



Debates

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Tuesday, 17 November 2009

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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.

Petition

Waramanga shopping centre—petition No 101—ministerial response

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

By Mr Stanhope, Minister for Territory and Municipal Services, dated 13 November 2009, in response to a petition lodged by Mr Barr on 25 August 2009 concerning public facilities at the Waramanga Shopping Centre.

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 Mr Andrew Barr MLA on 25 August 2009 and makes the following comments:
- Public toilets were previously provided at some of Canberra's older suburban shops, but this practice ceased in the 1960s.
- Facilities that are functional at these older suburban shops are still being maintained by the Department of Territory and Municipal Services.
- In new, larger commercial developments or as shopping centres are redeveloped, it is a development condition that public-access toilets be provided and maintained by the body corporate managers of the shopping centre.
- The Department of Territory and Municipal Services will undertake a review of the current situation and develop options that might provide for toilets at existing shopping centres that are currently without facilities accessible to the public.
- These options will be considered in the context of available funding, noting that the cost of construction and maintenance is a key factor to be considered by the Government.

Forgotten Australians

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) (10.02), by leave: I move:

That this Assembly:

- (1) welcomes the apology to the forgotten Australians and former child migrants by the Prime Minister the Hon Kevin Rudd MP on behalf of the Commonwealth;
- (2) expresses regret and sadness at that treatment and at the ongoing distress still experienced by forgotten Australians and former child migrants who experienced abuse or neglect in institutional care as children between the 1920s and 1970s;
- (3) notes the historical significance of the Prime Minister's formal apology in the Parliament of Australia which marks the beginning of a significant point in the process of healing for those forgotten Australians and former child migrants who were victims of those policies; and
- (4) commends the Australian Parliament for its leadership on this matter.

Yesterday, the Prime Minister issued a national apology to forgotten Australians and former child migrants.

Like his 2008 apology to those affected by policies that tore apart so many Aboriginal and Torres Strait Islander families, yesterday's apology by the Prime Minister was an acknowledgment that perhaps the most sacred duty owed by the state is to its youngest and most vulnerable members. He acknowledged that failure in the discharge of this duty can alter the course of a life and can blight the innocent promise that lurks within every child, a promise that is too easily crippled by mistreatment, lack of love or the withholding of opportunity.

I first raised the subject of the forgotten Australians in this parliament back in March 2006, shortly after the release of the two seminal Senate reports into the fortunes of children placed in institutional care in Australia between 1920 and the 1970s. The first of these reports, *Forgotten Australians*, coined the phrase that this week officially enters into our national vocabulary and our history books, in the same way as the words "stolen generations" have done.

Forgotten Australians was a report that uncovered the reality of institutional care for many thousands of young Australians—care that in many cases was not caring at all. It was a report that also examined the role played by the governments who committed children into the so-called care of these institutions, many of which were operated by churches or charities.

Over the course of the 20th century, half a million young Australians spent a period of their youth—sometimes the entirety of their formative years—in institutional or other forms of out-of-home care. For a period, the ranks of these children were swelled by the 7,000 child migrants who travelled to Australia under schemes that, to our modern sensibilities, would seem almost like latter-day transportation. Many of these 7,000 also ended up in institutional care.

Back in 2006, I expressed the ACT government's abhorrence and sadness at the grim lives endured by so many of these boys and girls at the hands of those into whose hands they were placed, under whose power they were confined. At the very least, the experiences of these forgotten Australians and former child migrants would have encompassed a sense of abandonment, grief at the loss of parents, siblings, extended family and friends, and questions about identity and self-worth. At worst, these burdens were compounded by physical or sexual assault, exploitation, brutality, mistreatment and neglect.

In 2006, I acknowledged that this was the reality of childhood, that this was the welcome extended by our society to far too many girls and boys entrusted to society's care. It was a reality that did not magically evaporate at adulthood but which, in too many cases, has had enduring ill effects.

This week's national apology to the forgotten Australians and former child migrants is a gesture of healing. It cannot undo the harm done, but it can acknowledge it and express sorrow for it—the sorrow of a society that was mostly unaware, and often content to be unaware.

While the ACT government did not exist before 1989 and therefore had no role in the administration of children's out-of-home care in the period in question, there are many living in our community who have endured a childhood in care beyond the territory's borders, or a childhood spent as a child migrant, half a world from home. Today we acknowledge the reality of their experiences and express our remorse for the policies and the institutions that so failed them, and that robbed them of a happy childhood.

In doing so, we also reflect and ask ourselves whether the actions we take today to care for boys and girls who must, for whatever reason, spend time away from the family home serve the boys and girls of 2009 much better than the actions we took as a society in the last century. Intuitively, we believe so. But intuition is not enough. We believe so on the basis of evidence. We believe we can learn, have learnt and continue to learn from the past. It is why, in our most recent budget, we have funded special support services for those Canberrans who find themselves providing primary care for their grandchildren. It is why we have allowed for more flexibility in base payments for foster carers, depending on the age of the child and their particular needs. It is why we have dedicated \$11 million over the next four years to developing innovative new out-of-home care services.

By no means do I suggest we have reached some plateau from which we can never hope to improve. Even men and women motivated by goodwill and sincerity can only act as creatures of their time, on the evidence available to them, applying the standards of the day.

Our luxury, as citizens in a democracy, has always been our opportunity to improve upon our best efforts, incrementally, as new information comes to hand. For example, under the Children and Young People Act 2008, we have allowed greater information sharing between agencies, to help child protection workers respond to boys and girls in need.

We have increased the government's powers to assess and respond to children suspected to be at risk through the introduction of appraisal orders. We have enhanced confidence and a sense of permanency for children and young people on orders by including stability proposals in care plans and long-term orders. We are according greater protection for children yet to be born, who may be at risk after their birth.

Later this month, coincidentally, a charter of rights for children and young people in out-of-home care in the ACT will be launched. The charter accords children who are unable to live with their parents the rights enshrined in the United Nations Convention on the Rights of the Child, the Human Rights Act 2004 and the Children and Young People Act 2008.

On behalf of the ACT government, I reiterate the ACT government's remorse for the enduring effects of past policies upon those Australians who suffered in institutions over many decades during the past century. I acknowledge the extraordinary and burdensome journey made by the child migrants who arrived on our shores in pursuit of what the logic of the day insisted would be a better life, and who have been so scarred, in many cases, by that double-edged sword of opportunity.

I congratulate the Australian government and parliament on its apology and echo it here in this chamber today.

MR SESELJA (Molonglo—Leader of the Opposition) (10.09): Today, we acknowledge the hurt and the plight of former child migrants and the people in our society known as the forgotten Australians. These include both those who were dislocated from their home countries and moved across thousands of kilometres to countries including Australia, and those already within Australia who were made wards of state.

These are a group of people spanning several generations who, by government policy, were taken from their families and their homes—indeed, in some cases their home countries and their home cultures—and shipped to various destinations around the globe to strange and, it has to be recognised, sometimes hostile environments.

The disruption this would cause to anyone can scarcely be understated. The dislocation that must have been felt by children is scarcely imaginable. As a father of four young children, it is heartbreaking for me personally to contemplate children just like my own being separated from their parents in the way that so many were.

It has often been remarked that the first step to healing is to recognise the pain that has been caused. To this, I add the voices and the thoughts of the Canberra Liberals to those of others who have spoken on this topic, in acknowledging the hurt that has been caused and the harm that was done.

Like many government policies of bygone eras, the proponents of the policy at the time no doubt had justification which suited their purpose or attempted to salve their consciences. However, it is for the policy makers of the present to recognise the poor decisions made by their predecessors, to acknowledge the faults in their logic and

their conclusions and, while we cannot undo the harm of the past, we can ensure that similar policies do not gain currency again. It is for the people and the parliaments of this generation to accept that the actions of the previous ones led us on paths we should not have chosen and, where appropriate, to apologise on behalf of the people they represent to those who suffered harm. This is such a case.

According to reports from the British government, an estimated 150,000 British children were removed from their homes in a series of programs that lasted from the late 19th century until the late 60s in the 20th century. A 2001 Australian report estimated that up to 30,000 of these children were sent alone to Australia over the entire period. These include over 10,000 children who were relocated to Australia after World War II. There were many more made wards of the state. In all, the number of lives affected are as high as half a million Australians.

Sadly, many of those children were not given the care they deserved or required. Some of the children were told, wrongly, that they were orphans. Even more heartbreaking, many are now known to have suffered abuse, neglect and denial. For too long, we as a nation have been in denial about the suffering they have endured. They are referred to as the forgotten Australians because of this denial.

The actions by Kevin Rudd and Malcom Turnbull in the federal parliament and the comments made by members from all sides of politics in this chamber today might go some way to ensuring those stories will be heard and remembered and that the hurt will be respected and recognised. They will be forgotten no longer.

I want to point out that, no matter where they came from or the circumstances in which they came, they are all Australians now—part of our living, growing culture. Those amongst us who have survived the disruption and hardship, the loss and the grief, must be remembered with honour and with honesty.

We have heard the individual stories of those who went through this process, both harrowing and haunting. It is for all of us now to ensure that these stories are told and remembered. Today, in this chamber, I am proud to be part of a generation of parliamentarians and Australians who recognise those who went through this process, and I humbly offer my acknowledgement and express sorrow for the pain many have endured and many still endure.

I join the voices offering our apology to the people of Australia, our countrymen and women who were poorly served by our predecessors. On behalf of the Canberra Liberals, I say sorry: sorry for the hurt, sorry for the neglect of the system then and the system that has for too long failed to recognise the truth of their stories until now. On behalf of the people and parliament of the ACT, I say sorry, and I commend this motion to the Assembly.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.14): I rise today to join with others in the Assembly in supporting the national apology that recognises the hurt suffered by former child migrants and other Australians who grew up in institutionalised care. The Greens will, of course, also be supporting this motion.

These approximately 500,000 forgotten Australians are the survivors of emotional, physical and sexual abuse in state, church-run and charitable orphanages, foster homes and institutions at the hands of those who had the responsibility to care for them. It is now eight years since the first Senate inquiry and five years since the 2004 Senate inquiry recommended that an apology be issued. Those inquiries enabled many people who had been children in the Australian institutional care system to tell their stories.

While the Prime Minister's apology and the apology that also came from the opposition leader yesterday are most welcome, they have still been a long time coming for the forgotten Australians. Five years after it was recommended by the Senate is too long to prolong the suffering for people, some of whom were lied to and told they were orphans when they had living parents. Some were later reconciled with family, and some never got to know the love of a parent and the comfort, sense of place and identity that come from being raised by their families.

It is horrifying to read reports of the suffering and yesterday to listen to the accounts of the Prime Minister, the Leader of the Opposition and former Senator Andrew Murray of what survivors had told them about their experiences of loss, pain, abuse and trauma, of lost childhoods and the ongoing and debilitating impacts this had on so many throughout their adult years. It really brings home the responsibility that we all have in the Assembly to manage our present-day responsibilities in relation to children and young people in the ACT who, due to abuse and neglect, have to be raised in out-of-home care.

Only last week in the Assembly, my colleague Caroline Le Couteur delivered an MPI on behalf of the Greens on tackling Australia's biggest social problem—child abuse and neglect. In that, we mentioned that, within the ACT and other Australian jurisdictions, there are growing numbers of children in out-of-home care and that there is much to do if we are to make significant inroads into tackling these issues. If we are to learn anything from the apology delivered by the Prime Minister and others at Parliament House yesterday and the countless stories of abuse suffered by the forgotten Australians, it is how to provide safe and supportive homes for our children and young people in out-of-home care today.

There are many wonderful foster and kinship carers who deserve our support and respect for ensuring that these children in need of care are nurtured and not neglected. That is why last week I raised the issue in question time about the money that had been promised to kinship and grandparent carers. I do hope that I do get some details of that this week. It is this much needed financial assistance, as well as proper advice, advocacy and information on entitlements, that will go a long way towards ensuring we are all doing what we can to make sure we do not have another group of forgotten Australians.

We note that the Australian government will table in parliament within the next few days a comprehensive response to the recommendations contained in the two Senate reports, *Lost innocents* and *Forgotten Australians*. It is essential that the responses to these reports commit Australia to recognising the harm done and that we work in

definite ways to repair this harm. We must learn the lessons from this period and be vigilant so that all possible protection and the best care are available to children who now and in the future will be raised in out-of-home care.

This apology is long overdue, and the ACT Greens support the Chief Minister's motion. We hope that we learn from these lessons of the past and that in some small way the apology helps the forgotten Australians by letting them know we are truly sorry for their having had to endure the grief and hardship and loss.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.18): I support the Chief Minister and his comments on the Prime Minister's apology to the forgotten Australians and the former child migrants. Yesterday, the Prime Minister delivered a heartfelt apology. It was an apology to hundreds of thousands of Australians who, as children and young people, spent time in institutions and other forms of out-of-home care. During the last century, there were approximately 500,000 such people. There were also some 7,000 former child migrants in Australia. Known as the lost innocents, they arrived in Australia through government-agreed child migration schemes. Many were subsequently placed in institutions and, like the forgotten Australians, suffered untold neglect and abuse.

I have taken time to listen to their stories. Each experience varied and each person and each experience is important. Many of them suffered abandonment and loss, grief through separation from parents and families, and loss of identity. In some cases, physical and sexual assault, exploitation, brutality, mistreatment and neglect were experienced by these children. Many were wrongfully told that they had been abandoned by their parents and families and that their families no longer cared or that their parents were dead. Some had lost their parents and then were separated from their families and taken away, taken to a new location.

This is the story of my mother, who was orphaned as a very young child. She was separated from her brothers by many kilometres, separated by a life. It was only as an adult that she was able to rekindle these relationships with her brothers. She was separated by a life of isolation, hardship and despair. But, as an adult, she rekindled those relationships with her brothers, and perhaps that is what cemented her attitudes to our large family. So these stories are, indeed, incredibly personal to me.

Childhood is difficult enough without the suffering that these adults remember today, and I am pleased that the Prime Minister acknowledged the suffering of Canberrans who experienced abuse or neglect and expressed deep regret for their ongoing sadness and suffering. An apology and acknowledgement of the past is not only an important step in helping to heal the emotional and psychological harm, but it lets the voices of children who were not heard when they were growing up be heard and lets their stories be finally told.

To coincide with the Prime Minister's apology, my department, the Department of Disability, Housing and Community Services, has developed and distributed specific materials promoting the event and setting out where people can get support and information, should they require it. It has made counsellors and social workers available to provide support during this time of reflection.

This government has learned from the past and is committed to improving outcomes for all the ACT's children and, in particular, those in out-of-home care. This government is committed to keeping our children safe. As the minister responsible for children and young people, that is my priority. That is why we have been investing in making things happen, investing in our future, investing in family support and early intervention services to help families stay and grow together. We have funded community agencies to provide information, advice and support to grandparents and kinship carers, including through our carer recognition grants. We have provided \$2 million for foster carers to allow increases in base payments, depending on the age of the child and their needs. We have also provided \$11 million over four years from next year to support the development of innovative out-of-home care services in the ACT.

We have invested in a carer liaison position in DHCS to provide additional support to carers. DHCS also provides funding to support the ACT Foster Care Association. This government has been delivering support for our children and young people, delivering on support for our families. The Office for Children, Youth and Family Support is a key part of the Department of Disability, Housing and Community Services, and it provides programs and services in a range of settings that support children and young people and families to reach their potential and contributes to building strong community capacity.

We have introduced standards for the provision of out-of-home care services in the ACT to ensure the quality of care provided and optimal outcomes for children and young people. We have participated in a range of critical national initiatives, including the national framework for protecting Australian children, the early childhood national strategy, the national youth homelessness strategy and the Indigenous early childhood framework. In line with our commitment, the key changes have been implemented in the Children and Young People Act 2008, aimed at improving outcomes for children and young people in the ACT. These changes have enabled greater capacity for information sharing between agencies to assist the child protection services in working more closely with other agencies.

Through the introduction of appraisal orders, there are increased powers to assess and respond to children and young people who are suspected as being at risk. There is strengthened recognition of the needs of Aboriginal and Torres Strait Islander children and young people who are in the care and protection system. We have allocated funds to be provided to a specific Aboriginal and Torres Strait Islander organisation to support kinship and grandparent carers.

I am proud to say that the charter of rights for children and young people in out-of-home care in the ACT will be launched on 27 November this year. The charter sets out the rights for all children and young people who are unable to live with their parents. It sets out that they will be heard, will have access to services, information and supports and be active agents in decisions about their own lives. The charter is consistent with the United Nations Convention on the Rights of the Child, the Human Rights Act 2004 and the Children and Young People Act 2008. Importantly, the ACT

children's plan and a new young people's plan are based on extensive consultation with children and young people here in the ACT. These whole-of-government plans again demonstrate this government's commitment to ensuring that the voices of all children and young people in our community are heard and effectively responded to.

This government has been listening to, investing in and delivering for all of our children, all of our young people and all families in the ACT. I reiterate the sadness and regret expressed by the Chief Minister, and I support the Prime Minister and the Australian government in its commitment to acknowledging the sorrow and hurt faced by the forgotten Australians and the former child migrants.

MS LE COUTEUR (Molonglo) (10.25): I would like to briefly add my personal sorry to the statements in the Assembly today. There are a couple of people in my life who were part of this, who were in these institutions, and you can see in them even now what has happened. It has affected their lives and will continue to affect their lives. I think it is a very positive thing that we as a society, as a community, say to them that what happened was not right and that we will do our best to ensure that it does not happen again. As Ms Hunter has said, child abuse is one of the biggest problems in Australia today, and I am very pleased that we are all saying "no more". However it is done, it hurts and it affects people forever.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.26): I would like to rise in support of the Chief Minister's motion and to commend other members, particularly Ms Le Couteur, for their contributions and to acknowledge the Prime Minister's national apology to the forgotten Australians and former child migrants.

This is a significant occasion. It is a time for healing, a time for reflection, and it is a moment when we come together as a community. As a community, we take a collective responsibility for past injustices. It is the time to take collective responsibility for the pain, for the suffering and for the wrongs which have occurred in our nation's history. Yesterday the Australian government made a heartfelt apology to the forgotten Australians and former child migrants. The ACT government has recognised these injustices of the past, but it is very important that we take this opportunity today to say to those who have never known their families and those who were placed in situations of hardship, of poverty and of vulnerability that we are sorry. We are sorry for the powerlessness you have experienced. We are sorry for the lack of love in your childhoods, and we are sorry for the pain, the shame and the suffering.

Today we reflect on the past. We remember the history of suffering and pain. But if there is just one glimmer of hope for the forgotten Australians and child migrants, it is that their experiences and the lessons that we have learnt from them will not be forgotten and that as a nation we have learnt from these terrible experiences. That is why we now see childhood as something to be cherished and protected. That is why, as a community, we take collective responsibility for these children. That is why, as governments, we must protect our most vulnerable through education, through early intervention and through health programs. That is why we are helping families to be more resilient and why we are providing services like child and family centres, like playgroups and like parenting networks.

Everyone has a right to a safe and happy childhood and the right to a safe home, and we are keeping children as safe as possible by supporting families. We are working hard to protect our most vulnerable and we are building resilient and caring communities who take collective responsibility for children and young people. As we look to the future, we will not forget the past. We will never forget the injustices that have been experienced, and we are working to make sure we protect our most vulnerable.

MR SMYTH (Brindabella) (10.29): It is probably well known that I come from a big family. I have nine brothers and sisters, and I could not imagine not having any of them. To have nothing after the government that was there to protect you had stripped you away from your family must leave immense scars on the psyche of people. I think it is a great step forward as a nation to see the Prime Minister and the Leader of the Opposition stand together, both with clear emotion and immense meaning in their words, and deliver the apology to these people who were taken from their loved ones, whether it be in circumstances of war or whether it be in circumstances of peace.

Very much in terms of the national psyche, if we are to be unified, if we are to be one nation, it is important that, when we find the mistakes of the past, we make a meaningful admission that they were wrong and worthy of an apology and then get on with the job of looking after people. That is a good thing. I thank the Chief Minister for putting forward this motion today. I thank the Prime Minister and the Leader of the Opposition, Malcolm Turnbull, for their leadership yesterday.

I think it should be remembered that a large amount of this work was, in fact, started by the Democrats' Andrew Murray. Mr Murray should not be forgotten for the work that he did through the inquiry, because he lived through that personal experience where he was sent by the British government to Zimbabwe as an orphan. He clearly knows from first-hand experience the impact of that.

I think it is great that today we have in the gallery Patrick, who, as a member of our local community, also suffered. Patrick's story was written up in the *Canberra Times* on Monday. He was sent on one of the first boats from London after the war, supposedly as a war orphan. It is great that many years later he was able to meet his mother and catch up and renew those things. It is important that we know who we are. For Patrick, who is well known in Irish circles in the ACT, to be able to wear that green tie with the harp on it is particularly important, having found his Irish roots. We need to know where we come from. If we do not know where we have been, it is very hard to know where we are going.

The question is: what do we do now? I notice that the Prime Minister has put forward a range of programs, and I look forward to those programs being put in place. In particular, I think it is important that the stories are told. I note that displays will be put in the National Library and the National Museum, and I hope people do come and see them and actually understand the impact of what was done to these poor children. I look at my three-year-old son David and just think, "How could you hurt a child supposedly for good reasons?" We all know today that they were not good reasons. Things were done to children that should never even be considered as being good for children.

It is a step forward for the nation. I think yesterday was a very good way of bringing, for a number of people, closure for something that has hung over their lives. You only need to read the various stories that have been told in the last couple of weeks to see the impact. I hope that yesterday was cathartic for us as a nation; I hope it was a real closure for those that were the victims of these events; I hope that from this point they can move on in their lives with great joy in their lives and leave the past behind. I commend the Chief Minister for bringing forward the motion.

MS PORTER (Ginninderra) (10.33): I would like to add my words to those that have just been said in this place this morning. I would like to recognise the experience of those that have become known as the forgotten Australians and the former child migrants that the Prime Minister and the Australian government and this Assembly have extended apologies to this week and today. This is, indeed, a significant event in the life of this nation, as others have said before me. As we listen to the stories of these children and their often dreadful experiences, we say we are sorry. However, can we ever understand their pain, the pain of separation, the pain of not knowing who loved them, or if anyone loved them, the pain of not knowing where they belonged and who would support them? Many speakers have spoken of the scars that will, of course, last for the whole of their lives.

As a child, I arrived with my family in Australia, and when I landed on Australian shores I had my mother and my father and my sister with me, by choice. It was still, though, hard to leave members of my extended family. How much harder would it have been to leave alone to an uncertain future, separated, it would seem to them, I am sure, from their past? I would just like to commend this motion to the Assembly and add my recognition to the importance of saying sorry.

Question resolved in the affirmative.

Justice and Community Safety—Standing Committee Scrutiny report 15

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 15, dated 16 November 2009, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

MRS DUNNE: Scrutiny report 15 contains the committee's comments on 25 pieces of subordinate legislation, one government response and one regulatory impact statement. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

Duties Amendment Bill 2009 (No 2)

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

That this bill be agreed to in principle.

MR SMYTH (Brindabella) (10.36): The Duties Amendment Bill 2009 (No 2) seems to be a simple piece of legislation to remove some unnecessary or outdated parts of legislation and to clarify others. The areas that the bill looks at cover such things as de facto relationships as defined under the commonwealth Family Law Act to make sure that, as the explanatory statement states, the amendments made by this bill do not override the existing exemptions but, indeed, just clarify them. The bill looks at the Taxation (Government Business Enterprises) Act to remove some provisions in the act which are redundant and it looks at the terminology that relates to provisions on the registration of a motor vehicle.

At first blush it all seems quite simple and reasonable. Indeed, the opposition will be supporting the legislation today. But when the minister closes I would like her just to clarify a few things. The first thing I would say to the Assembly is that I had a briefing yesterday on this bill, and I thank the Treasurer for the briefing. As always, the officials were very good in the information that they delivered. But I did ask some questions afterwards. One of the questions was: what consultation has been done? The answer was that there was no consultation because it was just for clarification of the existing legislation due to conflicting interpretations.

With that in mind, I did some consultation. I rang a number of the business organisations around town to find that most had not heard of the act. Indeed, having read it, some had concerns with what is proposed here. This requires some simple clarification from the minister. For instance, the Motor Trades Association wrote back to me and said:

Dear Brendan,

Further to our discussions, as listed below directly from ACT Revenue website, you will note that cab chassis vehicles with equipment attached, have the "C" rated green vehicle guide imposed and is not restricted by any dollar amount. Whereas a motor vehicle with a value exceeding \$45,000 will have the appropriate green vehicle guide rating plus an increase as outlined in table 3 below.

The MTA goes on to say:

Industry is concerned that without maintaining the status quo through the removal of the wording "passenger" and "constructed to primarily for the carriage of not more than 9 occupants" that business will in fact be required to pay the additional duty as outlined in table 3.

The MTA has not been consulted on this matter, but would support the amendments as long as the government ensured as per their "Overview Statement" that the lower rates will continue to apply. Otherwise objections to this amendment must be made.

It is extremely disappointing that the government has failed to consult with industry on this matter.

I spoke to the minister's office, and again I thank her staff for their assistance, about whether the lower rates will continue to apply. If the minister could clarify that in her speech I think it would take away some of the angst that the MTA has certainly raised.

There is another issue that I raised with the government, and again I thank them for the answer. The bill talks about the \$45,000 threshold. The extra duty kicks in when \$45,000 is reached. Of course, that threshold was introduced in 1999; so I actually asked the officials when the threshold was introduced and why it had not been amended or changed.

The question also was: has the government considered increasing the \$45,000 threshold? What you purchased in 1999 is obviously somewhat different from what you can purchase in 2009. The answer provided was:

The proposed amendments are to clarify the current provisions that determine which vehicles with a value over \$45,000 are subjected to a higher rate of duty.

Any changes to the threshold would need to be considered as part of the budget process as a separate exercise. The amendments do, however, provide the minister with the ability to change the threshold by determining a different amount under the Taxation Administration Act 1999.

So the second question that I would put to the minister is this: will the government look at the threshold? Is it still an appropriate threshold given changes in the value of the dollar from 2009 as opposed to 1999? Are they considering raising that or decreasing the threshold? If the minister could provide some clarification on that in her closing speech, that would be appreciated. Apart from those comments, the opposition will be supporting the bill.

I look forward to confirmation in the positive that this will not be an increased impost on individuals in the ACT, particularly in the small business community, during these difficult times. I look forward to the minister outlining what she will do about the \$45,000 threshold.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.41): The Greens support these amendments to the Duties Act 1999 as they appear reasonable changes that will assist the people of the ACT. The first amendment now includes a definition of "cancelled" that covers abandoned or terminated without completion with regard to agreements for the sale or transfer of dutiable property.

The amendment to the Family Law Act 1975 will include provisions for financial arrangements for de facto relationships, which will not override the existing exemption provisions for de facto relationships. The third amendment simply corrects a redundancy in the Taxation (Government Business Enterprises) Act 2003, where there were certain entities listed as liable for taxes and charges.

Lastly, terminology in this provision has been amended to clarify the intention of the legislation so that vehicles listed will pay a lower rate of duty and any uncertainty has been removed for taxpayers. The Greens welcome these amendments and the intent of these clarifications.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10:42), in reply: The Duties Amendment Bill makes four amendments to the Duties Act. The first is technical in nature and other amendments will ensure equitable treatment for taxpayers.

The first change made by these amendments simply repeals the section in the Duties Act that relates to the liability of territory entities to pay duty. These sections have been removed from the act as they are no longer required. Under the Taxation (Government Business Enterprises) Act 2003, territory entities that are subject to territory taxes and charges are prescribed by regulation. Those entities prescribed by regulation will continue to be liable to duty.

The second amendment will remove the duty liability where an agreement for sale or transfer of dutiable property has been cancelled, terminated or abandoned. Currently, an agreement for sale and transfer of dutiable property is liable to duty when the agreement for sale and transfer has been cancelled, terminated or abandoned, and only in situations when an agreement is rescinded does the liability to duty cease.

This amendment will remove the liability to duty when an agreement for sale and transfer is cancelled, terminated or abandoned before the transfer has been completed. Where duty has already been paid in accordance with the Duties Act, taxpayers will be able to apply for a refund of the duty. This ensures equitable treatment for all taxpayers who find themselves in the situation where a transfer cannot be completed and they either cancel or rescind the agreement for sale or transfer.

The Australian government recently made changes to the Family Law Act to allow de facto couples access to the family law system. Under the Duties Act, the transfer of property made pursuant to a financial agreement under the Family Law Act on the dissolution, annulment or irretrievable breakdown of a marriage is exempt from duty. In line with the changes made by the Australian government, the third amendment to the Duties Act extends the exemption to de facto couples where dutiable property is transferred pursuant to a financial agreement under the Family Law Act.

The final amendment made by this bill revises some of the terminology in the motor vehicle provision in order to clarify the intention of the original legislation. Due to the changing nature of the motor vehicle industry, some confusion has arisen as to which type of vehicles are liable for the higher rate of duty.

Under the current provisions, passenger motor vehicles with a dutiable value over \$45,000 are required to pay duty at a higher rate. However, some confusion as to which vehicles are passenger vehicles has arisen due to commonwealth vehicle classifications. Some vehicles with a commercial compliance plate were not charged the higher rate of duty as they were not regarded as passenger vehicles. Under the Duties Act, it was always conceivable that motor vehicles with a commercial compliance plate could also be passenger carrying vehicles. These amendments seek to clarify the original intention of the legislation in relation to which vehicles with a value of \$45,000 or more are subject to the higher rate of duty.

Certain types of vehicles that originally were intended to be excluded from paying the higher rate of duty are now listed. For example, buses which seat 10 or more people, caravans, trailers, plant or equipment are not subject to the higher rate. To allow for future changes in the motor vehicle industry, the amendments provide for additional vehicles to be added by regulation.

Amending these provisions will remove the uncertainty for taxpayers and those administering the legislation. I thank members for their contributions. I hope that clarifies the questions by Mr Smyth. In relation to the \$45,000 threshold, that is something that I will undertake to review as part of the budget process.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Holidays (Family and Community Day) Amendment Bill 2009

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

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (10.47): This bill seeks to change the Family and Community Day public holiday and to remove all references to the former union picnic day from the Holidays Act 1958. The bill changes the date for the Family and Community Day public holiday from Melbourne Cup Day to the first Monday of the ACT schools terms 3 to 4 break. If that date coincides with the Labour Day public holiday, which it will in 2011 and 2012, the Family and Community Day will fall on the second Monday of that break. The bill also removes references to the union picnic day and associated awards.

The explanatory statement indicates that there was considerable interest in the public holiday consultation process, with more than 1,100 submissions received, 21 per cent of which supported a public holiday to coincide with Floriade or to celebrate the start of spring. While the explanatory statement spoke of consultation, until yesterday afternoon my office had not been provided with a copy of the consultation report, although we had asked for it a number of times from various ministers.

Happily, Mr Speaker, the government has responded to the community's opposition to the public holiday, Family and Community Day, falling on Melbourne Cup Day. I cannot believe that anyone could get it quite so wrong, that anyone declaring a public holiday could create something which was so unpopular. It was seen as having a negative impact on workplace productivity because many people were taking a four-day break over that time. It was seen as having a negative impact on the ACT economy because the hospitality trade saw a significant downturn at the time, which

hitherto had been a high point for the hospitality trade. It was seen as having a negative impact on traditional workplace occasions because workers were no longer celebrating Melbourne Cup together. We almost saw the end of the traditional workplace sweep as a result.

Most importantly, the bill shows yet another backflip by the Stanhope Labor government because it failed to think through the impacts of its impetuous brain snap when it put the holiday on Melbourne Cup Day. Had it thought through the issue properly in the first place, we would not be spending time debating this today.

Mr Barr: That was the outcome of the first round of consultation, Vicki. It is what the business community wanted. That was community consultation for you.

MR SPEAKER: Mr Barr, you will have a chance in a moment.

MRS DUNNE: If Mr Barr wants to justify himself, Mr Speaker, I am sure that they will find time to do so, given the considerable time and the paucity of business on the blue today. Had the government thought through the issue properly in the first place, we would not be spending time today debating what should have been a more established declared public holiday. The government will claim that the first iteration was in response to its initial public consultation process. Maybe that is the case, but the point I am making is that the government took that consultation on face value without analysing its broader implications.

Indeed, it was the exact reverse of the government's approach to consultation on the closure of the Griffith library when then Minister Hargreaves, the Minister for Territory and Municipal Services, said that the government would not be consulting on the closure because he knew what the answer would be. This time it was a case of saying, "We will consult and we don't care about the consequences of that consultation."

Let me turn briefly to the question of whether we actually need another public holiday at all. Currently in the ACT, including the Family and Community Day, there are 12 public holidays, plus an extra holiday for public servants during the Christmas week and a bank holiday in August for bank employees. The only other jurisdiction in Australia that has 12 public holidays is Victoria. New South Wales has 10, plus a non-state-wide bank holiday. Queensland has 10, plus Exhibition Day, which is for Brisbane only. South Australia has 11 public holidays and Western Australia has 10. Tasmania has 10 and the Northern Territory has 11. Both have a number of regional holidays, not state-wide holidays.

Every public holiday, whilst a welcome break for workers, has an impact on productivity and the economy. In the case of the ACT, public holidays usually mean an exodus to the South Coast of New South Wales. That exodus is not balanced by an influx of tourists. The question of what is the right number of public holidays is not one that has been tested. However, we could be guided by the practice of other jurisdictions, where the average is about 10½.

I am not sure that the government gave any consideration to this in deciding that the previous union picnic day should not only be retained in the holiday calendar but also

should be broadened to be available to the population as a whole in the form of Family and Community Day. I note in passing the genesis of the notion of Family and Community Day. It came from submissions, I think, to the Prime Minister a couple of years ago from a Melbourne based think-tank with Labor leanings. I suspect that they did not think about all of these things.

The Liberal opposition has some concern about the number of public holidays that are in effect in the ACT. We believe that our holiday calendar should be more comparable with those in other jurisdictions. We see the government's performance in this matter as falling short of what is required for a proper and considered policy consideration. We have seen yet another backflip. While the results are welcome in terms of the timing of Family and Community Day, it fails to look at the wider ramifications in the context of the territory's productivity levels and the economy generally.

That said, Mr Speaker, we will support the bill, but we say to the government that there are lessons to be learned from this case, even from a seemingly simple piece of legislation and associated policy. We hope that the Stanhope Labor government has learned those lessons.

MS BRESNAN (Brindabella) (10.53): The Greens will be supporting the Holidays (Family and Community Day) Amendment Bill. Back in 2006 the Greens supported the creation of a public holiday to replace the abolished union picnic day. We were pleased at the time to see the ACT institute a public holiday that sought to celebrate our families and communities and give them time together. The initial decision to have our Family and Community Day on the same day as Melbourne Cup Day was debatable and we can now say that the consequences went beyond those which were foreseen. As has been noted, these consequences were largely unforeseen.

The Canberra Business Council has quite rightly pointed out that catering firms and the hospitality industry in general lost revenue as workplaces no longer had workplace functions for Melbourne Cup Day. There has also been the problem of people taking a four-day weekend, with no-one at work on Monday and Tuesday. This has had further impacts on businesses in Canberra. The other consequence is that Canberrans seem to be much more focused on the Melbourne Cup than on the celebration of families and communities, so it seems appropriate that we now move the date of the public holiday to a day that gives this issue prime importance.

It is worth noting that when the government consulted on the proposed new date for Family and Community Day 47 per cent chose to replace Family and Community Day with a permanent new public holiday, possibly on a different date, with a strong ACT connotation. Of those 1,100 responses, nearly 21 per cent indicated that they would prefer a day focused on Floriade or the commencement of spring. The bill proposes that Family and Community Day will always fall in the week alongside Labour Day in term 3 of the school holidays, so half the time it will be at the same time as Floriade and half the time it will not. The benefit of having the public holiday in school holidays is that it provides working parents with one less day that they need to put their children into some form of day care or another activity. It is one more day that parents can spend with their children without having to take a day off work.

I received a briefing on the bill from relevant officials and the minister's office. I thank both the minister and the officials for this. It was my understanding from the briefing that objections had not been raised by key stakeholders, including unions and business representatives, to the dates that have been proposed in the bill. The Greens' philosophy of government is that leadership and ideas evolve not only from what we do here in this place but also, to a high degree, from the communities we seek to represent. It is in recognition of the ACT community, and the work we all do as citizens to make life better for everyone, that we support a day dedicated to Canberrans coming together. The Greens will therefore be supporting this bill today.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (10.56): I am very pleased to speak in support of this bill and to indicate once again this government's commitment to ensuring that the entitlements of private sector workers that were viciously and unfairly stripped from them by the Howard government's Work Choices legislation will be protected.

In the context of Mrs Dunne's contribution to this debate, it is worth providing a little bit of balance to the explanation of how we arrived at the Family and Community Day. Let us not forget that the ACT government was forced to step in to provide, initially by regulation, for a new public holiday for the territory following a longstanding entitlement for union members to a picnic day holiday, particularly for those in the private sector. As Mrs Dunne indicated in her contribution, there is a public sector holiday—commissioner's day—that falls during the traditional stand-down period between Christmas and new year. Private sector employees in the territory, until the introduction of Work Choices, had an entitlement to union picnic day. That was written into most awards for private sector workers. It was a longstanding tradition in this territory, going back, I believe, to around the 1930s.

That entitlement was viciously stripped away in what can only be described as a draconian assault on workers' conditions as part of the Work Choices legislation. Fortunately, the Australian public had their say on the Work Choices legislation. The architects of that particular piece of industrial relations policy now find themselves in the dustbin of political history. And is that not a good thing, Mr Speaker?

The ACT government has a limited range of powers in relation to industrial relations matters. In seeking to restore the entitlement that was stripped away by the Work Choices legislation it was necessary to create a new public holiday that applied universally. In that initial round of consultation there was a diversity of views on whether that extra day was needed. I would acknowledge that the business community indicated at that time their preference that there not be a replacement holiday. Nonetheless, the overwhelming majority of feedback from the community was that those entitlements should be retained and that they should be retained in a way that ensured that those workers, particularly in the private sector, were not disadvantaged.

In that round of consultation a number of different options were considered as to when the day should fall. Mrs Dunne is right: that consultation came back with the view that Melbourne Cup Day, a day of lower productivity in the workforce, should

be adopted as the Family and Community Day holiday. The business community's view at that time, as expressed through their peak bodies, was that they were opposed to an additional holiday, but if they were recognising that it was the government's intent to have an additional holiday then we should choose the day of lowest productivity. Their view was that that would be Melbourne Cup Day.

That was the outcome of the consultation. I find it curious and somewhat amusing that, in accepting the outcomes of that consultation, we are apparently guilty of lacking foresight and, in fact, we should have ignored that consultation process. Next time Mrs Dunne lectures me or any of my colleagues on consultation I will have those words echoing in my ears. According to Mrs Dunne, there are times when we are to consult and get a clear outcome, but then we are to completely ignore it because there is some other foresight that should be shown. I will note that one. I will store that one away for future debates, Mr Speaker.

Having reached a decision in relation to Family and Community Day, I think it is important to note its general acceptance. The principles behind the day have been generally accepted by the ACT community and are very strongly endorsed. In fact, you see that in the participation in Family and Community Day activities that have been run jointly by the government and a range of community organisations at various venues around the city on the day. Whilst I acknowledge that for those who had enjoyed the tradition of effectively knocking off at lunchtime, having lunches and sweeps and all of the rest and not doing much else in the afternoon, just hanging around with their work colleagues, there was an end to that tradition on Melbourne Cup Day, but certainly new traditions were established. Canberra racecourse, for example, was very pleased with the increased attendance as a result.

Nonetheless, two or three years of experience showed that having the holiday on a Tuesday meant that a larger than usual number of people took off the Monday before Melbourne Cup Day. It is worth noting that, even prior to the Tuesday being a public holiday, it was a day that those who were interested in racing certainly took off; they went down to Victoria for the Spring Racing Carnival. It is not to say it was never the case before, but it was certainly exacerbated by having the holiday on the Tuesday. It is appropriate, in terms of continuing the Family and Community Day tradition and also looking at the impacts, to have today's legislation to move that date.

Before I close I must make some further observations on the situation in other states and territories in Australia around public holidays. I think Mrs Dunne in her contribution skated over the fact that other jurisdictions, particularly smaller jurisdictions, have more public holidays than, say, New South Wales. There are regional show days and regional race days in Tasmania and the Northern Territory which means, in fact, that the number of public holidays is equal to that of the ACT. Whether it is the race day in Hobart or the Launceston show in Tasmania, the northern half of the state has a public holiday on a different day than the southern part of the state does. Nonetheless, everyone in Tasmania enjoys 12 public holidays, just as we will in the ACT with the passage of this legislation.

I am very pleased to be able to support this legislation and to commend the Minister for Industrial Relations for bringing it forward. I apologise to ACT teachers, who I

understand are feeling a little bit disappointed that the holiday will fall during school holidays. Of course, it is not during their formal stand-down period, so that means probably one less day of professional development that teachers will have to attend during the break between term 3 and term 4. I thank members for their support of the legislation.

MS PORTER (Ginninderra) (11.05): Firstly, in supporting this bill I would like to acknowledge the extensive contribution of Unions ACT in providing the history of the ACT union picnic day in their submission to the government's consultation on the future of Family and Community Day. I do note Mrs Dunne's reference to some of the history and I believe that reminder of that history will significantly add to the debate here today.

Union picnic day was a well-established and popular workers' holiday in New South Wales awards prior to the creation of the Australian Capital Territory on 1 January 1910. However, once the ACT was established, New South Wales awards ceased to apply in the territory, and ACT workers were not covered by any industrial law until the establishment of the ACT Industrial Board on 13 April 1922. The Industrial Board was empowered to deal with industrial disputes and to fix wages and conditions for workers engaged on commonwealth works in the territory. Decisions of the board were known as awards. The jurisdiction of the board was extended in 1936 to cover all private sector employees.

Prior to the establishment of the ACT Trades and Labour Council in 1931, it appeared that some unions ran a picnic day known as the "combined sports and picnic day", held on Easter Monday at Environa, a land development near Tralee station in New South Wales. The sports and picnic day was held in New South Wales because, at the time, the ACT had restrictive laws governing sports, and a total prohibition on sale and consumption of alcohol. These laws were inspired by a wowsler Minister for Home Affairs, King O'Malley, but the laws were gradually altered after 1931.

Following the establishment of the ACT TLC, the affiliated unions decided in 1932 to move picnic day to the first Monday of March and to hold the event in the territory. The first ACT picnic was held at old Acton racecourse, near the mouth of Sullivans Creek and adjacent to the ANU, and later at the Cotter reserve and Manuka oval. The picnic has since been held at a number of other sites, which include Weston Park, the Canberra racecourse and EPIC.

From about 1932-33, unions were able to obtain, through submissions to the ACT Industrial Board, that picnic day should be included as a paid public holiday in various awards and determinations. Even when the Industrial Board was abolished in 1949 and the ACT came under the commonwealth Conciliation and Arbitration Act, the ACT awards retained union picnic day as a public holiday. In 1941, the management and planning of union picnic day came under the direct control of the Trades and Labour Council, due to the acute manpower shortage caused by the war.

ACT union picnic day was a popular multi-industry holiday and from the 1930s it even enjoyed support and patronage from local businesses that supported the holiday by providing company transport, marquees, meat, bread, fruit and vegetables, and

prizes for the children's sport and competition. This support from the employers continued into the late 1960s.

In March 1963, the 50th anniversary of the commencement of the building of Canberra on 12 March 1913 was marked by the declaration of this day as a public holiday. This new holiday was created by proclamation by the minister, not by amending the Holidays Act 1958. This means that Canberra Day is not a holiday by statute law; rather, it is a holiday by the choice of government and proclaimed in the *Government Gazette*. The new holiday meant that the ACT now had two public holidays on a Monday during the month of March. Employers generally appeared to have accepted this new arrangement.

However, 14 years later, in 1977, various employer groups applied to the Conciliation and Arbitration Commission to remove union picnic day from their awards. The application was heard by Commissioner Jack Stanton, and TLC secretary Charles McDonald represented all affiliated unions. To blunt the employers' attack on the paid holiday, the TLC successfully argued that awards should be altered to state that payment for union picnic day need not be made unless the employee produced proof of purchase of a ticket to attend the picnic. This strategy retained the paid holiday and significantly increased the attendance rate at the picnic.

Since 1996, union picnic day had again been under threat from the then ACT Chamber of Commerce, which waged an attack on the event based on a misreading of the Industrial Relations Commission full bench test case guidelines. To counter this attack, a majority of the Legislative Assembly in 1997 agreed to Wayne Berry's amendment to the Holidays Act 1958 to include union picnic day for workers covered by specified awards.

The commission's guidelines on public holidays are clear and unambiguous and they state that an award may contain 10 standard public holidays, plus an additional day determined by the state or territory legislature. The Federal Court has now twice ruled that award provisions for union picnic day, when read in conjunction with the ACT public holidays act which specifically refers to union picnic day, grant both picnic day and Canberra Day to persons covered by awards in the ACT.

On 17 February 2000, a full bench of the commission found that the ACT awards did not conflict with the commission's guidelines on public holidays and that union picnic day is a legitimate entitlement under those awards. This was a fair decision as it recognised the historic place of union picnic day and maintained the status quo with the public service and the finance sector that have additional holidays under their awards. More recently, the union picnic day was almost lost due to the ideological incursion of the Howard Work Choices legislation, which was introduced in 2005. When the Work Choices legislation was introduced, it removed workers' rights to access the previously labelled "union picnic day".

The timing of the Family and Community Day public holiday gazetted as Melbourne Cup Day has now led to complaints by ACT businesses who believe that a public holiday on Melbourne Cup Day results in a significant revenue loss, although this day was supported, as Mr Barr said, by the community in the former round of consultation.

A public holiday permanently established during the September-October school holidays ensures a public holiday occurs during a lengthy period between federal public holidays, namely June, the Queen's birthday public holiday, and October, Labour Day.

Public holidays are an important part of the yearly calendar and provide a vital role for workers to have economic space to spend quality time with friends and family. Van Wanrooy states that "Australia has some of the longest hours amongst full-time employees in the OECD". She also notes that this is a growing trend. In particular, in the ACT many building workers continue to work long hours and are finding it increasingly difficult to take their rostered days off. In addition, many employees in the hospitality and retail sector are required to work on federal gazetted holidays such as Easter and Boxing Day. The union picnic day public holiday allows both these groups time away from work to relax and to restore a work-life balance.

The preservation of already existing public holidays is of paramount concern to Unions ACT due to the obvious work-life balance benefits associated with such a day. Such a holiday assists in the improvement of the quality of life for many ACT workers, and I am very happy to support this bill.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.14): I thank members for their contributions today.

The government committed to a review of the purpose and future of Family and Community Day following the repeal of the Work Choices industrial relations system, and after public consultation. A six-week public consultation period was undertaken between Friday, 17 April and Friday, 29 May, using the ACT community noticeboard, as well as letters to business and employee representative peak bodies seeking their views. There were in excess of 1,100 submissions received from organisations and members of the public at the conclusion of this process. Of the 1,100 responses, 47 per cent chose to replace Family and Community Day with a permanent new public holiday, possibly on a different date, with a strong ACT connection. Of the total responses, nearly 21 per cent indicated a preference for a day focused on Floriade or the commencement of spring.

The Holidays (Family and Community Day) Amendment Bill 2009 gives effect to the government's commitment and responds to the outcomes of the consultation process by establishing Family and Community Day as a public holiday of general application in the ACT during the school holidays between term 3 and term 4 of each year. Under the proposed amendments to the Holidays Act 1958, from 2010 the first Monday in the school holidays between term 3 and term 4 each year will be the Family and Community Day public holiday. However, where that first Monday of the school holidays falls on the currently designated Labour Day public holiday, such as will occur in 2011 and 2012, the Family and Community Day will simply fall on the second Monday of the term break.

This regime will reinstate a full school calendar by establishing the public holiday during the school break and provide certainty to the publishing industry. Mums and

dads of school-age children will also welcome this change, as it means one less day to manage childcare arrangements over the September-October school holidays and an extra day to enjoy the wonderful Floriade springtime festival.

The new national employment standards under the Fair Work Act 2009 do not contain public holiday provisions that will include the opportunity for the ACT to revive a union picnic day entitlement. The act also provides the union picnic day holiday for employees whose employment is governed by one of the awards listed in schedule 1 of the act. However, the federal government's award modernisation process has rendered the schedule 1 awards obsolete. Accordingly, with the permanent establishment of the Family and Community Day public holiday, the bill takes the opportunity to remove all references to the union picnic day and the schedule 1 awards. I thank members of the Assembly for their support.

I am sorry to hear Mrs Dunne's frustration at getting information around the bill. I was not aware of that. That is not the way I operate, so I will look into what communication breakdown there was. I look to assist members as generously as I can when we are debating legislation, so I apologise for that, Mrs Dunne.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Legal Profession Amendment Bill 2009

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

That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (11.17): The opposition will support this bill. Its purpose is quite simple—to limit the compensation rights of lawyers, law firms and barristers in matters of investigation undertaken by investigators appointed by the Law Society or the Bar Association. Those rights will be limited to circumstances in which an investigator acts unlawfully or unreasonably. Investigations might be of trust accounts, professional conduct and the like and might arise as a general purpose investigation or in response to allegations or complaints.

This bill allows the Law Society or the Bar Association to control the activities of the investigator by setting the conditions under which the investigator is to conduct an investigation. The investigator is required to comply with those conditions on pain of termination of the appointment. It limits the scope for compensation claims against the society or the Bar Association by law firms, lawyers and barristers only if loss or damage is suffered because of the conduct of the investigator and the exercise or purported exercise of an investigative function or because the conduct of the investigator was unlawful or unreasonable.

One of the advantages of these amendments is that, by limiting the compensatory calls on the society and the association, it provides more protection to the funds of those groups. In doing so, it provides the Law Society, in particular, with more scope to fund its legal services activities. I note from the explanatory statement that similar provisions operate satisfactorily in Queensland and also that, upon my inquiry, the ACT Law Society and the ACT Bar Association support the amendments. These are sensible amendments that close a hole that currently exists in the legislation, and the Canberra Liberals are pleased to support it.

MR RATTENBURY (Molonglo) (11.19): The Greens will be supporting this bill, which amends the Legal Profession Act. The bill makes changes to improve the regulation of the legal profession in the ACT. Regulation of the legal profession is an important aspect of the justice system, and any move to improve its operation deserves support. A well-regulated legal industry benefits both individual consumers of legal services and the community more broadly.

Consumers of legal services are really just people who need help to resolve a dispute. Unfortunately, there will be people who are not well served by their lawyers and get bad advice or poor representation. For these individuals, it is important that they have a body to lodge a complaint with. These people were in a difficult position, needed legal assistance and were perhaps let down. That body needs the power to investigate the complaint and, if appropriate, discipline the lawyer involved.

The broader community is also well served by good regulation of the legal profession. Lawyers are officers of the court and, as a result, reflect on the justice system. A lawyer who acts unprofessionally reflects badly on other lawyers and the justice system as a whole. By the same token, public confidence in the legal system is boosted where unprofessional conduct is picked up and investigated.

In Australia, debate continues around the best model for regulating the legal profession. The argument is one of self-regulation versus government regulation. Historically, the legal profession has been self-regulated, with law societies hearing complaints and disciplining lawyers. Some argue that self-regulation is inappropriate in modern times and that regulation and discipline need to be handed out by an independent body. The alternative is government regulation where officers of the government investigate the legal profession and make disciplinary decisions. There are arguments both ways, and whilst today is not the day to debate that question, I am sure the discussion on these sorts of matters will continue.

The amendments we are debating today improve the system the ACT has, and they deserve support on that basis. In the ACT, the legal profession is partly self-regulated. It represents a mix of both the self-regulation and government regulation models. Where there is suspected misconduct by a lawyer, the ACT Law Society appoints an investigator. The appointed investigator has certain powers that include right of entry to premises containing relevant information. After concluding their work, the investigator reports to the Law Society on their findings. The Law Society then has limited power to fine a lawyer for unsatisfactory conduct. Alternatively, for more serious cases of professional misconduct, the Law Society can apply to ACAT for

suspension of a practice certificate or a recommendation that the lawyer's name be struck from the role of practitioners.

Under the existing legislation, lawyers who have been investigated can claim compensation for expenses incurred during the investigation. This is a broad-scale liability beyond what other regulated industries are able to claim compensation for. This liability for expenses incurred by the lawyer during an investigation is inappropriate and is the major area addressed by the amendment bill.

The Greens believe there are two key reasons why this broad-scale liability is inappropriate. Firstly, many investigations will resemble a standard audit. This is particularly the case for investigations into a law firm's trust accounts. Trust accounts represent money that clients have forwarded to their lawyers on trust. The money is provided on the understanding that it is to be spent on the legal matter and in accordance with the instructions of the client. For the lawyers to prove that they have handled the trust moneys appropriately, they need to provide copies of trust account ledgers and paperwork to the investigator. This compliance activity is similar to an audit. It is inappropriate for a law firm to be able to claim back expenses incurred during an audit. These costs should represent a cost of business and should not be something to be compensated for.

The broad-scale liability is also inappropriate because of where the funds would come from to make a compensation payout. The ACT Law Society maintains the society statutory interest account. It is the interest account that would foot the bill for any compensation payout. In 2008-09 the interest account provided \$1.9 million in funding, and that went to the Legal Aid Commission of the ACT and also to three community legal centres: the Welfare Rights and Legal Centre Ltd, the Women's Legal Centre and the Environmental Defenders Office. These public interest legal services would be adversely impacted if payouts from the interest account were to occur.

At this point it is important to note that there have been no payouts to lawyers from the interest account in many years. In raising the issue I do not want to suggest that community legal centres are in imminent danger of having their funding cut because of lawyers making compensation claims. What we are discussing today is an amendment that will close down the ability to apply for compensation for expenses incurred.

The amendment will limit compensation claims to situations where loss or damage is suffered due to an investigator acting unlawfully or unreasonably. The Greens believe this sets the right balance. Lawyers should have access to compensation where an investigator acts unlawfully or unreasonably. What they should not have access to is compensation for mere expenses incurred during a legal investigation. The new compensation provisions get the balance right, and, on that basis, we will be supporting them.

The remainder of the amendments clarify that the Law Society may appoint an investigator subject to conditions. The general right to make appointments subject to conditions may have applied, but these amendments remove any doubt. The need for

the Law Society to be able to control the actions of the investigators it appoints reflects the self-regulating nature of the legal profession. If the investigators were public servants working under the direction of a government department, this level of control would be implicit. Public servant investigators are required to comply with any guidelines and internal policies that they are employed under. However, the Law Society is, as I have discussed earlier, a non-government regulator, and the investigators it appoints are private.

The overarching structures of the public service do not apply, and the Law Society should appoint investigators subject to any conditions it deems appropriate. These provisions will protect lawyers from improper investigation techniques being used, and will give guidance to investigators. This will make for better investigations and further protect the interest account from compensation claims.

In conclusion, a well-regulated legal profession is important to the justice system. Individuals need to have confidence that any complaints they lodge will be investigated, and the broader community need to see that high standards are set for all officers of the court. This bill improves the existing regulation of the legal profession in the ACT, and, on that basis, the Greens do support it.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.27), in reply: I thank members for their support of this bill. The Legal Profession Amendment Bill makes a number of uncontroversial and simple amendments to the Legal Profession Act 2006. Changes to the provision for entry and search of premises are, however, sufficiently significant to warrant their presentation in separate legislation.

As I indicated when I presented the bill, the Legal Profession Act is the culmination of several years of hard work by all of the states and territories, but it is inevitable that, from time to time, legislation will require amendment. In this case, the Law Society of the ACT identified a significant risk to the society's long-term funds if investigations were to be carried out using the existing provisions in the act. Those funds are, as members will know, applied, among other things, to the improvement of legal education and the provision of funding to legal services such as Legal Aid ACT and a range of community-based providers.

The amendments proposed in this bill simply ensure two things: first, it is plain that an investigator who acts overzealously in entering or searching premises can potentially cause significant loss to a law practice. That loss under the existing provisions would be recoverable from the Law Society's funds. Investigators operating within the public sector environment are subject to close direction and to the provisions of the Public Sector Management Act. In contrast, once the Law Society has appointed an investigator, it can no longer direct an investigator so that, provided the investigator complies with the act, the investigator may conduct the investigation in any way he or she thinks fit. It is, therefore, necessary that the Law Society, whenever it decides to conduct an investigation, is able to direct and control the activities of those it employs to do the work.

The second area of concern is that the society's funds should not be unnecessarily exposed to claims for compensation for losses naturally arising from investigation activities. In this respect, the Law Society does not fit the common model for entry and search powers. When I presented the bill, I noted that it changes a number of provisions in a way that will, to a degree, set them apart from what we regard as standard provisions for the appointment and conduct of investigators. That is because the regulatory environment in this case is not entirely compatible with those standard provisions.

Law practices are well accustomed to allowing the Law Society access to their accounts, documents, and sometimes their premises for the purposes of programmed or ad hoc inspection. Auditing of accounts is common practice, and it is accepted that there will not be compensation for the firm's inevitable downtime which is, of course, kept to a minimum. In this circumstance, the society is looking into the affairs and activities of its own members to ensure that the law, the rules of practice and the directions of the society are being adhered to. In such a circumstance where a private regulator is looking into matters relating to the conduct of one of its own members, it is appropriate that compensation should be limited to situations that are out of the ordinary.

This bill, therefore, makes some improvements to the operation of part 6.3 of the act relating to entry and search of premises for the purposes of investigating law practices. Law practices will be entitled to compensation only for the unlawful or unreasonable actions of investigators. As I have said, under the current provisions, once the Law Society has authorised the entry of premises, it has no control over the conduct of the investigator, provided the investigator complies with the act.

The current investigative powers in division 6.3.2 of the act may expose a licensing body to significant, possibly crippling, liability for compensation, and the lack of control of investigators, therefore, causes concern in two areas: the regulator is unable to expressly and specifically direct the activities of investigators, they may not exercise appropriate care and skill and may cause unnecessary damage or loss to legal practices. If loss is not necessary then it should not be condoned.

Whether or not an investigator complies with the act or follows the licensing body's instruction, a person may currently claim compensation for any loss or damage. Under the act, compensation is to be paid by the Law Society or the Bar Association, depending on whether a solicitor or barrister is being investigated. As a result, there is potential for significant withdrawals from the society's statutory interest account or the bar's finances, which are used to assist the funding of a number of significant legal service initiatives, as I mentioned earlier, including Legal Aid and community legal services.

While the entry and search provisions are retained as a useful regulatory tool, they are amended by this bill to be more appropriate for exercise by a non-government regulator. The amendments will ensure that a regulator is able to properly control the conduct of its investigators and that the regulator's funds are not unduly exposed to claims for compensation. The provisions in this bill are similar to those in the

Queensland Legal Profession Act, which ensures that a private regulator can require its investigators to act strictly in accordance with its directions.

The Law Society, having initially raised this issue with me, has been extensively consulted on the proposed changes. The Bar Association, which has a lesser interest as barristers do not hold trust money, has also been consulted. This bill will protect the Law Society and the Bar Association from exposure to a broad risk of unwarranted claims for the compensation of their own members in relation to the function of ensuring its standards and compliance are properly delivered to the ACT community. That risk cannot, in fact, be sustained by the finances of the legal practice regulators. A law practice should be entitled to compensation for losses or expenses arising only from an unlawful or unreasonable action by an investigator. I thank members for their support, and 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.

Sitting suspended from 11.34 am to 2 pm.

Supplementary questions

Statement by Speaker

MR SPEAKER: Before I call the Leader of the Opposition, I wish to make a brief statement concerning the new procedure involving questions without notice.

When I wrote to all members on 8 September 2009 about the new procedure, I acknowledged that there would inevitably be a period of adjustment to the new procedures, and I encouraged any members who had any questions, concerns or thoughts to approach me outside the chamber. To date I have had no approaches, but I have noted that last week some points of order were taken about whether certain supplementaries were in order. That is what I would like to comment on today.

Specifically, the points of order have been around the issue of whether the supplementaries were related to the original question. The approach that I have adopted, and will continue to use subject to any direction from the Assembly, is that where there is a fairly specific question about a matter, any supplementary question should relate to that matter and not be simply a broad supplementary about the general issue.

For example, last week there were three questions relating specifically to the comments in a consultant's report about the target out-turn cost of the Cotter Dam. The supplementary question that I ruled out of order related not to that specific issue but, rather, to the broader issue of water security in the ACT. Had the original issue been framed broadly around the overall cost of the Cotter Dam and the issue of water security, I would have allowed the question.

On another occasion, a question without notice was asked concerning the LDA's joint venture in Crace, with the three supplementaries being about whether the houses sold under that joint venture were being sold under community title, whether they were facing north, whether the content of the sales documentation stated that it had no public housing, and whether the joint development was carbon neutral. In my opinion, all of these questions related to the joint venture in Crace.

In conclusion, I would encourage members, when framing their supplementaries, to be mindful of the subject matter of the question, particularly whether the original issue is a broad question or more related to a specific matter.

Questions without notice Galilee day program—funding

MR SESELJA: My question is to the minister for community services. Minister, on Thursday of last week, in answer to a question regarding funding for the Galilee day program, you said:

Indeed, from September an agreement was reached that the program may, indeed, cease at the end of December ...

We have been advised that, when asked by the media about this statement, you informed them that you mis-spoke when you delivered this answer and that funding will be continuing for the program. Minister, did you in fact mislead the Assembly and will you now correct the record?

MS BURCH: I did respond to a question by Mr Coe and, just to clarify, my answer on Thursday did refer to the Uriarra Indigenous program, and that service funding agreement will cease on 31 December this year as a result of a recent audit of the program and, indeed, in agreement with Galilee.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Yes, thank you, Mr Speaker. Minister, can you now guarantee that funding will continue to be provided on an ongoing basis by the Office of Children, Youth and Family Services for the Galilee day program, and will you now table the question time brief provided to you for Thursday's question time?

MS BURCH: In response to the question on Galilee, DHCS, the department, provides funding to Galilee for a number of services: the foster care program, the Galilee day program, the Uriarra Indigenous youth program and the social housing and homelessness service program. Galilee receives funding of over \$180,000-odd to provide the program, and a service agreement for that program expires on 31 December. My department has requested further information relating to the client usage of the program before renewing the agreement. This process was implemented to ensure young people attending Galilee remain connected with the ACT education system and that referrals are appropriate.

MR SPEAKER: Mr Doszpot, a supplementary?

MR DOSZPOT: Minister, will you guarantee funding for Galilee beyond the December period?

MS BURCH: What I have just said is that my department have requested further information about the program and its deliverables. That process is ongoing and, until that process is finished and confirmed, the answer remains no.

Cotter Dam—Actew advertising campaign

MS HUNTER: My question is to the Treasurer and it relates to the current Actew advertising campaign around the expansion of the Cotter Dam. Treasurer, how much is being spent on this advertising campaign and have you received advice from Actew as to how long the campaign will run?

MS GALLAGHER: I will take that question on notice. I know that Actew does have an advertising allocation in its budget for which it reports through the annual reports. I do not have that exact figure in my head, but I do recall that it is no different this year than it has been in previous years. It undertakes a range of community information sessions, including advertising, around the work that it is undertaking to secure the ACT's water supply for the future. I will certainly see if we can get that for you during question time today.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Yes, thank you. Treasurer, have you received a briefing at all from Actew as to why this campaign is necessary? If so, could you outline to the Assembly the rationale for the campaign and what it seeks to achieve?

MS GALLAGHER: The discussions I have had with Actew—less about an ad in particular; more around their advertising strategy—are around a genuine public information campaign. This is the largest infrastructure project undertaken. It is happening close to our city. It is going to employ hundreds of jobs. It is going to have an impact on people using that area for recreation and I think the answer would be that, if we did not do community information or public information, there would be criticism around not understanding what is going on, the timetable and what Actew are actually trying to deliver for the ACT.

That is the conversation I have had with Actew, in general around their public information campaigns and, I think, from my understanding, they get a very high awareness rating when those campaigns are tested, showing that they are effective in giving people information about the work that is being undertaken by Actew.

MS LE COUTEUR: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Thank you. Are you supportive, minister, of an advertising campaign that seeks to promote a project that has been so controversial and where it appears there has been some mismanagement by Actew?

MS GALLAGHER: I would not accept that there has been mismanagement. We have a process underway that the Assembly has agreed to in terms of analysing the total cost of the project. Of course, through those processes, you will learn from mistakes; you will learn better ways of providing information to the public. But I do not think a public information campaign around the territory's largest infrastructure project should be stopped just because a project has had some controversy around the cost of it. The information is about what is going on, what we are trying to do and letting the community know, as opposed to just individuals that are engaged actively in this debate, about the work that is being undertaken out at Cotter. It is a much-loved part of our community, and there is going to be a significant piece of construction happening out there. I think people need to understand what that is about and why we are doing it.

MS BRESNAN: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Treasurer, are you concerned about the cost to taxpayers of Actew's advertising campaign on the Cotter Dam project, given that the project cost has nearly tripled already?

MS GALLAGHER: As I said, I undertook to Ms Hunter to get the advertising component of Actew's water security programs for the Assembly. My understanding is that there has not been a change in allocation for that budget—that this is part of something Actew does every day, whether it be through information campaigns about being water wise, water conservation messages or information about the program for water security.

I think there is a genuine role. Indeed, I think the government is often criticised for not providing enough public information. In this case, I think there is a genuine need on the part of our utility to provide that information to the community. In the overall cost of the dam, the \$363 million, I think the public information campaign is a very, very, very small component.

Childcare—fees

MRS DUNNE: My question is to the Minister for Disability, Housing and Community Services and relates to the cost of childcare in the ACT. Minister, you previously noted in the Assembly in relation to childcare fees:

I would imagine the cost of living would result in increased costs.

Minister, have childcare costs increased at a faster rate than the cost of living and, if so, what factors have driven this increase?

MS BURCH: I thank Mrs Dunne for the question. The costs for childcare services are a matter for childcare centres is my understanding. It is not something that we can influence or manufacture; so I will take that on notice.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. We are all aware that the government does not regulate costs. Minister, what advice or modelling has your department sought on the impact on childcare fees of the government's policy in light of the new portable long service leave scheme in the childcare sector? Are you satisfied that this policy will not impact on childcare fees?

MS BURCH: Thank you, Mrs Dunne, for the question. I will bring that information back. I think it is a similar question that was raised last week. I will bring that information back, as I said I would do last week.

MR SPEAKER: A supplementary, Mr Doszpot?

MR DOSZPOT: A supplementary. Minister, what impact are childcare fee increases having on the labour force participation rate, if any?

MS BURCH: With respect to the cost of childcare fees on labour force participation rates, when we introduced the long service leave provision last week, it was around increasing the workforce within childcare centres, therefore creating more spaces for participation. I will take on notice the detail of what you are wanting, and leave it at that.

Roads—Lanyon Drive

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services and concerns transport link options between Queanbeyan and Canberra. Minister, why was a transit lane not included in the upgrade to Lanyon Drive?

MR STANHOPE: The upgrade to Lanyon Drive is very significant. It is a \$19 million upgrade and it has been a long time coming.

Mr Smyth: Yes, six years.

MR STANHOPE: One of the difficulties and the issues with it was that most particularly the federal Liberal government under John Howard simply refused to actually participate in any negotiation or any partnership with either the ACT or the New South Wales government to see that the road was upgraded.

Ms Le Couteur, we need to start from the point that it is only as a result of a commitment made by the Rudd Labor government that we have an upgrade to the road at all. There was significant intransigence, a sign of the attitude of the Liberal Party to Canberra and the lack of energy of the local Liberals here in this place with their refusal to pursue an upgrade of the road—

Mr Hanson: Mr Speaker, point of order.

MR STANHOPE: combined with a determination by John Howard and the federal Liberal government to refuse to be a part of the upgrade of the road—

MR SPEAKER: Order, Mr Stanhope! Stop the clock, thank you.

Mr Hanson: He has sat down anyway, but the point of order is on relevance.

MR SPEAKER: He sat down because I asked him to sit down.

Mr Hanson: The point of order is on relevance. His discussion on John Howard and the energy of the opposition, although it is quite remarkable, is not a relevant factor in the discussion of the question that Ms Le Couteur asked.

MR SPEAKER: Mr Stanhope, it would be good to come to Ms Le Couteur's question now.

MR STANHOPE: The context is important because the issue, as with all infrastructure—the nature of the infrastructure and the extent of the infrastructure—almost invariably is as a result of resourcing. In the context of the question, background context around resources and available moneys is entirely pertinent. The answer to the question is quite simply that it was a question of prioritising the resources that were available for the upgrade of this road, a very significant linkage between New South Wales and the ACT, most particularly between Queanbeyan and Jerrabomberra and the ACT.

It has to be said that, if it were not for the Labor Party, in this instance most particularly the Labor Party federally after 10 years of a Liberal federal government refusing point blank to be part of the resolution of this particular issue—at the end of the day the Rudd Labor government have come up with \$7½ million, matched by \$8 million from New South Wales and \$3½ million from the ACT. That is a reflection of some of the complexities in cross-border road linkages. This particular road linkage is complicated by the fact that the majority of the people who use it are residents of New South Wales. They do not contribute to ACT rates or to our budget. The majority of the users—the majority of the people using this road—are residents of New South Wales.

The road is nationally significant. It is a \$19 million upgrade. It is complicated by the fact that it does require a new bridge across Jerrabomberra Creek and a new bridge across the railway line. That is some of the complexity around the resources. For a road that is not particularly long, \$19 million does seem a lot. The \$19 million is required because of the need to build two roads.

It is pleasing that, as a result of this partnership—three Labor governments working together—there will now be two lanes each way all the way from Hume to Queanbeyan; two new bridges; and an on-road cycleway provision. It is a significant upgrade and a significant road. In an ideal world, Ms Le Couteur, we would like a dedicated busway on every major road in the whole of the ACT, but pigs might fly too.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Yes, thank you, Mr Speaker. I might point out that I actually asked about a transit lane, not a bus lane. But, anyway, how will the upgraded Lanyon Drive contribute to the ACT's sustainable transport plan?

MR STANHOPE: The upgrade will contribute significantly in a number of areas. It will contribute certainly economically. It will certainly have an impact, and almost certainly a measurable impact, on productivity as a result of the relief that will be provided at a major bottleneck. There is significant modelling that is available in relation to the productivity advance or increase that can be attributed to the unblocking of a major bottleneck such as that suffered at Lanyon Drive. So I think we could start probably and proceed from there, Ms Le Couteur that there will be a significant impact on our productivity—in other words, on economic activity, our economic base—and, through the increase on productivity and the enhancement of our economy, we as a government will have the capacity and the wherewithal, to a far greater extent, to invest in transit lanes on that and other roads, a capacity that we do not have, or at least not globally, as a result of other calls on our budget.

At the heart of all of these issues, Ms Le Couteur, is the capacity to pay, the capacity amongst the very many competing priorities, and I look forward to investigating the Greens budget submission for the next budget. I will be interested to see exactly how the Greens have prioritised a transit way from Jerrabomberra to Hume. If that is the Greens number one priority, Ms Le Couteur, you will have a very willing advocate in me. I will study your submissions with great interest and determine exactly where the Jerrabomberra to Hume transit way is in your wish list of capital—in fact, I might even have it here; I might be able to give a response before the end of question time to the Greens' real determination to see a transit way built between Jerrabomberra and Hume.

MR SPEAKER: Chief Minister, your time has expired.

Mr Stanhope: Or you could actually perhaps—

MR SPEAKER: Thank you. You can have your seat now.

Mr Stanhope: advise us now where it is on your list.

MR SPEAKER: Mr Stanhope, do not make me warn you today.

MR COE: Minister, does the government have plans to construct bus priority measures on Canberra Avenue near Fyshwick?

MR STANHOPE: Thank you, Mr Coe. I should perhaps refresh myself in terms of plans but I have to say that Canberra Avenue between Fyshwick and Queanbeyan is a road that I think, in time, will increasingly demand attention. But in the context of priorities that this government has for transitways and dedicated busways, it is not uppermost in my mind or uppermost in the priorities that I would pursue or that we as a government will pursue. I think, as a result of our quite detailed planning for sustainable transport and certainly for integrated bus routes throughout the territory, we will, over time, incrementally increase the number of dedicated transitways and busways and, indeed, will continue to enhance our bike path network both on and off road.

But these are things that will need to be pursued incrementally as resources permit and, in the context of the fantastic arrangement that we have with our partners, the Greens, we will be looking at their priorities. If the Jerrabomberra to Hume transitway is a priority of the Greens, then of course we will almost certainly do that ahead of Canberra Avenue.

MR SPEAKER: Ms Hunter, a supplementary question.

MS HUNTER: With regard to transport links between Queanbeyan and Canberra, has the government investigated or cooperated with the Queanbeyan City Council in order to coordinate an intercity car pooling scheme?

MR STANHOPE: I thank Ms Hunter. Yes, it is fair to say that in the regular quarterly meetings which I now hold as a matter of course with the mayor of Queanbeyan, Mayor Tim Overall, we have discussed—it has actually been a feature and perhaps the main subject of discussion at our last two meetings over the last three and a bit months—the opportunities that exist for us to cooperate far more closely than we have historically around transport. Indeed, I think you would be aware that at the last but one meeting, which was about three months ago, both the mayor and I received, respectively, briefings from officials of our respective jurisdictions on current plans that we each have that would impact across the border in relation to those roads and networks that are relevant to each of us.

Indeed, Ms Hunter, coincidentally, I met in the last week or so—the last two weeks—with Mayor Overall for our latest meeting. The subject that we each agreed to investigate as an outcome was the capacity of park and ride and a greater capacity to coordinate car use. It is a subject that we are discussing. We have specifically discussed it in the context of park and ride opportunities and other opportunities to reduce the number of people relying on the motorcar to cross the border. It is something that we have agreed to work together to actively pursue.

Housing—public

MR COE: My question is to the Minister for Disability, Housing and Community Services. Minister, what is the government's strategy for dealing with tenants engaging in antisocial or disruptive behaviour?

MS BURCH: I thank Mr Coe for the question. We do have an interest in our tenants. We are the largest landlord in the ACT. But in response to disruptive behaviour, this government made an amendment to the Residential Tenancies Act in July 2008 which allows Housing ACT to seek a general order in the ACT Civil and Administrative Tribunal. A general order requires a tenant to refrain from certain conduct in order to comply with their lease and, if a tenant breaches the lease or allows a breach to occur, an eviction may result.

To date, Housing ACT has made 53 applications seeking a general order on the basis of noise and disturbance. The ACT has generally been supportive of Housing ACT seeking these orders, and members have commented on a number of occasions when

these orders have been a very good early intervention strategy. Furthermore, Mr Coe, where there is substantiated evidence that a tenant has breached a general order, Housing ACT may return the matter to ACAT to seek a warrant of eviction. So I think we do take disruptive behaviour very seriously. Any household deserves the right to live in a peaceful environment, including Housing ACT tenants and private tenants across the ACT.

MR SPEAKER: Mr Coe, a supplementary?

MR COE: Minister, how does the strategy compare with other states and territories?

MS BURCH: Given that we are the largest landlord and we have 23,000 tenants, it is a large, complex program for us. The comparison between our disruptive tenant management systems and processes and those of the other jurisdictions, I do not have that detail at hand but I am happy to bring it back to you.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Thank you, Mr Speaker. Minister, is the system for dealing with disruptive tenants working well? If so, why?

MS BURCH: Thank you, Mr Doszpot. It is my understanding that the orders that we put in place from mid last year are working well. We have got 53 applications. ACAT is supportive and is processing those well. Behaviour has been modified. There are perhaps always some areas of improvement across any system, but the feedback we are getting is that the process and systems we have in place for disruptive behaviour are working well.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Yes, thank you. Minister, what other steps are taken prior to such orders being necessary when disruptive behaviour is first reported?

MS BURCH: I thank Ms Porter for her question. Disruptive behaviour is taken very seriously. The department, Housing ACT and the housing managers work closely with all residents through that. It is not just a case of going in and managing the disruptive behaviour; it is also around managing their clients' needs. It is not just a housing program. Whilst we are the largest landlord, we are also very much driven by the social needs of our clients. So we manage the community, their social needs and those as individuals, as well as their disruptive behaviour.

Housing—public

MR DOSZPOT: My question is to the Minister for Disability, Housing and Community Services. Minister, how many public housing tenants live in existing high-density public housing in the inner north and inner south?

MS BURCH: I thank Mr Doszpot for the question. Whilst we have 23,000-plus tenants in public housing, the detail about where they are in any street or block, I will have to come back to you on that.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Minister, what assessment have you made of the suitability of current high-density public housing in the inner north and inner south?

MS BURCH: Housing ACT has an ongoing process around assessing suitability of its stock, whether it is low density or high density. So within that asset management plan, all housing stock is considered. I am not quite sure what you are wanting to find out, but there is a process in place for assessment.

MR SPEAKER: Supplementary question, Ms Le Couteur?

MS LE COUTEUR: Yes. Minister, will you consider the design competition, for which there is a motion standing under Ms Bresnan's name on the Assembly notice paper, for redesigning some of that high-density public housing?

MS BURCH: Thank you. I am aware of the motion, so, yes, I have no doubt that it will be considered with all other thinking on the redevelopment or assessment of housing stock.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Thank you, Mr Speaker. Minister, what is your timetable for moving tenants out of substandard high-density public housing in the inner north and inner south?

MS BURCH: I think our timetable is relevant to our asset management plan, which is broad, and covers high density and low density. We sell and we buy according to an asset management plan.

Environment—air quality

MS BRESNAN: My question is to the minister for the environment and is in regard to air quality in the Tuggeranong valley. Minister, the air quality measuring station in Monash, which is an important tool for measuring the impact of wood smoke, has delivered PM10 and PM2.5 results that have been found to be invalid for periods of time across 2007, 2008 and 2009. Minister, could you please advise the Assembly on what basis the government can argue that air quality in the Tuggeranong valley is getting better?

MR CORBELL: There is a shared responsibility when it comes to air quality monitoring, both from an environment protection perspective—obviously it falls within my portfolio—but also from a health protective service perspective; my colleague the Deputy Chief Minister, Ms Gallagher, also has responsibility.

Yes, there have been problems with the monitoring equipment in Monash. The government has been public about that and we have indicated that the machine was not operating appropriately at all times. It did suffer a series of faults. The machine is

an expensive piece of equipment which has to be brought from overseas, and parts for repair also need to come from overseas. So it was difficult to repair the air monitoring equipment at Monash quickly because of those constraints. Nevertheless, we operate on the data we have available to us.

The data we have available to us indicates that overall air quality is improving. It is important to stress that our data set stretches over a period of five to 10 years, so we know what air quality was like a decade ago and we know what air quality is like more recently. It is clear from that data that, regardless of the faults with the monitoring equipment more recently, there has been an overall improvement. If you look at the number of exceedences in air quality from when monitoring first began and where monitoring is now, the number of exceedences of the relevant standard has gone down.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Thank you, Mr Speaker. Minister, was it correct of the government to have said in this place that there were only eight occasions in 2007 and four occasions this year so far where the particular levels at Monash were over the national standard without giving any qualification to that statement?

MR CORBELL: The government gave an accurate statement. The government has never avoided the issue of the fault with the air monitoring equipment. That has been public knowledge. Indeed, I have said so on a number of occasions publicly, including at public meetings.

MR SPEAKER: A supplementary question, Ms Le Couteur?

MS LE COUTEUR: Yes, Mr Speaker. Minister, given that we cannot rely on the recent air quality measurements, can you advise us how you determine whether or not the wood heater replacement program is having enough impact?

MR CORBELL: The wood heater replacement program has seen, I think, close to 1,000 wood heaters removed from homes across Canberra. If Ms Le Couteur does not think that makes any difference to air quality, I do not agree with that assertion. Any removal of wood heaters from homes in Canberra is going to improve air quality in Canberra. The more non-compliant smoky wood heaters that we get out of homes the better the air quality is going to be. I reject the assertion that air quality has not improved over the past decade. It clearly has. We have had, as I say, a recent problem with the quality of the equipment, but that has been only a recent problem. The data over the past decade or so would indicate that overall the number of exceedences of the relevant national environment pollution measure has gone down and, therefore, air quality has improved.

The government also has other data available to it in assessing the impact of wood smoke on the air quality of Canberra. The ACT is the only jurisdiction in the country where wood merchants are licensed and regulated. They have to abide by a code of conduct in terms of the type of wood that they sell and make sure that it is clean and burns as efficiently as possible. We know from their reporting, because they are

required to report to us regularly, that the total volume of timber sold by wood merchants has reduced significantly over the past five years. So we know the total volume of wood being sold has also gone down. We can draw from that a conclusion that the use of wood heaters in the community is declining, both as a result of the buyback program and through other actions that households are taking, which is leading to less wood being sold by licensed wood merchants.

MR SPEAKER: Ms Hunter, a supplementary question?

MS HUNTER: Minister, is the reason why the don't burn tonight campaign has not been promoted recently this lack of accurate air quality data in the last few years?

MR CORBELL: The air quality data does not drive the decisions about don't burn tonight because the air-quality data is a retrospective assessment of air quality, whereas the don't burn tonight campaign requires work on the advice of the Bureau of Meteorology about whether or not there will be conditions conducive to an inversion layer, particularly in the Tuggeranong Valley, which is obviously the problem when it comes to wood smoke. So the two issues are not related.

Hospitals—Clare Holland House

MR HANSON: My question is to the Minister for Health. Minister, at a public forum convened by the ACT Palliative Care Society on Thursday, 12 November, the Chief Minister indicated that selling Clare Holland House was not something that the government desired but that it was necessary in order to secure the Little Company of Mary Health Care agreement to sell Calvary hospital.

Mr Stanhope: On a point of order, Mr Speaker—

MR SPEAKER: Mr Stanhope, he has not finished his question.

Mr Stanhope: No, he has actually just verballed me. He just claimed that I said something that I did not say. I did not say that it was not something that the ACT desired. I responded to a question on whether or not it was fundamental to the ACT government's position, and I replied that it was not, but I did not say it was not something that we desired.

MR HANSON: Mr Speaker—

MR SPEAKER: One moment, Mr Hanson. Just resume your seat, thank you.

MR HANSON: If I could just repeat what I said—

MR SPEAKER: No, Mr Hanson. Resume your seat, thank you. Mr Stanhope, there is no point of order. At this stage I do not believe that Mr Hanson has breached the standing orders. If you wish to make a personal explanation under standing order 46, you can do so subsequently.

Mr Stanhope: Or I could move to censure him for misleading, I presume.

MR SPEAKER: You could do that if you wish, Mr Stanhope, as well. Mr Hanson, would you start your question again, please.

MR HANSON: Certainly. Minister, at a public forum convened by the ACT Palliative Care Society on Thursday, 12 November, which, coincidentally, I attended, and I heard what the Chief Minister said, he indicated that selling Clare Holland House was not something he desired but that it was necessary in order to secure the Little Company of Mary Health Care agreement to sell Calvary hospital. According to comments made by Tom Brennan at the public forum, and as reported in the *Canberra Times*, it was the government that approached Little Company of Mary in the first instance with the offer to sell Clare Holland House as part of the Calvary deal. Minister, can you confirm Tom Brennan's claim that it was in fact the government that initiated discussions on the proposal to sell Clare Holland House?

MS GALLAGHER: I am sorry; I did miss the last bit of that question but I think I have got the gist of it.

Mr Seselja: Because the Chief Minister was in your ear.

MS GALLAGHER: The Chief Minister was trying to correct the record with respect to Mr Hanson. In relation to the question from Mr Hanson, essentially around—

Members interjecting—

Mrs Dunne: A point of order, Mr Speaker.

MR SPEAKER: Stop the clocks, please.

Mrs Dunne: Could I ask the Chief Minister to withdraw the term “liar” that he used across the chamber to Mr Hanson.

Mr Stanhope: Mrs Dunne interjected: “Use the standing orders.” I responded: “I might.”

Mrs Dunne: If that is the case, and I misheard, I do apologise to the Chief Minister.

MR SPEAKER: I did not hear the Chief Minister use that word either.

Mr Stanhope: That is very gracious of you, Mrs Dunne.

MS GALLAGHER: Mr Speaker, could Mr Hanson repeat the final bit of his question.

MR HANSON: I am more than happy to do so, Mr Speaker.

MR SPEAKER: Just the last sentence will be fine, thank you.

MR HANSON: Certainly. Minister, can you confirm Tom Brennan's claim that it was in fact the government that initiated discussions on the proposal to sell Clare Holland House?

MS GALLAGHER: Yes, I do not think it is any secret in this place that it was the government that approached Little Company of Mary around the proposal. Discussions have been had over a number of years around the relationship between Little Company of Mary Health Care and the ACT government. It really started under Minister Corbell, and it continued under me in relation to a proposal that came through the 2006 budget that we should remove ourselves entirely from our contractual arrangements with Calvary Public Hospital and allow Little Company of Mary much more freedom to operate the public hospital. Through that discussion, there have always been two sides. There has been the public hospital operations and there has been the palliative care operations.

I understood, when I approached Little Company of Mary Health Care around the desire of the government to purchase the hospital, that it was never our intention to remove them from their role in palliative care. That was not part of the original discussion, and I do not think that is any secret. The discussion has always focused on, and the point is about, whether Clare Holland House was a bargaining chip. It was never a bargaining chip. It was there from the beginning. Little Company of Mary have been operating the palliative care services on behalf of the territory since, I think, 1994—since 2001 at the hospice site. They, of course, have that longstanding relationship at the hospital, going back more than 40 years.

With respect to the comments that the Chief Minister has made—indeed, I have made them as well in meetings that I have had with the Palliative Care Society—the fact is that, through the consultation process, concerns have been raised, to the point that we have all reflected on the role of Clare Holland House in this proposal. I have approached Little Company of Mary myself and asked them whether they would consider the proposal being separated, as part of an outcome of the consultation process. That is really in response to the concerns of the Palliative Care Society, who came to us originally with nine areas of concern that we have all addressed, and ticked next to each box. They have subsequently come up with their additional and final concern about not having a lease that is owned by Little Company of Mary. And it was in that context that those representations were made. But, as parties do in negotiation processes, there is to and fro.

The government remains committed to the proposal as it stands, and LCM have indicated a number of times that they are not prepared to not have a role in public health care in the ACT. I think it is a little ironic that the opposition, who are refusing to allow Little Company of Mary to withdraw their services from the hospital, are also refusing to allow them to consolidate at the hospice. I think it is a very odd argument to run. They are good enough to own and operate the hospital but they are not good enough to own and operate the hospice.

MR SPEAKER: Mr Hanson, a supplementary question?

MR HANSON: Minister, how will the sale of Clare Holland House improve the provision of palliative care services in the ACT?

MS GALLAGHER: The palliative care services in the ACT will continue to be 100 per cent funded by the ACT government for public palliative care services. There will be some growth in palliative care services over the future, particularly in the lead-up to the health tsunami as it emerges in this city.

The argument around it is essentially that we would have the largest palliative care provider in the country consolidating and having security around their role in palliative care services in the ACT. The argument that the Little Company of Mary will put to you, and I am sure they have, is that ownership gives them the security to continue to invest, where a service agreement which is up for negotiation does not give them that security.

They want to come here and invest additional resources over and above the public contract into palliative care in the ACT. We think that is a good thing. We think they have been a good provider of palliative care services. We think there need to be some caveats on their role or their ownership around Clare Holland House. I continue to negotiate that with them, as do other members in this place who have not completely shut off the idea of this significant change to the role of public health and palliative care in the ACT.

I will continue to look at everything I can do to address the concerns of those who are genuinely concerned about the future of palliative care in the ACT, but I believe that all of their issues can be addressed. I look forward to continuing our very long and proud relationship with the Little Company of Mary in palliative care services in the ACT.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Minister, in relation to the proposal, can you provide details of what will change at Clare Holland House should the sale go ahead?

MS GALLAGHER: Essentially and importantly for the consumers who are using the service, nothing will change. The proposal, as it stands, is really around ownership of a lease which, along with that, gives ownership of a building. The contract that the ACT government has with Little Company of Mary continues. It has outputs which are required for the level of expenditure tied up in that contract. Essentially there will be no change.

I am currently working through industrial issues with the staff at Clare Holland House. I met with them this morning and I continue to have a number of meetings with anyone who wants to meet with me.

I am meeting the archbishop this afternoon as well, just to smooth out some of those concerns that he has dealing with an anti-Christian government. We certainly do not think that is the case. We need to respond to some of the issues that have come up through the consultation period in relation to some concerns that he has raised.

Essentially for palliative care services, my expectation is the service will grow. It will benefit from the additional expertise and resources that Little Company of Mary can provide if they have security over their future in palliative care services in the ACT.

There will be growth in palliative care outside that contract as well. For example, in the integrated cancer centre that will be built at Canberra Hospital that has already been funded, the expectation is there will be up to eight additional in-patient beds for palliative care in that facility as well.

Whilst there will be no noticeable change for users of the service, I am currently working through the issues for staff. There are a few issues for staff that I need to address prior to the government finalising its position on this proposal. But my expectation is palliative care services will improve.

MR SMYTH: Mr Speaker, I have a supplementary—

MR SPEAKER: Mr Smyth, a supplementary question.

MR SMYTH: Thank you, Mr Speaker. Minister, if Clare Holland House is not being used as a bargaining chip, why did the government offer it to the Little Company of Mary in the first instance? And why would the Little Company of Mary pull out of discussions if Clare Holland House were taken out of the proposal?

MS GALLAGHER: It is a bit difficult me answering on behalf of the Little Company of Mary, which is the second part of your question: why would they pull out if they were not able to have ownership over Clare Holland House?

As I said, this has been a discussion that the parties, LCM Health Care and the government, have been having over a number of years. It is a complex relationship and my understanding of the issues around the hospital and the government's challenges around the hospital—indeed, how do we build the north side hospital in a way that can be supported financially but also through improvements overall to an integrated healthcare system—are not issues that are facing Clare Holland House.

I knew that Little Company of Mary, in discussions I have had with them before around potentially withdrawing from the hospital, have a very strong commitment to the people of the ACT for a role in public healthcare provision, whether that be through the hospital or through the palliation service that they run. That was where this conversation started. I had no intention of asking them to leave palliative care. The issues around the hospital which have led the government and Little Company of Mary to some frustration over the years are not issues that are presented at Clare Holland House. Mainly, we do not need to spend \$200 million upgrading Clare Holland House and nor do we need to increase service provision by more than 50 per cent at Clare Holland House. They are not the issues, and they were the main drivers behind the government seeking to have the ownership and control of the hospital.

The second part of the question is really a matter for the Little Company of Mary themselves; it is around their commitment to the people of the ACT.

Galilee day program

MR SMYTH: My question is to the Minister for Disability, Housing and Community Services and relates to her earlier answers regarding the Galilee day program. Minister, last week in answer to a question you indicated to the Assembly that the Galilee day program may indeed cease at the end of December. In answer to Mr Seselja's question today, you changed your story to state that it was the Uriarra Indigenous program. Minister, the question asked of you last week referred to the Galilee day program. In fact, the question mentioned the Galilee day program on three separate occasions. Minister, your answer was that the program may indeed cease at the end of December. I ask you again: did you mislead the Assembly last week in question time and will you apologise and correct the record now?

MS BURCH: As I have said in response to Mr Seselja's question, my response last week was in regard to the Uriarra program. That is administered on site as part of the Galilee program. It is administered through Galilee. It was offered on the Galilee day program site for a while. My response was in regard to the Uriarra day program.

MR SPEAKER: Mr Smyth, a supplementary question?

MR SMYTH: Minister, were you wrong in answering the question last week and will you now apologise and correct the record?

MS BURCH: If they are seeking an apology as well as a clarification, I am—

Mr Smyth: Then withdraw.

MS BURCH: The clarification has been made. If it makes the gentleman on the other side feel better to have an apology, I am happy to offer it.

Hospitals—Calvary Public Hospital

MS PORTER: My question is to the Minister for Health. Minister, can you explain to the Assembly the economic benefits of the proposal to transfer the governance and operations of Calvary hospital to the ACT government?

MS GALLAGHER: I thank Ms Porter for her question. This is a very important question about the future of our health system and, indeed, a very important question for this Assembly as a whole to resolve. The plan that we need to consider is the need to invest upwards of \$200 million in the north side campus to increase our service capacity of our public health system.

The question that faces the government and, indeed, faces the Assembly is: how do we finance this in a way that our budget can afford? Do we provide more than \$200 million to a third party, essentially as a gift, or do we make the investment in an asset that the government owns on behalf of the community?

Gifted this money has consequences for our budget which, in turn, has consequences for the economy. This is not something that I think some of the economic analyses

have considered, particularly Dr Dwyer's contributions to the debate. Not making an investment on the north side has consequences for the delivery of healthcare services and for the productive capacity of our economy.

The financial analysis that was undertaken by Treasury—and I have to say it still remains unchallenged—on the three options for Calvary Public Hospital include maintaining the current arrangements, constructing a new hospital on the north side of Canberra or the government purchasing the hospital from the Little Company of Mary. The financial analysis indicates that the acquisition of Calvary Public Hospital for the estimated book value of \$77 million is a more prudent financial proposition than maintaining the current arrangements or constructing a new hospital on the north side of Canberra.

There are potential budgetary and economic impacts of maintaining the status quo. The most effective option for the government—and this is outlined in the financial analysis—is to purchase the hospital and to make the necessary investments. It is cost effective for our budget and it is beneficial for the economy in avoiding potential economic costs.

There are further benefits from the acquisition of Calvary Public Hospital. Hospitals work best as networks, and having two separate public hospitals with separate management in a town with two hospitals is less than optimal. The acquisition will provide an opportunity for the government to create a seamless, integrated and coordinated public health system. This will allow for efficiencies to be maximised through a single government arrangement, consistent policy planning and management, which will lead to improved health outcomes for the community.

The proposal is good for the territory's health system. It allows us to make the necessary investments prudently. It is good for the budget and it avoids the deterioration of our financial position.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Thank you, Mr Speaker. Minister, you mentioned that gifting \$200 million has economic consequences. Can you further elaborate on what those consequences are?

MS GALLAGHER: I can. The potential budget impact of maintaining the status quo has been dismissed by some, including the opposition, as a simple accounting issue. To do so, however, trivialises a significant fiscal policy decision. I am not sure whether Mr Smyth agrees with his colleagues on the analysis that the opposition has put forward, because it is an unusual position, you would have to argue. But there we go.

It is an important question because it relates to policy considerations that a prudent government would have, considerations that do not appear to matter to the opposition. The position of a jurisdiction's balance sheet and operating budget is an important determinant of our financial position and the capacity of a state or territory, and has flow-on economic impacts. A grant of this magnitude—can you think of a grant of

\$200 million that this Assembly would agree to pay any other organisation in Canberra to run a service on our behalf? I cannot think of one; I am sure Mr Smyth will come up with someone if there has been an example of this.

But to give an example which supports the opposition's argument that we should just fund the upgrade and keep the current arrangements in place despite the current owner wanting to sell—if we look at financing the upgrade over a six-year period, our budget deficit would increase to \$289 million in 2010-11, \$249 million in 2011-12 and \$238 million in 2012-13. That would be the first three years of a six-year commitment to fund the upgrade of Calvary Public Hospital through our operating result.

And that is before we do anything else, Mr Smyth. You have had problems with a seven-year budget recovery strategy. If we agree to your position—your opposition's position—on Calvary, you are driving the deficit of the ACT budget way beyond seven years unless you are coming up with a saving strategy to recover this kind of outlay as a gift to a third party.

MR SPEAKER: A supplementary question, Mr Hanson?

MR HANSON: Thank you, Mr Speaker. Minister, given that your own Treasury analysis shows that the cash impact of acquiring Calvary hospital will be in excess of \$160 million, how is that a cost-effective purchase?

MS GALLAGHER: We have signed up to Dr Dwyer's analysis. On a purely cash analysis, it is like, der—we are buying the hospital; of course it is going to cost more. It is \$110 million.

Mr Hanson: No, it's 110 without the financing. With the financing it's 160.

MS GALLAGHER: It is not. In net present value terms, Mr Hanson, it is \$110 million. Guess what? The people of the ACT, in return for outlaying that cash, get something in return—a hospital. From a cash point of view, we outlay some money—this is what we usually do in these sorts of transactions—and then we get something in return. Under Mr Hanson's strategy, under the opposition's strategy, guess what? We get \$200 million and we just hand it to somebody: "There you go."

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: On Ross Solly's morning program last week, Mr Stanhope described the \$145 million balance sheet impact as savings. Minister, do you agree that they are indeed savings?

MS GALLAGHER: Yes, they are, Mr Hanson. You have had an extensive Treasury briefing. The analysis is there. It clearly shows that, over a 20-year period, we are \$145.7 million better off on our budget—

Mr Hanson: Balance sheet impact: are they savings?

MS GALLAGHER: Better off on our operating impact over 20 years. That is the savings. I do not think anyone understands—and Mr Seselja has a little smirk there—that every single option costs money. The base case—

Mr Hanson: Just \$160 million more.

MS GALLAGHER: Just a moment, Mr Hanson. You have asked a supplementary. The base case costs \$374 million; the buy case costs \$229 million; and the build a third hospital is \$293 million, because it is a little bit more and it is the worst outcome. On the operating impact, we are \$145 million better off if we buy the hospital. So that is savings. On our balance sheet, yes, it has a similar impact, in the assets that we have returned to the territory. Yes, we get an asset. Under the current arrangements, we do not have an asset; it does not sit on our balance sheet. But from a cash point of view, yes, it costs, because we have to buy something back that we do not currently own.

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 would like to advise members that earlier today I received a letter from the Chief Magistrate, Mr Ron Cahill, voluntarily tendering his resignation, effective immediately. I have acknowledged receipt of this letter, accepting it on behalf of the government.

As a result of Mr Cahill's decision, the processes of the judicial commission, which I announced last week, will cease, as the act requires that it is contingent on a judicial officer being in office. Now that Mr Cahill has resigned from office, the provisions of the Judicial Commissions Act cannot apply. Therefore, I will be recommending to the executive this afternoon that it end the appointment of the commissioners, as the commission can no longer operate.

I had foreshadowed when announcing the commission last week that the government may seek amendments to extend the judicial commission's operation if it had not finalised its report before Mr Cahill's term expired on 15 December 2009. The government will not be seeking any amendments to the act, as the circumstances regarding Mr Cahill's position have now changed.

The commission has no legal basis to continue because Mr Cahill is no longer in office. Additionally, the commission had not commenced its hearings at the time of his resignation. As the act no longer applies, it would most likely not be legally possible to retrospectively amend the act in circumstances where the judicial officer has resigned prior to the commencement of the commission's hearings.

Supplementary answers to questions without notice

Cotter Dam—Actew advertising campaign

MS GALLAGHER: Earlier in question time today, I undertook to get back to Ms Hunter on the Actew advertising campaign. The campaign is costing \$280,000. It is running for four weeks now, ending on 28 November, and there is another four weeks at a later stage. That is an eight-week information campaign in total.

National Multicultural Festival—cost

Galilee day program—funding

MS BURCH: During the last sitting period, I undertook to provide the Assembly with some additional information regarding a question I received. In response to Mr Doszpot's question on the cost of the 2010 Multicultural Festival, a participation policy has been distributed to community groups and the diplomatic corps outlining the assessment process for potential stallholders, as well as the nominal cost. The dual purpose of the participation policy is to provide a framework that ensures the opportunity exists for all members of Canberra's multicultural community groups wishing to showcase their respective cultural traditions to do so as storeholders or as performers, as well as to ensure the financial viability of the event into the future.

Whilst I am sure it has been covered today to some extent in response to Mr Coe's question on the Galilee day program, DHCS provides funding to Galilee for the following services: the foster care program, the Galilee day program, the Uriarra Indigenous youth program and the social housing and homelessness services program.

Galilee currently receives annual funding of \$186,654 to provide the Galilee day program. The service funding agreement expires on 31 December. My department has requested further information in relation to client usage before renewing the agreement. This process was implemented to ensure that young people attending Galilee remain connected with the ACT education system and that referrals are appropriate.

Further to clarify, my answer on Thursday referred to the Uriarra Indigenous youth program. The service funding agreement will cease on 31 December this year as a result of the recent audit and in agreement with Galilee. Galilee has been working with the remaining clients to transition them to other appropriate services. Galilee management agree with the action taken by the department and the service will be retendered in 2010.

Paper

Mr Speaker presented the following paper:

Standing order 191—Amendments to the Civil Partnerships Amendment Bill 2009, dated 13 and 16 November 2009.

Executive contracts Papers and statement by minister

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

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

Long-term contracts:

Jim Watterston, dated 13 October 2009.

Robyn Hardy, dated 31 January 2006.

Short-term contracts:

Andrew Kefford, dated 12 October 2009.

Barry Folpp, dated 9 and 13 October 2009.

Caroline Hughes, dated 7 September 2009.

Carolyn Grayson, dated 21 October 2009.

Catriona Vigor, dated 23 October 2009.

Daniel Stewart, dated 8 October 2009.

Elizabeth Beattie, dated 9 October 2009.

Gregory Newton, dated 20 October 2009.

Jayne Johnston, dated 30 September 2009.

Jenny Ann Williams, dated 6 October 2009.

Jocelyn Vasey.

Kaaren Blom, dated 29 September 2009.

Kenneth Douglas, dated 14 October 2009.

Loretta Zamprogno.

Penelope Farnsworth, dated 21 October 2009.

Rachael Taylor, dated 9 October 2009.

Samantha Tyler, dated 14 October 2009.

Sara Burns, dated 21 and 25 October 2009.

Contract variations:

Alan Franklin, dated 22 October 2009.

Alan Traves, dated 30 September 2009.

Anne Thomas, dated 2 October 2009.

Carol Logan, dated 2 October 2009.

Conrad Barr, dated 30 September 2009.

David Foot, dated 19 October 2009.

Eric Swan, dated 29 September 2009.

Floyd Kennedy, dated 30 September 2009.

Greg Kent, dated 30 September 2009.

Katrina Bracher, dated 6 October 2009.

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

Leave granted.

MR STANHOPE: Mr Speaker, I present another set of executive contracts. These documents are tabled in accordance with sections 31A and 79 of the Public Sector Management Act, which require the tabling of all chief executive and executive contracts and contract variations. Contracts were previously tabled on 30 October 2009, but today, I present two long-term contracts, 18 short-term contracts, and 10 contract variations. The details of the contracts will be circulated to members.

Financial Management Act Paper and statement by minister

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): I present the following paper, which was circulated to members when the Assembly was not sitting:

Financial Management Act, pursuant to section 26—Consolidated Financial Report—Financial quarter ending 30 September 2009.

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

Leave granted.

MS GALLAGHER: The September quarter 2009 net operating balance for the general government sector was a surplus of \$109.1 million, which is a \$17.8 million improvement from the year-to-date budgeted surplus of \$91.3 million. The result for the September quarter each year is typically high, given that a full year's general rates and fire and emergency services levies are recorded at the beginning of the financial year to reflect billing arrangements.

The slightly improved year-to-date performance can be attributed to stronger revenue performance, including the continued effect of the first home owners boost program on residential conveyance, several large commercial conveyances that were transacted towards the end of last financial year and the finalisation of a number of lease conveyance transactions from 2008-09.

Over the past three months, we have also had strong returns on our equity investments due to the recovery of equity markets following the global financial crisis. The territory continues to maintain a strong balance sheet, as reflected in a number of key

indicators such as net worth, net financial liabilities and net debt. I commend the report to the Assembly.

Administration and Procedure—Standing Committee Report 1—government response

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.06): For the information of members, I present the following paper:

Administration and Procedure—Standing Committee—Report 1—*The Merit of Appointing a Parliamentary Budget Officer*—Government response, dated November 2009.

I move:

That the Assembly takes note of the paper.

The Standing Committee on Administration and Procedure's report was presented to the Assembly on 20 August 2009. A fundamental principle of democracy is to ensure accountability of the executive to the legislature in relation to its activities. Continued scrutiny of the executive by the legislature leads to improved policy outcomes.

The budget is a fundamental document in the government's process for any executive. A budget is a multifaceted document read by a wide constituency laying out the social, economic and fiscal values of the government. The government believes strongly in these fundamental principles of democracy and governance, and for these reasons supports the measures taken by the Assembly to enhance its capacity to scrutinise the government's budget.

The government would like to take this opportunity to congratulate the committee on the report and broadly supports the recommendations made by the committee. We support the first and second recommendations on appointing an expert consultant to assist the Select Committee on Estimates to scrutinise the ACT budget papers and outlining the role of such an individual in providing independent economic and financial analysis of the ACT budget, as well as assisting with the provision of advice on the technical aspects of the budget papers.

This is a logical and cost-effective approach to expanding the knowledge and skills of the committee to effectively scrutinise ACT budget papers. It follows the precedent established during the estimates hearing for the 2009-10 budget, which saw the appointment of Mr Tony Harris, a highly respected practitioner and commentator in public sector finances, by the Assembly to examine the 2009-10 ACT budget and to provide advice to the estimates committee.

The government does not agree with aspects of the third recommendation. Staffing of the committees in the Assembly is a matter for the Assembly. In this regard, there should be no restraint placed on the recruitment of additional resources to assist the appointed consultant if the Speaker desires that that be the case.

The government is concerned by the notion that these additional staff may be seconded from the ACT public service. The government received advice from the Acting Commissioner for Public Administration in May 2009 that such secondments would be inappropriate.

The acting commissioner explained that active participation in the development of a report commenting on and possibly criticising the government's chief financial planning document undermines the effectiveness and the impartiality of the ACT public service. To this end, the government does not support the secondment of ACT public service staff to the Legislative Assembly to assist in the financial scrutiny of the government's budget.

The government is nevertheless exploring, in cooperation with the Clerk of the Assembly, the piloting of a scheme which would see generalist ACT public service staff seconded to work in the committee secretariat on a regular basis. The purpose of the program will be to offer participants a professional development opportunity and to enhance the understanding of the perspectives of the legislature and the executive. I commend the response to the Assembly.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (3.09): We do welcome the government's response to the inquiry that was done by the Standing Committee on Administration and Procedure into the merit of appointing a parliamentary budget officer. This was one of the agreement items that the Greens put on the table to be included in the ALP-Greens parliamentary agreement.

It was the front part that looked at the sorts of reforms of parliamentary process and practice. It was an idea we truly felt deserved some investigation. We were pleased that that was referred to the Standing Committee on Administration and Procedure. The ACT Greens lodged a submission to that inquiry. Part of what we were putting forward was around the idea that the ACT could be looking at models in other jurisdictions. There was the example of the Canadian model.

At the end of the day, we do accept that the Standing Committee on Administration and Procedure investigated various models and considered them. The committee decided that in the ACT, because of the size of the jurisdiction, because of some of the constraints around the budget and also because of the fact that there had been, I guess, a new procedure tried during last year's estimates process, which was to set aside some money to be able to get in a consultant to assist the estimates committee in that particular process, that was probably a good model for the ACT to pursue.

So I am just standing here today to reflect that this was part of the agreement, one of those items around reform. We acknowledge the work that the Standing Committee on Administration and Procedure put into considering this issue. We thank them for that and we would be pleased to see those resources put aside each year. It is important around that estimates period. Estimates is all about scrutinising government, scrutinising the budget, looking at how the government is proposing to spend taxpayers' dollars, and I think it is highly appropriate that resources be set aside to assist members in this place who take part in that estimates process.

Question resolved in the affirmative.

Climate Change, Environment and Water—Standing Committee Report 2—government response

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.12): For the information of members, I present the following paper:

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

I move:

That the Assembly takes note of the paper.

I am pleased today to table the ACT government's response to the interim report of the Assembly's inquiry into ACT greenhouse gas reduction targets.

On 15 September, the committee released its first report into the inquiry and announced its intention to provide a final report in March next year. I would like to thank the committee for its comprehensive report and overview of the key issues. I would also like to thank the many individuals and organisations who made submissions and those who appeared at the 11 public hearings.

The clear message from the inquiry is that we need to act now, that climate change is having real and direct impacts on our local environment right now and that cities, like our own, can show leadership and make a real contribution to reducing greenhouse gas emissions. The report states that "there is a strong case for ambitious action". In effect it says we need to take steps as soon as possible to reduce our emissions.

It is also important to highlight that the committee noted that the case for inaction because we are a small jurisdiction or a small greenhouse gas producer is nonsense. We all have a responsibility to reduce our greenhouse gas footprint as soon as possible. Indeed, the committee endorsed my own comments to the inquiry that "we have a very strong moral obligation to future generations to adopt stronger and more visionary targets".

As members are aware, the science of climate change is constantly evolving, and the government's view is that the outcome we must seek is a safe climate for now and into the future and that targets we set should aim to achieve this: a safe climate that does not put in jeopardy or undermine our ability to maintain existing ecosystems; a safe climate that does not jeopardise our ability to have reliable food, water and energy supplies; and a safe climate that does not contribute to social disintegration or a lack of social cohesion.

The establishment of the inquiry was one of my first priorities as Minister for the Environment, Climate Change and Water, and the Assembly subsequently agreed to the terms of reference which I proposed in relation to the inquiry in December last year. At that time I noted that the time frame was ambitious in the context of a complex policy issue and the extensive nature of the terms of reference. However, then, as now, I am committed to moving the debate on from what the targets should be and into the real and practical detail of what we need to do to make those targets a reality, because, while targets are important, measures to actually reduce greenhouse gas emissions must become the priority for all members in this place and for the broader community.

The ACT's emissions have increased at a rate of 1.7 per cent since the year 2000. Another way to measure this is that emissions per Canberran increased at the rate of 0.7 per cent per year, while nationally they decreased at 0.6 per cent per year. Our emissions have increased faster than the national average, and now we must take action to reverse this trend. Recognising this earlier this year, I announced that the government had adopted the aim of achieving zero net emissions, or carbon neutrality for our city.

Today I am pleased to advise the Assembly that the government has set a target for our city to become carbon neutral, to achieve zero net emissions, by the year 2060. Zero net emissions, or carbon neutrality, is still an emerging concept. However, its broad meaning is accepted as that energy use is reduced as far as possible, through energy efficiency; that wherever possible energy comes from renewable sources; that the remaining greenhouse gas emissions are offset; and that for emissions for which we are not responsible, such as those arising from air travel, we measure the emissions and offset as far as is practicable.

The government recognises there are ambiguities around offsetting, and therefore a key part of our forward policy work will be to develop an offset policy. I would also reiterate the importance of the first two steps ahead of offsetting; that is, to reduce energy use as far as possible and to switch our energy supply to renewable sources.

Addressing climate change is the greatest challenge facing the modern world today. How the global community responds to climate change will determine the shape of the world for future generations. The government in the ACT accepts this challenge. We have embarked upon an ambitious reform agenda. We want Canberra to set the standard for a truly sustainable city. We recognise we need to do this with the community. We recognise decisions taken by this generation will affect all future ones.

In particular, the issue of taking action early to reduce emissions is recognised as the most cost-effective approach, and it avoids greater expense and difficulties with making the transition to a low-carbon economy later. Therefore, I can confirm today that the government has agreed with the committee's recommendation for the short-term target of reaching a peak in our per capita greenhouse gas emissions by the year 2013.

Our preliminary analysis from the work my department has undertaken over the last year indicates that these are both ambitious yet realistic goals. Both targets reflect our serious intent to reduce our carbon footprint.

The report which I am responding to today is a solid and considered report. It identifies the need for action. It takes up the challenge of climate change for our city. In tabling the government's response, I can confirm that the government is adopting the broad direction of the recommendations in the report. Of the 31 recommendations presented, the government agrees with 13 recommendations and agrees in principle with 16. The government notes two of the recommendations and does not disagree with any of them.

Those recommendations where we agree in principle, or simply note them, relate to the need to await the outcomes from other processes such as the final shape of the carbon pollution reduction scheme and the international climate change negotiations soon to take place in Copenhagen or, alternatively, to the mechanics of how we go about putting in place arrangements to deliver the intent of the recommendations rather than any substantive disagreement. Therefore, in essence, the government effectively supports the intent of all of the recommendations. However, we do need to get the detail of it right.

For instance, recommendation 5 states that the proposed legislation should set a target of a 40 per cent reduction in overall greenhouse gas emissions by 2020. The government intends to set a medium-term target for 2020 as high as possible and recognises a medium-term target should be in the range of 25 to 40 per cent. However, this needs to occur with close regard for the equity of the target measure. The government will look at the role the government must play to ensure that support is provided for those in the community least able to pay, for example in the area of additional energy costs. This support might be in the form of assistance to reduce energy needs by retrofitting buildings or replacing energy-hungry appliances, and also through improvements to the community service obligation payments arrangements.

Also, as the committee recommendation notes, in order to fully consider an ambitious medium-term target we need to assess the final outcomes of the CPRS, we need to assess the outcomes from Copenhagen and we need to assess the information from the various studies which will guide us on the cost, benefits and deliverables of various policy options. This work is ongoing, and I look forward to bringing a range of these proposals to the Assembly in the coming year.

Overall, the government supports the broad direction of the committee's recommendations. I think this is a good outcome for this Assembly and our community, and I am sure members of the committee will agree. It is particularly pleasing that we may just be at the point where we are able to develop a political consensus, an agreed way forward, with cross-party support, on this, the most pressing policy issue of the modern era.

A key part of this process has always been the introduction of ACT legislation to set in place specific ACT greenhouse gas reduction targets. The government agrees with the committee that any targets we set will not be enforceable in a legislative sense. There will not be penalties for noncompliance. However, the legislation will mandate regular reporting on how we as a community are tracking in our efforts to meet our greenhouse gas reduction targets. The setting of targets in legislation will also send a strong policy signal of where we are heading,

In considering the shape of the legislation, the government will look at the South Australian and Tasmanian models and the government will also give consideration to overseas legislative models. For example, consideration will be given to the UK climate change act introduced last year.

I intend to ensure that legislation to give effect to greenhouse gas reduction targets is introduced into this Assembly in the first half of next year. The next step in order to progress delivery of our commitment to reduce our emissions is the next action plan under the weathering the change climate change policy, action plan 2.

My department has commissioned expert consultants to assist in assessing options and developing a pathway towards carbon neutrality for the territory. The work will be completed by the end of the year and is critical to working out the most cost-efficient ways of meeting our goal of a carbon-neutral Canberra by 2060.

Key initiatives being considered in the development of action plan 2 include: mandatory targets for energy utilities to achieve set reductions in greenhouse gas emissions through energy efficiency; measures to accelerate the uptake of GreenPower; development of a greenhouse gas offsets policy, in particular to offset emissions from the gas and transport sectors in a way that optimises benefits for the territory; the development of an ACT green lease policy to drive significant improvements in the energy efficiency of offices rented or owned by the ACT government; a review of planning and building regulations to identify opportunities for reducing greenhouse gas emissions; the investigation of opportunities for the increasing use of co-generation, tri-generation and other low emissions distributed energy technologies in the territory; and the development of a framework to achieve carbon neutrality in ACT government operations. Possible elements being included here include climate change risk assessments, annual government agency carbon budgets implemented through performance commitments in chief executive contracts, and enhanced reporting in ACT budget documents.

In short, action plan 2 will set out the pathway of how we will achieve our greenhouse gas reduction targets and the speed with which we can do so. I am also pleased to advise members that I will be releasing a copy of a draft energy policy before the completion of this year.

In tabling the government response to the interim report of the inquiry into ACT greenhouse gas reduction targets, I would like to acknowledge the important role this inquiry has played in helping to build a political consensus to finding local and sustainable solutions to climate change. The challenge is now before all members of the Assembly to embrace this consensus position and to move forward with measures to actually reduce emissions.

I would like to thank the committee for delivering a considered and comprehensive report and I look forward to receiving and reading the final report when it is presented in March next year. I commend the response to the Assembly.

MR RATTENBURY (Molonglo) (3.25): When the committee reported earlier this year, I think they set out a number of recommendations which were designed to

deliver Canberra a climate-friendly future, to make this a city that was at the cutting edge and to put this city well ahead of other states taking action on climate change.

The people of Canberra have indicated a strong desire to see real action on climate change and, as a result of the ALP-Greens parliamentary agreement and following the minister's announcement today, we will have legislated targets by the middle of next year. This is not well before time. We know that the ACT's emissions are now more than 25 per cent above 1990 levels and 10.4 per cent above 2000 levels. So it is quite clear that the ACT needs action to tackle our climate change situation.

We also know that, since about the time the ACT Labor government came to power in 2001, the ACT's emissions have increased at an average rate of 1.7 per cent per year, more than double the national average increase of 0.7 per cent over the same period. So clearly we face a significant challenge as a jurisdiction.

The government's announcement of the ACT's target of carbon neutrality by 2060 has a somewhat aspirational nature about it, and I think that is appropriate. The time frame is a long way away, but we need to be working towards that target of contributing zero emissions to the atmosphere. That aspiration is welcome, but we clearly need action to make it happen. The Greens' view is that the 2013 peaking target is an important step forward in acknowledging that we must, in the first instance, stop the ACT's emissions actually growing any further, and setting a target to achieve this is something that we welcome.

The omission of a 2020 target, or an intent to add it later, I think is unfortunate at this point. The science is very clear. There is a clear economic case to implement a target now. I do not think we need to wait for Copenhagen. The developments this week, particularly the poor leadership shown by APEC nations, demonstrate that it is quite likely, and it is becoming increasingly clear, that Copenhagen will not deliver a definitive answer. In the context of the science and the need to move forward, as well as the opportunities for positioning the ACT as an early adopter, as one of the cities, one of the jurisdictions, on this planet positioning itself to be cutting edge and ready to take advantage of a low-carbon future, we do not need to wait for the others to catch up. There is enough clear necessity and opportunity to set ourselves a target and to begin to move forward already.

It is clear from the committee's report, and certainly a first glance at the government's response, that there are a tremendous number of opportunities out there for us to cut our emissions rapidly, particularly in the area of energy efficiency. It is the big player in this discussion. The committee's report identified the significant savings that can be made from improving energy efficiency in the ACT's buildings, and with more than 70 per cent of our emissions coming from the stationary energy sector this clearly is the place in which the ACT can make significant greenhouse savings very quickly and savings that will deliver an economic return for the building owners, the building occupants and ourselves as a jurisdiction in terms of cutting our own greenhouse emissions. So there is an opportunity there for us to move quickly.

When the Greens were elected to this place, we came committed to delivering on climate change. The government's response to this committee report today is the

beginning of that action. We are finally seeing a culture shift in this city where we are truly grabbing the bull by the horns and beginning to tackle our increasing emissions, and that is a welcome sign.

I also welcome the government's commitment in its response to adopt a baseline of 1990. For a number of years we have seen an unfortunate, and in some senses deceptive, attempt to use 2000 as a baseline level because we know that the ACT's emissions increased significantly between 1990 and 2000. To use a 2000 baseline has been a way of, according to an expression out there, "shifting the baselines". It is a way of redefining a problem so that it is seen to be not as bad as it is. By taking out an easier baseline, you do shift the baseline substantially. The 1990 baseline has always been the international standard. It is a baseline with integrity and I am pleased that the government has taken the advice and acknowledged that that is the appropriate baseline from which to be moving forward.

There is much work to be done still. I note that a lot of the comments in the government's response are agreed in principle. I have not yet had time, obviously, to read the details of what those reservations are, so I look forward to further discussion on that. We have a lot of work to do in the ACT to cut emissions, but adopting some of these first targets today is a way to go forward. The Greens are committed to working with all members of this Assembly to make progress on this very vital issue and I look forward to further discussions about the government's response today.

Question resolved in the affirmative.

Papers

Mr Corbell presented the following papers:

Subordinate legislation (including explanatory statements unless otherwise stated)

Legislation Act, pursuant to section 64—

Independent Competition and Regulatory Commission Act—Independent Competition and Regulatory Commission (Premium Rate—Electricity Feed-in) Terms of Reference Determination 2009—Disallowable Instrument DI2009-225 (LR, 6 November 2009).

Long Service Leave (Building and Construction Industry) Act and Financial Management Act—Long Service Leave (Building and Construction Industry) Governing Board Appointment 2009 (No 1)—Disallowable Instrument DI2009-223 (LR, 2 November 2009).

Public Place Names Act—Public Place Names (Pearce) Determination 2009 (No 1)—Disallowable Instrument DI2009-224 (LR, 2 November 2009).

Refugees

Discussion of matter of public importance

MADAM ASSISTANT SPEAKER (Mrs Dunne): 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 ACT government's responsibilities with regard to refugees.

MS LE COUTEUR (Molonglo) (3.32): It is timely that we speak today about the needs of refugees and the humanitarian obligations of Australia and the ACT in this regard. As it is such an important and complex issue, I think it is important that we face up to some of the scaremongering which is used in the current political discourse on these matters. In discussing issues around support for refugees in the ACT, it is really important that we understand the difficulties that refugees face simply in arriving in Australia, the very traumatic journeys that most, if not all of them, have undertaken, and the very stressful processes that they then have to go through to try and obtain residency after they have managed to physically reach our country.

The latest crisis with the *Oceanic Viking* off Indonesia's Bintan Island has reaffirmed that refugees crossing our borders or entering our waters remains, unfortunately, a very contentious and extremely sensitive topic for many Australians. I must say that I would have expected to see that today as a society we would have moved forward from the *Tampa* debacle and Mr Howard's infamous political stance of "We will determine who comes to this country and under what circumstances". I would have hoped that our political leaders, our federal leaders, the Labor Party and the Liberal Party, would have learnt from this experience and the misinformation in the debate. Unfortunately, this does not seem to be the case. We do seem to be seeing the current refugee situation, particularly with the Tamils, again being used for political purposes by both the major parties.

Before considering in more detail the ACT's responsibilities to refugees, I would like to touch a bit on the process that refugees go through before they come to the ACT. Clearly, given the ACT's location, we are not the first port of call for the refugees. In early 2008, the Human Rights Commission commended the Australian government for ending the so-called Pacific solution by closing the offshore migration detention centres on Nauru and Manus Island.

While these changes have been welcomed by many in the community, there remain some ongoing concerns—namely, that asylum seekers who arrive in excised offshore places such as Christmas Island are barred from the refugee status determination system that applies on the mainland under Australian law. The reality is that these people do not have access to the Refugee Review Tribunal and, thus, very limited access to Australian courts. They must rely on a non-compellable and non-reviewable ministerial discretion to be allowed to apply for a protection visa.

It is also the case that asylum seekers, including children, who arrive by boat without a valid visa in an excised offshore place are mandatorily detained on Christmas Island, despite the fact that the Migration Act 1958 does not, in fact, require this. Furthermore, the Migration Act purports to bar them from challenging the lawfulness of their detention in Australian courts.

I note that the Human Rights Commissioner has noted particular concern about the treatment and detention of children in detention centres. The Migration Act states in principle that children should only be detained as a last resort. There is a real concern about the lack of clarity about responsibilities and procedures relating to child welfare and protection for children in immigration detention on the island. The fact is that we are still processing refugees offshore in an arbitrary fashion, in a way that goes against the grain of our human rights responsibilities.

I note here that the ACT has, in fact, adopted a human rights charter and that these things are making it harder for the refugees who do come to the ACT to adapt positively to their new life. The remote location and limited facilities and infrastructure on Christmas Island make it a very hard place to ensure implementation of the government's new direction. We believe that immigration detention should be a last resort.

Australia has obligations to protect the human rights of all asylum seekers and refugees who arrive in Australia, regardless of how they arrive and whether they arrive with or without a visa. The less stressful this process is for refugees, the easier it will be for them to settle here in the ACT. I would like to share, in this context, a quote that stands out for me on this issue. Accepting the Sydney peace prize for 2009, journalist John Pilger made a valid point in regard to Rudd's handling of the *Oceanic Viking* in stating:

It is both false and cowardly. The few people struggling to reach our shores are not illegal. International law is clear—they are legal ... Why have weasel words like "border protection" become the currency of a media crusade against fellow human beings who we are told to fear, mostly Muslim people? Why have journalists, whose job is to keep the record straight, become complicit in this campaign?

I would now like to look at some ACT organisations which are helping to integrate and support the refugees and asylum seekers who have become part of our community in the ACT. The Migrant Resource Centre of the ACT provides a large range of services to recently arrived migrants to Canberra, and they include English classes, singing, conversation, pronunciation and tutoring. The English classes I would particularly like to comment on, because language skills are a vital part for people to become integrated into a new community. I would like to particularly acknowledge the tireless and unpaid contribution that many volunteers make in terms of English skills for new residents in our community. I am aware of quite a number of people, particularly women, who go into homes and are able to assist with tutoring in a culturally appropriate fashion.

The Migrant Resource Centre also has an after-school program for 12 to 25-year-old students from non-English-speaking backgrounds in high school, colleges, CIT, TAFEs or uni. They also have a job preparation program which helps migrants and refugees prepare for employment, including: access to training and finding employment; writing job applications and resumes; referrals to employers; preparing for interviews; and research skills. They also run a program designed to support young migrants and refugees in making healthy lifestyle choices around food and

physical activity. The food and nutrition component includes information about preparing healthy food and has a free, healthy afternoon tea three days a week. They also have excursions to local shops so that students can practice choosing and buying healthy foods. On sharing days, participants of this program have the opportunity to share dishes from their own diverse cultural backgrounds and to learn about healthy food from other cultures.

Another component of this program focuses on physical activities for young migrants and refugees. This gives the participants a greater chance to play a sport of their interest, as well, of course, as getting fit and making friends. Sessions are available at the YMCA or the Dickson college, with a focus on recreation focused on participants' interests and increasing their skills. But I note that one problem with this is the very limited availability with it only being in Dickson and Civic.

The ACT Community Arts Office also promotes inclusion and diversity in the arts. Through the arts, the office is able to assist refugees and migrants produce, exhibit and perform art of all kinds. I have been privileged to see some of this myself, and it has been of a very high standard.

Canberra Refugee Support also assists refugees to settle in Canberra. They provide advocacy services to assist refugees through the maze that has been created around visas and other Australian institutions. They also help refugees make connections with other refugees in Canberra. They organise activities and programs, such as providing refugee scholarships and refugee mentoring programs.

I would also like to touch on the work the Multicultural Youth Service has been doing for over 10 years. This service has effectively worked with at-risk migrant and refugee youth who are homeless or at risk of becoming homeless. It has managed to assist refugee and migrant youth stabilise their lives through helping them find accommodation, resolve family conflict, assist with mental health issues, find employment and help resolve financial crises. The service also provides important advocacy for those at-risk youth.

These groups I have mentioned, and many more, are providing vital support for refugees and asylum seekers, particularly young people. Unfortunately, the hard work of these groups and individuals often does not get recognised and adequately supported.

I have spoken about language, but as well as being a very vital part of becoming part of our community, other really major issues for newly arrived refugees in Canberra are housing and employment. Getting employment is a major obstacle for refugees. Despite the fact that many refugees have qualifications which mean they have skills or experience necessary for many of the jobs available, actually getting a job can be one of the hardest parts of settling in a new country. It is important, because, without a job, it is very hard to get a house. Also, if you are homeless, it makes it additionally hard to get a job. It is a vicious cycle, very depressing for people, and it makes it very hard for them to call Canberra home.

They need to be in a position where they can make a worthwhile contribution to our society, to earn the money to support themselves and their families, to find a place,

find a home, so that they are part of our community. Therefore, it is very important that the government supports such programs as those run by the Migrant Resource Centre, which help with English classes, job application procedures and forming social networks.

Refugee and migrant youth homelessness remain an ongoing problem in the ACT. The government's transitional housing program is not set up to house youth but, rather, to house families. Organisations such as the Multicultural Youth Service have continuously raised this point. Indeed, a lot of their work has been finding temporary accommodation for homeless migrant and refugee youth, in particular since the closure of CCHYP and APSSA in Canberra this year.

There is still a long way to go in supporting refugees and migrants in the ACT. Young women are still facing high levels of school dropout, truancy, social isolation, family conflict, relationship issues and unplanned pregnancies. For refugees recovering from trauma, they are at great risk of drug and alcohol abuse and violence, and they risk, unfortunately, being involved with the corrective services.

I am happy to say there has also been progress. A few years ago, there were problems for refugees who were here under temporary protection visas, because they, of course, did not have permanent residency and, therefore, were not eligible for Centrelink concessions. Thankfully, this problem has now been resolved as TPVs have been abolished. But there are many refugees in Canberra, even those with masters degrees, who unfortunately are finding difficulties finding employment in Canberra. Possibly we should have a situation of refugee apprenticeships, similar to the situation we already have for Indigenous Australians here in the ACT.

Along these lines, the Migrant Resource Centre runs an after-school English program for students up to age 25 on three afternoons a week to give them free help with homework and study. This includes not only learning English but writing essays, reports and journals and acquiring study skills, studying school subjects and social support. Unfortunately, these classes are only in Civic, which makes it very hard for some young refugees to access them, and they do not provide sufficient opportunities for the refugees to socialise in their local environments. It would be great if these services could also be offered by the youth centres in other parts of Canberra so that young refugees in Tuggeranong, Woden and Belconnen can easily access these services as well as meet people in their local community.

A great example of young people getting involved in community inclusive events is in Melbourne, where young refugees are able to be involved in community radio programs through 3CR, which has specialised shows such as Sudanese or Arabic hip-hop. These programs give people a great sense of the community, their community of origin and the community that they are moving into.

One of the things that I would like to say in conclusion is that in the ACT we have the Human Rights Act, which entitles people to protection of their fundamental human rights. We need that to be extended to everyone in Australia, including the right to seek asylum. Under the Refugee Convention, asylum seekers should not be penalised because of their method of arrival into the country, and certainly we do not do that in

Canberra. We do not differentiate between people who come by car, by bus, by bike, by foot or by plane. But what we need in Canberra is to have a broader range of services for people who do arrive, through whatever means, to enable them to more easily become part of our community. This is an area I feel I have some empathy with, being a child of a migrant family myself. (*Time expired.*)

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) (3.47): Madam Assistant Speaker, the ACT has always welcomed with open arms and open minds the men, women and children who arrive in this country fleeing persecution in the land of their birth. The government is acutely conscious that individuals who arrive in our community as refugees or asylum seekers have needs that are more complex, in general, than those who arrive through more traditional migration channels. Often they are survivors of great trauma. Frequently they have few or no possessions or resources. Many of them come from war zones. They come often from fractured families and devastated communities. Sometimes they have few of the skills that would enable them to smoothly enter into the economic life of our community. They confront language and cultural barriers.

The ACT government has a role to play in the welcoming and integration of these new arrivals into our community. I think it would be of interest to members and I am sure it would come as a surprise—perhaps not so much to members but indeed to members of the community—that somewhere in the order of 1,000 refugees have joined the Canberra community in the last 10 years. On average, over the last decade, each year 100 refugees have made Canberra their home. As I said, the ACT government has a quite central role to play in the welcoming and integration of those new people into our community. It is because of that that we provide a range of government services to help refugees make the transition to their new life and new home. We also provide support for non-government organisations, most of which are community based, which offer their own resettlement services.

One of the areas of greatest assistance we render is through our public health system. Many of those who arrive in our community as refugees have significant health problems. We all know that tackling health problems swiftly and accurately can demonstrably improve the quality of life of an individual. Through ACT Health, the ACT government ensures that asylum seekers who are ineligible for Medicare services are nevertheless able to access, free of charge, full medical care, including pathology, diagnostic, pharmaceutical and outpatient services in the ACT's public hospitals. The ACT government also ensures that asylum seekers are given the same access as healthcare card holders to public, dental and community health services. Those with established refugee status are Medicare eligible and therefore able to access health services consistent with the general population. Where the ACT government steps in is in the case of those asylum seekers who have not yet been assessed as refugees.

ACT Health also provides funding to the non-government organisation Companion House—a centre assisting survivors of torture and trauma—for a medical program and counselling services for refugees and asylum seekers. Asylum seekers are able to

access free general practice services at Companion House. I must say I was very pleased to visit Companion House in the last five or six weeks. It is really heart-rending, as well as heart-enlarging, to visit a place like Companion House and speak with people there who work for the refugee community. It is quite a heartening experience to be with people who are so devoted to helping their fellow citizens and fellow human beings.

The primary health service provided at Companion House includes health interventions through a general practitioner and nurse, including health screening, case reviews, vaccinations and referral to other services such as mainstream general practice, dental and allied health services. Through Companion House, ACT Health counselling services also deliver extremely valuable support to those clients who have experienced torture and trauma and whose complex needs mean they are not easily served by mainstream health services.

ACT Health also offers a varied range of other support services. It coordinates the female genital mutilation program, it provides interpreting services, it provides cross-cultural awareness training for health professionals and it funds the stepping out of the shadows project, which trains and supports bilingual community educators to help reduce the stigma surrounding mental illness among Canberrans from multicultural backgrounds.

In the area of housing, the ACT government supports newly arrived refugees through gateway services and the refugee transitional housing program. The capacity to communicate is, of course, essential for the new arrivals wanting to feel in control of their own destinies. It is also essential for full participation in the economic life of the community. Language barriers are as real for new Canberrans as any physical barriers to inclusion. The CIT also delivers significant services for refugees. It delivers the adult migrant English program. These free classes deliver not only proficiency in the English language but also useful information about Australian cultural practices, working in Australia and accessing settlement services.

Students are eligible for free childcare while at CIT English language classes and are helped with the cost of public transport in order to attend classes. I think it is the capacity to speak the language that is one of the major inhibitors to participating not just in the life of the community but in paid work. It is only through paid work and the capacity to be independent that many refugees have the capacity to integrate and to feel that they belong to the community.

I might say that I have visited annually—and I recommend it to members—the knit and natter class which is conducted as an adjunct to English language classes at the CIT. Again, it is a wonderful example of Canberrans holding out a hand of significant friendship, assistance and help to those—almost exclusively women—who have newly arrived in Australia, more often than not as refugees but not always as refugees. It is a very innovative way of assisting women, in that particular instance, through a social network to practise their English skills among other women who are also learning English.

The ACT government is determined that those who choose our community of all possible communities as the one in which they want to make a new life and a new

home are given the opportunity to make those new lives fulfilled, connected and meaningful. One of our initiatives has been the development of a settlement contact information brochure. This brochure was designed in collaboration with the Refugee, Asylum Seeker and Humanitarian Coordination Committee. The brochure brings together important support information and key contact details for the services and information most needed by refugees, asylum seekers and other humanitarian entrants.

The input from the Refugee, Asylum Seeker and Humanitarian Coordination Committee ensured that the resulting document focuses on the aspects of resettlement where humanitarian entrants are most likely to encounter challenges. These areas include financial support, health services, housing and language support. The brochure contains general information and contact details for those in need of income support and funded medical care and includes details of services provided by the commonwealth government and community organisations such as the Red Cross, along with those delivered by the ACT government.

The ACT government is aware that, for successful settlement, humanitarian entrants need to be aware of both their rights and the various services available to them. To that end the brochure also contains information and contact details for the Human Rights Commission and a range of community-based welfare and charity organisations. Contact details are also provided for the ACT government Office of Multicultural Affairs for people with more specific queries regarding individual circumstances.

Healthcare services information is provided with regard to Medicare, healthcare card services, including dental care, free medical care in ACT public hospitals and access to the multilingual service through Centrelink. This comprehensive document is available through a range of relevant community organisations. In line with the government's commitment to accessibility, it is available in large print format, audio format, through TTY typewriter services for the hearing impaired and through the translating and interpreting service.

Few of us in this place can imagine the difficulties experienced and overcome by those in our community who have been forced to flee their homelands. I think it is fair to say that we cannot imagine and will never understand, but we can hold out a hand in those hard early days. We can ensure that, no matter what these men, women and children have endured, they will never be sorry that they chose our community in which to make a fresh start.

I have taken the opportunity to focus on the response and attitude of this community to refugees that arrive in the ACT. In the context of the national debate I think it is relevant that we, as an Australian community and as Australians, do not just focus on how we respond locally once refugees arrive within our community, within the heart of the ACT, but that we seek to understand in that same compassionate way the causes that have driven those very many people that are currently seeking to cross the sea to Australia—what has driven them, their motivation, the trauma that they have quite clearly suffered or been forced to endure that led or precipitated their decision to take that hazardous and life-threatening journey. Of course, for many of them it is a journey that has cost them their life. We saw that just recently in the tragic sinking of

a refugee boat between Indonesia and Australia with a significant loss of life. A frightening harbinger was what many regard as the worst maritime disaster in sight of Australian waters—the sinking of the SIEVX.

Whilst we confront some of the other issues around refugees and around those that would seek entry to Australia other than through legitimate migratory methods, through perhaps the perceived illegitimacy of arriving unannounced and without approval or authority by boat, it is important that we as Australians look with compassion and understanding at what it may be that has driven those people to that extreme journey and under such extreme life-threatening circumstance and not just blow the dog whistle around our instinctive or immediate opposition to those that would seek not to abide by our formal rules for entry to the country. I think it behoves all of us, and most particularly we politicians—those of us that have a leadership role—to continue to call for some understanding of the circumstances that those people have met in their lives and treat them with understanding and compassion when they arrive in our country.

MR DOSZPOT (Brindabella) (4.00): I thank Ms Le Couteur for bringing forward this MPI today. As some of you are no doubt very aware, the migrant-refugee experience is one that is very close to my heart, having fled with my family from Hungary in the 1950s. Back in the late 1950s when my parents and the many thousands from central Europe fled their homelands in the aftermath of the Second World War and the resulting changes in social, economic and political realignment, the United Nations High Commissioner for Refugees coordinated the international activities while at the local level it was mainly left to the many volunteers and church-related organisations to struggle with the influx of many thousands of refugees. It was also left to the various communities themselves to provide for their own.

Many of those who fled their homeland had left behind their extended family, so in essence these people formed a new family with those who spoke their language and shared similar experiences. In 1957, there were few, if any, specialist support organisations for those escaping religious and political persecution. Now, in 2009, we have organisations that specifically deal with those people who come to our shores as asylum seekers, just as there are for refugees and migrants. All of these groups identify with the same goal—to seek a better life for themselves and their families.

The matter of public importance before us today provides us with a great opportunity to highlight the work done currently by the service providers in the ACT to resettle and support refugees, asylum seekers and migrants alike—organisations such as Canberra Refugee Support Inc, St John's Kippax, Companion House, St Vincent de Paul Society, Red Cross, Catholic Care, the ACT government funded Migrant and Refugee Settlement Services of the ACT, MARSS, and Multicultural Youth Services.

These organisations, and many others, are all crucial to providing this practical, real support. Of course, the work of these organisations could not continue without the commitment of the many hundreds of volunteers in Canberra. These service providers and volunteer groups all share a common aim—to help the refugees become as independent as possible as quickly as possible. Many refugees who come to Canberra find themselves in a far different environment to that of the land they are fleeing,

where the trauma of war and famine may still be fresh. The volunteers must be supported by government in order to adequately provide support for these refugees.

Important work by organisations like Canberra Refugee Support Inc., which are community based not-for-profit organisations which welcome and provide support to refugees who wish to settle in Canberra, could not carry out all their work without the generosity and dedication of their members who all work on a part-time basis in a voluntary capacity. The support of president Geoff McPherson and his hardworking dedicated volunteers is invaluable and includes a much-needed backup to the newcomers to assist them in settling into the Canberra community. Their assistance is also often required to act in an advocacy support role as well as to provide advice across a range of issues from policy to education and health-related requirements. Their ultimate aim is to help the refugees become as independent as possible as quickly as possible.

In my recent discussions with some of these ACT service providers many issues were brought to my attention, but one of the major issues in the ACT for refugees currently is accommodation. This is a limited commodity in the ACT. It is my understanding that Catholic Care and Companion House currently manage the transitional housing program offered by the ACT government. There are currently eight houses—there were six and there has been an increase to eight—used for transitional housing, but I am told there is a requirement for many more. The figure of around 20 houses would be closer to the actual requirement and they are desperately needed right now.

Another very important skill that is necessary—and it has been mentioned by Ms Le Couteur—for newly arrived refugees is the learning of English. One of the providers of this is CIT, in conjunction with a number of service providers who currently provide English language training. As Ms Le Couteur has already noted, the volunteers and the people who assist in this category are also very welcome and much needed.

I thank Ms Le Couteur for bringing us this MPI today on the ACT government's responsibilities with regard to refugees. I would like to end on the note that the resettlement of these refugees has come a long way since 1957, although it essentially remains the same with the majority of the contribution coming from the wonderful, dedicated volunteers of the ACT. I commend them for their contribution to our Canberra community.

MS BRESNAN (Brindabella) (4.06): I welcome the opportunity today to talk in the Assembly about refugees and I thank Ms Le Couteur for putting this subject on today. Although I have already spoken about the Tamils in Sri Lanka in this place, I would like to touch on this issue again and speak more broadly about the international crisis of displaced peoples and the ACT's responsibilities in supporting refugees and refugee services.

It was expected that the Rudd government's attitudes towards refugee policies, which he did trumpet somewhat during the election, would help to produce a fairer and more streamlined system to determine refugee status. Indeed, such policy shifts, including abolishing the arbitrary 45-day rule, the approach to the granting of work rights and

healthcare access for asylum seekers, have been a significant move forward. In fact, the Refugee Council of Australia has noted that these policy shifts have demonstrated that supporting vulnerable visa applicants to live in the community was a more constructive and cost-effective strategy than leaving them indefinitely in immigration detention. However, the question then still remains: why do we continue to adopt arbitrary measures when processing offshore asylum seekers?

I am aware that there are people in the community who believe that Australia appears to be laying out the welcome mat, as some people say, to anyone seeking to enter the country. There is a belief that by allowing so-called queue jumpers to enter Australia this will hamper claims from refugees who are waiting in immigration centres overseas.

The grave reality is that for people escaping situations such as that in Sri Lanka, and in the past Burma and Afghanistan and before that Vietnam, there is no queue as there is nowhere for them to go to or places to apply if they want to leave their country. In fact, in the majority of cases where people are escaping some form of persecution no such processes exist. In debating this issue today, it is important that that factor is recognised.

Noting the current *Oceanic Viking* debate, I would now like to address some of the issues facing Tamils in Sri Lanka in particular, as we need to understand what these people have gone through before they even reach the ACT and how this can better inform policies we implement.

On 9 September I attended a forum at Parliament House on human rights in Sri Lanka. I have previously spoken about this in this place, but it is important, I think, to restate some of that information. It dealt with what is occurring with the treatment of Tamils held in camps and also the role of Australia, including governments and the community, in protecting human rights in Sri Lanka.

The event was attended by both federal and ACT parliamentarians. This forum discussed the situation of over 300,000 Tamils being held in camps in Sri Lanka and the calls which have been made by groups including the United Nations and Amnesty International to allow people to leave if they choose, for the camps not to be under Sri Lankan military guard and for aid agencies and the media to be allowed into camps.

The forum reported recent actions by the Sri Lankan government to restrict anyone reporting on or speaking out against what is occurring in the camps. Most recently, a key representative and worker for UNICEF was expelled from Sri Lanka for speaking out against the conditions in the camps and a journalist was sentenced to a 20-year jail term for supposedly unbalanced reporting on the situation.

The Tamil community in Australia are asking that the Sri Lankan government be treated as other countries such as Fiji are being treated by the Australian government—that is, to recognise where human rights violations are occurring and apply appropriate sanctions. They are also asking for the Australian government to assist Australian citizens who have family in camps, or are themselves being held in

camps, as currently people are unable to get access to or communicate with their families.

Speakers at the forum advised that, at a minimum, the Australian government should immediately call for the release of the journalist who has been sentenced to the 20-year jail term, call for aid agencies and the media to be given unrestricted access to the camps and call for citizens of other countries to be released immediately from the camps.

The very reason why Tamil civilians want to leave Sri Lanka is obvious, but this situation has neither been discussed to any great extent nor accurately in public by the federal government or the opposition and, as such, through the media. In fact, it could be stated that it has been directly misrepresented and misused. As Ms Le Couteur has stated, refugees are not illegal and international law clearly states that.

In the ACT refugees have found a home that they can call home. Through supportive services, they have managed to find freedom from fear. They have been able to share their stories and embrace their future. As a community in Canberra, we have also managed to celebrate the wonderful contribution refugees continue to make to their new homes through events such as the Multicultural Festival, National Refugee Week, soccer and other family events organised every year. However, as Ms Le Couteur has noted in her speech, there is still a long way to go in supporting refugees and the services that are in place on the ground.

I would like to take a moment to reiterate some of the issues raised by Ms Le Couteur on refugee and migrant youth homelessness. The ACT government's refugee transitional housing program does not currently adequately cater for young people in particular. Given that new arrivals to our community may have been exposed to extreme poverty, conflict and violence in their home countries, immediate and adequate housing must be addressed. Many refugees are studying. They are on Centrelink benefits and cannot afford private rental accommodation. Although refugees are eligible for public housing, there can often be a long wait for such a property.

If you are eligible for public housing, you can receive rental assistance until you get a public housing place. However, this subsidy is still minimal, compared to the cost of private rentals in the ACT. There can be cheaper accommodation to be found in Queanbeyan, which is an option for many refugees, but not living in the ACT does then create added difficulties in terms of what assistance can be claimed.

Safe dwellings in a range of properties are needed for refugees. This is another good reason for the ACT to continue to invest more in our public housing. Not having somewhere to live makes settlement that much harder for refugees in the ACT. Acknowledging that the issue of at-risk migrant and refugee youth has been noted in the multicultural strategy and brought up by many community organisations, it is timely that government truly commits to this group. A large proportion of refugees in our community are young people and they face unique challenges in resettling in our community.

The Youth Coalition has continually called on the government for an updated social and demographic profile of young people, including a multicultural focus. The Greens support this as a notion as this could provide invaluable information by identifying clear gaps in evidence-based policy.

I would like to note that, in the achievement gap inquiry conducted by the Standing Committee on Education, Training and Youth Affairs, a section of the community that has consistently come up as a priority is refugees. I do not believe that as a government or as a community anyone has yet adequately begun to address or even understand the level of need with young refugees.

I note that we have moved forward on refugee policies. However, the current debate occurring nationally indicates that we need to be vigilant on this issue and ensure that human rights are always at the forefront when we discuss the treatment of refugees. Asylum seekers are among the most vulnerable and disenfranchised people of our community. It is fundamental that they are recognised and explicitly included across government policy, programs and services.

There are multicultural and settlement services in the ACT. However, we cannot be sure these are truly meeting the level of need. This is particularly concerning as many refugees and asylum seekers face serious homelessness, family conflict and mental health issues. The Greens recognise the conflict between territory, state and federal responsibilities that may result in the stalling of entitlements or access to services such as income support and housing. We would like to see government documents such as the multicultural strategy acknowledge and address this issue.

I would like to acknowledge the excellent work of groups such as Companion House and the Multicultural Youth Service in providing services that address the very specific needs of refugees. I would also like to see the government acknowledging the need for such multicultural-specific services.

I would also like to acknowledge the Chief Minister's comments and I would hope that more people in the Labor Party, and I would also hope the Liberal Party, speak out on the issue of refugees and challenge those views that are being expressed by some others.

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (4.15): I thank Ms Le Couteur for bringing this MPI to the chamber today. The United Nations has estimated that in the year 2007-08 there were 16 million refugees worldwide—people forced to flee religious, environmental, racial, language, ethnic and political persecution. In many cases, these people have extended families, small children and aged parents that put them in positions of great stress and, in many cases, the need to relocate quickly, often in the face of great personal risk or even death.

They are also subject to the threat and, in many cases, the reality, of torture, trauma, robbery, rape, starvation and dealing with many unscrupulous people, such as the

professional people smugglers who approach them with the full-colour brochures and false promises. For example, I have been told the story of a young Sudanese man, who now calls Australia home, whose mother begged members of a Sudanese war lord's army not to recruit her then 10-year-old son into one of the infamous child soldier armies. In return, they cut off two of his fingers to stop him from firing a gun and being recruited to an opposing militia. To save him, his mother sent him south with a group of other young Sudanese men, braving lion attacks and warring militia, to a Kenyan refugee camp, where he languished for 12 years before being granted refugee status in Australia. He is now a law student, a proud and loyal Australian citizen and a wonderful, active new addition to the Australian community. In fact, even Mr Doszpot has told us today and in his maiden speech that his family were refugees, and it is wonderful to see that he is a proud member of an Australian family and a member here in the Assembly.

Sadly, we often see refugees demonised and blamed for all manner of sins. The appalling terms such as "queue jumpers", "refos" and "threats to our national security" are just offensive and, indeed, not helpful in the least. We have heard shock jocks all over the nation running out the age-old cliches; we have heard the Liberal MP Wilson Tuckey creating fear and divisions by saying terrorists could be aboard refugee boats; we have heard the Liberal-National Party MP Vaughan Johnson say all overseas taxi drivers look the same. Just last week we heard the leader, Malcolm Turnbull, say that the Liberal Party would resurrect the appalling Howard government policy of temporary protection visas.

Refugees are people in need; they are people crying out for help. Australia has a wonderful record of accepting and supporting refugees, and the ACT government is committed to honouring that. The ACT government is committed to assisting refugees, asylum seekers and other humanitarian entrants to resettle in the ACT. In fact, our city is rich with stories of refugee successes. We have some wonderful stories of Canberrans who came here as refugees, such as Tu Pham, the ACT Auditor-General.

The ACT government has a firm understanding of the needs of refugees and other humanitarian entrants. The Refugee, Asylum Seeker and Humanitarian Coordination Committee is a key way in which the ACT government connects with community service providers assisting refugees. Key stakeholders represented on the committee include the Migrant and Refugee Settlement Service, the Queanbeyan Multilingual Centre, the Multicultural Youth Service, Companion House, adult migrant English program at the CIT, ACT community services, Centacare new arrivals humanitarian services, Canberra Refugee Support, St John the Apostle Refugee Resettlement Committee, Kippax, St Vincent de Paul and the Australian Red Cross.

I would like to take this opportunity to acknowledge the pivotal role these organisations and others play in the resettlement of refugees, asylum seekers and other humanitarian entrants. These organisations have an incredible source of assistance and expertise to provide the necessary resources to individuals with refugee backgrounds. The Refugee, Asylum Seeker and Humanitarian Coordination Committee brings these and other stakeholders together to facilitate settlement support for asylum seekers. This is characterised by assisting with the identification of issues, facilitating the provision and exchange of information, and contributing to the development of

policy advice to government. The ACT government's Office of Multicultural Affairs chairs and provides secretariat support to that committee. As such, the Office of Multicultural Affairs has a leading role in the coordination of settlement services and policies relating to refugees, asylum seekers and other humanitarian entrants.

The government has a long history of making the ACT a safe and welcoming place. The government recognises that refugees and asylum seekers have significantly different life experiences leading up to their migration. Refugees have often experienced trauma or tragedy and are forced to leave their countries of origin often without notice about which country in which they will settle or when they can return to their country of origin. The ACT government realises this and provides support to assist in this resettlement of refugees. For example, the ACT government provides housing stock for the refugee transitional housing program to provide short-term, on-arrival accommodation. ACT Health provides funding for the good afternoon program of good and healthy eating.

The Department of Disability and Community Services funds the migrant and settlement services to undertake the program for after-hours school studies, the men's African chef cooking courses and English language classes. The government recognises the unique experiences of refugees and asylum seekers, and that will continue to be firmly demonstrated in the upcoming ACT multicultural strategy 2010-13, which includes a dedicated focus area on these individuals.

Additionally, relevant actions to address the needs of refugees and other humanitarian entrants will also be included in the additional focus areas of the strategy, which are: languages, children and young people, older people and aged care, women, intercultural harmony, and religious acceptance. For example, I note that many refugees living in the ACT are children or young people. As such, the strategy focus area on children and young people will reflect this as a key consideration for agencies' actions.

The Department of Education and Training also has a key role to play in addressing the needs of children and young people with refugee backgrounds. Each year a number of refugee or humanitarian visa holders enrol in the four ACT introductory English centres. Mr Speaker, the ACT government is also well connected with new and emerging multicultural community groups. The Office of Multicultural Affairs works with new refugees and other humanitarian entrants to make invaluable connections with these local community groups.

New and emerging community groups play a vital role in helping other refugees to settle in the community and to build important relationships with people with similar life experiences as well as with members of the wider community. For example, the Theo Notaras Multicultural Centre plays an important role in enabling new and emerging communities, such as the Sudanese community and the Mon community, to link with new arrivals.

Today I have outlined the ACT government's overarching commitment to the resettlement of refugees, asylum seekers and other humanitarian entrants into the ACT. It is clear that the ACT government's responsibility regarding resettlement of

these individuals is strengthened because of our firm partnerships with the community service providers and new and emerging multicultural groups. As a new minister having this in my department as one of my portfolios I look forward to working with the community sector and, indeed, our broad, multicultural sector to make refugees and new settlers to the area welcome, so they fit into our community and have access to all the services that they require, and actively engage and participate as members of the community.

MR SESELJA (Molonglo—Leader of the Opposition) (4.24): I thank Ms Le Couteur for bringing this issue forward, and it is a very important one. The history of our nation has been one of immigration. The history of the last 200-odd years in particular has been one of people coming to Australia, seeking freedom and seeking a better life for themselves and for their families. Many of these people who come to our shores are, indeed, refugees and asylum seekers.

I would like to pay tribute to those organisations here in the ACT who do support refugees and who do an outstanding job in doing that, and there is a number of them. There is the Canberra Refugee Support, St John's, Kippax, Companion House, St Vincent De Paul, Red Cross, CatholicCare, and the Migrant and Refugee Settlement Service, amongst others. I would like to pay tribute to the volunteers, to those who put out the welcome mat for people who are often in very difficult circumstances, who have often left horrendous circumstances in their own nations and, in many cases, have no choice but to flee.

We have heard from Mr Doszpot about the experience of his family coming over from Hungary to Australia, seeking a better life. We in the Canberra Liberals believe absolutely in the need for us to be compassionate as a nation and as a city towards asylum seekers, towards refugees and, indeed, to welcome immigrants in whatever form.

It is worth, I think, just adding a few words in relation to the way that this issue sometimes plays out. When it comes to an orderly immigration program, people of goodwill can, indeed, disagree on what is the best way to effect that. I think that most Australians and most Canberrans would agree that we do need certain procedures for checking people who come into the country and to ensure that we protect our borders and that we have refugees settled and migrants settled in an orderly manner. I do not think there are too many people in our community who would argue otherwise. Sometimes we see serious disagreements about what is the best way to effect that.

Can I just put on the record that the concern that I have from time to time is that, in this process of looking for what are the best policy settings to ensure that we do not encourage people smugglers, that we have an orderly refugee settlement program and an orderly immigration program, it is important that we do not see a situation where the refugees themselves become demonised, where people who are seeking a better life for themselves and their families in some ways become demonised in the argument about what is the best policy to ensure that this is done in an orderly way and what is the best policy to ensure border protection for Australia.

I think from time to time we do see in this debate, unfortunately, the situation where those people who very often come from very desperate circumstances are in some

way demonised because of the manner in which they have arrived in the country. We know that there are complexities to this in terms of how many ports they may have been in before attempting to come to Australia, but I think that we should, as a nation and as a city, take the approach that we should avoid wherever possible demonising these people and in some way looking to categorise them all in a particularly negative way.

I think that we have a proud record in the main in Australia, in welcoming migrants, in welcoming refugees. I think that if you look at our quota in terms of what we accept on a per capita basis, we compare very favourably to nations around the world. We also have had a history of a very orderly process for accepting people. I think we in the ACT, in particular, have had a proud record of being welcoming to migrants and to refugees. That is reflected in the strength of our community, and that is reflected in the fact that our multicultural community here in the ACT is one of the most harmonious in the country and, indeed, perhaps anywhere in the world. We do not see the “ghettoisation”, we do not see areas of Canberra being separated as a result of peoples’ various ethnic and cultural backgrounds.

I think we have a lot to be proud of here in the ACT in the way that we have developed as a genuine multicultural community and a harmonious community and, indeed, in the way that we have supported those who come here in very difficult circumstances—often with very little means, difficulties in relation to language, and cultural barriers.

Once again, in concluding, I pay tribute to those very fine organisations here in the ACT that do such a wonderful job of making our refugees and our migrants feel very welcome and allowing them to integrate into the Australian community and pursue that better life which all migrants who have come to Australia in one way or another are seeking.

MR SPEAKER: Discussion on the matter of public importance is concluded.

Adjournment

Motion (by **Ms Burch**) proposed:

That the Assembly do now adjourn.

St Thomas the Apostle school fete Holy Family school fete

MR SESELJA (Molonglo—Leader of the Opposition) (4.30): On the weekend I had the opportunity, along with a number of my colleagues, to attend the St Thomas the Apostle school and parish fete. It was a wonderful event. Mr Doszpot was there, Mrs Dunne was there, I believe Senator Humphries was there and I believe Ms Burch was also there.

It was with particular pleasure that I went to St Thomas, as it was my old primary school where I attended way back when—not as far back as when many people in this

place went to primary school—indeed in the 1980s. I attended St Thomas the Apostle and it is a wonderful school and it is a wonderful school community. Even though it is not as big a school as it was when I was there—it was a very large school then; Kambah was the centrepiece of nappy valley back then and I think there were four streams right through St Thomas the Apostle when I was there; it is a bit smaller than that now—the fete continues to be a major event.

We were very well welcomed by the principal, Judy Spence, who really made us all feel very welcome. It is a tribute to Judy Spence, the leadership, the P&F and the school and parish community that these events still continue to thrive. There were many hundreds of people attending and I am sure it will prove to be a very successful fundraiser for the St Thomas the Apostle school community. It is a very important part of our community in Tuggeranong. We very much value the contribution that schools such as St Thomas the Apostle make to education in the ACT, in particular to Catholic education. More broadly, we welcome the contribution that Catholic schools, independent schools and government schools make to our community and we have no hesitation in endorsing the wonderful work that they do.

A number of changes have gone on at St Thomas the Apostle since I was there, but a number of things have not changed. Indeed, I was there in my old grade 6 classroom, which I do not believe has changed a bit, although it will be having an overhaul very soon, I understand. There were a number of wonderful events on the day. So I pay tribute once more to the St Thomas the Apostle school community, the principal, Judy Spence, and the P&F. It was a great pleasure to be back there.

I also had the opportunity to go to the Holy Family school fete on Saturday, which, I think, is one of the largest, certainly Catholic, primary schools in the ACT. This was once again a very big event and again the school community got behind it. These are great events.

I had the opportunity to take my children to both of these events and they had a wonderful time, going on a number of the rides, eating the fairy floss and doing all those wonderful things. But in the end these are great fundraisers for these schools and they are very important. It is important that the community get behind them, and they always do. But they do give us the opportunity to affirm the role that these schools play in our community.

We very much believe in and value the choices that parents make in terms of education. We believe in a very strong government education sector. But we also believe that the non-government education sector in the ACT makes an extraordinarily valuable contribution to our community. Over 40 per cent of parents choose that sector and we respect and value that choice. It is important that governments continue to get behind and support Catholic education and independent schools, as well as the government sector, because that diversity and that choice, we believe, make Canberra a better city and add so much to our community.

We pay tribute to these school communities and pay tribute generally to the role that they are playing in developing the students, in developing our children and developing the leaders of the future of not just the ACT but our nation.

Canberra area theatre awards
Miss Saigon

MR COE (Ginninderra) (4.35): I rise this afternoon to offer my support to the Canberra area theatre awards. The CAT awards are an integral component of the Canberra arts scene and ones that I think we as a community should be supporting in any reasonable way possible.

For thousands of people in the region involved in theatre, the CAT awards are the high point of their efforts and achievements over the past year. The awards recognise the many people integral to the production of plays and musicals who otherwise do not necessarily get the recognition they deserve. In addition to recognising front-of-house performers, the CAT awards also recognise back-of-house contributions, with awards such as best set designer, best costumes, best lighting designer, best choreographer, best director of a play, and others.

The CAT awards cover a large geographical area, including Batemans Bay, Bega, Bowral, Canberra, Cowra, Merimbula, Orange, Parkes, Queanbeyan, Wagga Wagga, Wellington and Yass. So the positive impact of the CAT awards extends far beyond the territory and adds considerable value throughout our region.

Given the area covered, it makes the contribution made by judges even more impressive. The judges travel considerable distances at their own expense to give support and recognition to and to assess the shows, which include school and youth performances. I would particularly like to acknowledge the judges: Ted Briggs, Garrick Smith, Ian Mclean CSC, Charles Oliver, Stephen Pike, Oliver Raymond OAM, Norma Robertson, Rose Shorney, Anne Somes, David Whitbread, Don Whitbread OAM, and Coralie Wood OAM. All those involved in the CAT awards, and in particular Coralie Wood OAM, go well above and beyond what could be expected of them. They give tirelessly of their time, energies and resources.

Last week, the Chief Minister announced the 2010 ACT arts fund recipients. It is disappointing that, once again, the CAT awards were not successful in spite of their very professional application. I recognise and welcome the independence of the panel who assess the applications. I also share the disappointment of those involved in the CAT awards who were once again rejected and deemed not worthy of any of the \$1.3 million allocated to the fund. When you look at all the successful grants, the CAT awards are certainly up there with having the widest reach, and they support people of different ages and support tourism, local talent and more.

Whilst the CAT awards might not be the most “alternative” applicant, they certainly do support originality, new talent and diversity. They go a long way towards harnessing and developing a vibrant community. Obviously the CAT awards go on without the grant. However, I think it is important that we do not take the generosity of those involved with coordinating and running the CAT awards for granted. Their contribution is significant, but not endless. If the territory does not support the CAT awards, their future is far from certain. I urge the government to consider what support might be able to be offered to the CAT awards.

I would like to thank the sponsors of the CAT awards: ActewAGL, Smoke-Free, Channelvision, Teatro Vivaldi, Canon, Quest Wagga Wagga and Vent.

I would like to commend the cast, orchestra and production team involved with the Phoenix Players and Supa Productions performance of *Miss Saigon* at the ANU Arts Centre. The season opened on 12 November and is running until 28 November. I urge all in the Assembly to attend and to encourage others to attend too. Steve Dospot, Vicki Dunne and I, and others, had the pleasure of attending the opening night of the production and we were very impressed with every aspect of the performance.

I would like to pay particular tribute to those involved in the set design and production of the helicopter scene. The back-of-house people do not always get the recognition that they deserve, so that is why I am giving them their kudos here. I am sure everyone who attends will be amazed with the realism of that particular scene.

Given that I have enough time, I would like to acknowledge the cast, orchestra and production team. They are: Grant Pegg, Jacinta Le, Dean Salonga, Sean Ladlow, Claire Watson, Simon Stone, Mariam Grey, Chloe Van, Maximilian Hoy, Ryan Tolich, Christine Van, Cornelia Carson, Deanna Gibbs, Dim Ristevski, Ele Wilcher, Elizabeth Flynn, Hannah McFadden, James Powell, Jessica Holmick, Kevin Ching, Matthew Chardon O'Dea, Michelle Klemke, Naomi Barnbaum, Nicole Sklavos, Peter Ricardo, Rebecca Franks, Renee Krig, Richard Block, Rina Benedictos, Sarah Golding, Simon Wong, Steve Galinec, Tegan Mitchell, Thompson Quan Wing, Will Huang and Yvette Rugala; in the orchestra, Andrea Clifford, John Yoon, Ewan McLunato, Catherine Rheinberger, Wendy Kehoe, Nerrida McCorkell, Tom Manley, Gabrielle Ball, Ian Hearn, Philip White, John Batterham, Adam Dickson, Derrick Brassington, Liz Turner and Peter McDonald; and in the production team, Kelda McManus, Andrea Clifford, Amy Fitzpatrick, Jennie Norberry, Garrick Smith, Gaby Schmid, Judy Satrapa, Brian Sudding, Sudzsets, Eclipse Lighting and Sound, Ruth Boddy, Tony Falla, Jessica Cooke, Suzan Cooper, Alissa Gabriel and Andrew Properjohn.

It is a great production and it is a tribute to the fantastic cast, orchestra and crew.

Flynn primary school

MRS DUNNE (Ginninderra) (4.40): In question time last week the Chief Minister made a number of outrageous allegations about the Flynn community, Flynn school and an individual member of the Flynn community. As one of the members for Ginninderra, I have been approached by members of the Flynn primary school P&C association who have asked that I present the following statement, which I understand has been sent to some members of the Assembly. The statement reads:

The Flynn Primary School P&C Association would like to comment on the claims made by the Chief Minister in the Assembly on 11 November 2009.

The Flynn P&C does not accept that it is responsible for the current state of the Flynn Primary School. The government closed the school in December 2006, and until then the alarms worked and the building was fully occupied and it was in good condition with no graffiti or vandalism.

The decision to appeal the school's closure was made by the broad school community at a meeting on the evening of 13 December 2006. Indicative of broad community support, and well after the school was closed, the community raised the \$50,000 demanded by the government to allow the matter to proceed.

The appeal was discontinued in February 2009 when the government solicitor threatened Flynn P&C with further demands for costs if the P&C did not consent to the case being dismissed. This 'offer' was reluctantly accepted on legal advice. In the end, it was the government demands for money that caused the P&C to reluctantly end the action.

Many members of the Flynn community have worked tirelessly over the past three years towards re-opening the school, so it is quite insulting to the Flynn community and its spokesperson to say that the P&C Supreme Court appeal was politically motivated. If the school were still open, none of this would have happened.

The Flynn community has sought to discuss solutions with the Chief Minister and Education Minister numerous times over the past three years—directly and through solicitors—but with no success so far.

We are very grateful that the Chief Minister has now committed to retaining the Flynn Primary School grounds and building and protecting their heritage value. But Flynn still needs a local school—we are asking for the level of investment equivalent to that in other communities.

We ask for support from the Assembly to restore the Flynn community and return its only school.

Michael O'Neill
Vice President
Flynn Primary School Parents and Citizens Association

Like the members of the Flynn community, I took exception to the slurs by the Chief Minister. I also took exception to the comments made by the Chief Minister about Mr Roger Nicoll. All of the adverse comments made in response to Mr Coe's questions were gratuitous, but the comments about Mr Nicoll were particularly gratuitous. Mr Stanhope implied—nay, he said directly—that Mr Nicoll's opposition to the school closure was principally to further his political career and he implied that the action to appeal the school closure was particularly done by Mr Nicoll to further those political aspirations.

Let us just do the mental exercise here. The government closed the school in 2006. Roger Nicoll, of course, knew what he would do: he would start a court case, at great expense in time and effort for himself and the community, and this would prepare the way for him to run for election two years later for a party that had not even been thought of at that stage!

The disparaging remarks are the hallmark of Stanhope Labor's treatment of the Flynn primary school. My constituents in Flynn have been systematically disadvantaged by the Stanhope Labor government since the school was slated for closure in 2006. They

were given short shrift by the Chief Minister and undermined by the Chief Minister's own staff, who had an undisclosed conflict of interest.

Nor have the Flynn community received much consolation from our Greens colleagues in this place. Their failure to support the Flynn school in this place after the raising of the community's expectations during the election has been noted. The Greens' betrayal of Flynn during the recent inquiry into school closures has not gone unnoticed.

By contrast, I am proud of the strong support by the Canberra Liberals for the Flynn community. I would particularly like to note Mr Coe's taking up the baton from his predecessor Mr Stefaniak and fighting very eloquently and much to the annoyance of the Chief Minister on this matter. It is really only the Canberra Liberals who have shown support for the Flynn community in this matter.

**St Thomas the Apostle school fete
Canberra United Football Club
Miss Saigon**

MR DOSZPOT (Brindabella) (4.45): Last Saturday I spent a couple of hours in a most enjoyable fashion in my electorate in Tuggeranong, at the St Thomas the Apostle parish and school fete, along with colleagues from the ACT Assembly: Zed Seselja, Vicki Dunne and Joy Burch. We were all treated to some wonderful hospitality by the principal, Ms Judy Spence, who also doubled as the MC on the all-important fundraising chocolate wheel. It was very impressive to see the large turnout of Kambah residents in support of this now traditional fete that raises significant money required to run the school.

But it is not just about raising money; it is an opportunity for the school community to meet with their Kambah neighbours. They were all there—the teachers; the parents; the schoolchildren; and the parish and school committee members, like Andrew Satrapa and Luis Lifschutz, to name just two of the many school volunteers who made a great contribution on the day and in the weeks prior in preparation of the fete.

The fete, as I mentioned, was a great success. Our congratulations go to Ms Spence, the principal, and all her teachers, who all contributed in a wonderful fashion.

On that same afternoon I made the long trip out to McKellar Stadium to watch our own Canberra United women's football team in the great 4-0 win over the visiting Perth Glory team. Leading 1-0 at half-time, Ray Junna's team played superb football to score three more goals in the second half and end up 4-0 winners on a very hot but enjoyable day. Mr Speaker, knowing your love of various sporting endeavours, I would encourage you to go and watch our Canberra United team play—as I would all of our colleagues in the Assembly.

I also echo the sentiments of my colleague Alistair Coe regarding the CAT awards and Coralie Wood and her dedicated group of judges and supporters. It is high time that they were recognised for their contributions to the Canberra performing arts community with some long overdue funding that they certainly deserve.

There is also the production of *Miss Saigon* by the Phoenix Players and Supa Productions, which my colleague Alistair Coe has also spoken about. I would like to commend it to all of our Assembly colleagues and to the Canberra community. I believe it is one of the most professional productions I have seen in Canberra, and I have been a regular theatre goer. This is a very unique production. I commend the cast—Grant Pegg, Jacinta Le, Dean Salonga, Sean Ladlow, Claire Watson, Simon Stone, Mariam Grey, Chloe Van, Maximilian Hoy and Ryan Tolich. Alistair Coe has already gone through the names, so I will not repeat all of those names again, but I will repeat my very, very, strong congratulations on the work that has gone into this production—for the acting, for the set design side and for the direction and the scene that Alistair Coe has already described with the helicopter that was used in the production. It was absolutely incredible.

With those words, I would like to close. I recommend to all of our colleagues to have a look at this production. It is on from 12 November to 28 November, so you do still have some time to see this production at the ANU Arts Centre.

Schools—closures

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.49): It is unfortunate that I have to come down this afternoon to respond to Mrs Dunne's outburst in the last few minutes or so around the ACT Greens betraying the community of Flynn. I am outraged at the sort of misrepresentation that Mrs Dunne has continued to perpetuate, along with some of her colleagues. It is important to set the record straight, yet again.

The ACT Greens went into the election campaign and were aware of angst that was still out there amongst school communities about school closures. Therefore, during the campaign, we announced that we would be pushing for an inquiry into school closures to look at the economic impact, the environmental impact, the attitudes of parents of children who had moved from closed schools and so forth.

When we got into the Assembly, we pushed that forward. The standing committee on education held an inquiry into these matters, and that was contained in the terms of reference. That committee reported a couple of months ago. Part of its recommendations were about the government looking at reopening the schools of Hall and Tharwa and working with the John Flynn Community Group to look at the future uses, and important uses, of the former Flynn primary school. It needs to be very clear that that was what we took out to the election campaign and that is what we followed through with once we were in the Assembly.

About a month after I was elected to this place, I ensured that I met up with the John Flynn Community Group, and I have continued to have regular contact with them in the intervening months. The John Flynn Community Group have put a proposal on the table that includes the former Flynn primary school being used for childcare and for community organisations. That is a very positive way to be moving forward on that former school site.

I have been working extremely hard. I have been lobbying government since the standing committee tabled their report into the school closures inquiry. I have been ensuring that this issue around the sites of Tharwa, Flynn and Hall is very much at the forefront of ministers' thinking around where we might go in the future. I will continue to work very hard.

In the meantime, we do need to wait. There are proper processes that need to be followed. One is that the government is given three months to respond to the recommendations in the report that has been tabled by the standing committee. We expect, and look forward to seeing, that report in December.

In the meantime, I am not sitting around carrying on with bluff and bluster. I am working hard—I am actively engaged—to ensure that those communities do get a hearing and that we can be looking at positive ways to move forward on those closed schools and the former school sites. I will continue to do that.

The ACT Greens are extremely committed to neighbourhoods and communities. There are a range of issues out there, and we are very actively engaged at all levels. I will continue that engagement with the Hall progress association, with the good folk down at Tharwa and with the John Flynn Community Group. And, as I said, I will work hard to ensure that we can get a good outcome for all people involved.

**St Thomas the Apostle school fete
Schools—closures
Richardson Festival of Belonging**

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (4.53): I want to mention a couple of things. Firstly, I too attended the St Thomas the Apostle fete. It was a wonderful day—a good day, a successful day, by the crowd that I saw there. Being a student of the Catholic education system myself, I understand the contribution that the non-government schools make to our broader community.

The thing I did really enjoy on Saturday was the Richardson Festival of Belonging, which was a festival in my local area. It aimed to promote positive mental health and wellbeing through participation within the community. It is a pity that Mr Doszpot and Mr Seselja were too busy elsewhere to attend the Richardson Festival of Belonging.

The Festival of Belonging was around engaging with community and engaging people within the community. It is well recognised that people who are disconnected from their community are at increased risk of suffering from poor mental health and social isolation, and this can lead to depression. Having a well developed sense of belonging is essential to people's mental health. That was the thrust of this community Festival of Belonging.

The festival was a joint effort between the Mental Health Foundation, Communities@Work, Tuggeranong Link, Richardson primary school and Richardson

Support House. It was funded through the ACT festival funding, which was a very positive thing.

The festival showed great connectedness across our local community—with the school and all the community providers being there. I was pleased to be there as a local member of the community, as it is my home patch. I was pleased to be there as an MLA for Brindabella, but I was also pleased to be there as the Minister for Disability, Housing and Community Services.

One of the stallholders there was the Tuggeranong Child and Family Centre. This centre offers a one-stop shop for a wide range of services, such as parenting information, family counselling and maternal and child services. These centres have strong links across the preschools, the primary schools and the childcare centres. That was evident in their participation in this Festival of Belonging.

As a new minister, I was able to go and see the department in action—to see the front-line working staff working with the community and to see how welcome they were. I saw firsthand the connections across the other providers, knowing the families. It was quite wonderful to see.

I go to some of the comments earlier in the week by those opposite who considered that the department was a light load. If anyone thinks that working with families, working with children and working across the community centre is a light load, I ask them to go and revisit their own portfolio—maybe turn the rock over and really look to see the depth and complexity of that.

As I said, the Richardson Festival of Belonging was the first one held this year. It was a wonderful event. It was good to see Aunty Agnes do a welcoming. We had Duncan and his family doing a smoking ceremony. Again it was really good to see local people coming together and helping each other.

Question resolved in the affirmative.

The Assembly adjourned at 4.57 pm.