But previously in this place Mr Corbell has sought to take responsibility for answering questions about the major water projects and the related activities of Actew and about the Bulk Water Alliance of which Actew is a member. Treasurer, why was Mr Corbell trying to field questions directed to you?

**Mr Stanhope:** I raise a point of order, Mr Speaker. I am responsible for the administrative arrangements orders. Mr Corbell, as minister for the environment, has administrative responsibility, as minister for the environment and minister for water, for water policy and for water security. Mrs Dunne may take her advice from others in relation to administrative arrangements in this place, but she is wrong, and so are they. Mr Corbell has administrative responsibility, as minister for the environment and minister for water and minister for climate change, for water policy—

**MR SPEAKER:** Mr Stanhope, is this a point of order or an answer to the question?

**Mr Stanhope:** It is a point of order. The question was out of order.

**MR SPEAKER:** Well, I do not think the question is out of order, Mr Stanhope.



**Mr Stanhope:** Well, it is. It might have been directed to me as it was a question about administrative arrangements orders.

**MR SPEAKER:** There is no point of order, Mr Stanhope.

**Mr Stanhope:** The Deputy Chief Minister is not responsible for the administrative arrangements orders; I am.

**MR SPEAKER:** Order! There is no point of order.

**MRS DUNNE:** Can I just ask the question again and put some clarity into the question?

**MR SPEAKER:** Just the last part, Mrs Dunne.

**MRS DUNNE:** Okay. Mr Corbell sought to take responsibility for answering questions in this place previously, and given the advice that we have received and what the administrative arrangements say about your role in relation to Actew, why was Mr Corbell trying to field your questions?

**Mr Stanhope:** I will take that question.

**MR SPEAKER:** Would you like to answer on behalf of—

**MR STANHOPE:** I will take that. That question should have been directed to me and I will take it.

The question is based on a misunderstanding of the administrative arrangements order. I must say that for somebody of Mrs Dunne's experience I am surprised that she does not understand how administrative arrangements work or how to interpret them. The minister for the environment and the minister for water is responsible for water policy and water security and it is appropriate that he answers questions in relation to those matters.

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

**MRS DUNNE:** If the Treasurer is responsible under the administrative arrangements for Actew Corporation, why is it not appropriate for the Treasurer to answer questions in relation to the activities of Actew Corporation, even if they do relate to the broader alliance?

**MR STANHOPE:** I think a review of *Hansard* would show that the Treasurer has answered numerous questions in relation to this particular project, in relation to Actew, in relation to the dam and in relation to water security, to the extent that it actually impacted on her responsibilities as reflected in the administrative arrangements order. It is a bit like saying, when there is a minister for housing how is it that the opposition continue to ask me questions about housing affordability. It is because of the way the administrative arrangements order has been structured and because I have

administrative responsibility for some aspects of housing, namely housing affordability. So, that is the simple answer, Mrs Dunne. Have a look at the administrative arrangements order, read it, and try to understand it.

### **Cotter Dam—cost**

**MR COE:** My question is to the Treasurer. Treasurer, Actew's managing director says the target out-turn cost of the enlarged Cotter Dam will be \$299 million. According to the report of the independent review undertaken by Deloitte, the independent estimator says it will be \$312.6 million. The Deloitte report notes that the TOC 2 is \$310.9 million. Abigroup, one of the alliance partners, in a media release dated 23 September 2009, says it will be \$262 million. Treasurer, which target out-turn cost is the right one and why are the others wrong?

**MS GALLAGHER:** As I understand it, it is the \$299 million figure. The Deloitte review did include a cost of \$311 million, but I understand that, in the final working through of the costs, that was revised to \$299 million. Of course, the additional costs between \$299 million and \$363 million are to pay for a range of other things—mainly environmental costs, fish habitat and things like that. So the figure is \$299 million.

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

**MR COE:** Treasurer, how can the people of Canberra be confident about the cost forecast for the Cotter Dam when none of the players are singing from the same song sheet?

**MS GALLAGHER:** I think they are. The final cost, as outlined, is \$363 million. That is the figure that has been given as the final figure for the enlarged Cotter Dam. The alliance partners have entered into contracts around those costs and the government has been given assurances repeatedly, and other members of this place have, that the dam will be built for the figure of \$363 million unless it comes in under. I think we have heard Mark Sullivan give those commitments to the people of the ACT. I think the people of the ACT want us to build this dam, get on with it and make sure that we have a secure water supply for the future of this city.

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

**MRS DUNNE:** Thank you. Treasurer, if Deloitte has told us that TOC 2 was \$310.9 million, why did Mr Sullivan announce it publicly as \$299 million?

**MS GALLAGHER:** That has been answered. There were some final discussions around the final cost. That final cost is \$299 million. May I suggest that these questions could have been put to Actew in their briefing with Liberal members—which I understand was not well prepared for by the Liberal opposition, but that is something that we have grown accustomed to in this place. You have had your opportunity. You have obviously missed the opportunity. I am sure that Actew would be able to come back and provide a second briefing to cover those areas that the Liberals have been unable to grasp.

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

**MRS DUNNE:** Thank you, Mr Speaker. Treasurer, if TOC 2 was \$310 million, or \$299 million, whichever you choose, what was TOC 1 and what elements were the main contributors to the change?

**MS GALLAGHER:** I am happy to come back and give those details to Mrs Dunne. I do not have all of that detail on me. The cost—and you say whatever it may be—is \$299 million. I do not think we need to sit there and pretend that there is any confusion around that figure.

### **Health—asbestos**

**MS BRESNAN:** My question is to the Minister for Industrial Relations and is in regard to government plans for an asbestos register. Currently, legislation requires that commercial buildings be assessed for asbestos in order to be placed on an asbestos register. Is the government considering expanding this requirement to include non-commercial buildings and residences?

**MS GALLAGHER:** I have not been able to have a briefing from Industrial Relations this morning but I understand the issues of asbestos. Some of the concerns about the asbestos register and, indeed, how we as a community manage the risks posed to us as a community through the harmful effects of exposing the community to asbestos have been raised with me as well. I think these are matters that are going to remain for some time. I am happy to take some further advice on that—I have not had the opportunity to have a briefing this morning—and come back to the Assembly.

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

**MS BRESNAN:** Thank you, Mr Speaker. What enforcement measures has the government taken to ensure that asbestos is handled safely at non-commercial work sites such as home renovation sites or knockdown-rebuild sites?

**MS GALLAGHER:** That probably goes in to the Office of Regulatory Services, but when I was previously Minister for Industrial Relations, we did overhaul all of our responses around asbestos and management of asbestos in the community, particularly if asbestos was going to be moved or removed. So there is a regulatory framework that exists for handling asbestos. That is managed through the Office of Regulatory Services.

I have just forgotten the first bit of your question—or the second bit. I am happy to come back, essentially.

**MRS DUNNE:** I have a supplementary, Mr Speaker.

**MR SPEAKER:** Thank you, Mrs Dunne.

**MRS DUNNE:** Minister, can you assure the Assembly that the regulations in relation to industrial and commercial buildings are being complied with and that there are now assessments of all appropriate buildings built before 2003; that there is an asbestos

assessment and an asbestos management plan in accordance with the regulations for all of those buildings?

**MS GALLAGHER:** There is a regulatory framework and I think the issue that has arisen lately and is under investigation is about whether there was compliance within that regulatory framework. The government has established a task force to work through all the issues relating to what occurred out at Pickles in Fyshwick. We are receiving some submissions through that. I know that health have received some submissions around amendments that might need to be made in the future around how we manage that issue as a community. But I think that the proposed way forward, which was established by Minister Corbell after receiving a thorough briefing on what occurred at Pickles, is that we can always learn when situations like this occur and ensure that our frameworks are adequate and, if they are not, make sure that we make changes to ensure they are adequate.

The risks of asbestos are going to be around for some time. It is in buildings. Many of those buildings in the near future will be renovated and it does present challenges and risks to the community. Although we did overhaul our response around asbestos in 2004 and then again in 2006, it is timely that we have another look at it in light of this incident at Pickles and make sure that we are doing everything that we can do to ensure that exposure to the community does not occur.

**MS LE COUTEUR:** A supplementary?

**MR SPEAKER:** Yes, Ms Le Couteur.

**MS LE COUTEUR:** Thank you, Mr Speaker. What measures will the government put in place to ensure that the asbestos waste which is generated from home renovations, knockdowns et cetera is actually handled safely at government waste facilities?

**MS GALLAGHER:** That area is already covered under our regulatory framework. Home renovators and contractors doing work on homes are required to fill out an asbestos management plan, essentially. That clearly indicates how that waste should be handled and disposed of. We have got the framework out there. If that framework is not adequate, that is the question, I guess, that has been put through some of our analysis of what occurred at Pickles, even though that did not relate to home renovation and disposal. But I think the issue of disposal of asbestos waste will be examined through this review that is currently underway.

### **Energy-feed-in tariff**

**MS PORTER:** My question is to the Minister for Environment, Climate Change and Water. Can the minister please inform the Assembly on the progress of the Labor government's nation-leading feed-in tariff?

**MR CORBELL:** I would like to thank Ms Porter for the question. I am very pleased to advise the Assembly that last week, indeed last Friday, we saw the one thousandth

installation of solar photovoltaic panels on households here in Canberra, less than nine months after the commencement of the feed-in tariff scheme, the territory has reached the 1,000 mark in terms of the number of solar panel installations in households—a great result for Canberra, a great result for the community and a great result for encouraging the deployment of renewable energy generation here in our city.

Indeed, this goes beyond the projections initially anticipated by the government when the scheme commenced back in March. The government anticipated that in the first 12 months we would see a 90 per cent increase in the number of installations accessing the feed-in tariff, and with four months still to go growth is already at 76 per cent. So, we are very confident that we will see that 90 per cent growth rate met, or indeed exceeded, and that is really a very strong indicator of the community's willingness to engage in the scheme.

I was delighted to be at the house of Dr Joanna Jones, a resident of Lyons, who has just installed a 3.5 kilowatt system on her garage roof. Her installation was the one thousandth installation for the territory. She is a grandmother, and I spoke to her about what was driving her to install PV in her home. First and foremost, she said, "I am doing this for my grandchildren; I am doing this for my grandchildren's future because the challenge of climate change is real and we must individually and collectively do as much as we can to tackle it". She also mentioned that the feed-in tariff was a scheme that she was accessing, and she believed that was important in assisting her being paid back for her investment. This clearly indicates that Canberrans want action. They want action on the ground, and they will embrace and respond to measures that this government puts in place to respond to these challenges.

I am delighted to see the take-up rates that we have seen to date. The September quarter report, which I have received from our electricity utility, has highlighted that take-up rates for the scheme have been strongest in a range of suburbs, including Kambah, Curtin, Ainslie and Campbell. What is also particularly interesting is that as of today I notice that the New South Wales government has agreed that they would introduce a gross feed-in tariff for their state. Whilst details are yet to be confirmed, it is pleasing to see that New South Wales is following the ACT's lead, following the leadership provided by the Labor Party and by Mick Gentleman as the member who initially proposed the legislation in this place, and introducing a feed-in tariff for their state as well and introducing a gross scheme the same as this place chose.

The only people in Canberra who do not like the feed-in tariff are those opposite. They voted in favour of the scheme, but in recent times they have chosen to bag it, to denigrate it and say it is not a worthwhile initiative. Go and tell that to Dr Joanna Jones of Lyons. That is what I say to them: go and tell it to Dr Joanna Jones of Lyons and the 1,000 other households in the ACT who have put PV on their roofs.

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

**MS PORTER:** Thank you, Mr Speaker. Minister, what preparations are being undertaken to expand the feed-in tariff in the ACT?

**MR CORBELL:** We know the feed-in tariff works in encouraging the uptake of renewable energy generation. We know that it works and we are seeing it work here, on the ground, in the ACT. At the moment, as members would be aware, the scheme is capped to a total of 30 kilowatts in capacity but the government is currently considering options for expansion of the tariff.

Stage 2 of the tariff does have the potential to be made available to larger scale generation and, indeed, generation of a scale which could assist with the development of a large-scale solar power generation capacity for the city. The government is undertaking detailed financial modelling, modelling on the impacts on consumers, as the community would expect, as part of its considerations for stage 2.

We want to make sure the scheme is fully developed before putting out proposals for community consultation. A standard discussion paper will be released later this year. Indeed, it is my expectation that it will be released before the end of this year to allow the community to comment on detailed options for expansion of the tariff to larger scale generation.

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

**MS HUNTER:** Minister, have there been any problems that have occurred with the installations of PV, and how have they been overcome—or have they been overcome?

**MR CORBELL:** I am not aware of any recent problems in relation to consumers being able to install and get the necessary approvals and the necessary connections for solar panels on their homes. There was an initial issue, as members would be aware, around the advice given to consumers about when and how they needed to connect to the scheme, for those who had existing PV prior to the scheme's commencement. That issue has been rectified. Actew have backdated payment arrangements to the date of the commencement of the scheme for those consumers who already had PV in place and wished to take advantage of the new tariff arrangements.

Since that time, in talking to retailers and talking to installers, the feedback was overwhelmingly positive. It is working. It is working well. More and more Canberrans are taking advantage of going solar and helping to make Canberra the solar capital.

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

**MS BRESNAN:** Thank you, Mr Speaker. How does the installation of domestic PVs through the feed-in tariff build towards a decentralised energy system?

**MR CORBELL:** I thank Ms Bresnan for the question. Indeed, the installation of PV at a household level does have the ability to create a decentralised energy grid. Obviously, generation close to source, where it is feeding back into the grid, particularly during peak demand periods—hot summer days, for example, with the large use of air conditioning during that period—does assist the overall operation of the grid, as long as it is done in a balanced way and in a way that is consistent with the technical requirements of the grid.

I am confident to date that that is the case. This is a matter that ActewAGL continue to keep under close supervision and observation. But to date we have not seen any problems with the deployment of PV in relation to that matter. Moving forward, with larger scale generation there will be the capacity—and I would hope there would be the capacity—for small-scale solar farms, particularly in the urban setting, which, again, will reinforce a decentralised energy grid and create greater security of supply, particularly during peak periods.

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

## **Chief Magistrate Statement by minister**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services), by leave: I rise to advise the Assembly today of the government's decision to establish a judicial commission into a complaint against the Chief Magistrate of the Australian Capital Territory under the Judicial Commissions Act 1994. The complaint is that on or about 21 October this year the Chief Magistrate caused or procured the creation and transmission of written material to Special Magistrate Peter Lauritsen which had or might have had the effect of interfering with the conduct of criminal proceedings to be heard by him relating to a public figure known professionally and socially to the Chief Magistrate before the proceedings commenced.

The complaint was made to me on 23 October by two magistrates of the ACT Magistrates Court, Magistrate John Burns and Magistrate Karen Fryar. The complaint relates to the behaviour of the Chief Magistrate in relation to a criminal proceeding currently before the Magistrates Court which is the subject of a suppression order and which I cannot comment on. The complaint revolves around documents prepared by or on behalf of the Chief Magistrate.

Following receipt of this complaint and the documents in question, I sought the advice of the Chief Solicitor of the ACT Government Solicitor's Office. On his advice, I referred the matter to the Director of Public Prosecutions. The Director of Public Prosecutions has subsequently, and on his own initiative, referred the matter to ACT Policing for investigation in relation to possible breaches of the Criminal Code. This police investigation is ongoing and I will not comment on it further. These are matters properly the responsibility of the independent Director of Public Prosecutions and the police.

My responsibilities as the Attorney-General and first law officer are clear, and they must be exercised without fear or favour, affection or ill will. As Attorney-General, I must always strive to maintain the integrity of the justice system and public confidence in it.

Once a complaint is received by me, I must decide, firstly, whether the complaint is valid and, secondly, whether, if substantiated, it would justify consideration by the

Assembly of a motion requiring removal of the judicial officer. I wish to stress to members it is not for me to judge whether or not the allegations that have been made are true, and I am making no such judgement. The threshold for my decision is whether or not the complaint, if substantiated by a judicial commission, would justify consideration by the Legislative Assembly of a motion requiring removal from office of the judicial officer for misbehaviour.

I believe that the complaint I received from magistrates Burns and Fryar on 23 October should be treated as a complaint for the purposes of the act. I further believe that the complaint, if substantiated, would justify consideration by the Legislative Assembly of a motion requiring the removal from office of the Chief Magistrate. The complaint is a serious one. If proved, the alleged behaviour could amount to an attempt to influence the conduct of a proceeding.

Whilst any possible criminal charges are currently being investigated by the Australian Federal Police, I am still bound to acknowledge the gravity of the alleged behaviour. As the head of the ACT Magistrates Court, the Chief Magistrate must lead by example and act in an ethical and proper manner at all times.

Whether or not any criminal charge is laid or proved, the conduct of the Chief Magistrate, if established, may represent an attempt to influence the outcome of a criminal matter currently before the court, and this would be misbehaviour. Conduct such as that alleged in the complaint is unacceptable from any judicial officer and leads me to conclude that, if proved, the Legislative Assembly could consider a motion to remove the Chief Magistrate from office.

I have had close regard to the fact that the Chief Magistrate is required to retire from his office on 15 December when he reaches the statutory age limit of 65. I have concluded that, whether the complaint was made with six years, six weeks or six days left in the magistrate's term of appointment, the complaint must be dealt with on its merits and in accordance with the act.

Therefore I advise the Assembly that today I have requested that the government establish a judicial commission and that that request has been accepted. The commission will be comprised of three retired Supreme Court judges from other jurisdictions. The commission will conduct its business in accordance with the act and the government will provide such assistance to the commission as it requires.

I wish to also foreshadow to members that, should the commission advise it is unable to complete its inquiries and present its report before the Chief Magistrate's statutory retirement date of 15 December this year, the government will propose amendments to the Judicial Commissions Act to allow the commission to complete its work after 15 December.

As a result of the decision to establish the inquiry, and pursuant to section 19(1) of the act, the Chief Magistrate is excused from performing his functions as Chief Magistrate. I know that this decision today will shock and sadden many in the Canberra community, particularly the legal profession. I share those feelings; yet I must also reiterate that the proper administration of justice and maintenance of



public confidence in that administration must be our primary concern at this time. I thank members.

## Papers

**Mr Speaker** presented the following papers:

Standing order 191—Amendments to:

Adoption Amendment Bill 2009, dated 20 October 2009.

Courts and Tribunal (Appointments) Amendment Bill 2009, dated 19 and 20 October 2009.

**Mr Stanhope** presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2008-2009—ACT Public Cemeteries Authority—Errata.

## Financial Management Act—instrument Paper and statement by minister

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health and Minister for Industrial Relations): 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 the Environment, Climate Change, Energy and Water, including a statement of reasons, dated 20 October 2009.

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

Leave granted.

**MS GALLAGHER:** Section 16B of the Financial Management Act, relating to the rollover of undisbursed appropriation, allows for appropriations to be preserved from one financial year to the next, as outlined in instruments signed by me. As required by the act, I table a copy of recent authorisations made to roll over undisbursed appropriation from 2008-09 to 2009-10. This package includes only one instrument signed under section 16B. The appropriation being rolled over was not spent during 2008-09 and is still required for 2009-10 for the completion of the projects identified in the instrument.

The instrument authorises a total of \$1.617 million in rollovers for the Department of the Environment, Climate Change, Energy and Water, comprising \$679,000 of recurrent appropriations and \$938,000 of capital injection appropriations. I have agreed to these rollovers where the appropriation clearly relates to project funds or where commitments have been entered into but the related cash is not yet required or cannot be expended during the year of appropriation.

The rollover of \$938,000 capital injection for DECCEW includes:

- \$50,000 for the relocation of fit-outs of levels 2 and 3 of the annexe in Macarthur House. The delay was due mainly to the extended completion of the Department of Education and Training's level 1 fit-out at 220 Northbourne. DECCEW was unable to complete its minor fit-out work pending the relocation of DET staff; and
- \$888,000 for the renewable energy technology showcase. The original technology that was selected for the project was found to be unsuitable, given the nature of the intended site, and further studies were required to determine the most appropriate solution.

The rollover of \$679,000 for DECCEW in recurrent funding includes:

- \$90,000 for the solar facility. This project has been the subject of significant community engagement and procurement processes, pushing the delivery time past the end of the financial year;
- \$150,000 for the feed-in tariff. The selection of the consultants to complete the financial modelling for stage 2 of the feed-in tariff—stage 2 took longer than expected;
- \$121,000 for the switch your thinking programs which is the result of a slower than expected uptake from the private sector of the commercial bathroom retrofit program;
- \$50,000 for environmental grants, which results from the difference in timing of the grants approval process and the disbursement of the grant funding; and
- \$268,000 for the Office of the Commissioner for Sustainability and the Environment, which has to be carried over in recognition of the time frames required to prepare the *State of the environment report*.

Details relating to these and all remaining rollovers are provided in the instrument. I commend the paper to the Assembly.

### **Financial Management Act—instrument Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health and Minister for Industrial Relations): 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 Education and Training, including a statement of reasons, dated 26 October 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 allows for appropriations to be preserved from one financial year to the next, as outlined in instruments signed by me as Treasurer. As required, I table a copy of the recent authorisation made to roll over undisbursed appropriation from 2008-09 to 2009-10.

The instrument authorises a total of \$10.755 million in rollovers for the Department of Education and Training, including: \$2.426 million net cost of outputs; \$908,000 payments on behalf of the territory; and \$7.421 million of capital injection 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 is not yet required or expended during the year of appropriation.

The rollovers of net cost of outputs include \$2.2 million to on-pass additional commonwealth government national school specific purpose payments, which was received in late 2008-09, and \$226,000 to maintain the teacher professional development program. The rollover for payments on behalf of the territory includes \$908,000 to relocate the remaining funds in the interest subsidy scheme with the non-government school sector. The capital injection rollover of \$7.421 million is made up of various projects that were delayed in 2008-09. This is partly offset by other projects that have been accelerated.

Specific details regarding these rollovers are included in the instrument. I commend the paper to the Assembly.

### **Financial Management Act—Instrument Paper and statement by minister**

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

Financial Management Act, pursuant to section 18A—Authorisation of expenditure from the Treasurer's Advance to the ACT Planning and Land Authority, including a statement of reasons, dated 16 October 2009.

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

Leave granted.

**MS GALLAGHER:** As required by the Financial Management Act, I table a copy of an authorisation in relation to the Treasurer's advance provided to the ACT Planning and Land Authority. Section 18 of the act provides for the Treasurer to authorise expenditure from the Treasurer's advance. Section 18A requires that, within three sitting days after the day such authorisation is given, the Treasurer must present to the Legislative Assembly a copy of the authorisation instrument, a statement of reasons and a summary of the total expenditure authorised under section 18 for the financial year.

This instrument provides an increase of \$639,894 in expenses on behalf of the territory appropriation for the ACT Planning and Land Authority to facilitate the

payment of compensation to the lessees of block 19 section 23 Hume and block 2227 Jerrabomberra, together known as Stonyhurst. The compensation relates to lessee-owned improvements on approximately 17.4 hectares of land zoned for future industrial use which will be withdrawn to enable the Canberra technology city development to commence. I commend the paper to the Assembly.

## **Financial Management Act—consolidated financial report Paper and statement by minister**

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): For the information of members, I present the following paper:

Financial Management Act, pursuant to section 26—Consolidated Annual Financial Report, including audit opinion—2008-2009 financial year.

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

Leave granted.

**MS GALLAGHER:** I am pleased to present to the Assembly the 2008-09 *Consolidated annual financial report* for the territory. The final 2008-09 net operating balance for the general government sector is a deficit of \$27 million. Given the overall size of the budget, this is practically a balanced result, with the outcome representing less than one per cent of the overall budget. The government is very pleased with the results given the level of economic uncertainty experienced nationally and internationally throughout 2008-09. Against a background of such uncertainty, we took a considered and prudent approach to managing the territory's finances in responding to those external challenges and in framing the 2009-10 budget. The financial outcome announced today for the 2008-09 year reflects that approach.

It has been a tough year. Let us not forget the significant economic and financial impacts that resulted in our revenues declining significantly over a short period of time. Let us cast our minds back to last year. The global economy had seen the sharpest decline in economic activity since the Great Depression of the 1930s. Global financial markets were in turmoil and many international economies were in recession.

Our budget was not immune from those impacts, particularly our revenues. GST revenues went back by about \$11 million and taxation revenues went back by about \$16 million, both of which should have grown broadly in line with growth in the economy. Similarly, while we expected gains on our superannuation investments during 2008-09, the impacts of the financial markets crisis saw a substantial negative return to the territory.

Despite the uncertainty associated with the global financial crisis, better than forecast national economic conditions were experienced in the latter quarter of 2008-09. These improved conditions reflect the effectiveness of the federal government's stimulus measures, the Reserve Bank's monetary policy settings and, in some part, our own local initiatives to support employment and provide confidence to the economy.

The commonwealth government's stimulus measures were effective and well targeted, and this is evident in their *Mid-year economic and fiscal outlook* released last week. Similarly, the Stanhope government's response was quick and effectively targeted to support those most at need and to where emerging capacity was becoming evident in our local construction industry. The general government sector's operating result also benefited from the stimulus measures, with \$12 million in extra commonwealth revenue coming in for building the education revolution and transport related measures.

Our demonstrated capacity to manage the territory's finances has been reflected with the affirmation of our AAA credit rating by Standard and Poor's in early October this year. The rating reflects the strength of our balance sheet, as demonstrated by our key financial indicators such as net debt and net worth, and the achievement of consistent operating cash surpluses.

While economic growth in the ACT slowed during 2008-09, and it remains well below the highs we have experienced over the past two financial years, we are, however, beginning to see signs of improvement. Household consumption expenditure has shown resilience and our unemployment rate remains well below the national average.

As highlighted in the recently released commonwealth *Mid-year economic and fiscal outlook*, global recovery has been stronger than anticipated, but despite improvements in the outlook the global recession has still had a marked effect on the Australian economy and the challenges remain.

More positive outlooks for the national and local economies will have some impact on our budget plan moving forward. As I have said in this place before, the plan was always developed to provide sufficient flexibility to respond to those changing conditions. Even with the improved outlook, the government has a substantial task ahead.

As advised in the 2009-10 budget update, the territory's GST revenues were forecast to drop by about \$420 million over four years. While the commonwealth's MYEFO shows some clawback of those revenues, only around \$109 million, this is a long way short of recovering what we have already lost. And we should be mindful that the commonwealth's own budget adjustment task represents a risk for the territory's economy and budget moving forward. I can advise members that the next update of the territory's financial position will be released with the midyear review, including any adjustments to our budget plan, a review of our revenue forecasts and the impacts of the commonwealth's MYEFO.

The financial report I present today has been prepared in accordance with Australian accounting standards and is in line with the requirements of the Financial Management Act 1996. In line with the new harmonised standards, the consolidated report has been greatly enhanced this year. The report now contains more information, including notes to the general government sector financials, detailed variance analysis and a breakdown of expenses, and assets by function. These increases in detail further

improve the accountability and transparency of government and more closely align the presentation of budgeted statements.

I am pleased to advise that, even with the substantial increases in reporting requirements and disclosures, the consolidated statements have received an unqualified opinion from the Auditor-General. I commend the 2008-09 *Consolidated annual financial report* for the territory to the Assembly.

## Papers

**Ms Gallagher** presented the following paper:

Annual Reports (Government Agencies) Act, pursuant to section 13—Annual Report 2008-2009—ACT Health—Addendum.

**Mr Corbell** presented the following papers:

Civil Law (Wrongs) Act, pursuant to section 205—General reporting requirements of insurers.

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

Legislation Act, pursuant to section 64—

ACT Civil and Administrative Tribunal Act—ACT Civil and Administrative Tribunal (Transitional Provisions) Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-51 (LR, 30 October 2009).

Agents Act, Associations Incorporation Act, Births, Deaths and Marriages Registration Act, Business Names Act, Civil Law (Wrongs) Act, Civil Partnerships Act, Classification (Publications, Films and Computer Games) (Enforcement) Act, Consumer Credit (Administration) Act, Cooperatives Act, Court Procedures Act, Dangerous Substances Act, Emergencies Act, Guardianship and Management of Property Act, Hawkers Act, Instruments Act, Land Titles Act, Liquor Act, Machinery Act, Partnership Act, Pawnbrokers Act, Prostitution Act, Public Trustee Act, Registration of Deeds Act, Sale of Motor Vehicles Act, Scaffolding and Lifts Act, Second-hand Dealers Act, Security Industry Act, Trade Measurement (Administration) Act, Workers Compensation Act, Work Safety Act—Attorney General (Fees) Amendment Determination 2009 (No 4)—Disallowable Instrument DI2009-218 (without explanatory statement) (LR, 15 October 2009).

Cemeteries and Crematoria Act—Cemeteries and Crematoria (Public Cemetery Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-208 (LR, 28 September 2009).

Crimes (Sentencing) Act—Crimes (Sentencing) Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-48 (LR, 8 October 2009).

Door-to-Door Trading Act—Door-to-Door Trading Regulation 2009—Subordinate Law SL2009-49 (LR, 13 October 2009).

Electoral Act—Electoral Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-50 (LR, 16 October 2009).

Emergencies Act—Emergencies (Strategic Bushfire Management Plan for the ACT) 2009—Disallowable Instrument DI2009-211 (without explanatory statement) (LR, 30 September 2009).

Environment Protection Act—Environment Protection (Fees) Determination 2009 (No 2)—Disallowable Instrument DI2009-209 (LR, 1 October 2009).

Health Professionals Act—Health Professionals (Fees) Determination 2009 (No 6)—Disallowable Instrument DI2009-202 (LR, 21 September 2009).

Magistrates Court Act—Magistrates Court (Work Safety Infringement Notices) Regulation 2009—Subordinate Law SL2009-47 (LR, 30 September 2009).

Planning and Development Regulation—Planning and Development (Circumstance for, and Amount of, Change of Use Charge Remission-Prohibition of Smoking) Policy Direction 2009 (No 1)—Disallowable Instrument DI2009-221 (LR, 29 October 2009).

Public Place Names Act—

Public Place Names (Ainslie) Determination 2009 (No 1)—Disallowable Instrument DI2009-212 (LR, 6 October 2009).

Public Place Names (Crace) Determination 2009 (No 3)—Disallowable Instrument DI2009-203 (LR, 17 September 2009).

Public Place Names (Forde) Determination 2009 (No 2)—Disallowable Instrument DI2009-204 (LR, 21 September 2009).

Public Place Names (Phillip) Determination 2009 (No 1)—Disallowable Instrument DI2009-213 (LR, 6 October 2009).

Public Sector Management Act—Public Sector Management Amendment Standards 2009 (No 8)—Disallowable Instrument DI2009-222 (LR, 29 October 2009).

Road Transport (General) Act—Road Transport (General) (Application of Road Transport Legislation) Declaration 2009 (No 4)—Disallowable Instrument DI2009-206 (LR, 24 September 2009).

Surveyors Act—Surveyors (Chief Surveyor) Practice Directions 2009 (No 2)—Disallowable Instrument DI2009-205 (LR, 22 September 2009).

Territory Records Act—Territory Records Regulation 2009—Subordinate Law SL2009-46 (LR, 24 September 2009).

Victims of Crime Regulation—Victims of Crime (Victims Assistance Board) Appointment 2009 (No 1)—Disallowable Instrument DI2009-154 (LR, 17 September 2009).

Waste Minimisation Act—Waste Minimisation (West Belconnen Borrow Pit Remediation Fees) Determination 2009 (No 1)—Disallowable Instrument DI2009-207 (LR, 22 September 2009).

Work Safety Act—

Attorney General (Fees) Amendment Determination 2009 (No 3)—Disallowable Instrument DI2009-210 (without explanatory statement) (LR, 30 September 2009).

Work Safety Council (Acting Employer Representative) Appointment 2009 (No 1)—Disallowable Instrument DI2009-219 (LR, 19 October 2009).

Work Safety Council (Employer Representative) Appointment 2009 (No 1)—  
Disallowable Instrument DI2009-220 (LR, 19 October 2009).

Work Safety Regulation 2009, including a regulatory impact statement—  
Subordinate Law SL2009-45 (LR, 24 September 2009).

## **Gaming Machine Act 2004**

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

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

Gaming Machine Act, pursuant to section 168—Community contributions made by gaming machine licensees—Report by the ACT Gambling and Racing Commission—1 July 2008 to 30 June 2009, dated 26 October 2009.

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

Leave granted.

**MR BARR:** The report is a requirement of the Gaming Machine Act 2004 and is made by the Gambling and Racing Commission. The act requires club licensees to make a minimum community contribution of seven per cent of their net gaming machine revenue each financial year. Hotel and tavern gaming machine licensees are not required by the act to make contributions. However, it is compulsory for them to submit a financial report to the commission.

The legislation outlines the broad purposes that a contribution must meet to be approved by the commission as a community contribution. In addition, guidelines in the Gaming Machine Regulation 2004 provide further assistance to the commission and to licensees as to what types of expenditure would be approved as a community contribution.

Gaming machine licensees can make community contributions to the following categories: charitable and social welfare; sport and recreation; non-profit activities; and community infrastructure. In order to encourage contributions to women's sport and problem gambling issues, the legislation provides an incentive for licensees by allowing them to claim \$4 for every \$3 actually contributed.

The commission's report provides information on three main aspects: the extent to which licensees used their revenue to make community contributions, the level of contributions in each reporting category, and legislative compliance by gaming machine licensees.

The commission's report outlines that the total value of community contributions from clubs in 2008-09 was \$13.8 million. This is 14 per cent of net gaming machine revenue, well above the seven per cent minimum contribution level required. There is a slight decrease of 3.8 per cent from the level of contributions made in 2007-08. In 2008-09, the club industry had net gaming machine revenue totalling \$98.6 million, a marginal decrease of 1.7 per cent on the previous financial year.



As in previous years, the level of contributions to the sport and recreation category consistently and significantly outweighed the level of contributions to the other categories. In 2008-09 sport and recreation received approximately \$9.7 million or over 70 per cent of all contributions.

The commission's report shows that contributions to the charitable and social welfare category were \$1.1 million, which accounts for over eight per cent of the total contributions and is a significant increase of over 14 per cent from the previous financial year. Some licensees made significant contributions to the Victorian bushfire disaster which accounts for a proportion of that increase.

In the other categories for the 2008-09 financial year, the following contributions were made:

- non-profit activities—\$2.1 million or 14 per cent of total contributions, an increase of 11 per cent on the previous financial year;
- problem gambling—\$407,516 or just over 2.9 per cent of total contributions, a 3.9 per cent increase on the previous year;
- women's sport—\$219,214 or just over 1.5 per cent of total contributions, over a four per cent increase on the previous financial year; and
- community infrastructure—\$202,531 or 1.4 per cent of total contributions, a decrease of 8.4 per cent.

Whilst there is no minimum level requirement for community contributions from hotel and tavern gaming machine licensees, seven of the 12 gaming machine licensees made community contributions in the 2008-09 financial year. These licensees contributed a total of \$61,157, which is an increase of over 20 per cent compared to the last financial year.

Historically, hotels and taverns tend to contribute to three of the permissible categories and this trend has continued for the 2008-09 financial year. As with the club sector, the sport and recreation category received the majority of the hotel and tavern contributions with over 73 per cent of all the contributions going to this category. Non-profit activities received over 19 per cent of the contributions made, while charitable and social welfare organisations received just over six per cent of contributions made by hotels and taverns.

This report contains comprehensive data on gaming machine activity in the ACT, which I am sure all members will find useful.

## **Child abuse**

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

**MADAM DEPUTY SPEAKER:** Mr Speaker has received letters from Ms Bresnan, Mr Coe, Mr Doszpot, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur, Ms Porter

and Mr Seselja proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Ms Le Couteur be submitted to the Assembly, namely:

The importance of tackling child abuse and neglect.

**MS LE COUTEUR** (Molonglo) (3.17): Today I would like to highlight the important work of many Australians and Canberrans in the area of child protection. From 6 September through to 1 November 2009, the National Association for Prevention of Child Abuse and Neglect, NAPCAN, conducted Australia's largest ever survey on community attitudes. This survey will assist NAPCAN and other agencies to further improve care and protection across the country.

NAPCAN seeks to motivate and empower all individuals within the community to be part of a process that will prevent child abuse. This vital organisation keeps this critical issue on the agenda year after year by providing leading advocacy in the area of prevention of child abuse and neglect.

It is important that we understand and acknowledge the true meaning of the term "child abuse". It is physical abuse, aggressive acts towards a child; psychological abuse, which includes rejecting or not providing emotional support and care; sexual abuse—any sexual activity between a child and an adult or older person who is five years or more older; neglect—failure to provide for a child's basic needs, including not providing enough food, shelter or supervision; and witnessing family violence—a child being present, either seeing or hearing, while a parent or sibling is subjected to physical, sexual or psychological abuse or is exposed to damage caused by the abuser.

The United Nations Convention on the Rights of the Child has been ratified by the Australian government and is recognised by jurisdictions within Australia as a tool for legislative and policy improvement. NAPCAN notes that the convention:

... incorporates the whole spectrum of human rights—civil, political, economic, social and cultural—and sets out the specific ways these rights should be ensured for children and young people.

It says:

The CRC recognises that the degree to which children can exercise these rights independently is influenced by their evolving maturity. It also emphasises the rights and responsibilities of parents where applicable.

Despite our recognition of this convention, the figures in Australia are alarming. One child is abused in Australia every nine minutes according to statistics on substantiated instances of child abuse. And a child abuse report is made in Australia every two minutes. Indigenous children are five times more likely to be subject to a substantiated notification than other children and seven times more likely to be in care. The number of children in care has increased by a third from 2002 to 2006, with 25,454 children in state care in Australia.

If we are being honest, it is difficult to even say these things in public, let alone hear and believe that they are actually happening in our communities. On these numbers,

there will be a couple of substantiated child abuses during the time in which I make this speech. That is just appalling. When we speak about child abuse, we are not talking about a small problem that affects only particular or vulnerable children; we are talking about a problem that can affect any child.

Sadly, as a community we are failing to understand that child abuse and neglect is an issue about families. When we look at who maltreats children, we know that 74 per cent of them are natural parents; 10 per cent are step-parents or de facto parents; seven per cent are another relative or sibling; five per cent are a friend or a neighbour; and four per cent are others, including, of course, strangers.

The key message this year during Child Protection Week was:

Walls protect child abuse, not children. Break down the walls and help bring child abuse out into the open.

Last year, over 30,000 Australian children were proven to have been abused or neglected. It would seem that many—far too many—walls exist within our community that allow this to continue to happen.

Child abuse is rarely a one-off event, and it is always harmful. Research demonstrates that child abuse is known to increase the risks of substance addiction, crime, homelessness, poor physical health, educational failure, poor employment prospects, depression and suicide.

These issues are costly not only for the individual but for the community and for governments and the whole family. We know that past victims of child abuse are grossly over-represented in prison populations as perpetrators of crime and of violence. We know that cycles of violence and abuse can be passed through generations of families and we need to acknowledge that enough is enough.

Where is the light and hope in this issue? It is obviously with the children and the young people who demonstrate extreme levels of resilience to tell people the truth. The light and hope continue with the adults who believe the child or young person and help them tackle this problem. The light and hope are with the researchers, the policy makers, the law makers, the advocates, the workers, the parents, the teachers and the adults who choose to work towards making this problem disappear through changing cultures, values and community norms.

I would like to recognise the work of the care and protection workers who undertake a difficult and confronting job every day to help improve the lives of children in our community. I would like to recognise the community organisations who work in this area, the foster carers and kinship carers who we were just talking about in question time, and the other professionals and individuals who work to stop child abuse in the ACT and everywhere.

There are several simple and key messages we need to make sure are promoted, understood and embraced by all citizens and communities across Australia. The message “there is nothing so bad that we and you cannot talk about it” is a critical

message to give children and young people—really all people. The words “I believe you” and “it is not your fault” are also fundamental in ensuring that we support and care for children and young people in our communities.

Child Protection Week was a strong reminder that when the issue seems too large and too hard to deal with we need to go back to the strategy of talking about it, and keeping on talking about it, with our colleagues, our children, our neighbours, our teachers, our police, our sports teachers and anyone else in the community who will listen. We must make sure that everybody listens to this message.

It is clear from all the research and evidence that early intervention and prevention strategies, programs and services play a vital role in countering child abuse. Prevention is our ability to anticipate what is coming. We have had plenty of research, advocacy and debate about these issues over the past two decades, yet we still struggle to anticipate what is coming. Many community organisations that run family support programs, child health workers and teachers do understand the critical place that these programs have in prevention. Yet prevention is still not given the priority that is essential if we are to keep children safe and support families to break the abuse cycle.

Speaking as a parent, I can say that we know that many, if not all, parents have at some stage in their life with their children had moments when they have felt close to doing something harmful to their children. Positively, most of us manage to step back from this. But knowing this, we need to understand the importance of developing and maintaining family support services for all parents, to allow them to seek information, support and knowledge that will allow them to move forward positively in their roles as parents.

In Australia, 20 years of child abuse prevention efforts have not resulted in a drop in the frequency and incidence of child abuse. Investment in primary prevention has been very limited, as the majority of funding is spent on secondary and tertiary forms of intervention. Traditionally these interventions have targeted the poor, and thus implicitly have located the burden of abuse in impoverished and marginalised communities, when we know that abuse occurs across the whole community.

We have all spoken to our friends; we have all talked about the issues we have had as children and parents. As noted by Professor Alan Hayes at the recent NAPCAN breakfast, the public health model triangle has been inverted. The majority of funding and resources goes to the tertiary pointy end of the triangle when it should be spent on the preventive measures, including family support programs. While our focus remains on the crisis end, the number of cases will continue to grow, requiring more and more resources to deal with increasing reports of abuse.

As elected representatives of the ACT, we need to lead the community in breaking down the barriers and the walls that will help us to bring child abuse into the open and help us to improve the situation. We need to listen to children and to young people. And they need the adults in their world to step up and protect them. We need to shift the balance so that prevention of abuse for families and children is paramount and that the need for cure becomes only a small part of our work. We need to encourage all adults to take part in the national survey, to ensure that NAPCAN and others are

supported in their role as national advocates for the rights of children and young people.

Primary prevention requires simultaneous efforts on multiple levels in order to promote and sustain lasting social and behavioural change. The first step towards such change in relation to child abuse is the development of policy frameworks that do not pretend that child abuse is the province of select target demographics or a few individuals. We need approaches that accept that child abuse is a widespread and harmful practice that is reinforced, unfortunately, every day by longstanding and problematic cultural beliefs and values.

The ACT Greens encourage all adults to ensure that NAPCAN and others are supported in their role as national advocates for the rights of children and young people to live in safe, nurturing, healthy and positive home environments.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (3.28): I would like to thank Ms Le Couteur for the opportunity to talk about this important community issue. Keeping our children and young people as safe as possible is a high priority for this government. As the new minister I would like to say firstly what this portfolio means to me. In my experience as a nurse and as a childcare centre operator, and through managing a family and child support service, I know how important families are to our most vulnerable children and young people. I know firsthand that strong and resilient families are vital to keeping our children as safe as possible.

Stronger families and stronger communities—that is what I will be working towards. And I intend to work hard—working hard and listening and investing and delivering. As the new minister I will be listening to families, listening to communities. I will be listening to the Children's and Youth Services Council, to our Children's Services Forum and their ideas to beat workforce constraints in the ACT, listening to the mums and young families in the territory around their playgroups and listening to dads about their work-life balance.

Madam Deputy Speaker, we will continue to invest—investing \$250,000 in the forward design work to build a new child and family centre in Belconnen, investing \$3 million to build two childcare centres in areas of high demand in the ACT, investing \$1.9 million to expand the youth health services in Belconnen, Gungahlin and Tuggeranong. This investment in early intervention child health and early learning will continue.

We will also continue to deliver. We will deliver strong and more targeted early intervention and prevention initiatives—delivering access to 15 hours of preschool each week for the four-year-olds starting in our early education schools; delivering nearly \$2.5 million over four years to improve services for vulnerable Aboriginal and Torres Strait Islander families; and delivering a new child and family centre for the Belconnen region.

But today I would also like to talk around the importance of our early intervention in protecting all children, the importance of resilient families and of our support for child protection professionals who are keeping our children as safe as possible.

I believe in looking at the evidence before making significant decisions. I believe in listening to parents, families and those working on the ground before making my decisions. Research tells us that early intervention is the key to protecting our children. Early intervention is not only the right thing to do—right for families and right for children—but it also makes good economic sense. Early investment saves us financially down the track but more importantly it produces stronger families and stronger communities. I believe that everyone has the right to a safe and happy childhood, the right to a safe home.

The department has recently completed some significant work in this area. In fact, we are running sessions today on neglect and how it is very important to identify and intervene early. Early intervention creates strong families and strong communities; it creates a safe environment for the children of our community.

This evidence-based approach drove the establishment of ground-breaking child and family centres at Tuggeranong and Gungahlin. The child and family centres provide an integrated one-stop shop. They deliver universal and targeted services to families. Specifically, the centres provide maternal and child health clinics, giving advice on child health, parenting issues, and providing immunisations and speech and physiotherapy drop-in services.

The child and family centre will enhance and further develop a best practice model for engagement with Indigenous families. The new centre will provide a visible presence within the school community through an outreach parenting hub. It will deliver parenting groups at school sites such as the best foot forward and the PPP programs. Importantly, these centres seek to help families who may be at risk before a complex family situation can deteriorate. They have developed a new model of service delivery where families, government and the community work together in partnerships to improve outcomes for children at risk of harm or neglect. This program provides an alternative referral pathway to support agencies to that of the statutory child protection systems. This is the best way to keep our children as safe as possible.

It is not just around early intervention. Stronger and more resilient families will also keep our children as safe as possible. Building stronger families will take a community-based approach—as they say, raising a child takes a village. That is why I am looking forward to meeting parents and to seeing the dads and children and play program in action.

This program helps dads with ideas to support their son's or daughter's early childhood development through play-based learning. I am keen to meet with mums and playgroups and hear about how we can make the morning drop-off to childcare, school and preschool less stressful. All year we have been helping playgroups to find spaces and sites on which they can meet, gather and share information and, indeed, share those moments of early childhood and parenting that are often most "stressful". We will continue to support playgroups into the future.

I am looking forward to hearing from childcare workers and the Children's Services Forum about how they can better engage with parents about their child's early

learning. I will be meeting with youth and community groups and listening to their ideas, proposals and evidence about the problems that modern families are facing. I will be working with the community to develop solutions, solutions that build stronger families and stronger communities.

Early intervention is very important but so too is the work that is done before significant abuse and neglect are identified and when they are identified. Since 2004 when the *Territory as Parent* report was released, Care and Protection Services in the ACT has undergone a major reform program and continues to be committed to continuous improvement of service delivery. Of the 47 recommendations made in the Vardon report, to date 42 have been completed and five are underway.

Another review, the Murray-Mackie study, identified a further 50 recommendations. The progress report tabled in the ACT Legislative Assembly in April of 2008 identified that 50 recommendations were completed and that recommendations remain as an ongoing process. Since this time, the remaining recommendations have been completed or partially completed.

As part of the reform agenda, a five-year process occurred to review and develop new legislation. The 2008 Children and Young People Act commenced stages on 1 July 2008. The ACT was the first Australian jurisdiction to review child welfare legislation in the context of a Human Rights Act. The act significantly reforms the law relating to care and protection, youth justice, the regulation of childcare services and the employment law for children and young people in the territory. It also embodies and expresses relevant international human rights standards for children and young people.

But the key to keeping our children as safe as possible is our teams of child protection professionals. These professionals are at the coalface. I am looking forward to meeting with them and hearing about their experiences firsthand. It is they who are responsible for protecting children in some of the most extreme situations and for trying to keep children out of those situations. It is not easy. It is sometimes traumatic and that is why the community expects the professionals to work hard to protect our children, and that is what they do.

Our care and protection professionals are doing a great job. They know probably better than I what a tough job they do. They are committed people, and for that commitment I thank them. I thank them and all their colleagues in the Department of Health and Community Services that provide quality depth of services to support the community of the Australian Capital Territory.

As a community, we are particularly privileged to have the support of so many care and protection professionals recruited from Ireland and the United States over the last few years. Due to this recruitment program, we now have a full complement of child protection professionals. Together they are building stronger families and a stronger community.

The government has also been supportive of children and young people who can no longer live at home because of abuse and neglect and where this leads to a court order. These children and young people are placed by care and protection workers in foster

care or kinship care and sometimes residential care. The complexity of needs of some children and young people requires that they have intensive care and support.

It is important to recognise and thank the foster carers, kinship carers and non-government agencies who assist in looking after these children and young people. These too are dedicated people who take time out of their lives to look after those in need and who we could not do without. I thank them for their amazing efforts.

The department continues to review services for children and young people, requiring family and youth support services and out-of-home care. Major work is currently underway in remodelling the out-of-home care funding arrangements to ensure that all types of care, foster to therapeutic, are available and meet the needs of children and young people. There is also a current review of youth and family support funding being undertaken. The objective is to make sure services are provided at the right time and the right place to the right people and particularly to families and children at risk.

Keeping our children and young people as safe as possible is a high priority for this ACT Labor government. As the minister responsible for children and young people, I will be working to support evidence-based early intervention strategies; I will be working to create stronger and more resilient communities; and I will be working to support our care and protection professionals to do their job. The Labor government is committing to building stronger families and communities and that is what I will be doing as minister responsible for children and young people.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (3.40): Currently within the ACT and other Australian jurisdictions we know that there are growing numbers of children in out-of-home care. We have insufficient foster care placements to meet this need. We know that Indigenous children are over-represented in care. Indigenous children make up around 23 per cent of the Australian out-of-home care population yet represent 4.5 per cent of Australian children overall.

Internationally, there is a trend in Australia, the United States and the United Kingdom to increasingly use kinship care as an option for out-of-home care placements. This trend towards kinship care is linked to research that kinship care can be potentially, in some cases, more beneficial for the child. Kinship care refers to the placement of children with relatives or kin, persons without a blood relationship, but who have a relationship with the child or family, or persons from the child or family's community, also known as kith. Kinship care is also referred to as "relative care", "kith and kin care" and "family and friends as carers".

Kinship carers can assist children and young people to maintain connections with their family. For Aboriginal and Torres Strait Islander children, a kinship carer may be another Indigenous person who is a member of their community, a compatible community or from the same language group. Benefits come from kinship care placements as they allow the child to maintain family, community and cultural ties. There is likelihood that the child will have increased contact with parents, siblings and families.

Families and the emotion and feeling that they have for a child mean there is a willingness to invest in the wellbeing of the child for the short and longer term. In



relation to the child, it is hoped from kinship placements that they are more likely to feel secure, loved and have a sense of belonging. The inevitable trauma associated with removal is lessened to some degree, and shared care is a traditional parenting practice in some cultural groups where kinship care is normative in these cultures.

The issues surrounding this emerging area of concern are many and very complex. They include, but are not limited to, the fact that kinship carers are immediately recruited to care for a child, whereas non-relative carers are recruited, they are assessed and trained in advance and may not feel or be equipped physically, emotionally or financially to fill this role. That is quite an important distinction. For many who become kinship carers, it can be a very immediate situation, a change of situation. That lack of back-up and training can bring with it its own difficulties.

Kinship placements may be less effectively monitored than non-relative foster placements. Placements may be below the minimum standards of supervision, and out-of-home care workers may hold perceptions that kinship carers do not require as much attention or support. There is also the existing family conflict or conflict arising from a placement that may result in need for additional monitoring and support. This is particularly the case where you have a grandparent whose own child has got into some difficulty, whether that be some issue around substance abuse, a mental illness or some other matter.

In that case the grandparent takes on the care of the grandchildren, but of course still has the care or the issues to do with the care and the emotional support and so forth of their own child. Kinship carers also may, because of their ties to the child, resent agency intrusion as they are family and they may not willingly accept support from agencies.

While there are many issues to consider, perhaps the most pressing is the representation of kinship carers in the advocacy process to ensure their rights, needs and wants are heard and represented to those in decision-making roles. We know that kinship carers are more likely to have a lower socioeconomic status and to experience associated problems. Thus they may require more support than non-relative carers.

However, it is reported to the ACT Greens that kinship families may receive less training, fewer services and less support. Kinship carers also report that the financial strain they feel can be crippling in that they are required to use their superannuation in some cases to support their family and in many cases for those on pensions it is very, very difficult to make that pension stretch further.

The need for support services outside the role of the Department of Disability, Housing and Community Services is evident as kinship carers report that they may be reluctant to ask for additional support for fear of being deemed unfit and risking termination of their placement of the children with them.

We note that the ACT government made an election commitment to provide funds to establish a grandparents and kinship carers support service. The Greens support the development of such a service and look forward to its implementation.

The ACT Greens, like all parties, acknowledge that there is much to do and that we need to be able to make significant inroads to tackling child abuse and neglect. Foster care and kinship care groups that come to see me are doing an outstanding job in providing support for these children. I would also like to echo the comments made by the Minister for Children and Young People around our care and protection workers and the many other members of the department who work in other programs surrounding that care and protection workforce.

They are an incredibly important part of the work that goes on in this area, it is a very hard job. I do acknowledge and respect the work that they do. The thing that is continually raised is not the need necessarily for financial or additional financial support from kinship carers, but access to information about what they are entitled to and general support from government departments in performing the most important job that they are doing, which is either raising grandchildren, nieces or nephews—other family members.

So we do ask the minister to listen and provide as much support as possible for kinship and foster carers so that helping children that do go into their care can be a nurturing and, I guess, a stable situation for those children in those very important years, their childhood years.

I would also like to make some general comments about care and protection. As was mentioned, there was an inquiry some years ago, and the result of that inquiry was the *Territory as Parent* report. A lot has happened since that report was released. There has been an increased funding commitment, there has been increased staff, particularly front-line care and protection workers and, as was reported, many of them were recruited from the United Kingdom.

Unfortunately, what we have also seen is a rise in the number of reports of children who are suffering from abuse and neglect and, as I said, the number of children who are going into out-of-home care. I was interested to hear the minister say that of the *Territory as Parent* report recommendations, 42 have been completed and five were on the way.

One of the things I do think still needs to be picked up on is the issue around a child death review team. This was one of those recommendations. In the very tragic and unfortunate situation of a child dying, it is important not only we go through a coronial sort of process, but also that it be looked at in the context of how did our care and protection system perform.

By that I do not just mean Care and Protection sitting over at the Department of Disability, Housing and Community Service. I mean everybody, because this is a whole-of-community problem, a whole-of-community issue that we all play a part in. How did we all perform in that particular situation and where can we make improvements? I continue to urge that the establishment of a child death review team be looked at.

I also was very pleased to note that I got an invitation to the launch of the charter of rights of children in care. I very much look forward to attending that launch. That

piece of work has been going on for about three years; so I am pleased that it has finally come to a point where it can be launched because it is incredibly important to have that charter of rights that children and young people in care can look to to ensure that their human rights are being protected.

They are some main points that I would like to bring up in today's MPI. I just reiterate that the care and protection of our children is a whole-of-community responsibility, and we all need to be part of ensuring that children here in the ACT have the best opportunity to have a happy and healthy childhood.

**MRS DUNNE** (Ginninderra) (3.50): Madam Assistant Speaker Le Couteur, I would like to thank you for bringing on this important matter relating to tackling child abuse and child neglect. I would like to congratulate you on moving on from the matters of natural burial and cage-egg production to the children of the ACT. I think it is about time.

One of the most important things we have to do in the territory and in this place is to ensure that we have the government structures and the support structures in place that will support those children who cannot appropriately be cared for in the homes into which they were born. The figures in relation to the children who are in the care of the chief executive are ones that should give us considerable pause. Around 500 children—it comes and goes, it rises and falls—at any one time are in the care of the chief executive, and that means that those children are in a situation where, either temporarily or permanently, it has become untenable for them to be raised by their parents. That is an important issue for how we structure our society and what we do in our society to support those children, most importantly, and to find for them the best and most secure environment that they can live in when the thing that we take for granted—the capacity to raise children in a happy and secure household—is taken from them. It may be that those children may, with time and care, be able to be returned to their parents. It may be entirely inappropriate, and sometimes we have to make, as a community, that very difficult decision about when you cut your losses for the benefit of the child.

We have in the past year or so amended the children and young people legislation and the various things that hang off the children and young people legislation to really reinforce that the decisions that we make in relation to care and protection and support of our children first and foremost must be about the benefit of the child. There are a number of matters which have been touched on in the discussion of the matter of public importance so far. But I think the most important thing that we need to do is recognise that, as a result of the Vardon inquiry, the territory as parent inquiry and the Murray-Mackie report that resulted from that, it is quite clear that the territory has come a long way in addressing the bureaucratic structures which had fallen down in the ACT, although possibly not to the extent that they had fallen down in other jurisdictions. In a sense—this is a credit to the minister at the time—we were in the vanguard of improving the administration of care and protection. With respect to inquiries conducted in other jurisdictions, particularly the Wood royal commission in New South Wales, it was clear that many of the recommendations Mr Wood made in relation to DOCS had already been anticipated and acted upon in the ACT.

The tendency to bureaucratise care and protection has been, as much as possible, resisted in the ACT. A large amount of responsibility has been farmed out to community service organisations in relation to care and protection. There are some things which must necessarily be the responsibility of officials, because they relate to the making of orders, the implementation of orders and the supervision of those orders, and final responsibility for those must rightly lie with the ACT public service, because they are statutory responsibilities.

It is fortuitous—I do not know whether it was planned this way by the Greens—that we are dealing with this issue on the day that we have a new minister for children and young people. She is not only occupying her seat in the Assembly as a minister for the first time, but this is her first day as the minister for children and young people. Although I have said that the ACT is in a good place—because I think that the legislation is there, and there is substantial goodwill in this Assembly to ensure that care and protection issues are dealt with appropriately and sensitively—I think that the challenges for the minister are substantial. Of the 500 children in the care of the chief executive that Ms Hunter alluded to, about one-fifth of those are Indigenous children. That disproportionately large number of Indigenous children is a matter that should be of considerable concern to us here in the ACT.

There is the challenge of finding the best way of ensuring that these children have the sort of stable life that they have not experienced hitherto and that other children take for granted. There is the challenge of addressing the disproportionate number of Indigenous children in foster care. There is the challenge of reducing the number of children in the ACT who are sleeping rough. There is the challenge of addressing violence in schools, which may perpetuate the violence that children experience at home. There is the challenge of kids living in an environment of drugs, crime and antisocial behaviour with their parents. There is the challenge of kids living in an environment of vulnerability, with parents facing financial difficulties, living in the cold, with insufficient food and clothing. There is the challenge of the rising cost of health care, of childcare, of care and protection. These are substantial challenges for the new minister. I hope that the new minister is up to the task of tackling the subject of child abuse and child neglect, and I wish her well.

**MS PORTER** (Ginninderra) (3.58): I also want to thank you, Madam Assistant Speaker Le Couteur, for bringing on this matter of public importance today—that is, the tackling of child abuse and neglect. I am very pleased to have the opportunity to speak to this matter. This is a serious social issue, and I look forward to supporting the government's agenda for action in this important area. No-one would deny that child abuse and neglect is a serious and complex problem, and that the number of children subject to child abuse and neglect remains unacceptably high. According to the Australian government's 2007-08 discussion paper, *Australia's children: safe and well—a national framework for protecting Australian children*, there were 55,120 substantiated reports of child abuse and neglect in Australia. These are alarming figures, to say the least. We must always remember that these are not merely numbers in a report; they are children denied the safety and support that is their most basic human right.

It is the right of every Australian child—and, of course, every child in the ACT—and young person to have a safe, healthy and happy childhood, free from abuse and neglect. This is what drives the Australian and ACT governments' child-centred family policy, as we know that supporting children in their early years can make a significant difference to their learning outcomes and establishes the foundation for social and emotional wellbeing. To this end, the Australian government has invested \$53 million over four years to establish the first national framework for protecting Australian children from 2009 to 2020. The national framework represents an unprecedented level of cooperation and commitment between all levels of government and non-government organisations to protect our children. In basic terms, this means that the care and protection of children and young people is a shared responsibility and, as such, we are committed to working together to prevent child abuse and neglect.

Furthermore, the ACT government is committed to developing quality care and protection services for vulnerable children, young people and their families in the ACT that are culturally appropriate, centred on children and young people, and developed in partnership across the care and protection sector. Ms Burch mentioned her experience as a nurse, a community worker and a member of the community, a shared experience of many of us, I am sure. You, Madam Assistant Speaker, mentioned the stress that parenthood places on a person, and we all know that this is particularly the case for new parents.

In line with the commitment to provide early intervention and appropriate services to children and young people, the ACT government recently introduced new legislation—the Children and Young People Act 2008. This legislation introduced a number of new concepts and provisions which allow child protection services to better respond to the needs of vulnerable children. In particular, the legislation includes a greater emphasis on stability for children in out-of-home care; requiring decision makers to be informed by the views of children; introducing prenatal reporting provisions; providing a framework for authorisation of foster carers and foster care services; and introducing out-of-home care standards for the territory. This legislation is guided by best practice principles and, most importantly, it is based on the principle of the best interests of the child.

The protection of children and young people within our community is a shared responsibility, as I said before, requiring families, government agencies, communities, the non-government sector and governments to work together to foster the wellbeing of children and young people. Without this shared responsibility, the work we do would not get done. I am pleased to acknowledge this shared responsibility and commend everyone involved in this valuable work, as many people have before me. These are parents, extended family members, kinship carers, foster carers, teachers, community organisations, and, of course, the list goes on and on. As Ms Burch said, this valuable work is often not properly acknowledged or recognised. We have all said it is hard work. We can barely imagine some of the situations our local child protection professionals come across in the course of their work. We all know that the work they do is sometimes happening in extreme situations, and it is definitely not easy. Sometimes, as Ms Burch said, it is traumatic.

There is no denying our care and protection professionals are doing a wonderful job. Of course, that is expected by the community. This work, as I mentioned before, is supported by partnerships that we have forged with many community stakeholders. I must add that we cannot underestimate the benefits that accrue from collaborative practice—that is where the community and government work together on challenges we all face and which have been outlined this afternoon. As you said, Madam Assistant Speaker, we must recognise the efforts of all those that work together in collaboration to tackle this very serious issue in our community, and we must thank them for their work.

Models of collaborative practice are evident across the spectrum of activities across the ACT. It would be good to outline all the initiatives and activities being undertaken; however, we all know that the time allowed for debate on this matter today does not permit us to actually outline all of the different activities that are being done by governments, the community sector and, of course, by parents themselves. I will, however, briefly take the opportunity to mention some initiatives being undertaken with our community partners.

The most rapid and important period of physical brain development occurs in children up to the age of three years. The importance of early intervention and prevention cannot be underestimated. Early intervention is an investment in the future of our children, families and the community, as Ms Burch has already said. To this end, the Office for Children, Youth and Family Support has implemented a number of groundbreaking initiatives, including IMPACT, turnaround, integrated family support and PAC, which means protecting Australia's children. IMPACT is the integrated multi-agency for parents and children together program—I think IMPACT is much easier to say—and it is important that we realise what that program does. The program highlights the success of multiple community and government agencies collaborating to provide streamlined referral and support services to families. Another outstanding initiative is the integrated family support project, which provides help to children up to eight years of age and their families through a collaborative and integrated service delivery model.

These investments provide building blocks for families and children to develop resilience to the challenges they are faced with. Investments in early action which support families in practical ways hopefully prevent adverse outcomes, including child abuse and neglect. All of us are here because we value our community, including our children and our young people. In saying that, I acknowledge that it is the responsibility of governments to provide the essential support structures and services. But it goes further than that. It requires all Australians to acknowledge that child abuse and neglect happens, as sobering and as disturbing as this fact may be. Through the work of numerous government departments, community organisations, and valuable foster and kinship carers, we can protect Australia's children. We must protect Australia's children.

I thank the newest member for Molonglo—you, Madam Assistant Speaker—for proposing this matter of public importance today. I commend the government on its commitment to continuing to work on this issue; that is, protecting the ACT's children

and young people and ensuring all children and young people are given every opportunity to reach their potential. They deserve nothing less. You mentioned, Madam Assistant Speaker, the campaign to make sure that child abuse is not hidden but brought out into the open. As I said, child abuse is a serious and complex matter, and we must remain vigilant and constantly work to lower the unacceptable numbers of reports and incidents that we experience as a society.

The ACT government is committed, as I said before, to developing quality care and protection services for vulnerable children and for young people and their families that are culturally appropriate, centred on children and young people and developed in partnership across the care and protection sector. I do commend all those that work in our community and our agencies to achieve this goal.

## **Government—achievements**

### **Ministerial statement**

Debate resumed.

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.08): I thank the Assembly for giving me the opportunity to respond to the Chief Minister's statement on the achievements of the first year of this, the Seventh ACT Legislative Assembly. As the Chief Minister outlined, the Labor government returned to office with a set of strong commitments which we began implementing from day one, with a determination to listen to the people of Canberra and a strategy to invest in our own community's future. As Treasurer, I state that there has never been a more important time for us to be focused on this task of supporting our community through the uncertainty created by the global financial crisis and this, I think, has been our greatest challenge from day one of this term.

One of the first things we did was honour the election commitment to support those most affected by the global financial downturn. In the first sitting week last year, we introduced a second budget appropriation to give much-needed assistance to our dedicated and hard-working carers and volunteers: \$1 million of funding was provided for emergency relief packages, and \$850,000 of this was distributed to regional community services and the emergency relief providers we fund—the St Vincent de Paul Society, the Salvation Army and UnitingCare Kippax. We also provided \$1.25 million to organisations that support carers, to help them meet their out-of-pocket expenses in the valuable role they provide to the community.

These funds were allocated to the regional community services, Carers ACT, Anglicare's CYCLOPS program for young carers, Tandem and the Mental Health Foundation. These organisations cover carers, foster carers and kinship carers, all of whom were eligible for support through this package. Carers were able to access petrol vouchers, phone cards, taxi vouchers, bus tickets and equipment to help with their caring role or domestic cleaning services.

We used the opportunity of the supplementary appropriation, the second appropriation, to make investments in other government programs and in community

facilities and infrastructure. Coinciding with the government's action to address the local effects of the global financial downturn, the commonwealth government, alongside, took decisive action to protect the national economy from the worst of the impacts, and the ACT has been working hard at implementing the stimulus package locally.

We appointed a coordinator general who works across the government to ensure delivery of the program. We are already seeing the benefits of this initiative through improved community infrastructure, especially in our schools, and new social housing developments that will provide improved opportunities for our citizens.

We have also been working with businesses, industry and the wider community to promote and enhance economic stability and capacity. This engagement and solid cooperation has been showing results, particularly in the private sector.

Whilst we still face some challenges in the near future, the recent ACT and Region Chamber of Commerce and Industry business confidence survey backs up an emerging picture of an economy that is now past the worst of the crisis. Four out of every five businesses surveyed increased or maintained their capital expenditure on buildings and plant and equipment in the September quarter.

We also continue to work alongside our business colleagues to mitigate any negative impact of the economic slowdown. We have undertaken initiatives such as the Chief Minister's trade mission to the United Arab Emirates and the UK, the inaugural ACT business in focus month that was held in September, business roundtables, and the business health check service, which is a program to help local businesses identify ways to manage in turbulent times.

We also introduced a \$25 million local initiatives package through the third appropriation which was aimed at supporting jobs in our local community. The local initiatives package was a modest program of additional capital projects worth \$25 million over two years, giving local industry confidence that work is in the pipeline. To date, we have spent \$12.4 million of the \$12.7 million allocated for the first year. This has supported jobs through the delivery of public parks, footpath and cycling track upgrades, improvements at community facilities, including cancer services, infrastructure at Canberra Hospital and our ESA facilities, public schools and the CIT, new social housing developments, renovations, energy efficient upgrades and refurbishments to community and childcare facilities.

Throughout this difficult economic period, we have retained our AAA credit rating and this rating recognises the prudence of our fiscal and economic decisions and the underlying strength of our budget, and confirms the appropriateness of the approach we took with our budget plan, an important achievement given the pressure our budget has been put under by external forces caused by the global financial downturn.

We are also ensuring that we assist those Canberrans hit by financial uncertainty. We have implemented our mortgage relief program, a key plank of our 2008 election policy commitments, which will provide interest-free loans of up to \$10,000 to eligible Canberra homeowners at risk of defaulting on their mortgage due to a sudden change in circumstances such as illness or unemployment.



We delivered a modest budget in May this year which provided targeted investments in the community, maintained services and delivered on key election commitments and commitments we made in the parliamentary agreement. The budget provided a modest average annual spend of \$49 million for new initiatives. We carefully targeted new spending initiatives to support investment in the local economy, to support jobs and to build a better city. This has helped provide confidence and stability for our local industries and supported jobs in the short term, while increasing the productive capacity of our economy over the longer term.

Our budget was hit by the effects of the economic slowdown, reduced GST revenue, reduced returns on investment and loss of income on our financial assets, and the subdued activity in the housing market contributed to significant revenue loss. At the time of release, we were forecasting a deficit of \$41.3 million for 2008-09 and \$82.2 million for 2009-10, with deficits continuing until 2015-16. We knew we had to act prudently and deliberately to return our budget to balance. We outlined a seven-year strategy to move out of deficit and developed a savings plan over the forward estimates, starting with \$51 million in 2010-11, increasing to \$102 million in 2011-12 and \$153 million in 2012-13. We have taken this approach to balance community expectations with the resources available to us.

We commenced an early and open consultation process on the 2010-11 budget, inviting submissions from the community, business, non-government organisations and other members of the Assembly, to assist us with our work. I note that whilst we have had, I think, around 62 submissions from the non-government sector, including community and business, and feedback from the Greens, we have not received any feedback or contributions from the opposition in relation to that community consultation process.

To look at efficiencies and savings opportunities within government we have established the Expenditure Review and Evaluation Committee, which will provide advice to budget cabinet. I will also meet on a monthly basis with the agency's chief financial officers to monitor the rollout of our capital expenditure program, to address delays and barriers and to maintain our commitment to delivering our program.

The first year of government of the Seventh ACT Legislative Assembly has been marked by great achievement in a climate of great economic uncertainty. Our proven track record in strong financial and economic management has meant that we are able to weather the storm as best we can. We are getting results but we remain committed to working with the Assembly, the business community, industry, the education sector, unions and all other stakeholders in the community to deliver on our budget plan and to deliver on our commitments to the community.

A lot has happened in the health portfolio in the first year. As part of our billion-dollar investment in rebuilding our public health facilities, we reached a number of significant milestones. We are in the final stages of design work for the brand new women's and children's hospital. We have reached the critical planning stages for 11 more operating theatres and three endoscopy suites as well as new emergency departments at both public hospitals. And we have begun construction on the new state-of-the-art neurosurgery suite.

We have got walk-in centres. We have won funding for the ACT integrated cancer care centre and we are moving forward with the improvements to services for women who have had breast cancer and are not eligible for breast screening services. We have had a significant report done into the GP workforce issues in the territory and we have provided \$12 million for GP workforce initiatives, including scholarships, teaching incentives for GPs, junior doctor rotations, a GP development fund and an in-hours locum service. We have allocated \$8.2 million for health workforce design. We have released the ACT Mental Health Services plan.

Alongside this, we have dealt with one of the biggest challenges to our health system this year, which has been our response to the H1N1 influenza pandemic. We established influenza assessment centres and, as of three weeks after the beginning of the program, 29,100 doses of vaccine had been delivered to vaccine providers.

Of course we continue to consult on the proposal for the future health needs of our community. This includes a quite significant change as outlined to Calvary and the arrangements at Clare Holland House. That consultation ends on 12 November and then the government will be considering the feedback that we have received before we make a decision on the way forward.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.18): I am pleased to rise in this debate this afternoon to highlight the important issues before the Assembly in relation to the work of the government over the first year and the government's energy and activity in relation to the work of the government.

*Opposition members interjecting—*

**MR CORBELL:** They do not like it because the government has a strong record of achievement. Of course, whenever the government raises its record of achievement, it is always, I imagine, in the interests of those who have little achievement to belittle it. Clearly that is what they have done in this case because they are not interested in the significant range of activities that the government has engaged in, in trying to serve the people of the ACT in fulfilment of its election commitments, in fulfilment of the need to continue to provide good government for the territory.

In the area of the environment of course, the sustainability agenda has been given a high priority by the Stanhope government. We have worked hard to ramp up our efforts on delivering a sustainable Canberra, facing the challenges of climate change for our community, because that is the clear message from the community from the last election. With the establishment of the Department of the Environment, Climate Change, Energy and Water, a large amount of work has been undertaken and significant achievements have been realised.

Of course the most important of these is the commencement of the feed-in tariff which I spoke about during question time earlier today. We now see 1,000 households and businesses across the territory with solar panel generating capacity on their roofs.

Less than a year in from the commencement of the feed-in tariff that has been achieved.

Of course, we have also undertaken detailed assessment of our impact as a city in terms of greenhouse gas emissions and, for the first time, we have a comprehensive picture of that through the greenhouse gas inventory work that my department has commissioned. We have put in place a range of very important measures to encourage households and businesses to do their bit to reduce their emissions, to improve the water efficiency of their buildings, to reduce their waste that is going to landfill. The \$14.4 million switch your thinking initiative from the most recent budget and the act smart climate campaigns that are now underway deliver a whole range of new services to households and businesses, to deliver better support to householders to save energy, to save money, to save water and to make their contribution towards creating a more sustainable Canberra.

We have seen a strong response from the community for these programs, and just last week I had the opportunity of launching the new website, a one-stop shop for Canberrans, to access all the information about our rebate programs, about our education assistance programs, in one place, easy to understand, easy to access.

We put in place important programs for businesses. The commercial bathroom retrofit program has begun, to make sure that commercial building owners get assistance in reducing their water use. The process for households in choosing plants for their gardens and making sure that they choose water-efficient, drought-tolerant species has been put in place through the plant selector tool and the water right web tool which I launched earlier this year.

Of course, important work is happening in the energy sphere, as I alluded to earlier. We are currently assessing in detail the expressions of interest that have been received from 19 separate organisations—big and small, national, local and international—to deliver Canberra's first solar power plant capable of powering at least 10,000 Canberra homes. That response has been a very strong one. There is very strong industry interest in making Canberra the solar capital of Australia. And this, of course, was the government's key election commitment: to make Canberra the solar capital, to drive the sustainability agenda and the renewable energy industry agenda. And we are seeing business respond to our approaches on that issue.

The government has committed itself to a zero net emissions objective for our city, and I am looking forward in the coming weeks to putting more flesh on that for the Assembly and outlining what future directions the government will take. Solar hot water rebates are another program being provided by the government, as are home energy audits for homes to assist them in reducing their energy use.

In the area of water, we are acting to improve water security for the region. We are putting in place important infrastructure projects which will provide greater security of supply for our city. Whether it is the expanded Cotter Dam project, whether it is the Tantangara to Googong transfer or the purchase of water from Tantangara and the pipeline itself, these are all vital water security projects, commitments we made at the last election, commitments that are being implemented. Equally, the government is

focusing on encouraging the reuse and the better use of non-potable water in the city to improve the diversity of the supply.

**Mr Hanson:** He is talking about the Cotter Dam now.

**MR CORBELL:** You can speak if you like, Mr Hanson, but I have not heard you in this debate today. The work that is occurring through, for example, the Flemington Road ponds project—the water retention ponds, which will provide a potable reuse supply for places such as the racecourse and the showgrounds—and, indeed, the money that we put into the most recent budget for similar projects in Dickson and Lyneham are going to make a big difference. Overall we believe we can capture over two gigalitres of non-potable water and provide it to irrigate sportsgrounds and playing fields. That is what the community wants. They want to see their sportsgrounds and their playgrounds continue to be irrigated even in times of drought, and that is what these projects will allow us to do.

The record of achievement is a significant one in the Environment, Climate Change, Energy and Water portfolio. In community safety, equally, important work is happening. We have implemented our election commitment to reform the law of murder in the territory and bring it into line with the common law as it exists throughout Australia. We have implemented our election commitment to provide for the monitoring of our closed-circuit TV network in real time across the city. We have expanded it into Manuka and Kingston, effectively giving police more eyes and more tools to deal with crime, particularly in our entertainment nightspots.

We have put in place important reforms around bushfire preparedness. A new strategic bushfire management plan is now in place; a contemporary, modern, science-based plan that will give great guidance for many years to come in how bushfire fuel and bushfire management should be handled in the territory.

We have given greater support to the community through additional community fire units, 12 new units to be delivered over the next two years to provide householders, local people in their local streets adjacent to the urban interface, with the tools they need to protect their homes, to protect their neighbourhoods in the event of a fire affecting them. So these are all important reforms, equally, when it comes to community safety.

The government has more work to do. For example, in liquor law reform, I have outlined the government's new agenda on tackling alcohol-related crime and violence. The liquor law reforms are now in the processes of being drafted for presentation to the Assembly in due course. These reforms focus on a risk-based approach, focus on the need to make sure that those establishments that cause the greatest problem have the greatest scrutiny and regulation applied to them, to make sure that those problems do not get out of hand. That is, indeed, the approach that we will have through the reforms to the Liquor Act that I announced earlier this year.

Finally, something I am particularly proud of, the Gungahlin police station is now a 24-hour-a-day, seven-day-a-week operation, providing better support in community safety for that community.

Question resolved in the affirmative.

## Adjournment

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

That the Assembly do now adjourn.

## Hospitals—Calvary Public Hospital and Clare Holland House

**MR HANSON** (Molonglo) (4.29): Mr Speaker, I find it remarkable that the government spent most of the day telling us how hardworking they are, what an extensive agenda they have and what a plan for the future they have and they actually spend all of the day on the government business day and we finish by 4.30 on—

**Mr Corbell:** You adjourned one of our bills, Jeremy. You did not want to debate one of our bills, Jeremy.

**Mrs Dunne:** I knew you'd say that. You put it on on Friday, didn't tell anyone, simply so you could say that.

**MR HANSON:** It is all a bit inside baseball, but I think those who are well-informed observers of the Assembly would understand exactly what has happened here today—that the government have simply run out of agenda and have spent their day trying to push things out for as long as they could.

I want to turn my attention to the Greens, who are conspicuous by their absence. I noticed today in the media that they were, with great fanfare, talking about the motion that they are going to be moving in the Assembly to block the sale of Clare Holland House. But that actually is not going to be debated this week; they are going to put civil partnerships and a motion about trees in front of that.

I want to make the point to the Greens that the government has been very clear in its position about where it stands with the sale. That was stated clearly for us today by the minister, and also the Little Company of Mary have been very clear in their position, that the deal stands as it stands; that it is something that has been negotiated over 18 months. We have certainly talked about that before. The deal has been put together over an extensive period of time by the government and the Little Company of Mary and both protagonists have made it fundamentally clear to me, in the media and in the Assembly, that that is the deal as it stands and they are not walking away.

The Greens know that. They know that very clearly. Do they think that a letter written to Tom Brennan is going to make any difference to the decision that is going to be made about that deal? I think they know that it will not. Why is it that the Greens will not actually say where they stand on this deal? If they are serious about not supporting the sale of Clare Holland House—

**Mr Seselja:** They came out on day one and supported it.

**MR HANSON:** They supported it back then but they do not support it now. If they were serious about Clare Holland House, they would say, “Let’s put up a motion that stops this deal.” They would put it to a vote and make their position very clear. Unless they are prepared to say in public that if this deal goes through with Clare Holland House attached they will not be supporting it, I do not think a letter written by anybody to Tom Brennan—and I cannot imagine that Katy Gallagher is going to be doing that—is going to have any impact at all.

The Greens know that. They are trying to have a bob each way. If they think that people like the Palliative Care Society, the Nursing Federation and the Health Care Consumers Association are going to be sucked in by what is really a bob each way, they are fooling no-one. So I just make the point to the Greens that they need to come out very clearly and say whether they are going to support this bill or not if it has Clare Holland House attached to it, because at the moment I think what people are perceiving is that this is simply a matter of trying to appease some very disgruntled members of the community but that when it comes down to the backdoor conversations no doubt between Meredith Hunter and Katy Gallagher about what will be the final vote in the end—

**Ms Gallagher:** Don’t tell me you want to come to those as well.

**MR HANSON:** I would be reasonably sure those conversations have occurred in your weekly meetings in the car park, and we know the way it is going to go.

**Ms Gallagher:** Weekly meetings in the car park? What are you talking about?

**MR HANSON:** We have seen you down there having little chats. We know that you are the Greens communicator—

**Ms Gallagher:** Mr Hanson has a very active imagination.

**MR HANSON:** No. I have an imagination that is not as active as yours in thinking that people will believe the farce of the position you have taken on Clare Holland House and believe that you are actually genuinely trying to oppose that—because if you were you could make it very clear in public that you oppose the vote on the appropriation bill when it comes down if it has Clare Holland House attached to it. You are refusing to do that because quite clearly you will not do so.

**Canberra Business Council awards  
Holy Trinity school fete  
Canberra Big Aussie Swap Party**

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.34): I recently had the opportunity, along with other members, to attend the Canberra Business Council awards evening. I know that my colleagues Mrs Dunne and Mr Hanson were there, and I believe Ms Gallagher also, and it was a—

**Mrs Dunne:** And Doszy.

**MR SESELJA:** Sorry, and Mr Doszpot; my apologies.

**Ms Hunter:** I was there as well.

**MR SESELJA:** Who else? I am not going to go through everyone. That is not the point here, but if other people want to get on the record I am sure they can.

It was a wonderful evening and I would like to pay tribute to the Canberra Business Council and indeed to each of the award winners because there were a number of very impressive Canberra businesses. I would like to pay tribute to the outgoing chair of the Canberra Business Council, Craig Sloan, who has served with distinction over the last few years and was given quite a send-off at the Canberra Business Council awards—he has done a sensational job—and to Chris Faulks, of course, who is still looking after the Canberra Business Council and has done an outstanding job also.

I would like to also congratulate Brand Hoff, the incoming chair, who was elected at the GM just prior to the awards, and Michelle Melbourne, who is the new deputy chair. Well done to each of those. I know that both Brand and Michelle have been distinguished members of the business community here in the ACT for many years and I congratulate them on the new role that they will be taking on in service of the broader community.

There were a number of monthly winners and I would like to briefly make mention of them: Dynjab Technologies in September 2008; Auraya, October 2008; Dyesol, November 2008; Stratsec, December 2008; Simmersion Holdings, February 2009; EOS Creative Technology Solutions, March 2009; Point Project Management, April 2009; Intelledox, June 2009; HealthCube Management, July 2009; and Treonic Pty Ltd in August 2009. The overall winner was Stratsec, winning the 2009 business awards.

I would like to pay tribute to Stratsec. They are an impressive Canberra company who are doing a sensational job so I would like to congratulate Peter Lilley, the CEO, who was also the co-founder along with Doug Stuart. To Peter Lilley, to Nick Ellsmore and to Doug Stuart, and indeed to all of the Stratsec staff, congratulations on a fantastic award, a wonderful recognition of a growing Canberra company.

I would like to also make mention of the Holy Trinity school fete. I was very honoured to be invited and to have the opportunity to attend on 1 November and be part of the activities. It is always wonderful to go and see the activities of our local school communities. But the Holy Trinity school community made me feel very welcome, made my family feel very welcome and indeed demonstrated what a wonderful school community they are.

I think it was a very successful fundraiser. I understand they do it every second year, so I wish them all the best. I wish Marg Koenen, the principal, and all the teachers, all the parents and all the students the best for the future of Holy Trinity. I put on record my appreciation to the community for making me feel very welcome on Sunday, 1 November.

Today I had the opportunity to attend the Canberra Big Aussie Swap party held just around the corner here in Civic and hosted by Lend Lease and Jones Lang LaSalle. It is part of National Recycling Week and it was an opportunity to go and swap things; the opportunity to give something away and see what else was there.

**Mrs Dunne:** My cricket bat.

**MR SESELJA:** I did give away a cricket bat but I am not quite sure what we got in return; I did not have a chance to hang around. But it is a fantastic event. Recycling is critically important. It is important that we see leadership not just from government. Here we are seeing leadership from the business community, who are coming to the party and giving the message about recycling.

We all recycle. We recycle through our regular recycling collections, but there are all sorts of other ways to make better use of our resources, and this swap meet is an opportunity for people to do that: to give away things that they no longer want to someone who wants it and to see something that they may want. I would like to pay tribute to Martin Heal and to Kim Host who did the sensational work in bringing the swap meet together.

I understand there were other swap meets taking place around the country simultaneously, in Sydney, Brisbane, Darwin, Perth, Melbourne, Wollongong and Coffs Harbour, among others. So congratulations to Jones Lang LaSalle and congratulations to Martin and to Kim for showing leadership in the community in National Recycling Week, showing that it is not just about government action but also about community action.

**Dr Margaret Keaney**  
**Ms Dianne Proctor**

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.39): I rise today to record for the Assembly's information the passing of two very significant women from our community. The first is Dr Margaret Keaney who, as many in this place will know, was the director of the emergency department at Calvary Public Hospital from 1980 until 2002. She also worked for some time at the Canberra Hospital emergency department. I think it is fair to say that Dr Margaret Keaney was a highly respected doctor in the ACT right across the field, certainly for her clinical skills, her leadership skills as not only a clinical leader but in terms of managing a diverse workforce, and her passion for teaching and her teaching skills.

Margaret and her late husband Jim, who was also a doctor and director of the intensive care unit at the Royal Canberra Hospital and later at Calvary Public Hospital, will be remembered fondly by many in the ACT. In their honour, the Keaney Building stands on the Calvary Public Hospital site as a lasting reminder, an acknowledgement and a legacy of the contribution that they made to the people of the ACT through their long-serving commitment to the public health system.



The second woman I would like to acknowledge here today is Dianne Proctor, whom I first met when I was quite young, attending after-school care at Woden Community Service, dropping in to see my mum who worked there. Dianne was director of Woden Community Service when I first met her. She moved on to become the executive director, as I recall, of Family Planning Australia and later to become, I think, one of the founders of the Australian Reproductive Health Alliance and the parliamentary group on population and development. She is probably best summed up as a feminist, a social activist, an unashamed leftie and a very strong and fierce advocate for anyone who happened to meet her.

At her funeral last week a quote was read out which Dianne had at the bottom of her emails. She was emailing right up to when she went into hospital and people who received her emails will be missing them now. The tag line she had under her signature block was from Rebecca West in 1913 and it said:

I myself have never been able to find out precisely what a feminist is: I only know that people call me a feminist whenever I express sentiments that differentiate me from a doormat.

Everyone had a good laugh at that because it does sum up Dianne. Dianne had a lot of messages of condolence for her husband Reuben, her second husband, and also for her son, Andrew. Senator Claire Moore sent the following message:

Dianne Proctor's work has been a major inspiration and support for so many women. Her commitment, passion and humour through many years in Family Planning and the Australian Reproductive Health Alliance contributed significantly to community awareness and action, as well as to the essential engagement of parliamentarians through the Parliamentary Group on Population and Development. As we celebrate 15 years since the Cairo Declaration on Population, the basis of the Millennium Development Goals, we remember Dianne Proctor, who attended that meeting, and did Australia proud.

The final thing I would say is that one of the first memories I had of Dianne was of walking into her office and seeing an overflowing ashtray. It was back in the times when you could smoke in the workplace. Dianne was a lifelong committed smoker. In fact, I remember her chewing Nicorettes and smoking at the same time. It was her very dedicated commitment to smoking that led to all her health issues in later life. She had COPD and was confined with oxygen in the latter years of her life. She passed away at only 70.

I have stood here before and acknowledged the passing of several individuals whose commitment to smoking ultimately caused their untimely death, and I do not think Dianne would mind me saying that it is another reminder of the risks and the harmful effects of tobacco smoke to see such good people leave too early.

### **Ministerial responsibility**

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (4.43): I would like to take a few minutes to respond to some of the

comments that have come from the opposition since my appointment to the frontbench. I cannot say that I am very surprised, since the Liberals have a reputation for being particularly negative and lazy and have little idea of what good governance is about.

I will start with a release put out on 30 October, particularly where it implied that if I did not receive a portfolio in health, police or education I would not have a major portfolio under my belt. I wonder how the vulnerable feel about the Liberals' comments—the children without parents, those with a disability, those caring for those with a disability, the homeless. What would the opposition say to these Canberrans? That their concerns are less important than an IR or a corrections matter?

I wonder how the people of the ACT feel when the opposition say that areas under my responsibility are light on, that they have no substance. The opposition have little regard for our multicultural community, for the women in our community, for the people accessing concessions. Are the opposition really saying that childcare, child protection, ageing, therapy and youth services are considered to be of lesser importance? I would say that they are not. I would say that the families accessing one of the 15,000 places in childcare would not agree either.

The fact is that the Department of Disability, Housing and Community Services have over 1,000 professionals working. They are dedicated day after day to the safety and wellbeing of some of the most disadvantaged in our community. As their minister, I see the labelling of this dedication and these professionals—these front-line workers—as being light on or of lesser importance as a slap in the face to the DHCS community. It is a heartless insult to those on the front line who work day in and day out actually making a difference.

Today the opposition are calling the portfolio line-up that I have been assigned a light load. I am just wondering why the portfolio responsibilities that I am carrying on my own are split between four shadow ministers. They are now in my mind the light load Liberals themselves.

While the opposition are dreaming up more of this nonsense, I will be finding ways to implement the new portable long service leave scheme for workers in the childcare sector. I will be working with families to make sure that all children are as safe as possible. I will be coordinating with the Attorney-General to prevent violence against women through the ministerial council.

I know what hard work is. I know what the department's responsibilities are. I know the range of programs they deliver. I am committed to making decisions in the best interests of my portfolio and the important community members they represent. If you take the depth of the portfolios and programs, they are a good part of the ACT.

You have been dismissive of our multicultural community, our child protection services, our ageing community, those accessing childcare services, those family and support services. It beggars belief that you would consider that a light load. It shows your inability to grasp the complexity of what the department actually does. I will be reminding the light load Liberals of their inability to understand the social services that the department provides.

## **National Recycling Week**

**MS LE COUTEUR** (Molonglo) (4.47): I rise today to talk about National Recycling Week, particularly the swap event which was held this lunch time. I understand that Mr Seselja has already mentioned it. I also went along to it. I am not tabling this, but I show what I bought there. For the benefit of *Hansard*, it is a very nice oval yellow bowl with gold around the outside.

**Mrs Dunne:** Yes, but he gave away my cricket bat.

**MS LE COUTEUR:** He gave away your cricket bat? Mrs Dunne, I can report that it had been swapped by the time I got there. There was no cricket bat at the great swap meet.

One of the other wonderful things about being there was Mic Conway, who is a musician who I first must have listened to at least 30 years ago—maybe 40 years ago—but who is still one of my favourites. It was a great event. It is a bit like our Second-hand Sunday but a lot more formalised.

One of the other great things about this was that I was speaking to the lady organising it, Kim Host, who is the national sustainability manager for Jones Lang LaSalle. This is not meant to be a commercial for them, but she was saying that they have a sustainability program for all their landlords. They have a sustainability program for all their tenants—and they have 30 different tenant groups across Australia—with the aim of trying to ensure that they are all more sustainable.

One of the things that she said they were particularly working on was recyclable coffee cups. It had not particularly occurred to me—I am not nasty and suspicious enough—that apparently with a lot of the recyclable coffee mugs that you get they have done the work and found that a lot of them are not recyclable. They are going to try to organise that their tenants at least get recyclable ones. As she said, a huge amount of the volume of their rubbish is coffee mugs.

You could say, “Why don’t we go a bit further, go to reusable and actually taking your coffee mug?” But it is really important that if things are labelled recyclable they are recyclable. What is probably even more important is that we have not just got the Greens talking about recycling and waste—we have been doing that for a long time—but we have got the big end of town taking it seriously.

That was a very heartening event to go to at lunch time. I hope that there will be many more recycling events, small and big, because we need them all to make a better world.

## **Erindale College academy awards**

**MR DOSZPOT** (Brindabella) (4.50): A few weeks ago, on 28 October, I had the pleasure of being the guest of Erindale college and the college principal, Mr Michael Hall. I, along with my Assembly colleague Amanda Bresnan, was invited

to present the Erindale college academy awards. These awards were created by the student body to highlight that, in addition to its recognised sporting excellence, Erindale college is very capable in producing highly successful students within the academic curricula and to promote and celebrate the college's success rate and its talents. We experienced some wonderful dance and singing performances at the award ceremony. In addition, we were treated to some superb catering by students, highlighting the versatility of Erindale college.

The academy awards were produced and hosted by Chris Inglis and Ashley Jeanroy. They were duly acknowledged by the principal, Michael Hall, for their great innovative contribution.

I congratulate the following recipients of the Erindale college academy awards: Wayne Sloan, PE award; Tess Pennell, sports development; Jacinta Henderson, outdoor education; Peter Webb, sport and rec; Nicole Bondfield, human movement; Alex Smith, chemistry; Aisha Woodruff, physics; Kayla Venn, biology; Perry Liolios, Viki Ginoska, David Santolin and Erin Harriot, business management; Jessica Swan, psychology; Nicole Bondfield and Jessica Bottomley, psychology; Jess Swan, English T; Keely Johnston, English A; Edwina Leeper, history T; Alahna Louis, French; Sam Leheney, Japanese; Christie Gilbert, general maths; Helene Geue, maths applications; Tim Bartlett, maths methods; Aisha Woodruff, specialist maths; and Emily Smith, tourism.

Showing the versatility, there were also Jack Sullivan, auto; Stephen Goedecke, woodwork; Jessica Bottomley, graphic design; Luke McDonald, hospitality-food; Brendan Kelly, drama; Michael Pritchard, music; Tess Pennell, photography; Ashlee Watts, visual arts; Natasha Eskinja, dance—this lady also performed at the award ceremony—Tavis Carson, production in live theatre; and Lachlan McClennan, media.

We also had a wonderful group of students who catered for all of us at the end of it: Johnathon Carbone, Marnie Henningsen, Stephanie Jackman, Tim Johnston, Katherine Olney, Kalan Osfield-O'Neil, Jamiee Percival, Gregory Hanger, Kirra Coventry, Alex Clifford, Fiona McGlinchey, Laura Mertin, Jessica Nash, Brittney Ovcar, Jesse Pratt, Toby Rees, Nicole Robertson, Jana Skriversis and Emily Smith.

During my visit, I was made aware just how much Erindale college is committed to being a learning community in which high academic standards are expected and achieved; appropriate programs are provided to meet the needs of the entire range of student abilities; support structures and people are available to provide advice and counselling; facilities are provided that enable success in learning; and community connection and participation are encouraged.

I saw firsthand how Erindale makes a difference for each student. For this, credit must go to the principal, Michael Hall, and his staff—for their great contribution, which has evolved into a tradition of innovation that has become the trademark of Erindale college over the years.

While we have talked about the academic excellence and the acknowledged sporting excellence of Erindale college, let me just highlight the sporting achievements. Larkham Shield winners were Erindale college, winning 38-0 over Lake Ginninderra. In Futsal ACT in the girls division, the champions were Erindale, winning the grand final against Lake Ginninderra college 3-2.

All in all, they are great academic as well as sporting results from a very fine college in Tuggeranong.

### **Typhoon Ondoy Gawad Kalinga**

**MR COE** (Ginninderra) (4.54): During the August sitting, I spoke on the work done in the local community after the tragedy of Typhoon Morakot. I was saddened to see recently that another particularly devastating typhoon had struck. Typhoon Ondoy, or Typhoon Ketsana, devastated parts of the Philippines and Vietnam. In the Philippines, landslides and severe flooding resulted in over 300 deaths that have been recorded from this typhoon. President Gloria Arroyo declared it a state of calamity. Metropolitan Manila and 25 other provinces were impacted.

The Canberra Multicultural Community Forum reports that the scenes in the Philippines were horrible, with areas going under six metres of water. In addition to the injured and the dead, there are hundreds of thousands that have been made homeless by this tragedy.

Government-led relief efforts have been supplemented by those of non-government organisations. Some based in Canberra and the surrounding region are leading local efforts to ensure that non-government organisations have resources to help with the effort.

I would like to pay tribute to the Philippine-Australian Association of the ACT and the Monaro Region. The mission statement of the organisation is:

To foster and develop friendship, to give assistance where possible and to provide information and services for the benefit of the Philippine-Australian community.

On Friday night, the organisation did just that. They hosted the Typhoon Ondoy musical dinner night as a fundraiser to support the relief efforts. Steve Doszpot MLA and I were pleased to attend. We commend all those involved in organising the event. In particular, I would like to thank Toti Verzosa, Noonee Doronilla, Len Xyrakis, Roi Verzosa, Abby Schol, Francis Tankiang, Emely Mills, Kym Kunze, Zeny O'Reilly and Norma Velasco-Humphreys for a customary warm welcome. The Philippine community is a great part of the Canberra community, and I am always pleased to attend their events.

In the past, I have spoken of the work of Gawad Kalinga, meaning to give care, a charity that aims to help people stricken with poverty. Gawad Kalinga has launched a

local appeal. Funds can be donated by contacting Ronnie Bautista or George Lemon. Their telephone numbers are available from my office—on 6205 0101. Both Ronnie and George are tireless in their work for Gawad Kalinga. They have really made a difference to many lives in the Philippines through their work.

The Red Cross also accept donations for the work they are doing. Donations can be made online at [www.redcross.org.au](http://www.redcross.org.au), by calling 1800 811 700 or by sending a cheque to Typhoon Ketsana Appeal, Australian Red Cross Supporter Services Centre, PO Box 2957, Melbourne, Victoria 8060.

As with the case for Typhoon Morakot, I would like to pay tribute to Mr Sam Wong AM, chair of the Canberra Multicultural Community Forum. I wish everyone well with the recovery process.

Question resolved in the affirmative.

**The Assembly adjourned at 4.57 pm.**