# Debates

## WEEKLY HANSARD

## SEVENTH ASSEMBLY

Legislative Assembly for the ACT

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## Tuesday, 23 February 2010

**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.

## Home insulation program
### 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): Mr Speaker, I seek your indulgence to make a brief statement in relation to a question I answered in question time last Thursday.

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

**MR CORBELL**: Thank you, Mr Speaker. Last Thursday, 11 February, just over a week ago, I was asked a question in relation to the commonwealth insulation installation program and any documentation that the government held in relation to that program. At that time I answered the question correctly, based on the advice I had received at that time and consistent with the advice provided to me by my department on that day.

I was briefed by officials from the Office of Regulatory Services in relation to the commonwealth insulation installation program on Thursday, 11 February this year. The advice that I received related to a meeting that occurred between officials from the Australian government and the states and territories. I was informed that that meeting took place in late April 2009 and was attended by a relatively junior officer from the Office of Regulatory Services. I was not briefed about the meeting prior to 11 February 2010. I was not informed by officials that they possessed any documents relating to the commonwealth insulation installation program. The information provided by me to the Assembly on 11 February 2010 was based on the information provided to me by my department.

On Friday, 12 February 2010, I received advice from the Executive Director of the Office of Regulatory Services that the office had entered into a memorandum of understanding with the commonwealth Department of the Environment, Water, Heritage and the Arts. The MOU is dated 27 July 2009. The MOU relates to the provision of information concerning complaints made by consumers to ORS about ceiling insulation installers. The MOU was signed by the Acting Executive Director of ORS.

I was not advised by officials of the existence of the MOU until 12 February 2010. I have been informed that officials did not see the need to bring the existence of the MOU to my attention, as the MOU merely related to the provision of consumer information.

I wish to apologise to the Assembly for any confusion that my answer has caused and I hope that this information clarifies the matter.

# Petition

*The following petition was lodged for presentation, by* **Mr Rattenbury**, *from 26 residents*:

## Parking—Braddon—petition No 107

> **To the Speaker and Members of the Legislative Assembly for the Australian Capital Territory**
>
> This petition of certain residents of the Australian Capital Territory, who are members of the Canberra City Bowling Club, guests of the Canberra City Bowling Club and residents of Braddon, draws to the attention of the Assembly that: Parking arrangements in Elder and Farrer Streets Braddon are to be changed from the existing 3 and 4 hour duration to 2 hours duration.
>
> Your petitioners therefore request the Assembly to rescind any changes and keep the parking durations at their present level.

*The Clerk having announced that the terms of the petition would be recorded in Hansard and a copy referred to the appropriate minister for response pursuant to standing order 100, the petition was received.*

# Privilege

## Statement by Speaker

**MR SPEAKER**: Members, we now move to a matter of privilege that has been raised with me.

On Friday, 19 February 2010, Mrs Dunne, in accordance with standing order 276, gave written notice of what she considered to be a breach of privilege. The matter relates to an allegation that the Managing Director of Actew Corporation knowingly gave false information to an Assembly committee when answering a question.

Under the provisions of standing order 276, the Speaker must determine as soon as practicable whether or not a matter of privilege merits precedence over other business. If, in the Speaker's opinion, the matter does merit precedence, the Speaker must inform the Assembly of the decision and the member who raised the matter may move a motion without notice forthwith to refer the matter to a select committee appointed by the Assembly for that purpose.

The Speaker is not required to judge whether there has been a breach of privilege or a contempt of the Assembly. He or she can only judge whether a matter merits precedence based on criteria set down in standing order 279.

As I was in attendance at hearings in relation to both committees in which this matter arose, and as I have made public statements on this issue, I considered that it would be appropriate that the matter be referred to the Deputy Speaker for determination. The Deputy Speaker has informed me this morning that, in her opinion, the matter satisfies the requirements of standing order 279.

Accordingly, I am prepared to allow precedence to a motion to refer the matter to a select committee should Mrs Dunne choose to move such a motion.

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

Privilege—Alleged breach—

Letter to the Speaker from Mrs Dunne, dated 19 February 2010.

Advice to the Speaker from the Deputy Speaker, dated 23 February 2010.

Letter to the Speaker from Mr Mark Sullivan, Managing Director, ACTEW Corporation, dated 23 February 2010.

## Privileges 2010—Select Committee
### Establishment

**MRS DUNNE** (Ginninderra) (10.06): I move

That this Assembly—

(1) pursuant to standing order 276, establish a Select Committee on Privileges 2010 to examine whether a breach of privilege or contempt of the Assembly has been committed by:

(a) Mr Mark Sullivan, Managing Director of ACTEW Corporation; or

(b) Ms Katy Gallagher MLA, Treasurer and shareholder of ACTEW Corporation;

in relation to evidence given on matters relating to the major water security projects comprising the enlargement of Cotter Dam, the Murrumbidgee-to-Googong bulk water transfer pipeline and the Tantangara Reservoir bulk water licensing arrangements:

(i) at the Select Committee on Estimates 2009-2010 on 18 May 2009; or

(ii) at the 2 December 2009 or the 18 February 2010 hearings of the Assembly's Standing Committee on Public Accounts in its inquiry into Annual Reports 2008-2009; or

(iii) in any public statements; or

(iv) in any additional material facts;

(2) the Committee shall report back to the Assembly by Tuesday, 22 June 2010; and

(3) the Committee shall comprise:

(a) one member nominated by the Government;

(b) one member nominated by the Crossbench; and

> (c) one member nominated by the Opposition;
>
> notified to the Speaker by 4 p.m. this sitting day.

Mr Speaker, we in the ACT have a government-owned corporation which is spending half a billion dollars of taxpayers' money on a very important series of water security projects. These projects, particularly the enlargement of the Cotter Dam, are amongst the most costly infrastructure projects ever undertaken since self-government.

Over a long period, the Canberra Liberals have said that we support the collective aim of these projects, which is to secure Canberra's future water supply. Our aim is simple—and I think it is the aim of all of us here—but it goes to a very important element. The element here is the people of the ACT. As taxpayers—whether through direct taxes or, in this case, the consumption of water—the people of the ACT are funding these projects. The people of the ACT are footing the bill for expenditure of more than half a billion dollars.

What can the people of the ACT reasonably expect in return for their money? What is their entitlement? In simple terms, there are three elements. The first is that it gives them a long-term entitlement to water security. The second is that they should be thoroughly engaged in the process. We have seen, time after time, that the people of the ACT want to participate in and contribute to the development of their city and its amenity, and they want to be consulted in relation to this important project. But the third element that the people of the ACT want is honesty when it comes to this project, and this is the element of the motion that I seek to address today.

I need to put it on the record that this issue is not about whether or not the Liberal opposition or anyone else in this place supports or does not support the water security projects. It is quite clear that we do. The issue here today is whether, when we deal with these issues, they are dealt with honestly by this government and by officials who support this government.

When witnesses appear before an Assembly committee to give evidence, they are asked to read a privilege statement and indicate that they understand the terms of that statement. One of the terms states:

> Witnesses must tell the truth, and giving false or misleading evidence will be treated as a serious matter.

Ministers in this place and senior officials are regular attenders at estimates committees, annual reports committees and various other Assembly committees. Routinely, they are asked to acknowledge this matter.

Mr Speaker, it is a serious matter—a very serious matter. And why is it so? Simply because Assembly committees—and, through them, the Assembly itself—must be able to conduct business, make recommendations and decisions and appropriate taxpayers' money based on the best available information. For that to be the best possible information, it must be the truth.

On Thursday last week, Actew Corporation's managing director, Mr Sullivan, along with the Treasurer and the Minister for the Environment, Climate Change and Water, appeared before the Standing Committee on Public Accounts in its inquiry into the annual reports for 2008-09. During the hearing I asked Mr Sullivan a series of questions relating to evidence he provided to the Select Committee on Estimates 2009-10. Those hearings occurred on 18 May last. For the information of members who were not present, I propose to read from the proof transcript from last week's hearing. I start:

> I would like to look for a little while at the Murrumbidgee to Googong … transfer. Mr Sullivan, did the decision paper dated 6 May to the Actew Corporation board state that the TOC—

that is, the target out-turn cost—

> had been approved by the BWI Alliance—

the bulk water alliance—

> project management team and the alliance leadership group?

Mr Sullivan said:

> Yes, it did.

I went on to ask:

> Does the paper advise the board that the committee's total project cost, comprising the approved TOC … the owner's costs, is $149.793 million, including provisional sums of $7 million for the mini-hydro and $2.3 million for approvals?

Mr Sullivan said:

> Yes, that sounds right to me.

I went on to ask:

> Does the paper further state the costs are "in line with … forecasts by Actew to the ACT government in December 2008"?

Mr Sullivan said:

> Yes.

So I asked this: "After that, the board resolved on 13 May to approve a total budget of $1.98 million for the project, inclusive of the quality pool, and it delegated and authorised you"—that is, Mr Sullivan—"as the managing director, to approve expenditure to that upper limit of $149.8 million for the implementation of the project. Is that right?"

Mr Sullivan said:

> I do not have the documents but I have no doubt that it certainly sounds right, as you report them.

Then, for the information of the members present, I tabled those documents. Then I asked Mr Sullivan this: "Mr Sullivan, why did you tell the committee that the TOC was not in its final form when only three days before it had been approved, the board had recognised that it had been approved and it had authorised you to spend that money?"

Mr Sullivan responded:

> Largely because we had not revealed the TOC and we were using it. There were still … negotiations with the Bulk Water Alliance in respect of the TOC for the dam versus the TOC for the Googong to Murrumbidgee transfer. So we decided there would be no release of the fact of the TOC on the Murrumbidgee to Googong transfer until we had resolved the full TOC issues between the water security projects.

I asked Mr Sullivan this:

> Would it … have been more truthful to say to the committee, "We have resolved the TOC but it is subject to negotiations and I'm not at liberty to tell you what it is"?

Mr Sullivan said:

> Having listened to your report of what I said, yes, it would … have been more prudent to have used less direct language than I used.

Mr Speaker, this is the crux of the issue, but it is not the only issue that has led me to write to you on this matter and to move this motion here today.

Mr Sullivan was taken through a time line of events—a time line of events which only became apparent because I made a number of freedom of information requests and my staff and I were able to compare documents that we received under the Freedom of Information Act with the information that had been provided. We were able to review the transcript and reveal that, when Mr Sullivan had answered a direct question from the committee, he had said something that was clearly untrue. And, when challenged on this some months later—last week, on 18 February—he admitted that it was untrue and he gave a reason as to why he gave untrue information.

Mr Sullivan did not deny giving untrue information. He accepted the premise of my question when I asked him, "Why did you say the TOC was not in final form when only three days before it had been approved?" He accepted the premise of the question and said:

> Largely because we had not revealed the TOC …

Mr Sullivan has subsequently made public comment on two radio programs about why he used those turns of phrase, which essentially boiled down to "Actew Corporation did not think it was appropriate for the committee to have that information". I contend to you, Mr Speaker, and to all members here, that it is not the place of a senior official, even the head of a territory-owned corporation, to make that decision. That is a decision that should be made by a committee.

Mr Sullivan had a number of courses open to him to comply with the standing orders and to comply with the privilege statement that he had acknowledged. He failed to do that. He could have said, as I suggested in the hearings: "I am not at liberty to tell you that at the moment. I can get back to you." The estimates committee could have considered what they wanted to do with that information. Their situation could have been that they could have taken Mr Sullivan's word and asked him to get back to inform the Assembly at an appropriate time or they could have decided to take evidence in camera. Mr Sullivan could have revealed why they were thinking that they did not want the TOC revealed. But they could have informed the Assembly committee. That is the appropriate mechanism available.

We have had situations in the past where Mr Corbell, as a minister, oversaw a department where they put together a cheat sheet about how to avoid answering questions in estimates. That was the subject of a privileges inquiry that determined that both the officials who had drafted the document and the minister were guilty of contempt of the Assembly.

There are clear precedents and clear experience where officials have given wrong information to committees and those committees have been appropriately apprised of the information. In past years officials have been forced to write to estimates committees and correct the record. On one occasion, officials were recalled. As recently as the day before this event occurred last week, the Electoral Commissioner gave evidence to a committee that I was chairing. He gave evidence in a public hearing and he used a figure which was $800,000. He went back and discovered that he had made a mistake, and that very day he wrote to me and to the secretary of the committee to correct the record. That is what officials are supposed to do.

The committee system cannot operate if we cannot be assured and confident that the people who come before us are speaking the truth. Mr Sullivan, in relation to this matter, has admitted himself that he did not deal truthfully with the estimates committee back in May last year. That is a matter, without even the slightest—

**Mr Stanhope**: Point of order, Mr Speaker.

**Mr Seselja**: Can we stop the clock, Mr Speaker?

**MR SPEAKER**: Yes.

**Mr Stanhope**: Mr Speaker, I have not been involved in the detail of these discussions—otherwise or not. Mr Sullivan has written to you today, and provided a copy of that letter to others, in which he quite explicitly—

**Mr Coe**: Point of order, Mr Speaker. This is not a point of order.

**MR SPEAKER**: Yes. Mr Stanhope, this is a matter of substance I think you are debating. You can speak to this in—

**Mr Stanhope**: No, it is not. No, I am not. I am talking about—

**Mr Seselja**: So what is the point of order?

**Mr Stanhope**: I am talking about the number of times now that Mrs Dunne has actually essentially stood here and categorically stated that Mr Sullivan lied and has admitted that he lied. Mr Sullivan has written to you today and categorically stated that he did not—

**Mr Coe**: Point of order.

**MRS DUNNE**: That is not a point of order.

**Mr Stanhope**: mislead the committee and that he did not lie. I think it is quite inappropriate for Mrs Dunne to use the privileges of this place to accuse—

**Mr Coe**: It is not a point of order, Jon.

**Mr Stanhope**: It is inappropriate for Mrs Dunne to use the privileges of this place to accuse a senior citizen of this town—

**MR SPEAKER**: Mr Stanhope, resume your seat, thank you. This is not a point of order. Mr Stanhope!

**Mr Stanhope**: of lying when he categorically claims in fact that it is Mrs Dunne that is not telling the truth.

**MR SPEAKER**: Mr Stanhope, resume your seat, thank you. You will have a chance to debate this matter, including that letter, when Mrs Dunne has finished speaking.

**Mr Stanhope**: This is the letter in which he claims that it is Mrs Dunne—

**MR SPEAKER**: Mr Stanhope, resume your seat.

**Mr Hanson**: Kick him out.

**MR SPEAKER**: Mrs Dunne.

**MRS DUNNE**: Thank you, Mr Speaker—

**Mr Stanhope**: When are you going to apologise, Mrs Dunne?

**MR SPEAKER**: Mr Stanhope!

**MRS DUNNE**: Thank you, Mr Speaker. The issue is quite simply that in this case, when I asked Mr Sullivan a direct question—"Why did you tell the estimates committee that the TOC was not in final form when three days before it had been approved?"—he accepted the premise of the question and said, "Largely because we did not want to reveal the information at that time." There is no doubt about this. Mr Sullivan—by his own admission, in the estimates and in public statements afterwards, where he said "and if the situation arose, I would do it again"—has admitted that he gave false and misleading evidence to the committee. The standing orders in relation—

**Mr Stanhope**: That's not true.

**MRS DUNNE**: You can argue the case in turn, Mr Stanhope. Standing order 277 looks at the issues that are possible issues of contempt. It says at (l), dealing with offences by the witness, at (iii), that a witness "give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular".

Mr Sullivan, when he said that the TOC was not finalised, knew that it was. The documents show that, and he admits that he knew that. That is why, first and foremost, we must establish a privileges committee to address what we do with a public servant—a public official, a senior official—who admits that he gave misleading evidence to a committee. This Assembly and the committee system that supports it cannot operate if we create a new doctrine that says that it is all right for senior officials to give misleading evidence to a committee.

This Assembly must act today to put a stop to this. We must not create a situation where we say to senior officials: "If it's not convenient for a committee to know, you can lie to them. You can dissemble; you can tell them something which patently isn't true. The only reason we will find out about it is if someone is enterprising enough and does enough hard work to put together a paper trail that will demonstrate that when someone said that something hadn't been decided, it had been decided."

The committee system should not have to operate with someone second guessing it and running freedom of information requests to find out whether officials are telling the truth. We cannot do it like this. We must today establish this privileges committee, and we must include the Treasurer in this.

**Mr Stanhope**: And you as well.

**MRS DUNNE**: We must include the Treasurer in this because we must find out what the Treasurer knew—whether she knew that this matter was untrue and, if she did know whether this matter was untrue, what she did to correct the record.

I commend the motion to the Assembly.

**Mr Stanhope**: And what you're going to do to correct the record in relation to the allegations against you.

**MR SPEAKER**: Thank you. Mr Corbell has the floor.

**Mrs Dunne**: Just settle, Jon. Take a powder and make a speech.

**MR SPEAKER**: Order! Mr Corbell has the floor.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.22): The government will not be supporting this proposal today. We have just seen the spectacle of Mrs Dunne give a 15-minute speech where it took her until the last 10 seconds of her speech to even mention the name of the Treasurer and why the Treasurer should be included in this motion today.

This failure by Mrs Dunne to make any case as to why the Treasurer, Ms Gallagher, should be in any way involved in this inquiry and the fact that she gave it scant and passing mention in her speech today shows what a politically based exercise this motion is. Here we have serious claims being made by Mrs Dunne, and where is the case against the Treasurer? Where is the evidence to back up Mrs Dunne's claims that the Treasurer should be sent before a privileges committee of this place?

**Mr Stanhope**: None.

**MR CORBELL**: There is none. She had none and she gave it all of 10 seconds in her 15-minute speech. Let us be quite clear about what this exercise is today. It is a political exercise; it is a stunt, and it is an attempt by Mrs Dunne once again to besmirch the name of a good and effective minister in this place with no evidence whatsoever and, further, to besmirch the good name of an effective and reputable public servant, the head of a territory-owned corporation, responsible for important projects that serve all in our community.

Having dealt quite quickly and fortunately with the absolute lack of claim that there is in relation to the Treasurer, let us deal with the issue of the claims Mrs Dunne makes against Mr Sullivan. Mrs Dunne asserts that Mr Sullivan knowingly and deliberately misled the estimates committee. She asserts that. She should know that Mr Sullivan said no such thing. He made no such admission.

Mrs Dunne, in her media statement released after the committee hearings last week, said that he had admitted to knowingly misleading the committee. Mr Sullivan said no such thing. For Mrs Dunne to come into this place and, under the cover of privilege, accuse a senior public servant of lying and deliberately misleading this place through its committee is an outrage. It is an outrage. Mr Sullivan made no such admission.

Of course, Mrs Dunne is good at putting words into people's mouths. Mrs Dunne made assertions at the committee hearing that the total out-turn cost of the Murrumbidgee to Googong project was in the order of $149.8 million. Mrs Dunne got it wrong. That is not the case. As Mr Sullivan has so clearly pointed out this morning in his correspondence to you, Mr Speaker, and I think to other members in this place as well, the total out-turn costs are, in fact, $116.7 million.

For all that hard work, for all that beavering away, for all of that dedicated, principled work that Mrs Dunne likes to talk up that she herself does—of course, no-one else says that; only Mrs Dunne—she got it wrong. She misled the committee. She made an accusation which was false. For that reason, given that Mrs Dunne believes that Mr Sullivan has misled the committee, I think there is a prima facie case to argue that so has Mrs Dunne.

**Mr Stanhope**: Clearly.

**MR CORBELL**: If Mrs Dunne believes that this matter should go to privileges then her actions also should be scrutinised by that same privileges committee, should this Assembly decide to establish such a committee.

Mr Speaker, people in glass houses should not throw stones. People in glass houses perhaps should reflect on the fact that Mr Sullivan has been quite clear about the evidence he has given in this place. Mrs Dunne should have the grace to acknowledge that she told the committee a falsehood when she attempted to entrap Mr Sullivan during the public hearings last week.

This highlights what this exercise is. This exercise is a political exercise. For the second time in the term of this Assembly, we are seeing the good name and reputation of senior public officials being dragged through the mud of privileges committees by the Liberal Party.

It is a deliberate agenda on their part; it is a deliberate tactic to try and improve their standing—that is, the Liberal Party's standing—in the community. But let us understand what has happened. Let us understand what has happened to those senior officials. Their reputation is besmirched publicly before they are even given a chance to respond. Before they are even given a chance to respond, their reputation is besmirched publicly by those opposite.

The fact that they are even called before a privileges committee damages them irrevocably. Members in this place should reflect on that before they agree flippantly, easily or without too much thought to the prospect of the establishment of a privileges committee. We are used to defending ourselves publicly and we are used to taking the licks, but senior officials engaged under contract for work in the territory do not have that luxury and do not have that privilege.

All that those who hear about matters when their names are raised know is that there is some question mark over their honesty. That is something that is very difficult to recover from, even if there is no proof to support the claim. We believe there is no proof to support the claim in this case. If Mrs Dunne believes that the actions of Mr Sullivan in some way transgress against the privileges of this place, she will have great difficulty in arguing that her own actions do not transgress against this place.

If this committee is to be established today, and we hope it is not, we will be ensuring that Mrs Dunne has to explain why she, herself, should not be examined by that same process.

**MS BRESNAN** (Brindabella) (10.31): This matter of privilege that has been raised by Mrs Dunne is only in regard to statements made by Mr Sullivan, Managing Director of Actew Corporation, in an estimates hearing last May.

It appears on the surface that Mr Sullivan failed to provide information to the estimates committee about the final costs of the Murrumbidgee to Googong project and that he answered questions in such a way as to indicate that the final costs of the Murrumbidgee to Googong project had not yet been finalised or signed off. This appears, from the evidence revealed so far, to be misleading, as the Actew board had indeed signed off on the TOC in the entire final project costs. As we know, and as has been reported today, on 6 May 2009 an Actew Corporation decision paper stated:

> The TOC has been approved by the BWI Alliance Project management team and the Alliance Leadership Group.

The TOC was $116.748 million and the total project costs are $149.793 million. On 13 May 2009 an Actew board decision was made to approve a total budget of $149.8 million for the project implementation, inclusive of the quality pool. The board also delegated and authorised Actew's managing director to approve expenditure to an upper limit of $149.8 million for the implementation of the Murrumbidgee to Googong project.

So five days before he attended the estimates hearing, Mr Sullivan had been authorised to go ahead and spend up to $149.8 million for the project. I would suggest that this is a serious milestone for any managing director and I do find it hard to believe that Mr Sullivan had forgotten that the budget had been approved and authorised. Mr Sullivan was remiss in failing to mention that the final costs for the pipeline had been approved. As I have stated, on the surface these statements appear to be false. He said:

> The Murrumbidgee to Googong pipeline is currently under consideration by the board. While we have got a draft TOC, it has got some process to go through before it is an agreed TOC.

This is five days after the board had approved the budget for the project. Not revealing the final cost is one thing, but making statements that he knew not to be true, where there was no reason to make these statements, is quite another.

Perhaps even more concerning is the rationale that Mr Sullivan gave to the public accounts committee last week for not telling the estimates committee about the final costs for the project. In response to a question about why he did not tell the estimates committee about the costs being signed off, he said:

> So we decided there would be no release of the fact of the TOC on the Murrumbidgee to Googong transfer until we had resolved the full TOC issues between the water security projects.

In fact, all that needed to be said was that the board had approved the TOC and the final costs, that the shareholders were soon to be advised, but that at the time, on 18 May 2009, Mr Sullivan was unable to reveal the exact figure. It is bemusing as to why Mr Sullivan would have approached the committee hearing in this way.

In regard to the Treasurer's role, Ms Gallagher, as Treasurer, has been present in these committee hearings. As a shareholder to Actew, she has been the recipient of many updates from Mr Sullivan on major water security projects. However, it seems clear that the shareholders had not been informed of the decision of the board to approve and authorise the final costs of the project pipeline until 22 May 2009, four days after the estimates hearing.

It is true that the witnesses at the estimates hearing did make an undertaking to inform the committee should the TOC for the project be signed off, and it is true that the witnesses, Mr Sullivan and Ms Gallagher, had their opportunity to update the committee on those costings prior to the committee reporting.

However, while the Greens feel that Mr Sullivan has a case to answer under standing order 277(l)(iii), we are unconvinced that the same applies equally to Ms Gallagher. Not returning to the committee with new evidence after the hearing is quite a different matter to providing misleading evidence to the committee. Ms Gallagher's actions do not demonstrate a wilful intent to mislead or lie, such as is outlined in the standing order.

For this reason, the Greens will not be supporting the inclusion of Ms Gallagher in the breadth of the committee's inquiry, although we would assume that Ms Gallagher would be willing to cooperate with the inquiry as requested once it is established. Likewise, we do not support any assertions that Mrs Dunne has misled the public accounts committee. There is no prima facie case to support either Mrs Dunne or Ms Gallagher being included in the motion.

The Greens have circulated an amendment to the Liberal motion to establish the committee. I move the amendment circulated in my name:

> Omit all words after "committed by" in paragraph (1), substitute:
>
> "Mr Mark Sullivan, Managing Director of ACTEW Corporation, in relation to evidence given on matters relating to the Murrumbidgee-to-Googong bulk water transfer pipeline:
>
> (a) at the Select Committee on Estimates 2009-2010 on 18 May 2009; or
>
> (b) at the 2 December 2009 or the 18 February 2010 hearings of the Assembly's Standing Committee on Public Accounts in its inquiry into Annual Reports 2008-2009; or
>
> (c) in any directly relevant evidence;
>
> (2) the Committee shall report back to the Assembly by Tuesday, 22 June 2010; and
>
> (3) the Committee shall comprise:
>
> (a) one member nominated by the Government;
>
> (b) one member nominated by the Crossbench; and

(c) one member nominated by the Opposition;

notified to the Speaker by 4 p.m. this sitting day.".

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (10.36): I will speak just briefly on the motion. Mr Corbell has outlined the government's cynicism at the overtly political nature of this motion, as it reflects both on the Treasurer, Ms Gallagher, and on the chief executive officer of Actew, Mr Mark Sullivan.

I think that this motion really is outrageous. It is outlandish for the Liberal Party in this place to use the privileges of this place to defame Mark Sullivan in the way that they have chosen to do for a very petty political point scoring exercise, and for it to be given the oxygen that the Greens are prepared to give it really is most disappointing.

I think it is important that we reflect, most particularly, on the presentation that Mrs Dunne has just given. She has stood in this place, under privilege, and called Mark Sullivan a liar. I think that is just an outrageous abuse of the privileges of this place. It is absolutely outrageous behaviour by an elected representative to stand in this place today, to use this motion and the privileges accorded to Mrs Dunne, and accuse a leading citizen of this city of being a liar. I am just outraged that Mrs Dunne and the Liberal Party believe that that sort of behaviour is appropriate.

It is in that context that I propose to allow, almost by delegation, Mr Sullivan to at least respond through the letter that he wrote today, and I will read that for the purpose of the record. That will allow Mr Sullivan at least that opportunity to put his side of the issue. As of today's date, Mr Sullivan advises the members of this place:

> I refer to the Public Accounts Committee hearing on Thursday 18 February … subsequent media coverage and a request from Mrs Vicki Dunne for the Legislative Assembly to establish a Privileges Committee to conduct an inquiry into evidence I provided to the Select Committee on Estimates on 18 May … in relation to the Murrumbidgee to Googong Water Transfer Project …
>
> The ACTEW Board approved a total budget of $149.8m at its meeting on 13 May 2009. The budget included a target outturn cost (TOC) of $116.7m. However within the TOC there was a significant provisional amount which required further negotiation and clarification both within ACTEW and with the Project Alliance Partners. This included the concurrent commercial negotiations relating to the development of the TOC for the Enlarged Cotter Dam … a proposed mini hydro and approvals as part of the M2G project. However there was sufficient information and costings available to seek Board approval of a total budget.
>
> At the time of the Select Committee's hearing on 18 May … I was not in a position to publicly announce the final TOC for the M2G project. To do so may have adversely impacted on commercial negotiations with ACTEW's alliance partners. As Managing Director of ACTEW, I have responsibilities and duties under corporations law, including acting in good faith and in the best interests of ACTEW.

> On receiving and reviewing the draft Hansard of the Committee's hearing shortly after the 18 May 2009, I had no reason to believe that I had misled the Committee or that clarification or correction should be provided. I considered the words I had used reflected the commercial situation and the arrangements that existed at that time.
>
> As I acknowledged to Mrs Dunne during the Public Accounts Committee hearing on Thursday 18 February … on reflection, it may have been more prudent to have used less direct language than that which I had used in May 2009. I have repeated a number of times, that I regret the choice of words I used in May 2009 and have apologised for that but I have not mislead the Assembly or the Committee.
>
> I wish to clarify a matter raised by Mrs Dunne with the Public Accounts Committee on 18 February 2010. Mrs Dunne advised the committee that I had informed shareholders in writing that I had been authorised to spend $149m and that the TOC was $149.8m. That statement is incorrect. I advised the shareholders of the approval by the board of the total budget of $149.8m. Documents which Mrs Dunne tabled at the Committee hearing will confirm this. The TOC is $116.7m.
>
> I am concerned about inaccurate and incorrect statements being made both in Committee hearings and in the media. Of particular concern is a media release issued by Mrs Dunne last Friday in which she said that I had admitted to knowingly misleading the Estimates Committee in May 2009. I made no such comment or admission and a review of hansard will confirm that.
>
> I trust that the above explanation regarding my evidence to the Select Committee on Estimates satisfies the Assembly that the establishment of a Select Committee on Privileges to conduct an inquiry into the responses I provided is unwarranted.

Regrettably not, Mr Sullivan.

> I have copied this letter to the Deputy Speaker … as I understand this matter has been referred to her.

It is quite clear in the questioning by Mrs Dunne of Mr Sullivan that Mrs Dunne clearly misunderstood the difference between the total project cost and the total out-turn cost. The difficulty we have here is that Mrs Dunne was confused. Mrs Dunne had no idea that there were two costs or costings—that there was a total project cost and there was a total out-turn cost. She was actually speaking about one, thinking she was speaking about the other, or not knowing that the other existed. As Mr Sullivan says in his letter, Mrs Dunne misunderstood; Mrs Dunne misled the committee; Mrs Dunne has misled the people of Canberra in her questioning and in her statements here today.

**Mrs Dunne**: On a point of order, Mr Speaker, if Mr Stanhope wants to say that I misled the committee and therefore the Assembly, he has to do that in a substantive motion.

**Mr Corbell**: On the point of order, Mr Speaker, there is a substantive amendment before the Assembly currently—it has been circulated—to include Mrs Dunne. For

the purposes of this privileges inquiry it is entirely appropriate in the context of that debate that Mr Stanhope make those assertions.

**Mrs Dunne**: It hasn't been circulated; it hasn't been moved.

**Mr Seselja**: It hasn't been moved.

**Mr Corbell**: It doesn't matter; it's going to be.

**Mrs Dunne**: Where's the amendment?

**MR SPEAKER**: Mr Stanhope, as your amendment has not yet been circulated, we will have to ask you to wait until a substantive—

**MR STANHOPE**: I will withdraw until Mr Corbell's amendment actually has been tabled. It has not yet been printed by your office, Mr Speaker, for circulation, and I will look forward, when it is circulated, to saying what I did say but which I have now just withdrawn. At that time, after the amendment is formally circulated, we will make the point which Mr Sullivan makes in his letter—that is, Mrs Dunne has misled the committee, misled the Assembly, and grievously misled the people of Canberra, and, in so doing, she has traduced the reputation of a very senior official. It requires her now to actually put up or shut up, to do as she expects of others—

**Mr Seselja**: Mr Speaker, on a point of order, you have just asked the Chief Minister to withdraw the assertion. Until he has got a substantive motion, he should withdraw the assertion and not keep repeating it.

**MR SPEAKER**: I heard Mr Stanhope skate the thin line of saying that he was repeating it.

**MR STANHOPE**: I did withdraw—

**MR SPEAKER**: Mr Stanhope, I am ruling on this; you can resume your seat, thank you.

**MR STANHOPE**: I beg your pardon. I was agreeing with you, Mr Speaker.

**MR SPEAKER**: Mr Stanhope was skating on a thin line, but he was referring to comments Mr Sullivan made, not making his own comments, as I heard the debate.

**MR STANHOPE**: I was.

**MR SPEAKER**: Mr Stanhope.

**MR STANHOPE**: Thank you, Mr Speaker. I will conclude on this point: it is a classic case; it is a cheap, nasty political stunt by Mrs Dunne and the Liberal Party; it is a stunt where the reputations of good people are fair game. An ex-secretary of a commonwealth department of state, now the chief executive of the Actew corporation, is fair game. You can bring down anybody you want if you think there is a headline in it for you. Issues around integrity, issues around the responsibility of elected members

towards the citizens of this place go out the door. And then we see as the tide actually turns Mrs Dunne being the first to jump to her feet, saying: "Oh, look, it is not about what I think I should do; it is all about what I am telling others that they should do. I can mislead, but I do not have to stand and apologise and have my behaviour scrutinised. I just want to have others do that."

It is the classic response—do as I say, not as I do. Here we have Mrs Dunne actually in the spotlight in relation to her behaviour, jumping immediately to her feet and saying: "This is not about me. This is about somebody else that I can score a cheap political point off or against. This is about my capacity as an elected member of this place to traduce the reputations of good people"—citizens who never, ever have that same capacity to defend themselves or to stand up.

Here we have Mrs Dunne clearly in her questioning within the committee misunderstanding completely and absolutely what it was she was talking about. She thought she was talking about the total out-turn costs when she was talking about the total project cost. This, of course, is the nub of the issue. I have no doubt that Mr Sullivan, when he goes to this issue before the committee, will actually make the point and the case, and the case will be proven and shown that he did not mislead. He clearly did not mislead. He was answering honestly and truthfully questions asked by Mrs Dunne. It is just that Mrs Dunne did not know what the question was she was asking, because she simply did not understand the concept.

She was asking questions, phrasing them as questions around the total out-turn cost when she was talking about the total project cost. Mr Sullivan was responding in his answers on the basis of the total project cost, not the total out-turn cost. So there was simply not a meeting between the questioner and the answerer in terms of what it was they were talking about. Mrs Dunne had a fixation in her ignorance that there was really only one cost. She called it the total out-turn cost—and misled the committee and everybody else—when she was talking about the total project cost. Mr Sullivan responded on the basis that he was talking about the total out-turn cost, because that was what the question was. The question was about the total out-turn cost. He answered in the context of the total out-turn cost, but Mrs Dunne thought he was talking about the total project cost, because she did not know the difference. It is Mrs Dunne who has misled. It is Mrs Dunne who is confused, and all the focus of this privileges inquiry should be on Mrs Dunne.

**MR SESELJA** (Molonglo—Leader of the Opposition) (10.48): What we are hearing from both Mr Stanhope and Mr Corbell, in arguing against this motion, is that more of the same is acceptable, that more of the same from this government is acceptable. And it comes from the top down.

We have seen the pattern of behaviour over the years. We saw just this morning Mr Corbell having to come back and admit that he had misled the Assembly, that he had misled the Assembly on the insulation program. He had to come back and correct the record because he gave misleading information at the first opportunity. The first opportunity he was given to answer questions about the insulation program, he misled the Assembly. And he not only had to come back and correct but of course his correction, which we will look at very closely, sought to blame everyone but himself; it sought to blame others.

He said: "I didn't really mislead. I gave a correct answer that was not correct because I hadn't asked." He had not bothered to ask. So we see why Mr Corbell would want to defend this kind of behaviour, because he is engaged in it himself. Even this morning he has had to come back and correct the record in this place for misleading the Assembly on the insulation program.

We saw it in relation to the power station. We saw there had to be a recall because incorrect information had been given; misleading information had been given to an Assembly committee.

**Mr Corbell**: Relevance, Mr Speaker, on a point of order. The substantive motion is about the comments of Mr Sullivan and, if the opposition has its way, Ms Gallagher. It is not about what I have done three or four years ago or even as late as this morning. It is certainly not about a power station proposal. It is about the matters before us in the motion. And I would ask you to draw Mr Seselja to order. If he does not have arguments about the substantive motion then obviously he has got a pretty weak case.

**MR SESELJA**: Mr Speaker, on the point of order, this is about establishing a pattern. And we have been going through the detail.

**Mr Corbell**: No. On the point of order—

**MR SESELJA**: Actually, I am answering the point of order. Why don't you sit down—

**Mr Corbell**: No, it is not about establishing a pattern. It is not about establishing—

**MR SESELJA**: Why don't you sit down—

**MR SPEAKER**: On the point of order, Mr Seselja.

**MR SESELJA**: I am responding particularly to Mr Corbell's defence of Mr Sullivan and the kinds of standards that this government engages in, in terms of giving truthful evidence, and we are coming to the detail.

**MR SPEAKER**: Thank you. Mr Corbell, on the point of order?

**Mr Corbell**: Mr Speaker, it is not about establishing a pattern of behaviour. This is not some prosecution of the government as a whole. This is an attempt by the opposition to bring a senior public servant and a minister before a privileges committee, in very particular circumstances, and they need to make their case in relation to that matter, not broad sweeping arguments about the behaviour of government as a whole. That is not relevant to the debate, and Mr Seselja should stay relevant.

**MR SPEAKER**: Yes. Mr Seselja, I am inclined towards Mr Corbell's point of order. I was thinking of it before he raised it. I am aware that you are obviously trying to set some context but I would ask you to come to the point of the substantive motion.

**MR SESELJA**: Thank you, Mr Speaker, and we understand his sensitivity.

**Mr Corbell**: A point of order, Mr Speaker.

**MR SESELJA**: You are getting ridiculous. Why don't you sit down?

**MR SPEAKER**: Order, Mr Seselja. It is a point of order.

**MR SESELJA**: Why don't you sit down? You don't like it, do you, Simon?

**MR SPEAKER**: Mr Seselja!

**MR SESELJA**: You have misled and you don't like it.

**Mr Corbell**: Mr Speaker, you have just made a ruling that Mr Seselja needs to remain relevant.

**MR SESELJA**: And I had no chance to come back to it before you shot to your feet.

**Mr Corbell**: He has just made the comment that in some way this is because I do not like it. He was reflecting on your ruling, Mr Speaker. Mr Speaker, you ruled him to be relevant. He effectively dismissed the ruling and sought to say that you were acting in some partisan manner, Mr Speaker.

**MR SESELJA**: Over your head. You are looking a little bit touchy, Simon, a little bit touchy.

**Mr Corbell**: He is reflecting on your ruling. He is disorderly, Mr Speaker, and he needs to make his argument.

**Mr Hanson**: You misled the Assembly.

**MR SPEAKER**: Order! Thank you, Mr Corbell. I did not take Mr Seselja's comment in the way you have suggested but I am sure Mr Seselja will follow my ruling.

**Mr Hargreaves**: Mr Speaker, could I ask you to reflect on the comments from Mr Hanson across the chamber, where he accused Mr Corbell of misleading the Assembly.

**Mr Seselja**: He admitted it.

**Mr Hanson**: He admitted it this morning.

**MR SPEAKER**: Sorry, I missed it.

**Mr Hargreaves**: Mr Speaker, that matter was over. Mr Hanson is reflecting on the position that has previously happened in the Assembly and its relevance today, in throwing that sort of stuff across the chamber, is that it is a reflection on the integrity of a member, and I would ask you to ask him to withdraw it.

**Mr Hanson**: Mr Speaker, on the point of order, Mr Corbell admitted this morning that he had misled the Assembly. I was just highlighting that point.

**Mr Corbell**: A point of order, Mr Speaker. I made no such admission. I corrected information that I had provided in good faith in question time during the last Thursday sitting. I did not say that I had misled the Assembly. I made no such admission and the opposition should be asked to withdraw because I explicitly said no such thing.

**MR SESELJA**: Mr Speaker, on the point of order—and he is touchy on this point—he has come into this place this morning and corrected the record for incorrect information given to the Assembly. He can call it what he likes but, when you give incorrect information in the Assembly, it is misleading. He has acknowledged that he gave incorrect information and, if he tries to refer to it as something else, it does not stop the fact that it is misleading. And he has acknowledged that he has given incorrect information. It misled. There is no doubt about that.

**MR SPEAKER**: Thank you.

**MR SESELJA**: He is very touchy. We might want to get back to the debate and end the frivolous points of order.

**Mr Corbell**: A point of order—

**MR SPEAKER**: Mr Corbell, just before you go on, I will come back to you in a moment if you wish. I did not hear what Mr Hanson said; so I am not going to be able to rule on this anyway. I am prepared to go back and review the tapes, but I was actually listening to the other points of order; so I am not going to be able to adjudicate on what Mr Hanson said. So in that case, there will be no point of order. But Mr Hargreaves, if you want, I am happy to go back and check the tapes.

**Mr Hargreaves**: On your point there, Mr Speaker: I would like you to go back and check the *Hansard*. You can please take advice from the Clerk. The issue really that I was trying to draw to your attention was that Mr Corbell had in fact corrected the record; he had not misled the chamber. And the accusation, which was across the chamber, in interjection, was that he had.

The point that I am making, Mr Speaker, when you make your ruling, please, is that there is the issue of whether semantics can be employed in this place. And I would argue the case to you, Mr Speaker, that semantics have no place when you are talking about something as serious as misleading this place. We are discussing the possibility of a privileges committee on such an issue. That is how serious this place has it. So having something frivolously dismissed as semantics is not acceptable and it is not acceptable to me on behalf of the minister.

**MR SPEAKER**: Thank you, Mr Hargreaves. I will come back to the Assembly on this matter. Mr Seselja, you are continuing to speak to Ms Bresnan's amendment.

**MR SESELJA**: Thank you, Mr Speaker. It is worth looking at the statements that have been made—and some of them have been referred to already—by Mr Sullivan.

There were a series of questions asked in the estimates committee around this issue. And Mrs Dunne actually set it out very well in the hearing we had last week, where she set out what was said to the estimates committee and what was revealed through documents that she had obtained under freedom of information law. The two simply did not match up.

I think Ms Bresnan actually captured it quite well, that there seemed to be a statement, "I said it because of these reasons," regardless of whether it was true, regardless of whether it was misleading, regardless of whether it gave a false and misleading impression to members of the estimates committee. And that is what we are dealing with here: in estimates committees or in any committee of this place, when this Assembly receives incorrect information, it is critically important—and this is why Mrs Dunne has made the case so strongly—that it is corrected at the first possible opportunity. It is critically important. If that information is given in any way knowing that it may be incorrect or that it may be misleading, that is a serious matter. And I think Ms Bresnan, in her comments, seemed to grasp the significance and the importance of that.

We have had numerous occasions in this place—and I referred to some of them earlier and Mr Corbell got very upset—where public servants or ministers have inadvertently misled. We always accept at face value that it is inadvertent when someone misleads. We accept that unless it is proven otherwise. But where that occurs, we have seen it with Mr Corbell this morning, and we have seen other cases where people come and they correct the record, hopefully at the first possible opportunity.

In this case, and partly on the basis of what was put subsequently to Mr Sullivan in the committee, it appears, on the face of it—and this is why Mrs Dunne has brought this motion; this is why it should be supported; this is why the committee should be established—that it was not a slip of the tongue or inadvertently giving incorrect information, that it was given, knowing that it may be misleading. That is the impression that was created, I think, for anyone who was sitting in that Assembly committee last week, as we heard Mr Sullivan's evidence. That is why this is a serious issue; that is why we believe it needs to be looked at further.

It was asked by Mrs Dunne:

> … I note … that 30 per cent on top … is $124.8 million. … why did you tell the committee the TOC was only in final form when only three days before it had been approved—

this is important; this was skated over by Mr Stanhope—

> the board had recognised that it had been approved and it had authorised you to spend that money?

Mr Sullivan's answer was:

> Largely because we had not revealed the TOC …

That is critically important here:

> Largely because we had not revealed the TOC …

So the argument seemed to be—and Mr Sullivan will have the opportunity to make his argument as to what he meant by that—that he did not give that information, that he gave what was effectively misleading information because they were not publicising it.

If you are asked a question in a committee about something you do not want to publicise—and often we have argy-bargy in committees with government agencies, with public servants, with ministers about what information should be revealed; we tend to take the view that there are only a small number of instances where information should not be given either publicly or in camera to the Assembly; there is often that debate—what we had here was, instead of saying, "I can't tell you that, I don't want to tell you that," we could have then had the argument, the committee then could have made a decision whether it wanted to require that information. The committee was not given that opportunity.

The committee was not given that opportunity, because we were given misleading information. That is why this is serious. That is why, I think, Ms Bresnan has picked up the crux of this matter and why this is different to other cases where there appears to have been inadvertent misleading, which is then later corrected, hopefully at the first possible opportunity. Of course, when it is not corrected at the first possible opportunity, that becomes an issue in and of itself.

It is interesting that we do not have the Treasurer here to give her side of the story in terms of the second part of Mrs Dunne's motion, because it was put to her in the committee last week—and I am not aware of any information subsequent to that coming back to the Assembly—in terms of what the Treasurer knew, when she was advised about this information. I put it to Ms Gallagher in the committee last week, and she said she would go and check it. I am not aware—I stand to be corrected—of any of that information being provided to the Assembly.

I think it would have been quite useful for Ms Gallagher to get up and say what did she know, when did she know it and was she satisfied that the Assembly, through the committee, had been given correct information all through. That was the question that was effectively taken on notice last week by Ms Gallagher, and she would have had the opportunity to have checked that by now and to have come back during this debate and put it on the record.

I would call on her to do that. I would call on Ms Gallagher to come back and give a full account of when she was advised and has she now checked the record, as I believe she undertook to do, to actually look into these matters, to look at whether or not information was given that was misleading, whether or not she became aware of that very soon after, because we understand that these board minutes went to Ms Gallagher on 22 May, I believe, a few days after the hearing.

When did she first see that? When did she become aware of that? Has she checked that? And I find it extraordinary that Ms Gallagher, who is one of the subjects of this motion, is not here to put her side of the story, to actually enlighten the Assembly, as she was given the opportunity to do last week, about her views on the subject, about whether she believes that Mr Sullivan has acted appropriately and whether she acted appropriately. Did she get this information? When did she get it? What did she do with it?

These are the basic questions that we would expect to have answered, and Ms Gallagher has not even shown the Assembly due consideration and due courtesy by coming down and putting that case. I would expect that the Treasurer would do that. She should be doing it as part of this debate so that we can have a full and informed debate, because the Greens are arguing for Ms Gallagher to be taken out of the equation here. But we have not heard from Ms Gallagher about any of the information. So I think it would have been useful if we had had a full, informed debate about that aspect before removing Ms Gallagher from Mrs Dunne's motion.

It appears that that is the way that it will go, that the motion will be amended to that effect. But Ms Gallagher needs to explain what information she had, whether she was satisfied, whether she checked the record and whether there is anything that needs to be corrected.

There is a pattern from this government, and we have seen it over a number of years. This latest example of an Assembly committee getting misleading information is important and is worth consideration of the Assembly. (*Time expired.*)

**MR SPEAKER**: Members, before we proceed, I would just like to clarify some comments I made earlier regarding the charges by Mr Stanhope, I think it was, that Mrs Dunne misled the Assembly and whether that matter can be debated or not. In order to make the charge that Mrs Dunne had misled the Assembly, there would need to be a substantive motion. The advice I have received since that earlier debate is that simply amending the motion to include Mrs Dunne will not amount to a substantive motion. So any suggestion that Mrs Dunne has misled the Assembly would need to be done separately.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.04): Mr Speaker, thank you for your ruling. I seek leave to move my amendments to Ms Bresnan's proposed amendment to Mrs Dunne's motion together.

Leave granted.

**MR CORBELL**: I move the amendments circulated in my name:

(1) insert "and Mrs Vicki Dunne MLA" after "ACTEW Corporation"; and

(2) insert "and assertions made" after "evidence given", first occurring.

This amendment simply reiterates the points that I and other members of the government, including the Chief Minister, have made in the debate this morning—that is, if Mrs Dunne believes that Mr Sullivan has transgressed, equally, there is a clear argument that Mrs Dunne herself may have transgressed when it comes to the issue of misleading the Assembly committee.

I again draw to the Assembly's attention the fact that Mrs Dunne advised the public accounts committee on 18 February that Mr Sullivan had informed shareholders in writing that he had been authorised to spend $149 million and that the total out-turn cost was $149.8 million. That was incorrect, Mr Speaker. In fact, Mr Sullivan advised the shareholders of the approval by the board of the total budget of $149 million and that the total out-turn cost was only $116.7 million.

Mrs Dunne has sought to besmirch the good name of an effective and highly regarded senior official in the broader ACT administration. She has sought to do so on flimsy grounds, and yet she is not prepared to see her own actions subjected to the same scrutiny. If she believes so strongly that Mr Sullivan has transgressed, she must admit that, based on her own actions, she herself has also transgressed and she should be subject to this privilege process. That is why I have moved these amendments.

**MR SPEAKER**: The question is that Mr Corbell's amendments be agreed to.

**MRS DUNNE** (Ginninderra) (11.07): I will speak to Mr Corbell's amendments and Ms Bresnan's amendment at large, for utility and time management purposes.

The government, in an attempt to cover its confusion, has tried to cast its net very widely indeed, to try and bring as many people as possible into this, and has created a bit of a farrago as a result. It has been brought to my attention that Mr Sullivan, in a rather unprecedented letter—I cannot recall an occasion when someone who was written about under the standing orders in relation to privilege has actually intervened in this way; it is unusual, and I will not make any further comment than that—says that I claimed that the TOC was $149 million. I have not had an opportunity to review all of the *Hansard* from last Thursday; I only have two pages of it in front of me. I will, for the information of members, read out what I said at the time. On proof page 233 I said:

> Does the paper advise the board that the committee's total project cost, comprising the approved TOC and the owner's costs, is $149.793 million, including provisional sums of $7 million for the mini-hydro and $2.3 million for approvals?

So it is quite clear there, Mr Speaker, that I clearly understand the difference between the TOC and the total project cost. A quick perusal of the *Hansard*, the bits that I have, shows that I do say, on proof page 234:

> You wrote to the shareholders, Minister Gallagher and Mr Stanhope, on 22 May and told them that you had been authorised to spend $149 million and that the TOC was $149 … million.

That is clearly a mistake on my part, Mr Speaker; I acknowledge that. I will undertake to peruse the rest of the *Hansard* to make sure that there are no other mistakes, and I

undertake to write, as appropriate, to the committee to correct that. That is clearly a misspeaking on my part, and I acknowledge it.

But the issue here is that, unless there is something else in the *Hansard* which I have not picked up, the government wants to involve me in a privilege inquiry because of a misspeaking which I acknowledge—and this is the first opportunity I have had to acknowledge it, and I acknowledge it—and I undertake to make a full review of the *Hansard* to make sure that there is nothing else.

This shows how fallacious the government's approach is. This is what members of parliament and officials do. If they make a mistake, they correct the record. It is perhaps strictly true that, by misspeaking, I may have misled the committee, but once that error was pointed out I fixed it up.

The issue in relation to Mr Sullivan—and it has been clearly set out here by a number of speakers—by myself, by Ms Bresnan, by Mr Seselja—is that Mr Sullivan could not have forgotten, when he was speaking to the estimates committee in May, that five days before that he had been authorised to spend $149 million. He could not have forgotten that, and his answer to my question the other day was that he accepted the premise of my question. I said: "Why did you say that the TOC was not finalised when it had been finalised?" He accepted that that is what he said and he went on to say, "Because it was not commercially convenient to do so." He accepted the premise of the question. He accepted that he had been caught out misleading the committee.

Mr Stanhope and Mr Corbell said that this is a cowardly attack, under privilege, of an official. I have said no more in this place than I have already said publicly, out there, in press releases and in interviews. This is not a cowardly attack. This is the bringing to book of someone who, by his own admission, gave misleading information. The Assembly processes cannot function if we allow anyone—a member of this place, an official, large or small, a member of the community—to come into a committee hearing, to appear before the bar of the Assembly, or for us, in the Assembly, to say things which we know are misleading or to say things which are misleading and then refuse to correct the record. The system cannot operate.

I have had conversations over the past few days, following the media coverage of this issue, with a number of people who are large and small operators, who know how the committee system works, who know what is expected of public officials, who are public officials, who have been public officials and, to a man and a woman, they are gobsmacked that a public official would admit that he gave misleading information to a committee. And they would be gobsmacked if this Assembly did nothing to address that.

I think they would be gobsmacked to learn that the government does not think that this is an important issue. I think the words the Chief Minister used were "a trifling issue". This is not a trifling issue. It is a very, very difficult issue. It is a very important issue for us because we, today and through this process, establish what is appropriate behaviour for officials and witnesses generally before the committee system and, in doing so, we establish a doctrine of what is appropriate behaviour for members in this place.

We cannot afford to lower the bar. The government would like us to lower the bar, but by turning a blind eye to this we lower the bar not just to our own detriment but to the detriment of the people who pay our wages—the people of Canberra, who pay the taxes, who build the dams, who pay our wages, who build the roads, who fund the hospitals. We cannot afford to create a situation where officials are allowed to give misleading information, get away with it and not correct the record, or to decide, "I will give misleading information because I don't think it is appropriate for the committee to know." It is not that official's right to make that decision; it is the committee's right. The committee has to work with all the cards uncovered or it cannot do its work. We cannot represent the people of the ACT unless we are working with the truth.

The government's amendments are laughable. The fact that they would try so hard to deflect from the problem that confronts us shows that they have no understanding of how government operates. We will not be supporting the Greens' amendment to delete Ms Gallagher from the motion. I think that it is essential, for the completeness of this situation, that we know what the minister knew and whether it ever crossed her mind to correct the record or whether she thought it was appropriate to correct the record. What did she know? Did she ever look at the letters that she got from Actew Corporation after that evidence and say, "Gee, that doesn't quite marry up"? It may have completely missed her but we need to know whether it ever crossed her mind that she should fix the record. The minister could have perhaps addressed that by coming in here today and speaking in this debate, but she has not. So the issues, as Mr Seselja has said, are left unanswered.

We will not be supporting the government's amendments to Ms Bresnan's amendment and, at this stage, we will not be supporting Ms Bresnan's amendment either.

**MR HARGREAVES** (Brindabella) (11.16): I rise to support Ms Bresnan's amendment and Mr Corbell's amendments, and also to make some other comments regarding this process which give me deep concern.

With regard to Ms Bresnan's amendment to remove reference to the minister, the issue before the Assembly actually comes down to something very simple—that is, that evidence given before the committee was not true. That is the question that is before the place.

The minister is not accused of giving information to the committee which is not true. We cannot go down the path of saying that, every time a minister does not tell a committee something, even when not asked, that could be the subject of a privileges committee. That is nothing short of ludicrous, and that is essentially what Mrs Dunne is asking us to do by including the minister in the motion.

Whilst I have a view that I do not believe that we should have a privileges committee looking into this, because I believe that Mr Sullivan's letter, whilst possibly not to Mrs Dunne's liking, nonetheless addresses the issue, I do believe that it is dreadfully important that we do not allow the two issues to get currency.

Ms Gallagher does not stand accused of misleading a committee, yet her inclusion in this motion would seem to imply that. So I cannot support that. I support Mr Corbell's amendments.

Mr Speaker, there is another matter that I need to put on the record because I was considering putting an amendment forward and I need to process this through colleagues in the chamber, and whether I do or not will remain a matter for me during the context of the debate—that is, the concern that I have over your own role in this, Mr Speaker. I want to predicate this by saying that I have the deepest respect and affection for you on a personal basis, so please do not take my coming remarks on a personal level.

I have recently spoken about what I believe to be a diminution of the role of the Speaker by having a part-time possibility in that role. I have spoken publicly about that and I do not resile from it. I thought what we saw, in fact, as this tale played out, was further evidence of it, and sufficient evidence to give me deep concern. When I opened up the newspaper, Mr Speaker, and saw the position put, which seemed to indicate a conclusion of judgement on Mr Sullivan's actions in the newspaper, I thought that that was a little bit pre-emptive. But I recognise members' roles and their right to actually make those sorts of pronouncements, as members—but not if they are an officer of the Assembly. I find a lot of difficulty in regard to that particular role.

It seems to me that the moment that announcement came into the newspaper, there was a decision taken in your mind at the time that being a spokesman for a political party in this chamber was more important than the role of the Speaker, because you then deferred the decision on the matter of precedent to the Deputy Speaker.

Mr Speaker, I do not believe that was an appropriate action. I believe, in fact, that it was an inappropriate action. We are saying that there is a possibility that a person has given evidence to a committee which may have been untrue. Any member who has been here for more than 12 months would know that that is perhaps worthy of consideration by a privileges committee.

The decision on the privileges committee, the conduct of the proceedings within a committee itself, is within the province of the Speaker. These two areas are creatures of the parliament. The supreme position within the parliament is that of the Speaker. Ministers and public servants are subordinate to the parliament, not the other way around. We do not have the luxury of choosing, "I don't think I'll be an officer of the Assembly; I think today I'll be something else." The community does not make that distinction. The community believes, as does the Remuneration Tribunal, that the person appointed to the role of Speaker will conduct, as their primary role in this place, the role of the presiding officer of this place.

**Ms Bresnan**: A point of order, Mr Speaker.

**MR SPEAKER**: Ms Bresnan.

**MR HARGREAVES**: Clock, please.

**Ms Bresnan**: Mr Hargreaves's arguments actually have nothing to do with the substance of the motion or the amendments we are actually debating here at present. I do not think we actually should be raising this issue at all.

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

**MR HARGREAVES**: On the point of order, Mr Speaker, I would make two issues known here. Firstly, I am considering putting an amendment before the Assembly myself now, and I wish to put a case, and I will judge from the reaction of people coming forward whether I do that. Secondly, I find it odd that you would be asked to rule on that point of order which is talking about your particular position, anyway, Mr Speaker. I would ask you to allow me to progress this argument for just a little bit longer, and I shall be fairly brief.

**Ms Bresnan**: On the point of order, the issue I raised is about the substance of the motion we are debating and the amendments we are debating. What Mr Hargreaves has brought up has nothing to do with the amendments or the motion, so it is entirely appropriate for the Speaker to rule on that.

**Mr Hanson**: Mr Speaker, although—

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

**Mr Hanson**: Yes, indeed. Although there is perhaps a case about the substantive motion, I think that, on a matter of privilege, the procedures and the process followed are very important and everybody's role in that is vital to the case, including your own. I think discussion of the Speaker's role in this important matter of privilege is something that should be debated as part of this, if there are some concerns by members or a member that that process is not being properly followed.

**MR SPEAKER**: Thank you, members. I will clearly seek some advice on this one. I think that would be an appropriate path.

Whilst I am of a mind that Mr Hargreaves has strayed some distance from the substance of the motion, I think Mr Hanson's point about the procedures around the privilege matter is one that probably carries weight. Mr Hargreaves, you are free to continue.

**MR HARGREAVES**: Thank you very much, Mr Speaker, and I sincerely thank you very much for that ruling. The issue for me is that if we have a supreme arbiter of our processes then we have to have 100 per cent faith in the supreme arbiter of those processes. And that supreme faith, I am sorry, has been diminished through the utterances and the subsequent actions by referring the decision to the Deputy Speaker.

I think what we are seeing now is a real, live case study of what can happen if we say that the position of Speaker in this place can carry also a part-time role. I have to say that if it had just been a case of coming to a committee and asking questions, we have seen that before and I have not voiced my concern about it. But where I have to voice my concern in this place is where the spokesperson's views, including a view on

behalf of a party, found expression in the newspaper, and there are people out there in the community who make no distinction, other than to look upon ourselves and say, "Well, what is this person's primary role?" Therefore there is, in the minds of some people, the possibility that the Speaker has this view, whereas those of us who have bothered to think about it a bit more deeply would think about this as being a spokesman's role.

I think there is a greying of the two areas and it is of some concern. I do not believe that an officer of the parliament should take part in a policy debate, nor in policy decisions, nor try to influence it, whether tacitly or deliberately. So it had occurred to me, I have to say, yesterday, when I heard the goss around that there was going to be a motion for a privileges committee moved in this place. I considered my own position regarding withdrawing from the considerations of the committee, because I was there during the briefing from ActewAGL around this process, so I withdrew from that committee. I was considering whether I should take part in the privileges committee, and I believe that if there is the slightest suspicion that I have an interest in this then I shall do the right thing and not put myself forward for the privileges committee membership. Such is the case, and I have indicated that to the manager of government business.

I think we need to be very careful here that we do not have an action which can be influential on an outcome of a committee where it can be seen that there is a conflict of interest. I have to tell you that I am having the devil of a job in my own mind about doing this. I will listen to the rest of the debate before making up my mind. I thank Ms Bresnan for bringing forward the amendment regarding the minister, and I will be supporting that.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (11.27): Mr Speaker, I rise to respond to what was quite a meandering and, I think, ridiculous speech that Mr Hargreaves just gave in the chamber. He spoke about the process here. My understanding is that as soon as this matter came before you in your role as Speaker it was quite clear that you felt there was a conflict of interest and therefore you deferred to the Deputy Speaker.

The Deputy Speaker is there for a reason. The reason is obviously to fill in at times when the Speaker cannot be available, but also when situations like this arise. I cannot believe in the history of the Assembly that Speakers have not made statements on particular issues. They are members representing their communities. On a number of occasions over the years I know they have put forward private members' bills. They have also spoken out when they have seen an injustice or an issue that needed to be raised.

I think that Mr Hargreaves has wandered off into some corner or down some pathway. Today we are focusing on a particular motion around whether or not a privileges committee will be set up. Ms Bresnan has put forward an amendment to that. That is what the debate has been focused on and what it needs to continue to focus on.

I reject Mr Hargreaves's statement that the office of the Speaker has in some way been undermined or is not operating very well. In fact, if I reflect back to the end-of-year messages and speeches just before the Christmas break, a number of

members in this place reflected on a job well done by the Speaker in the previous year. There were many people who praised the work that had been done by the Speaker. I just rose to say that Mr Hargreaves is wandering off on his own somewhere and we really need to get back to what we are debating this morning.

**MR HANSON** (Molonglo) (11.29): There is no question that privilege issues are of great importance and great consequence. I was an instigator of a privileges committee last year and I understand fully the gravity and seriousness with which they should be treated. The consequences for people's reputations and their careers are important. I am very confident that in this case Mrs Dunne has taken that fully into account and has not brought this matter forward lightly. She has brought it forward because it is indeed a very grave and serious matter to mislead a committee of this Assembly. I think that she and others, including Mr Seselja and Ms Bresnan, have laid out the facts of the matter. I think that Mr Corbell's and Mr Stanhope's somewhat mock outrage and their attack on Mrs Dunne were somewhat concocted. What they should do is accept that if an official has misled a committee of this Assembly then that is a very grave action.

Mr Speaker, I was not intending to speak for long but, in response to some of the comments that have been made by Mr Hargreaves, I think that your role in this matter does require questioning. You have an important role in this matter of determining precedence. It is unfortunate that your decision to take a role as both Speaker and as an active protagonist in this and other debates has led to you being unable to fulfil your duties fully in this matter.

You would know, Mr Speaker, that on occasions you and I have had heated words when I have found cause to complain about your dual role as Speaker and a member of the crossbench. This is highlighted in the most serious circumstances—why the duality of that role is something that was almost, by default, going to lead to a situation like this. Mr Speaker, I fear it will again if you continue on with these dual roles.

You now have a situation where you have called on Ms Porter to essentially deputise for you today in the role of Speaker. Ms Bresnan is deputising for you in your role as a crossbench spokesperson on this issue. You are fulfilling neither role adequately because of that decision. The Speaker's role should be one that is somewhat above the political fray in the heated battle that occurs oftentimes in this place, certainly between the Labor Party and the Liberal Party. It is highly inappropriate that we find ourselves in a position on this matter when points of order have been raised by the crossbench in defence of the Speaker. I think that that just demonstrates how partisan your position risks becoming by pursuing this matter. Mr Speaker, I concur with Mr Hargreaves in that this is not a personal reflection on you; it is simply a matter of the necessity to keep the Speaker's role separate.

Returning to the substantive matter, I fully concur with Mrs Dunne's course of action on the issue of privilege. This is a very necessary committee to be established. I think that the role of the minister does need to be questioned, in addition to that of Mr Sullivan. Ministers have responsibility and her role in neglecting to address what had been a serious mislead needs to be questioned further.

**MS BRESNAN** (Brindabella) (11.34): I will just speak briefly to this. We will not be supporting Mr Corbell's amendment to my amendment. It goes to comments we have made also about Ms Gallagher. What we should be debating here today is the substance of what was stated before a committee by a witness. In the whole debate today we have moved away from that completely, I think, by including Ms Gallagher and by including Mrs Dunne. This motion should have been about what the standing orders state—that a witness that comes before a committee has to provide truthful evidence. That is what we should be debating and that is what this privileges committee should be about.

We support the action taken by Mrs Dunne to investigate the specific issue of a breach of privilege and, indeed, a matter of contempt of the committee, but we do not believe this should be an opportunity for a free-for-all fishing expedition into other major water projects and ministers—indeed, all members of this place. It should have been about the substance of the comments which were made by Mr Sullivan. We have already spoken about that.

In relation to other water projects, there has been a lot of public debate around the cost of the Cotter Dam. It has been examined by both estimates and public accounts committees so there have been avenues for that to happen. As I said, the specific issue we are discussing here today is a breach of privilege in the Assembly. That is what the terms of reference should be focusing on. The question that needed to be answered was: did Mr Sullivan provide misleading evidence to the estimates committee last May? That is the extent of what the terms of reference of the committee should be. It is also the extent to which we should be discussing the issues in the Assembly today.

It is unfortunate that we have gone completely off track as to the substance of the issue. We have meandered into other issues which are not appropriate to be discussing in this forum. It is disappointing that that has happened today. We will not be supporting Mr Corbell's amendment. Likewise, as I have already said, we will not be supporting Ms Gallagher being included in the motion.

Question put:

> That **Mr Corbell's** amendments to **Ms Bresnan's** amendment be agreed to.

The Assembly voted—

| Ayes 6 | | Noes 9 | |
|---|---|---|---|
| Mr Barr | Mr Stanhope | Ms Bresnan | Ms Hunter |
| Ms Burch | | Mr Coe | Ms Le Couteur |
| Mr Corbell | | Mr Doszpot | Mr Rattenbury |
| Mr Hargreaves | | Mrs Dunne | Mr Seselja |
| Ms Porter | | Mr Hanson | |

Question so resolved in the negative.

**MR SPEAKER**: The question now is that Ms Bresnan's amendment to Mrs Dunne's motion be agreed to.

Question resolved in the affirmative.

**MR SPEAKER**: The question now is that Mrs Dunne's motion, as amended, be agreed to.

**MRS DUNNE** (Ginninderra) (11.40): This is an important matter today, as I have said. It is very interesting to see the attitude taken by the government. What we have in the government's proposal to oppose this privileges committee is a new Labor doctrine that it is not appropriate to deal honestly with the Legislative Assembly. The people of the ACT who pay their wages need to know that, through the statements made today, this government believes that it is not appropriate to deal honestly in this Assembly and in its committees. It sends a very clear message that Jon Stanhope heads an organisation where it is all right if it is not convenient to tell a committee something which the person knows not to be true and never to come back and correct the record.

**Mr Stanhope**: I thought that was to be a matter of inquiry. You've already decided, have you? What's the inquiry for if you've already decided?

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

**MRS DUNNE**: The fact that the Chief Minister heckles in this way and the fact that the Chief Minister—

**Mr Stanhope**: On a point of order, Mr Speaker: Mr Speaker, we are having an inquiry to investigate these matters. How can any member of the Liberal Party sit on a committee when you have the spokesperson and mover saying it is already decided that he misled? What is the point of an inquiry when the Liberal Party and you, Mr Speaker, have already made public statements stating it as a fact?

**MR SPEAKER**: Mr Stanhope, what is your point of order? There is none.

**Mr Stanhope**: I think there is a very relevant point here about process. Mrs Dunne is standing up and having a go at me. Here is the Liberal Party saying we do not need an inquiry because they have already decided on Mr Sullivan's guilt. So what is the inquiry going to do?

**MR SPEAKER**: Resume your seat, Mr Stanhope.

**Mr Stanhope**: How can any of you appear on a committee when you are here publicly stating a conclusion?

**MR SPEAKER**: Mr Stanhope, is there a standing order under which you wish to raise a point of order? Mrs Dunne, you have the floor.

**MRS DUNNE**: Thank you, Mr Speaker. Just to make it perfectly clear for the Chief Minister, who seems to be having trouble with this issue: there was a clear question asked, "Why did you inform the committee that the TOC was not in final form when only three days before it had been approved by the board and you had been authorised to spend the money?" Mr Sullivan, accepting the premise of the question, said:

"Because we had not revealed the TOC and we were using it. There were still negotiations with the Bulk Water Alliance." What it boils down to is, "I said something which I knew to be wrong because it was not convenient."

**Mr Stanhope**: That's not what he says. That's the subject of inquiry.

**MRS DUNNE**: That is my summation of what it says. I make no apologies for that, Mr Speaker. We have to look into this matter to see the extent to which the committee has been misled and what we, as an Assembly, do to address this issue. To ensure that this does not happen again we must send the message that committees cannot be lied to. That is what this inquiry is about today. This inquiry is about ensuring the operation of this institution—that this institution operates appropriately and for the benefit of the people of the ACT. If Jon Stanhope does not want to get to the bottom of this, he has sent a clear message. The Labor doctrine, in the words of that great old Labor stalwart, is "anything goes". Anything will go if we do not address this issue.

**MR SPEAKER**: The question is that Mrs Dunne's motion, as amended, be agreed to.

Question resolved in the affirmative.

## Justice and Community Safety—Standing Committee
### Scrutiny report 19

**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 19, dated 22 February 2010, together with the relevant minutes of proceedings.

I seek leave to make a brief statement.

Leave granted.

**MRS DUNNE**: Scrutiny report 19 contains the committee's comments on four bills, 49 pieces of subordinate legislation and seven government responses. The report was circulated to members when the Assembly was not sitting. I commend the report to the Assembly.

## Health, Community and Social Services—Standing Committee
### Report 2

**MR DOSZPOT** (Brindabella) (11.45): I present the following report:

> Health, Community and Social Services—Standing Committee—Report 2—*Access to primary health care services,* dated 17 February 2010, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

This inquiry was referred to the committee on 25 March 2009, the day before the government announced the GP task force to investigate GP workforce issues in the ACT. The terms of reference for the inquiry were revised at a private meeting on 29 April 2009 and were to inquire into and report on access to primary healthcare services in the ACT with particular reference to the role of nurse practitioners, allied health assistants and other health professionals in providing primary health care; GP clinic closures since 2001; the current level of GP shortages in the ACT and the reasons pertaining to this shortage; how to arrest and reverse the decline in GP numbers in the short and long term; strategies to attract and retain GPs in suburban clinics; linkages between government and non-government healthcare providers including innovative and best practice models; and any other related matter.

In making the referral to the committee, the Assembly recognised that the ACT has the second lowest number of GPs per capita in Australia, behind the Northern Territory; GP clinics across the territory continue to close; and the number of aged and ageing in the community in need of access to GPs for ongoing primary care is increasing.

The committee received 18 submissions and eight exhibits from GPs, allied health professional groups, nurses, community groups and individuals. We held three public hearings on 22 July, 29 July and 5 August and heard from 33 witnesses.

The committee found that the shortage of GPs, coupled with the lowest rates of bulk-billing, was disproportionately affecting the most vulnerable people in the ACT, including the elderly, those on low incomes and people with a disability.

The committee made 24 recommendations, including a feasibility study of employing GPs in community health services; more support for GPs in community-run health services; financial support for smaller practices to employ a practice nurse; and financial assistance for GPs who provide continuity of care to elderly patients and those with chronic and complex conditions.

The committee also recommended greater government support for smaller general practices, particularly those that wish to stay in local suburban areas or establish new practices in those areas, through the provision of financial or other support such as subsidised or free rental and/or utilities and interest-free loans.

Recommendation 3 states:

> The Committee recommends that ACT Health collect and publish data on the number of overseas trained doctors recruited to the ACT, including their country of origin, the length of stay, and whether they return to their country of origin.

Ms Porter has asked that we record that she does not support recommendation 3. It is somewhat disappointing that information required to protect our community is not deemed important for our colleague, especially when we take into account recent information such as that in an article published in the *Sunday Telegraph* of 21 February 2010 under the headline “Foreign doctors fast-tracked”:

> Foreign doctors are being fast-tracked into Australia, bypassing the standard registration process despite statistics revealing they are responsible for half of all medical error and disciplinary cases.

The article continues:

> Half of the doctors suspended and deregistered in NSW since the beginning of 2009 gained their medical degrees overseas. Of Medical Tribunal cases heard last year, 48 per cent involved overseas-trained doctors while 43 per cent of all currently suspended doctors qualified outside of Australia. …
>
> Rural Doctors Association of Australia president Dr Nola Maxfield, said 41 per cent of country GPs were from overseas.
>
> "You need to make sure the checks are rigorous," she said. "There's certainly a variation in the quality of medical degrees around the world."

Notwithstanding Ms Porter's objections to recommendation 3, the majority of the committee recommended that more data be collected and made available about overseas-trained doctors recruited to the ACT.

On behalf of the committee, I would like to thank all the participants who appeared before the committee and/or provided written submissions and exhibits. We also thank the Minister for Health and departmental officials, as well as members of the GP task force who participated in the inquiry.

I would also like to thank members of the committee—Ms Joy Burch, who was deputy chair until 31 October 2009; Ms Amanda Bresnan, who took over as deputy chair on 25 November 2009; and Ms Mary Porter, who joined the committee on 19 November 2009—for the professional manner that was adopted during the inquiry and for the sharing of views in the final deliberations and recommendations.

In particular, I would like to pass on my personal thanks, as well as the thanks of all members of the committee, to the committee secretary, Ms Grace Concannon, for her advice and support and contribution to our committee's final report for tabling, and to the committee office administrative assistant, Ms Lydia Chung, for her assistance with preparing the committee's final report.

I commend the report *Access to primary health care services* and its recommendations to the Assembly.

**MS BRESNAN** (Brindabella) (11.51): I just want to say a few words about the report. Like Mr Doszpot, I would like to thank, first off, the other committee members. The chair, Mr Doszpot, did an excellent job in chairing the hearings and report deliberations. I have to say it was a difficult job coming in after all the hearings had been conducted and then having to comment on the report, and I thank Ms Porter for her very useful and insightful contributions throughout the report deliberations, and also the previous committee member, Ms Burch, who was obviously part of the hearings which we had.

They were very extensive hearings and, as Mr Doszpot said, we thank all the community members, professional groups and organisations representing various members involved in primary care delivery for coming and giving their time, putting in very thorough submissions and presenting evidence to the committee. It was an extremely useful process. We heard from a wide variety of groups, from the AMA to groups who were delivering services to refugees and Aboriginal and Torres Strait Islander groups, and it was all very useful in looking at how we can broaden the scope of primary care and what we deliver to the community.

Like Mr Doszpot, I would also very much like to give thanks for the work of the committee's secretary, Grace Concannon, who did a fantastic job in putting together this very extensive and thorough report. This included compiling a great deal of information, not just from the hearings but from other sources, because we did look at a number of different areas, particularly issues that came up during the hearings.

I would just like to draw attention to some of the recommendations. In particular what came out of the hearings and also the reporting process was that we need to broaden the way we look at the delivery of primary care. We have various examples which have been delivered in the community, particularly around the integrated and holistic type of care model where people can go to access different sorts of services, and also preventive health. GPs have obviously been seen as the traditional way in which people access the health service, but there are other ways people can do that.

The recommendations particularly around looking at community health centres and having professionals and GPs placed in those community health centres are very important in expanding the way we look at the provision of primary care, and also the affordability of primary care. We have seen a move away from bulk-billing in GP practices. As Mr Doszpot pointed out, we have a very low number here in the ACT—in fact, one of the lowest in the country—and it is a major issue, particularly of affordability for people. It is an issue which sometimes we do not think applies to the ACT; but it does, and that became very evident through the evidence which was given to the committee by a number of different groups, including groups like ACTCOSS, who obviously very much know and hear about these sorts of issues through the work they do.

Recommendations 8 and 9 again look at enlisting more of a whole-of-government approach to GPs, particularly recommendation 9 about providing assistance to small general practices to employ practice nurses. As we know, many practices are not able to afford that and it is a very useful thing to have because it also looks at addressing the workload of GPs. Having a practice nurse or nurse practitioner, which again is a wider scope, in GP practices can very much address that issue. We heard GPs saying that they do have a lot of red tape to deal with. They have a very large workload and I think we do need to look at ways in which we can address that and ease that burden on them.

Recommendations 11 and 12 look at expanding that scope. The Pharmacy Guild presented evidence about how they would like to be included much more in the rollout of services and I think that is something we can look at because, again, pharmacies are often a point of approach for people when they have health issues. Pharmacists have a lot of connection with GPs as well, so we can expand on that.

We looked into the West Belconnen Health Cooperative model, which has been very successful and has started operating now in Belconnen. We think that we can look at ways to provide assistance to other communities who might want to consider this sort of model. The model which has been used in Belconnen might not necessarily be the type of model they adopt but a model which looks at a cooperative approach to providing health care with information assistance to be provided to other groups. That can be as little or as much as a business case, which just helps them get that idea off the ground, because it is a very long process. We did visit the West Belconnen Health Cooperative after the committee process had gone through, but it was a very long process for them. It is just about expanding the knowledge of and providing a little bit of assistance to groups if they are interested in that sort of model.

I would also like to draw attention to recommendations 18 and 19. We heard from Winnunga Nimmityjah Aboriginal Health Service about the work they do and that they do service a lot of clients from New South Wales. We have recommended that the government negotiate a cross-border agreement with the New South Wales government for the services provided by Winnunga because they are not currently being funded for that. They also see a lot of clients who are not Aboriginal or Torres Strait Islanders—because the service they provide is a holistic model, it is very attractive to a lot of people—and we need to recognise that and provide assistance to them.

Likewise, recommendation 19 is about funding them to enable the employment of at least one full-time GP position. We heard also that the GPs that go into services like Companion House and Winnunga are often older GPs, or doing it on a part-time basis, and it is very hard for these services to attract GPs or to replace a GP who may retire. We do need to recognise that and provide assistance to them. We need to recognise that a lot of people are visiting these health services because they cannot access a bulk-billing GP and also because these services are providing a holistic model which is attractive to them.

We have made a recommendation around the nurse practitioner walk-in clinic, something which I personally think is a wonderful innovation and hope is successful, asking that the government look into it, after 12 months of operation, to see whether it has been successful, and also to look at expanding this type of model to other areas. Nurse practitioner clinics in the UK have been very successful; people have visited them. There has often been a worry that people might not go to them because they do not understand what a nurse practitioner does, but the example in the UK shows that people will use them; people will change from the culture of going to a GP only.

So I too would like to commend the report to the Assembly and again thank the committee members and the committee secretary.

**MS PORTER** (Ginninderra) (11.58): Members will be aware I have only latterly joined the Standing Committee on Health, Community and Social Services after fairly recent changes to Assembly committee memberships. Unfortunately, I did not have the benefit of having been a member of the standing committee during the time when material was deliberated on, gathered, submitted and provided through the hearings during that long time that the committee was considering this matter.

As you see, there are quite a number of recommendations—24 in total. I was concerned on a number of levels about a number of these recommendations, and I of course raised those in private meetings of the committee. As the minutes of the committee cannot give a blow-by-blow account of the committee's deliberation, I want to put on the record my concern about the appropriateness of some of the recommendations.

This is not to say that I believe that a separate report was warranted given that, as I said, I was not able to examine and further question witnesses whose statements are contained in the report, nor did I fully understand the entire context of some of the conclusions that the committee had come to. However, I did seek to understand and clarify the content and context during deliberations over the report. I asked for clarification on a number of matters, as well as requesting further information to be provided and some changes in text to be made. Some of this information was provided and now forms part of the body of the report, and some of the recommendations have been slightly changed because of my discomfort with them. However, there remains in the report some recommendations I have reservations about and which I have been unsuccessful in having modified.

I am not aware that they create particular difficulties, except to say that one is always conscious that, in the area of general practice in particular, the federal government has jurisdiction. Another concern is, of course, resources. We should always remain aware that, when we ask for work to be done, these requests could mean that resources need to be redirected away from critical demands in health if the committee's wish list were to be fulfilled. As the committee believes, particularly the chair—and he expressed this—that my concerns and questions when I raised them were largely wasting the committee's time, I will now use the Assembly's time to reiterate my concerns.

On page 3 of the report under the heading "GP task force", paragraph 1.10, the report uses the word "following". I wished the word "following" to be removed and replaced with the words "concurrent with", as it is my reading of the situation that it is a more accurate interpretation of events. The word "following" gives the reader the impression either that the government was not aware of the concerns regarding previous events involving general practitioners in the ACT or that the government simply reacted to the Assembly's referral by immediately setting up a task force.

As the announcement of the task force was accompanied by the information about its membership, which we all know takes a good deal of time to organise, it is obvious that this was not formed in response to the referral. To give the impression that the government was unaware and was sitting on its hands doing nothing is misleading. By simply reading the body of the report, it is quite obvious that the government was aware and has been working rigorously with stakeholders to address the matters that are under examination. Of course, the government can only do what it has the power to do, and I would like, once again, to remind the Assembly of the federal government's responsibility in respect of health policy.

Recommendation 1 is that the government work with the ACT Division of General Practice to develop ways of raising the profile of general practitioners in the

community. I was told this was necessary as the committee heard from practitioners in relation to the ageing of practitioners and their general low morale. However, recommendation 1 does not actually say it wants the government to do anything specific in raising their profile. If the committee wants to address the morale of general practitioners, I would suggest that this is probably a noble aim, but morale is a complex thing, and very individual in some cases. I am not sure what raising their profile will do in this regard other than making more work for them. It certainly cannot prevent them from ageing, may I suggest. On the face of it, it is a reasonable recommendation, but what does it mean?

I have had it recorded in the minutes and in the report itself, and Mr Doszpot has made reference to it, that I do not support recommendation 3 and its subsequent reference to the moral dilemma mentioned in paragraph 2.34. I find the implications one could draw from both the recommendations and the phrase indicate a form of paternalistic behaviour, a throwback to our bad old colonial days. It also smacks of a deeper problem that contains in it shades of racism and prejudice. I wonder whether that would be a breach of the Discrimination Act, and I cannot be sure that this information could not be abused. What about the privacy of those individuals? This is why I strongly object to these two items as they stand.

Further, on the same page, referring to overseas trained doctors, the report quotes from the *Canberra Times* regarding the experience of an overseas doctor. This selective quoting of the media is not helpful, as it gives the wrong impression while leaving out other relevant factors at play in this situation. Firstly, it is clear that it is more complex than what the reader of this report will gather. Secondly, of course, this is another matter which involves the federal government's requirements and is not something the ACT has jurisdiction over.

The person's immigration status changed. Would we have people whose immigration status has changed continue to work in the same capacity nonetheless without checks and balances? I think not. I believe it is a requirement for doctors who wish to practise as general practitioners here in Australia and who come here as overseas trained to apply for a fellowship from the Australian College of General Practitioners. I cannot see that it is unreasonable, and I know that the doctor currently employed at the West Belconnen Health Cooperative has come from Britain and has fulfilled this requirement by undertaking this step before coming here. I noted with interest in an ABC news item on Tuesday, 13 February on ABC Online that a spokeswoman for the federal minister, Nicola Roxon, said that her department had repeatedly attempted to contact Dr Douglas to discuss options which would allow her to practise.

Recommendation 4 suggests a feasibility study, and a full feasibility study of this nature would have resource implications at a time when the government is being called on to provide more and more resources to meet the health needs of our community.

In recommendation 8, I asked that the word "continue" be inserted, because I saw that the text read as though the ACT health minister has not in any way lobbied her federal colleagues in regard to this matter. Obviously she has done so, and I wanted it just made clear in that recommendation. I was unsuccessful in that. It gives the impression that the minister has been sitting on her hands doing nothing.

With regard to the recommendation on practice nurses, I am aware the government, through its public statements and its initiatives in other areas, is very supportive in encouraging the use of multidisciplinary teams and the walk-in centres which utilise nurse practitioners. However, this is another example where the committee asked the government to resource something that the federal government has jurisdiction over. The report clearly says in paragraph 3.4 that nurses in general practice are being underutilised, and it goes on in the next paragraph to outline what practice nurses could do. There is significant scope to do this. However, it is the federal government that needs to act, and until it is able to do so, it seems self-defeating to obtain funds from the ACT government in addition to the federal funds available for this purpose for general practitioners to continue to underutilise these valuable professionals. Again, that is a recommendation that you cannot necessarily object to, but it does seem to lack an understanding of the federal jurisdiction in this area.

Recommendation 12 is another recommendation where the committee seems unwilling to explore alternatives, although that recommendation was somewhat amended after I spoke to it. I have had direct involvement and experience with the west Belconnen cooperative.

**Mr Doszpot**: Mary, you accepted all these recommendations. I can't really understand what you're talking about.

**MR SPEAKER**: Mr Doszpot.

**MS PORTER**: I was on the steering committee. I have had direct experience with a number of these ventures over the time. They are borne out of a group of people getting together who establish a need and work through the hard process. You need a committed group of dedicated individuals who will stick with the concept through the many hurdles and the many disappointments that you have to face if you are going to reach your goal in setting up such an organisation. This is a necessary process to hone ideas, to check out basic assumptions of an idea, to make sure it is on the right track, and to seek advice and information to see where support and resources are available. To shortcut this process can lead to failure. A child does not learn to walk and run if its parents carry it everywhere. It has to be let go so it can master the skill itself. It is the same with setting up an organisation such as the health cooperative.

I am aware the government has a number of transport initiatives, and the community buses provided to regional community services are but one example. I am also aware the home and community care transport service is run by organisations, and, due to my intervention, the report does deal more fully with these services. These services and the taxi vouchers for people with disabilities are unable to meet all the situations that are faced by those with hospital appointments and the difficulties of getting to those appointments. However, as pointed out to my colleagues at the time, there is no one pick-up point in the Belconnen town centre at the moment due to the temporary bus arrangements.

Also, one can imagine patients will have appointments at any given time of day for any given reason, and a comprehensive bus service would have to be provided in order to address this need. I am wondering how people actually justify that, but we

talked through that with the committee and we still went with the recommendation. I really cannot understand how it will work practically.

Ms Bresnan has already spoken to recommendation 19, and I would reiterate what she said about that recommendation. Again, this is an area that the federal government needs to also take account of as it is about the appointment of a general practitioner. But I know the government desires to improve the health outcomes for Indigenous people.

The conclusion of the report says that the 24 recommendations focus on practical solutions, and many of them do. But there are some that are not clear in their intent and direct the government to commit resources where there is no evidence that this will bring about a desired result, even though they are well intentioned.

I know other members of the committee may not be pleased with my remarks. However, as I said, the chair, in particular, was quite impatient with my interventions at the time, as he has been today, and he obviously continues to believe that I have a cheek to suggest that changes could have been made. However, I would thank the chair and the deputy chair for being patient with me at times and allowing me to deal with those various matters that I was very concerned about and to have some of them amended before this report was tabled. I would particularly like to thank Grace Concannon as the secretary of the committee.

**MR DOSZPOT** (Brindabella) (12.12), in reply: I rise somewhat reluctantly, but I feel I have to; I cannot let Ms Porter's comments go unanswered on a number of points. We welcomed the input of all of the committee, including Ms Porter's predecessor, Ms Burch, as well as Ms Porter's own contributions when she came onto our committee. However, the patience that she is talking about was really tested. We did allow Ms Porter an opportunity to voice her opinion and to contribute to the committee, but by the second or the third time we debated the same point, my patience was wearing thin. We gave every opportunity for Ms Porter to be as eloquent—which unfortunately she was not—as she was here today with hindsight on a number of decisions that were taken.

With respect to the recommendations that were taken, Ms Porter agreed with them all along the way, except for one which she wanted noted. That was recommendation 3, and we duly noted her objection. I am somewhat lost for words in trying to understand Ms Porter's attempt at this. It almost reminds me of Ms Burch's reaction to the education inquiry that was held, where it seems that the responsibilities that are attended to within the committee are somewhat ignored when it comes to the recommendations finally being handed down. I do not know why that is; perhaps it is to justify their own position within their own ranks.

I am somewhat surprised by the number of issues that Ms Porter has brought to our attention this afternoon. All I can say is that none of the decisions that were taken were paternalistic or racial. We are looking at all of the issues that affect our community. We debated those issues that are relevant to our community. Ms Porter does not see eye to eye with some of those, and it is her right to object. But I certainly would hope that in the future she would make those objections more vehemently within the committee room rather than pass the recommendations and then have a

second attempt to rewrite history about what actually happened within the committee meetings.

Question resolved in the affirmative.

## Human Rights Commission Legislation Amendment Bill 2009

Debate resumed from 10 December 2009, on motion by **Mr Corbell**:

> That this bill be agreed to in principle.

**MR SESELJA** (Molonglo—Leader of the Opposition) (12.15): I rise to support the Human Rights Commission Legislation Amendment Bill 2009. The bill seeks to amend four acts, according to the explanatory statement. Firstly, it will amend the Discrimination Act to replace "transsexuality" with "gender identity" as one of the prohibited grounds for discrimination and as one of the unlawful and serious vilification offences, and it implements a new definition for gender identity.

It also replaces "membership or non-membership of an association or organisation of employers or employees" with "industrial activity" as one of the prohibited grounds for discrimination together with a new definition of "industrial activity". It will also introduce some new protections against unlawful victimisation towards a person who makes a discrimination complaint or gives information in relation to a matter under the Discrimination Act.

Further, it will amend the Health Professionals Act 2004 to exempt a health profession board from the requirement to notify a health professional about complaints referred by the Human Rights Commission. According to the explanatory statement, this is designed to provide the board and the commission with flexibility as to the course to be taken in relation to the complaint. It will amend the Human Rights Commission Act 2005 to allow the commission more flexibility in relation to giving progress reports to complainants.

It will allow the commission not to consider a complaint if the complainant withdraws the complaint before notice of the complaint has been given to the person complained about. It will further allow the commission to treat a complaint about a person as a complaint against another person if the commission considers the complaint more appropriately applies to the other person.

The bill will require the commission to refer to the health profession board any complaints about health professionals and it provides protection from civil liability for a person making a complaint or providing information in relation to a complaint doing so honestly and without recklessness. It will also omit the discrimination commissioner from the list of people that must be notified of an ACAT hearing under the amended Mental Health Treatment and Care Act 1994.

As I mentioned earlier, the Canberra Liberals support the intent of the bill. We recognise the importance of living in a society that is without inappropriate discrimination. However, industry groups have expressed some concern to the Canberra Liberals about the definition of "industrial activity", which is to replace the

term "membership or non-membership of an association or organisation of employers or employees" as grounds for discrimination. I will address that point.

The bill inserts a new definition for industrial activity which is defined in the bill as:

> (a) being or not being a member of, or joining, not joining or refusing to join, an industrial organisation or industrial association;
>
> (b) establishing or being involved in establishing an industrial organisation or forming or being involved in forming an industrial association;
>
> (c) organising or promoting or proposing to organise or promote a lawful activity on behalf of an industrial organisation or industrial association;
>
> (d) encouraging, assisting, participating in or proposing to encourage, assist or participate in a lawful activity organised or promoted by an industrial organisation or industrial association;
>
> (e) not participating in or refusing to participate in a lawful activity organised or promoted by an industrial organisation or industrial association;
>
> (f) representing or advancing the views, claims or interests of members of an industrial organisation or industrial association.

While industry also supports the intent of this bill, some industry groups are concerned about the wording of this definition. Under this definition, everyone would be constantly undertaking an industrial activity as, on any given day, every person is either a union member or they are not a union member. This wording has been described as clunky and very broad.

HIA has informed us, in relation to the wording, that:

> This seems to be unnecessarily complex drafting that is unjustified and confuses the issue when the previous definition that centred on membership or non-membership of an association or organisation was well understood.

The Canberra Business Council also has some concerns about the bill and have told us that:

> The Human Rights Commission Legislation Amendment Bill involves amendments to the Discrimination Act 1991.
>
> The major difficulty Canberra Business Council perceives with this amendment is not the range of situations to be covered under the definition of 'industrial activity' but rather selection of that term to replace the membership or non-membership phrase at Part 2 Section 7(1)(k) of the Act.
>
> These situations, which are meant to represent those circumstances which can be grounds for discrimination under this act, do not appear to be satisfactorily encompassed by the phrase 'industrial activity'.
>
> Council suggests a new phase is needed if all these situations are to be included in the amendment to this act as a replacement for the existing phrase. One alternative may be to include each of these circumstances as separate attributes under Part 2 Section 7, or a redraft may be needed.

It is in relation to this aspect of the bill that I flag I will be moving some amendments which have been circulated in my name that would deal with these concerns. We did ask that given these concerns this could be withdrawn. I think that would have been a better way to go to get this clunky definition right. I understand the government and the Greens will not be supporting that. As a result, I will be moving amendments to the bill in relation to industrial activity.

**MR RATTENBURY** (Molonglo) (12.20): This bill amends four pieces of legislation relevant to the powers and responsibilities of the Human Rights Commission. The amendments improve on the existing operations of the commission and the Greens will be supporting the changes.

The Human Rights Commission was created in 2005 and its experiences since that time in implementing the legislation have highlighted some practical areas where change is required. We have tracked through each of these practical changes and measured them against the commission's ultimate objective, which is to promote the human rights and welfare of people living in the ACT.

We are confident that the proposed amendments do enable that goal to be better met. There is one specific amendment that the Greens think has the potential to go further. That amendment relates to gender identity, which is the first of two new discrimination grounds to be inserted. The amendment is a step in the right direction and we welcome it.

However, there is some level of uncertainty as to whether the new definition will cover absolutely all the practical examples of discrimination faced by the gender-diverse community. The existing discrimination ground of "transsexuality" is replaced with "gender identity". This reflects accepted modern terminology and is a positive change to the law.

The issue is that the amendment retains the requirement for the complainant to prove they are a member of one sex and identify as another. This contrasts with a broader view that gender identity can and should be about more than the narrow sex-based criteria. There is the potential for a person's gender identity to be portrayed in such a way as to attract discrimination, but not actually to involve identification as a member of the other sex.

We did receive a briefing from government officials on the proposed new definition of gender identity and I would like to thank them for taking us through the provision and their understanding of it. The point was made in the briefing that other already existing grounds of discrimination may catch those people who are not protected by the gender identity grounds.

So much of gender and sexual identity law reform is a process of evolution, not revolution. I think this is a good example of that. The Greens are awake to the potential for gaps to exist in the current framework and we will be monitoring the situation as the new definition is put into practice in the ACT.

The remainder of the amendments are fully supported by the Greens on the basis that they allow the commission to go about its job more effectively. The requirement for the commission to act in a prompt and efficient manner is currently formally included in the Human Rights Commission Act. This is a proactive legislative approach that the Greens support.

However, experience since 2005 has shown that some of the time frames and decision-making processes dictated in the legislation are too tightly defined and are counterproductive. Today's amendments unwind to a small degree some of those formalised procedures used internally within the commission.

The amended procedures do, however, remain strongly rooted in ensuring a prompt and efficient Human Rights Commission. This is demonstrated by clause 18 of the bill. It clarifies that the commission need not consider a complaint where it has been withdrawn.

Whereas before the legislation would have required resources of the commission to be spent on formally concluding a withdrawn complaint, the commission will now be free not to consider it. Instead, resources will be devoted to those complaints where they are needed most. This clarification will help the commission to be more efficient in how it works.

I note that the scrutiny of bills report No 18 highlighted an issue that relates to what is physically done with the records of withdrawn complaints. This is obviously a matter of some importance in terms of the potential for complaints perhaps to damage the reputation of a person being complained of and the status of the documents once that complaint is withdrawn.

I note that the Attorney-General yesterday wrote to Mrs Dunne as chair of the committee. I have been provided with a copy of that letter. I appreciate the attorney's letter in clarifying the issues raised by the scrutiny of bills committee and I understand he will speak to that further when he stands later.

The amendments put forward today also strengthen the relationship between the commission, the Human Rights Commission and health profession boards. The commission and the various boards have a close working relationship governed by law. There are existing requirements for consultation between the two on complaints in which they both have an interest.

On the topic of health profession boards, I note that the recent discussions about the new national registration and accreditation scheme for health professionals has brought about some conflict, mainly between parties who have an interest in the ACT health complaints process.

The Greens note that the government intends to debate the scheme in March and our health spokesperson, Ms Bresnan, will address the substantial issues at that time. The amendments today strengthen the sharing of information. At the moment, boards have to provide the commissioner with information on relevant complaints, but the commissioner does not have the same requirements.

The Greens believe that the amendments before us are a positive step as they will ensure that the commissioner and the boards will have access to the same material at the same time. We do hope that once the amendments before us are enacted, the relationship between the commissioner and the boards will improve and that some of the anxiety boards are currently experiencing with regard to the introduction of the national registration and accreditation scheme will be relieved.

Finally, I would like to speak to the concerns expressed by Mr Seselja around the sections of the bill which propose to insert industrial activity as a ground of discrimination. Mr Seselja, as he indicated, would have preferred debate on the bill be adjourned so that the Attorney-General can have the concerns addressed.

The Greens do not share the concerns of the Liberal Party and we do not support adjourning debate on the legislation. The amendment would include industrial activity as a ground of discrimination and then go on to define the term. The definition is in line with the commonwealth Fair Work Act 2009 and the definition used in other jurisdictions.

Importantly, the definition does include both joining or not joining an industrial organisation, or participating or not participating in a lawful activity organised by an industrial association. This catches both positive involvement with an industrial organisation and the decision not to be involved.

The scope of the definition is important and the Greens welcome it. Discrimination on the basis of industrial activity should be included in the Discrimination Act, and we support that policy development. We do not share the concern that having non-involvement defined as industrial activity for the purposes of the Discrimination Act is problematic. We support the amendment on the basis that it offers protection to people who choose to engage in industrial activity but, importantly, also to those who choose not to. That is the scope the act should have, and we support the change.

In conclusion, the Greens support the bill. We believe it makes for a more efficient Human Rights Commission that is better able to perform its important work. On that basis, we will be supporting the amendments as proposed.

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

**Sitting suspended from 12.28 to 2 pm.**

## Questions without notice

### Canberra Hospital—resignations

**MR SESELJA**: My question is to the Minister for Health. Minister, it has been reported on the ABC that nine obstetricians have resigned from the Canberra Hospital in the last 13 months. This exodus has been described by the royal college of obstetricians and gynaecologists as "unheard of". Minister, at a briefing today you advised Mr Hanson that this number was actually five and the time frame was two years. Minister, which of these accounts is correct?

**MS GALLAGHER**: Nine obstetricians have not left the Canberra Hospital in the last 13 months. I will check the time frame, but it is certainly between 18 months and two years. Four of the resignations were registrars; they were not specialist obstetricians.

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

**MR SESELJA**: Thank you, Mr Speaker. Minister, when were you first made aware of these resignations, what advice did you receive and what action did you take?

**MS GALLAGHER**: I became aware of the resignations as this issue emerged, I believe, in December. I sought advice from my department about whether there were any concerns around the staff turnover in the unit and I was advised that there were not.

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

**MR HANSON**: Thank you, Mr Speaker. Minister, you said of the resignations, "People might say that they have left because they were disgruntled, but nobody has brought that to our attention." Will you confirm for the Assembly that at no stage were you aware that these resignations were linked to a dissatisfaction with the hospital?

**MS GALLAGHER**: Yes, I can confirm that. I received four letters from private obstetricians in Canberra on 21 and 22 December. In those letters the exact words being used—and they were letters saying, "We would be prepared to work at the hospital"—I think they all used the same words—"However, we have some concerns with the work environment."

I wrote back to those obstetricians and asked them to expand on what they meant by "work environment" and they chose not to reply to me. So I can very confidently say to you that in terms of resigning and anyone bringing to my attention that that was due to any issues with being disgruntled in the workplace environment I can honestly answer, as I have a number of times, that none of the specialists or registrars who moved to another training program brought that to my attention.

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

**MR HANSON**: Given that so many obstetricians or registrars had resigned, should you not have been aware that they had those concerns?

**MS GALLAGHER**: The reality is that there is staff turnover in any large workplace. Whilst the figure "9" sounds dramatic, it actually equated to 1.2 full-time equivalent staff in the unit. I think, even from a hospital management point of view, that would not be unreasonable. However, I think everyone is aware that people, including an obstetrician who has left the unit, have, since last Wednesday, brought to my attention concerns around the work environment at the Canberra Hospital, and that will be appropriately investigated.

## Laptops

**MR SPEAKER**: Members, before we continue with question time, when I ruled that laptops were allowed to be brought into the chamber, I made it quite clear that they should be on mute. I have heard a number of laptops this morning. I request members to use the mute function.

**Mr Hargreaves**: On that note, I apologise to members. But I am still waiting for some technical support to get it out because I am a geriatric.

**MR SPEAKER**: In which case, Mr Hargreaves, you should remove your laptop from the chamber until you can sort out your technical problems.

**Mr Hargreaves**: Point taken, Mr Speaker.

## Questions without notice

### Family and youth services

**MS HUNTER**: My question is to the Minister for Children and Young People. Minister, it is my understanding that the family services program and youth services program review discussion papers were sent to community service providers on Christmas Eve 2009 and that due to holidays and shutdowns some services did not receive their reports until well into the new year. Has the minister considered that the reform discussed in this paper involves serious policy and program change and that perhaps an extension beyond the closing date of 5 March is required to allow the community sector time to respond fully to these changes?

**MS BURCH**: I thank Ms Hunter for her question. With reference to youth and family support services, many of these contracts come to end on 30 June and indeed the department is looking at how to better align these previously separate streams of family support services and youth support services, and the purchasing framework is looking at how do we better align this in recognising that families are not necessarily separate from youth. I understand that the department has spoken with services. There has been a paper. There has been opportunity for consultation and feedback, and to 3 March I think provides a number of months for contact. Indeed, the conversation began with services before that paper went out, so services were aware that we were looking at a redevelopment and a realignment of those services. I think 30 March is a reasonable time. But if you think the sector are coming to you and saying that they need a little bit of time, just let me know and I will take it from there.

**MR SPEAKER**: Supplementary, Ms Hunter?

**MS HUNTER**: Minister, can you advise us how the review will take into account the role that government services such as health and education have within that broader system in the ACT?

**MS BURCH**: The discussion paper that was put out in December focused on the framework to be aligned, so we looked at the capacity of organisations to provide

services across the whole childhood and adolescent development span, an increased capacity for the non-government sector to work in partnership with the government and improved integration in the broader service delivery sector, including statutory services and the commonwealth—all with the view of improving the quality and alignment of the services. We expect a date for the commitment of these services to be in December this year and I understand that the current arrangements and agreements will be extended to allow for that.

So we have a consultative process that started in December, and before December, through to March, and contracts will be extended. As to how other government departments, and indeed the community sector, are brought on board, we will look to the feedback from the community sector and work through those as we go, not only extending the contracts but looking at the new purchasing arrangements.

**MR SPEAKER**: Supplementary, Ms Le Couteur?

**MS LE COUTEUR**: Does the minister acknowledge that, in setting a time frame for a major review of the policy, the needs and constraints of the consultation participants should be taken into account at the beginning of the process?

**MS BURCH**: It is my understanding that the consultative plan provided to current service providers and initial discussions started in December last year, with the discussion paper out in December and feedback in March. All service providers or all services captured are under this new purchasing framework; the department has had ongoing discussions with them. They are aware that their existing contracts will be extended, with the purchasing framework coming in line in October. That is our goal at the moment. And again, if the sector is finding limitations in responding to that, I ask you to bring that to me. I am certainly not aware of it through the department.

## Health—abortion advice

**MR HANSON**: My question is to the Minister for Health. Minister, it was alleged on the ABC news on 16 February that a patient at the Canberra Hospital was advised to have an abortion despite six other specialist opinions that stated the baby would be born healthy. Minister, will you confirm that this incident did occur, when were you informed of this incident, what advice did you receive and what action did you take?

**MS GALLAGHER**: That matter is currently being pursued through legal avenues and I have been advised that I am not able to comment, other than to say that, with respect to the case as presented on the ABC news, the story was one-sided. It is appropriate that the other side be heard, and it will be heard in court, if it gets that far.

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

**MR HANSON**: Thank you, Mr Speaker. Minister, in the same incident it is alleged that critical file notes were removed prior to the patient receiving her notes. Can you confirm that this is true and, if so, what action did you take over this matter?

**MS GALLAGHER**: As I said, that matter is being pursued legally. I have received advice from my department that differs to the presentation of facts as presented on

ABC TV. I think I had better leave it at that and allow a bit of natural justice here, which has not been followed, I do not think, in any way, shape or form over the last week.

**MR SPEAKER**: A supplementary, Mr Seselja?

**MR SESELJA**: Minister, given the allegations relating to this issue, did you deem it necessary for any sort of external review or inquiry at the time of the incident?

**MS GALLAGHER**: When I became aware of the matter, as reported, I sought advice from my department. I am satisfied that there is an alternative perspective which needs to be put. I would also say that, on any measure of any data available—and I include through the college, RCOG, and through the Australian Women's Hospital Alliance—Canberra Hospital has excellent clinical outcomes. And they have been improving every year. I have no reason to doubt the clinical standards or safety of that unit. I think the allegations, as they have been raised, have affected the reputation of that unit unfairly because certainly the data as presented—and if anyone goes and takes the time to have a look at it, including caesarean rates, including the level 3 and level 4 tears for women, vaginal birth after caesarean—if you have a look at that, you will see that the Canberra Hospital performs to the highest standards, comparable to any hospital in the country.

From time to time, there will be clinical incidents. Those will be reported. They are reported. There is a process in the hospital for that to occur. From time to time, patients will not be happy with the level of care they have received. Then it is appropriate that those matters be investigated but that they are investigated fairly and all the facts are on the table, not just one side, which is what has occurred over the past week.

## Parking—spaces

**MS LE COUTEUR**: My question is to the Minister for Territory and Municipal Services and concerns the greater Canberra city area action plan. Minister, the plan proposes building 3,300 new public car park spaces in Civic over the next six years. How is this consistent with the plan's stated goal of the majority of workers in Canberra city travelling there by foot, bike, public transport or car pooling?

**MR STANHOPE**: I thank Ms Le Couteur for the question. I would highlight at the outset that the plan is a discussion paper. It was produced very much with a mind to being used as the basis of a broad discussion with all interested parties and indeed with all stakeholders. In the context of the heart of our city, I think the stakeholder group is indeed the entire ACT population. I emphasise that this is a document that was crafted, designed, deliberately as a conversation starter, as a basis for discussion. Of course the government will welcome very much the views that you have, Ms Le Couteur, and that everybody in this place has around the issues that are raised. In the context of the issue that you go to—the question of parking and an assessment of parking needs within the city—it needs to be looked at in the context of other potential goals in terms of population that are also raised in the discussion paper.

Most particularly, Ms Le Couteur, you would be aware that the discussion paper also proposes that we seek over this next five to six years to double the resident population within the city. We are talking there about an increase from 5,200 to 10,400 over the next five years. In the context of parking and parking capacity, it needs to be understood that we are talking about a doubling of the resident population. The discussion paper also proposes that we develop plans or strategies that would lead over the next five years to, I think, a 25 per cent increase in the number of people working in the city. That computes at around an additional 12,000 workers.

I do not have this analysis, but in the context of the anticipated increase in parking spots, when one factors in the increase in resident population—the number of people living in the city—and the significant increase in workers, we are talking about an additional 5,000 people living and an additional 12,000 people, I think, working in the city. I will have to check that number. We are talking about an additional 17,000 people but only an additional 2,500 parking places. I think a discussion around parking, sustainable transport and a modal shift needs to be looked at in light of some of those other proposals in relation to the number of people that would be working in or living in the city. The question you raise is very much at the heart of the sorts of questions that we would like to be raised, Ms Couteur, over the next six weeks.

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

**MS LE COUTEUR**: Thank you. That 3,300 was only public car park spaces; it did not include any private ones that were part of the residences or the offices. Are you aware, minister, that progressive cities such as Brisbane have in fact stopped increasing car parks and satisfying parking demand and are redistributing these resources to more sustainable travel? Is that an approach that your government will take?

**MR STANHOPE**: Thank you, Ms Le Couteur. I am more than happy for the proposals in relation to the increase—you are quite right—in public parking to be subjected to the most rigorous scrutiny and analysis in terms of capacity for modal shift and expectations in relation to the time frame in which we can deliver modal shift. Over the last 10 years there has been a very significant, although from a very low base, change in transport methods to the city. We have, indeed, met our first sustainable transport plan target in relation to modal shift. As I say, I do acknowledge that it was from a relatively low base. We have met our first target. The next target will be much harder. I suppose, in an analysis of what is appropriate in relation to the provision of parking, we look at how realistic or reasonable the next target is, how we are going to achieve it and whether or not the continuing provision of additional public parking will militate against reaching our next target.

In the context of parking, it is an issue that is raised with me constantly and regularly, most particularly by retailers within the city. There is one group of stakeholders, Ms Le Couteur, who have very strong views that are much to the contrary of yours in relation to the amount of parking, and the government seeks to respond, of course, to all expressions or points of view. There is a very strong view expressed by, for instance, the Property Council and by other representative organisations, and most particularly by retailers and shop owners in the city, that there currently is not enough

parking and that, as a matter of urgency, we should provide more. There are shops that I enter around town from time to time where, before I can get my order in, I am asked about parking.

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

**MR COE**: Thank you, Mr Speaker. Chief Minister, do you have any plans to rezone existing free parking into pay parking anywhere in Canberra?

**MR SPEAKER**: Mr Coe, would you like to narrow the scope of your question. Ms Le Couteur's question was specifically about the Civic plan. I think your question is probably a little wide, but you are welcome to rephrase it if you wish.

**MR COE**: On the point of order: the question did have overtones about the provision of parking more generally, and the Chief Minister certainly spoke about the provision of parking more generally, not just limited to the city.

**MR STANHOPE**: Mr Speaker, I am happy to attempt to satisfy Mr Coe. Mr Coe, I have to say—and I will be careful so as not to mislead; I do not want a privileges committee established here—that I cannot recall, since the last budget—

**Mr Hanson**: You're really losing relevance, aren't you, Jon?

**MR STANHOPE**: Come on, jellyback. Sit still there, if you can. Part with the old jellyback, flop, flop, flopping around there in the chair—

**Mr Hanson**: Bullyboy, Jon.

**MR STANHOPE**: Give it a go, jellyback.

**Mr Hanson**: It stings me.

**MR STANHOPE**: I know it does.

**MR SPEAKER**: Chief Minister, will you refer to other members by their names.

**MR STANHOPE**: I am constantly intrigued by the vision of Mr Hanson dropping into the nearest deep hole that he can find whenever there is any issue that requires just a tad of courage. Mr Coe, I do not believe since the last budget that I have given any serious consideration to increasing either the quantum or the extent of pay parking. But, having said that, in the context of budgets and budget deliberations—our departments and agencies have been busy over a number of months now developing proposals for government in relation to this year's budget—at this stage I have to say I have not reviewed all of the proposals which my departments have put to me and I cannot say to you, Mr Coe, that there is not somebody, somewhere in government, that has not given consideration to these issues. On my own behalf, I have not, but it may be that in the varied issues that will be forwarded to government for consideration in a budget context—no directions have been given either that anything is on or anything is off the table in relation to issues—*(Time expired.)*

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

**MS HUNTER**: I note that this plan examines vehicle movements and promises to count cyclist movements annually. Why does not the plan also include regular pedestrian movement counts?

**MR STANHOPE**: Thank you, Ms Hunter. I am not aware of the formal reason for the discrimination against pedestrians in that way. I will take some advice on that and be more than happy to respond to it.

## Housing—public

**MR HARGREAVES**: My question is to the minister for housing. How is the government investing in public and community housing at the moment, minister?

**MS BURCH**: A thank you to Mr Hargreaves for his interest in public housing. As members will be aware, the federal Labor government has made a massive investment in social housing across Australia as part of its successful stimulus plan for the Australian economy—an investment that constitutes a down payment on the national target of halving primary homelessness in Australia by 2020. Across the nation $6.4 billion is being invested in social housing.

The ACT allocation is $93½ million for maintenance and new construction. The maintenance contribution from the commonwealth is $6.4 million over two years, and the first year's allocation was fully expended by June of last year and resulted in 143 properties being brought up to current accommodation standards and retained as public housing. A further $3.2 million will be spent in 2009-10 upgrading a further 116 residential units.

This comes on top of $20 million over 10 years that this government is investing in energy efficiencies for existing public housing. Together these initiatives represent a massive investment in our already well-maintained housing stock, improving the amenity and reducing costs for our tenants whilst driving sustainability improvements.

A further $87 million has been provided for the construction of new social housing developments in the ACT. In this area, I can report to members that the ACT is one of the leading jurisdictions in the pace and number of units. The ACT has commenced approximately 60 per cent of construction projects and is on course to commence 87 per cent by the end of June of this year.

This excellent achievement has been matched by the effectiveness of our expenditure of the commonwealth funding. Because of the contribution of territory-owned land that this government has committed to the project and given the highly effective procurement process rollout, we currently anticipate constructing more than 420 units. This represents an almost 20 per cent increase over our original agreement for 357 units and is 37 per cent higher than the Australian government originally identified for the ACT. I think that is outstanding. We have moved from 307 to over 420 units. As outstanding contracts are finalised and the last development approvals are granted, I expect that we will be making further improvements to these figures.

As a consequence of the efforts of both the ACT and the commonwealth governments under the social housing stimulus plan, we are about to achieve a very significant boost to social housing stock in the ACT. This will reduce homelessness and provide us with the flexibility to take on other aspects of the national reform agenda.

At the same time, we have safeguarded employment for the skilled tradesmen and apprentices in the territory, protecting the capacity of the construction industry and underpinning the performance of the ACT economy. As members will be aware, the recent survey of economic growth in the states and territories showed the ACT as the second strongest performer, based in substantial part on the performance of our construction sector.

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

**MR HARGREAVES**: Thanks very much, Mr Speaker, and I thank Mr Coe for his forbearance, because he is, after all, one of God's chosen children.

**MR SPEAKER**: Thank you, Mr Hargreaves.

**Mr Hanson**: How was lunch, John?

**MR HARGREAVES**: I do not know; you were there.

**MR SPEAKER**: Order! Mr Hargreaves—

**MR HARGREAVES**: You were at the pub, mate. I walked past and there you were.

**MR SPEAKER**: Order! Mr Hargreaves, the question, thank you.

**MR HARGREAVES**: I don't know. Good on you, Greg! Mr Speaker, could the minister advise the Assembly of the impact of this and other initiatives on homelessness in the ACT, please.

**MS BURCH**: Thank you for your continued interest in housing. A key focus in this spending is the reduction of primary homelessness in the ACT. To this end, we will be tracing the tenancy pathways for units constructed under the program. Given that a number of units will be targeting older persons and those with disabilities, they may be allocated to existing housing tenants. However, by tracking these tenancies, we will be able to ensure that the units vacated will be used to target homelessness in the territory.

Mr Speaker, in addition to the new constructions, we are maintaining our support for homelessness services in the territory. In 2009-10, a total of $18.575 million has been made available by the ACT and commonwealth governments for direct funding for homelessness services in the ACT. There will also be $20.128 million available for the period 2008-13 for homelessness services through the homelessness national partnership agreement, including "A place to call home". The funding will be for new programs and to expand existing ones as well as increasing the amount of social housing stock with the purchase of new properties.

There are 59 funded homelessness services in the ACT, including 27 accommodation services; 10 outreach services; 21 support services, which include free food; and one capacity building service. Homelessness services have the capacity to provide a total of 340 supported accommodation places per night to young people, singles and families. This is a notable increase from the 254 places that were available in 2006.

"A place to call home" is a commonwealth funded program under the national affordable housing agreement which will provide for 16 dwellings to be allocated in a housing-first approach. This approach directly allocates properties to homeless families, wrapping services and support around them to ensure a stable home for as long as is required.

**MS PORTER**: A supplementary.

**MR SPEAKER**: Yes, Ms Porter.

**MS PORTER**: Thank you, Mr Speaker. Could the minister advise the Assembly of how these initiatives will improve housing for the elderly and those with a disability?

**MS BURCH**: I thank Ms Porter for her interest. An initiative of this magnitude for our housing stock has the potential to make a huge change for some of our most vulnerable tenants, and we are taking full advantage of this opportunity.

I can inform members that 420 properties will be constructed to universal design standards, making them suitable for tenants with mild disability and mobility problems; 323 of these units will be fully class C adaptable, able to accommodate the majority of our disability tenants and those on our waiting lists. Also, as part of the stimulus plan, a development in Hackett specifically designed to accommodate residents with a disability with support from a live-in carer will be run by the Uniting Church. In addition, under our "maintenance of effort" program, we are currently constructing a further two properties in Ainslie and Narrabundah, with support provided by Disability ACT.

As members can now appreciate, the combined efforts of the commonwealth and ACT governments is delivering a massive boost to social housing, a boost that will assist those in the community who are most in need—the homeless, the elderly and those with a disability. At the same time, it will deliver a construction program that underpins the economic health of the territory.

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

**MS BRESNAN**: Thank you, Mr Speaker. Will there be an impact on the overall housing stock numbers, including public and community housing, when the changes come through from the federal-state arrangements and the federal stimulus funding ends?

**MS BURCH**: We expect to have an increase in stock and we will maintain effort beyond the end of the stimulus package. I think the figures are coming up towards 12,000 or thereabouts, depending on the final number. I would like to remind the

Assembly that this government is around increasing social housing stock—that is, public housing and community housing. We will continue to do that under the commonwealth and ACT partnership, but we will continue to do it beyond that, which is quite a different scenario to when those opposite were last in government. They thought the answer to social housing was to get rid of the portfolio of 1,000 housing stock. Sometimes I think I should go back and look with interest at the impact of homelessness and other social problems when I think Mr Brendan Smyth was responsible for eradicating, getting rid of, 1,000 units out of our housing stock.

**Ms Gallagher**: Shame!

**MS BURCH**: Can I say: shame on anyone with a social conscience that did that.

## Health—bulk-billing

**MR DOSZPOT**: My question is to the Minister for Health. Minister, I refer you to chapters 10 and 11 of the Productivity Commission's report on government services 2010 that was published in January of this year.

Minister, the report indicates in chapter 11 that the ACT has the lowest bulk-billing rates in the country. How long have you been aware of this, and what action are you taking to improve the bulk-billing rate?

**MS GALLAGHER**: I do find it interesting that the Liberal Party locally believe that the ACT government can improve the rate of bulk-billing when we have none of the levers. Indeed, I think Mr Hanson himself has agreed that we do not have the levers to improve the bulk-billing rates.

**Mr Hanson**: Where have I said that? I'd like to see that quote.

**MS GALLAGHER**: I will find it for you, Mr Hanson. We are going over everything you have said, because most of what you say is—

**Mr Hanson**: I certainly would agree that you don't have "all" the levers, minister.

**MS GALLAGHER**: You are very flexible with the truth—let us just say that—in some of the things that you go on and say. The bulk-billing rate in the ACT is the lowest in the country, I believe—47 per cent at this point in time, after a four per cent drop in the last full quarter—and that is cause for enormous concern. I think I could table in this place probably more than 10 letters I have written to the commonwealth about this, the low bulk-billing rates and the low GP numbers. I have met with the federal minister of this government and the previous government a number of times to talk about the issues faced here in the ACT and around our bulk-billing rate.

But I just cannot believe that the Liberal Party do not understand that the decision around whether or not a patient is bulk-billed can only be taken by the medical practitioner. They are the ones that determine whether or not to bulk-bill a patient. It is not something governments can control. It is not something we can increase—and I imagine, if we tried to influence it and direct doctors to bulk-bill, we would be in all sorts of bother. So I stand here and say to you that I have done absolutely everything I

can to support doctors in this territory to provide a good level of care and, where it is needed, to provide bulk-billing services. I guess the flip side would be: what have you guys done? Nothing. As usual, nothing.

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

**MR DOSZPOT**: Minister, what is the government's target bulk-billing rate?

**MS GALLAGHER**: Sorry, what was the question?

**MR DOSZPOT**: Minister, what is the government's target bulk-billing rate?

**Mr Stanhope**: What's yours? What's the opposition's?

**Mr Doszpot**: We're asking the question, Jon.

**MR SPEAKER**: Order, members!

**Mr Hanson**: How about we'll get to the national average.

**Mr Stanhope**: What's the opposition's target?

**MR SPEAKER**: Order, Mr Hanson and Mr Stanhope!

**MS GALLAGHER**: Mindful of the fact that New South Wales is 84 per cent, I believe, any improvement from where we are would be welcome. But I would certainly believe that somewhere around the national average would be welcome. Again, you have to look at the ACT; you have to look at the reasons why doctors are not bulk-billing all of their patients. I know for a fact that if general practitioners know that someone cannot afford to pay then they bulk-bill them. But GPs in this town also have a right to earn an income and, where they need to and where they know a patient can afford to pay, they charge them. That is not unusual in other business models that exist in the private sector.

However, I would like to see an improvement in the bulk-billing rate. I think the decline was due to the ceasing of Primary's universal access to bulk-billing, and it was the first full quarter in which that decision came into effect. With respect to some of the measures we have put in place, particularly when we open the walk-in centre, that will not increase the bulk-billing rate; what it will mean is that for those people who genuinely struggle and need access to free out-of-hours care for less urgent conditions, they will have a place to go. If the model works, we would look to expand that out across the ACT.

**MR SPEAKER**: A supplementary, Mr Hanson?

**MR HANSON**: Thank you, Mr Speaker. Minister, can you confirm that your government's position then with regard to bulk-billing is that there is nothing that you can do and there is nothing that you will do?

**MS GALLAGHER**: The government's position—and indeed the Assembly is very aware of the measures that we have taken over a number of years to support our primary healthcare service system. It is not just GPs. We have very good community health care in the ACT—one that rivals, I think, almost every other jurisdiction in terms of access to community health care. The government has prioritised a number of commitments to support primary health care in the territory. We have been extremely active in this area. It is in our interests for the acute system to be supported by a really well-functioning primary healthcare system. That is the government's priority. That is what we are working on and that is what we will continue to do—and that is the end of the answer.

**Mr Hanson**: Mr Speaker, on a point of order: the question went specifically to bulk-billing, Minister.

**MR SPEAKER**: A supplementary, Mr Hanson?

**MR HANSON**: Yes, Mr Speaker. Minister, when you previously stated with regard to GPs that there was nothing that you could do to address the declining numbers, were you wrong when you said that?

**MS GALLAGHER**: No, I was not wrong, because the government do not control the number of training places. We do not control the number of medical students going into the training program. We do not control the Medicare provider number. They are the things that control GPs and numbers of GPs. I stand by our comments. Anyone who understood the divide between commonwealth-territory relations would understand that. The commonwealth has jurisdiction in this area. The task force has identified—and the government has accepted a number of the recommendations—issues to support the existing general practice and, hopefully, entice people into GP training.

**Mr Hanson**: Yes, so increase the number of GPs.

**MS GALLAGHER**: All of that work has been underway for a number of years, Mr Hanson. As to whether I can solve the GP shortage and whether I can increase bulk-billing rates, the answer is no. Mr Hanson, if you were the health minister, you would have to stand up here in this place and tell the truth as well.

## ACTION bus service—Nightrider service

**MS BRESNAN**: My question is to the Minister for Transport and concerns the ACTION Nightrider service. In promotional material for Nightrider and new year's eve in the city, the government encouraged people to take the Nightrider bus home as a means to lower drink driving rates. The AFP has also stated that "good public transport services also help us reduce antisocial behaviour in Civic". Minister, what consideration has the government given to expanding the Nightrider service so that it is all year round?

**MR STANHOPE**: I thank Ms Bresnan for the question. Ms Bresnan, in relation to Nightrider I can just give at this stage a quick summary of what was provided in this

last Christmas/new year's eve time. It was a service that operated on two weekends, Christmas and new year's eve, at a cost of $41,000 and transported 1,400 passengers. So over the course of two weekends and one day it did transport 1,400 people and it did cost $41,000. That was taking into account revenue of $14,000.

In the context of uptake and use and cost and the prioritising of costs that most particularly ACTION is involved in in relation to its overall budget, we have taken a decision that, whilst a very valuable service and something in an ideal world of course we would probably like to run every weekend of the year, in the context of that simple equation that governments are confronted with every time they provide a service, we do look at the cost and the benefit. We look at the uptake, the utilisation rate. We look at the cost, and we of course look at the other priorities that government and our agencies look at when they seek to disburse available funds. It is as simple as that.

Ms Bresnan, I would not hesitate to increase the service. But the money would have to come from some other part of ACTION, and we have taken a decision that this is, in the context of other priorities, an appropriate service. But I would love it to be more, too.

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

**MS BRESNAN**: Minister, given the government's commitment last sitting week, through the alcohol-related violence motion, to provide a new round of affordable public transport options, can you please advise whether this support includes public transport options after midnight on Friday and Saturday nights?

**MR STANHOPE**: I will take some further advice on the range of options that will be considered. I would go back and say that, heavy in the mind of decision makers, most particularly in government and particularly in ACTION, is the cost and the uptake. It is always an issue.

I make the point in relation to Nightrider that it cost $41,000 for two weekends and one evening for 1,400 people. If you extrapolate that across the year, the cost would be whatever. But it is moneys that would have to come from other parts of ACTION's operations. The cost of the service as against the revenue at a $10 fixed fare was three times higher. That was the level of subsidy that was provided. The degree or level of subsidy provided by the people of Canberra for the provision of that service was three times the revenue that was received by the government for the provision of that service.

**MS HUNTER**: A supplementary?

**MR SPEAKER**: Yes, Ms Hunter.

**MS HUNTER**: Minister, given that the Nightrider services do not run throughout the year, has the government considered that passenger numbers would improve if the service ran consistently, thereby allowing people to develop responsible public transport habits when enjoying a night out?

**MR STANHOPE**: I do not know what detailed analysis has been done around passenger change, drinker or drinker driving behaviour as a result of the provision every week of a Nightrider service of that order. But I would think intuitively, Ms Hunter, that, yes, it would have an impact on people's planning and attitude to public transport. Once again, so would the provision of a bus from every suburb every 15 minutes throughout the day. It is simply a question of our capacity to pay and the degree of general public subsidy that it is reasonable to apply. I have no doubt that your premise is probably sound. Yes, it would result in behavioural change, but probably at a cost at this stage that we do not believe it is reasonable to ask the people of Canberra to bear, as against other priorities.

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

**MS LE COUTEUR**: Thank you. Chief Minister, in your analysis you are talking only about the cost to ACTION in running Nightrider. Have you looked at the whole-of-government costs and benefits, in other words the reduction of police expenditure and hospital expenditure due to people being able to safely exit Civic at night?

**MR STANHOPE**: My colleague the attorney would like to provide some insight into this particular issue.

**MR CORBELL**: The key issue that the Greens are missing in their line of questioning here is that there is not just an obligation on the part of the public sector to provide transport options. Yes, there is an obligation consistent within the constraint requirements and restraints faced by the territory. But there is a real failure to acknowledge that there are costs associated with the failure of licensees to deliver adequate transport choices as well. The government's view is that licensees should share the burden of getting people home safely. Licensees make a profit from selling those people alcohol and they should share the responsibility. It should be a shared responsibility. Licensees who sell people drinks should share the responsibility of getting those people home safely, in the same way that licensees should share the cost of increased policing requirements as a consequence of their commercial activities.

That is why the government has embarked on the liquor licensing reforms that it has focused on. Risk based licensing involves the liquor industry sharing the cost and sharing the responsibility, and that includes sharing the responsibility of getting people home safely.

## Health system—performance

**MR COE**: My question is to the Minister for Health. Is the ACT health system performing well compared to other jurisdictions in the key performance indicators included in the Productivity Commission's recent *Report on government services 2010*?

**MS GALLAGHER**: Yes, the ACT health system performs very well against a whole range of measures. If you look at expenditure, our costs are coming down. If you look at output, our output is increasing all the time.

**Mr Hanson**: We spend more than any other jurisdiction per capita and our costs are increasing at a greater rate than any other jurisdiction—

**MS GALLAGHER**: When Mr Hanson's party was—

**Mr Hanson**: at 11.1 per cent.

**MS GALLAGHER**: Mr Speaker, Mr Hanson has consistently and constantly interjected every time I have been asked a question. I am the target, as usual, of the question time bonanza from the opposition, and I have no problem with that. In fact, on the rare—

**Mr Hanson**: You're the Treasurer, you're the Deputy Chief Minister and you're the health minister.

**MR SPEAKER**: Order!

**Mr Coe**: So we shouldn't scrutinise the government?

**MR SPEAKER**: Mr Coe!

**MS GALLAGHER**: In fact, on the rare occasions that the opposition stray to other ministers, I actually feel a little left out. So I have no problem with answering the questions at all; it is like being hit with a piece of wet lettuce. But I would like the opportunity to answer the question without being shouted at across the chamber, because then it requires me to shout, Mr Speaker, and I like to try and keep a fairly calm persona in this chamber. But that is almost impossible when those clowns opposite continue to behave like this.

**Mr Smyth**: It's a good answer. You've wasted half the time.

**MS GALLAGHER**: Indeed. I have taken over a minute to explain this because I think it needs to sit in the *Hansard* forever that this group of opposition members behave like children in question time every single time that we sit.

In relation to the health system, I welcome the opportunity to talk about how well our health system is performing because, again, those opposite seem to get some bizarre thrill out of a scare campaign about how poor the health system is here in the ACT. I think it is a favourite one of Mr Hanson's misleads, or let us say flexible truths, that we have the worst health outcomes in the country.

**Mr Smyth**: On a point of order, Mr Speaker, if Mr Hanson has misled then the minister is obliged to, if she so chooses, move a censure motion. But she just can't say he misled—

**MR SPEAKER**: We discussed this this morning, Mr Smyth, in your absence.

**Mr Smyth**: Yes, I understand you did, and she should withdraw it.

**MS GALLAGHER**: Mr Speaker, I withdraw that claim, and rest assured that I am going over all of Mr Hanson's comments because there is a fair bit of flexibility and inaccuracy in the comments that he makes, both in the media and in this place. But on all measures, in terms of our clinical outcomes, we in this place should be very proud of our health system and of the clinicians and all the staff that work across it. In terms of the areas of pressure, they are in timeliness around the emergency department, which is quite different to health outcomes, which Mr Hanson fails to understand, and in terms of non-urgent elective surgery. Those are two areas of pressure for the health system. But that is not a health outcome.

**Mr Hanson**: I have a point of order, because the minister is talking about health outcomes and the question was specifically about the key performance indicators. So I would ask her to refer to those. She is talking about health statistics, perhaps, and the fact that, as a health jurisdiction, they are the health outcomes. We are talking about the key performance indicators of the performance of our health system, which are the subject of the Productivity Commission's report. So she is skewing this by saying that the health outcomes that we are talking about in terms of mortality rates and life expectancy may be good but that is not—

**MR SPEAKER**: Mr Hanson, which standing order are you seeking to make your point of order on?

**Mr Hanson**: This is a point of order on relevance. She is not answering the question because we are not asking a question about those health outcomes; it is about the key performance indicators of the health system.

**MR SPEAKER**: I think, Mr Hanson, you are debating—

**Mr Stanhope**: So performance indicators, not outcomes.

**MR SPEAKER**: Order! I think, Mr Hanson, you are debating the substance of Ms Gallagher's answer rather than the point of order. Ms Gallagher, you have some time remaining, if you wish.

**MS GALLAGHER**: Thank you, Mr Speaker. I think I have answered the question.

**Mr Smyth**: No, you haven't.

**MS GALLAGHER**: Well, I have. With respect to all the performance indicators—and these include clinical indicators—the ACT health system performs very well. There are areas of pressure in the emergency department and in elective surgery in terms of access and timeliness, and we are working on that. But that does not translate into poor health outcomes, which is a line that Mr Hanson continues to run in the media.

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

**MR COE**: Minister, which particular or specific indicators in the report support your assessment?

**MS GALLAGHER**: There are a whole range of indicators in that report. I do not have the Productivity Commission's report here. But we are the healthiest community in the country. We do not just use the Productivity Commission's analysis—

**Mr Seselja**: You have been asked about the Productivity Commission report and you said it was good.

**MS GALLAGHER**: Thank you, Mr Seselja. We do not just use, and you should not just use, the ROGS data to measure the health of a health system. You should look at all the indicators and all the measurements, including our quarterly performance report that is on the internet and publicly available and our annual report which is there and publicly available.

I would challenge anyone to stand up in this place and say that we do not have a good health system here. That is what you should do. You should stand up and move a motion that we have a poor health system if that is the line that you are going to run. The thing is that you are cowards and you will not do it. And I do not think you believe it either.

**MR SPEAKER**: A supplementary, Mr Hanson?

**MR HANSON**: Thank you, Mr Speaker. Minister, when can Canberrans expect the government to provide shorter elective surgery waiting lists, more dentists, shorter emergency department waiting times and increased levels of bulk-billing?

**MS GALLAGHER**: I think I have explained the issue on bulk-billing. No territory government of any political colour will be able to influence or control the bulk-billing rate.

In relation to the elective surgery rate, our number has already improved. I think the ROGS data had it at 72. The current data is 63 and I expect further improvement on that. As I have explained in this place a number of times, I could stop access or focus the elective surgery program on those people who have just joined the list. If we were to take that policy decision our numbers would improve out of sight tomorrow, because it is a measure of people's time who are removed from the list. Again, that is not necessarily the only measure of how your elective surgery program is performing.

In relation to the emergency department waiting times, those numbers have been improving over the past year and I expect that they will continue to improve. I thank the staff who have delivered that outcome. Again, in the areas of pressure where we have been working, investing, listening to staff and changing models of care, we are seeing improvements. Those improvements should be welcomed.

**MR HARGREAVES**: A supplementary, please, Mr Speaker?

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

**MR HARGREAVES**: Thank you very much, Mr Speaker. My question of course is to the Minister for Health. Given that the ROGS data, the Productivity Commission's

data, is about the landscape of the health of the ACT generally speaking in health services, could the minister let us know whether there has been any improvement between, say, the year 2000, when there was mayhem running riot in the Liberal government's time, and now?

**MS GALLAGHER**: One of the most significant indicators that you will see in terms of a change over that time is the reduction in costs, that is, running a much more efficient health system, which we have to do if we are able to meet the health needs of our city.

When we came to government, the costs of running the health system were 30 per cent higher than the national average. Those costs are now down to 106.6 per cent—6.6 per cent still. So we have seen a 24 per cent improvement in efficiency of the system. At the same time, our output has almost doubled—

*Opposition members interjecting—*

**MR SPEAKER**: Order!

**MS GALLAGHER**: In fact, I think it has more than doubled—and the budget has doubled as well.

*Mr Hanson interjecting—*

**MS GALLAGHER**: Again, when you look at the throughput of what is coming through our emergency departments, what is coming through the elective surgery program—

*Mr Hanson interjecting—*

**MR SPEAKER**: Order, Mr Hanson!

**MS GALLAGHER**: doing in excess of 10,000 procedures last financial year, when I think what you were doing in Mr Smyth's government was somewhere in the order of 4,000 or 5,000. We have doubled the program. We have commissioned operating theatres. We have 10,000 people being removed from the list—

*Opposition members interjecting—*

**MR SPEAKER**: Order, members!

**MS GALLAGHER**: at a time that 10,000 are joining it. Despite this continuing growth in demand, and the fact that we have had to replace 114 beds from the Liberal government, that were removed under Mr Smyth's deputy leadership, or wherever he was—

*Mr Smyth interjecting—*

**MS GALLAGHER**: We have tabled them a number of times—114 extra beds. We have had to fix up the mistakes. And the health system is performing well.

## Gaming—sale of Labor clubs

**MR SMYTH**: My question is to the Minister for Gaming and Racing. Minister, have you received the report detailing the results of the investigation of the proposed sale of the ACT Labor clubs; and, if so, will you table this report for the benefit of all members? If not, why not?

**MR BARR**: No. I am yet to receive the report but I have written to the commission, asking for the report to be made available to me as soon as possible.

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

**MR SMYTH**: Thank you, Mr Speaker. Minister, when do you expect to receive the report?

**MR BARR**: Shortly.

**Mr Smyth**: Is that a Ted Quinlan shortly?

**MR SPEAKER**: Order, Mr Smyth! You asked your question. Mr Seselja, a supplementary question?

**MR SESELJA**: Thank you, Mr Speaker. Minister, what will be the arrangements and the time frame for the release of the report once you have received it?

**MR BARR**: I will make that determination in due course.

## Home insulation program

**MRS DUNNE**: My question is to the Attorney-General, the Minister for Police and Emergency Services and the Minister for the Environment, Climate Change and Water. Minister, in a letter you sent to Assembly members on 17 February 2010 you explained why you were not aware of the history of the development of the commonwealth's insulation installation program. Minister, the code of conduct for ministers sets out how ministers are to ensure appropriate accountability in the administration of their portfolios. Minister, what reasonable steps did you take to ensure that the factual content of your statement to the Assembly on 11 February was soundly based?

**MR CORBELL**: I received a detailed briefing from the chief executive of my department and relevant officers on the morning of that sitting where I asked to be briefed in full in relation to all of the issues I should be aware of prior to answering questions in the Assembly that afternoon. I think that is an entirely appropriate and responsible thing for a minister to have done.

**MRS DUNNE**: A supplementary question, Mr Speaker?

**MR SPEAKER**: Yes, Mrs Dunne.

**MRS DUNNE**: Minister, did you actually ask your department whether there were any documents relating to the government's insulation program prior to answering questions in this Assembly on 11 February; and, if not, why not?

**MR CORBELL**: Because I cannot read your mind, Mrs Dunne.

**MR SPEAKER**: A supplementary, Mr Seselja?

**MR SESELJA**: Thank you, Mr Speaker. Minister, why did you emphasise that an intergovernmental meeting that took place in late April 2009 was attended by a relatively junior officer from ORS?

**MR CORBELL**: Because that was the advice I received, Mr Speaker.

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

**MR SMYTH**: Minister, what is the nature of each of the documents that you have obtained from the commonwealth relating to the insulation installation program?

**MR CORBELL**: I am not aware which documents Mr Smyth is referring to. He will need to be more specific.

## Environment—Earth Hour

**MS PORTER**: Mr Speaker, my question, through you, is to the Minister for the Environment, Climate Change and Water. Minister, can you please outline to the Legislative Assembly the involvement of the ACT government in Earth Hour 2010?

**MR CORBELL**: I thank Ms Porter for the question. I was very pleased yesterday to launch Earth Hour 2010 in the ACT where I was joined by representatives from the business community and two of this year's Earth Hour ambassadors, Lauren Jackson and Carrie Graf of the Canberra Capitals. I am sure all members would join me in wishing them well in the sudden-death semifinal I think this weekend in Sydney. May they be successful for a back-to-back grand final against Bulleen next month.

In 2010, Earth Hour will take place at 8.30 on Saturday, 27 March. The theme of Earth Hour this year is earth hour, every hour. The event will focus on broader ongoing sustainability measures, as well as, of course, the need to continue to tackle greenhouse gas emissions.

The ACT government is involved in the program through taking a lead in the organisation of its promotion and working in partnership with a range of other organisations, including Canberra CBD Ltd, the ACT and Region Chamber of Commerce and Industry, the Property Council of the ACT, the Canberra Business Council and the restaurant and catering association of the ACT—as well as, I am pleased to say, the *Canberra Times* and, of course, the lead sponsor, ActewAGL.

We are very grateful for the support of all of these sponsors in promoting the important message of Earth Hour. In the past Canberrans have shown a very strong willingness to be involved in this program. Indeed, in 2008-09 we had the highest participation rate of any city in the country, with over 62 per cent of all Canberrans choosing to participate in some way.

This year we will be continuing to actively promote Earth Hour. The ACT Department of Education and Training, I note, will be promoting Earth Hour through schools, which is fantastic in terms of engaging young people in this very important message. The government will continue to support and work with these other organisations in promoting this very important event.

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

**MS PORTER**: Thank you, Mr Speaker. Minister, how can the community become involved in Earth Hour?

**MR CORBELL**: Again I thank Ms Porter for the question. The important thing is that Canberrans can register to be involved in Earth Hour through the Earth Hour website. That is very important in terms of highlighting the level of participation that is occurring in our city.

However, there is more than just that way in which Canberrans can be involved. Canberrans can also take advantage of many of the ACT government's own programs to help improve energy efficiency at home and the general sustainability of living at home. For example, later this year I will be announcing a range of grants to community organisations as part of our community energy grants programs. These are worth up to $25,000 each to community organisations to install renewable energy generation as part of their operations. It is a great opportunity for community groups to get involved in the message around Earth Hour in an ongoing way.

Equally, people in the community can take advantage of the HEAT scheme here in the ACT. For $30 you can get a full energy assessment of your house—a home energy assessment in your house—to look at ways in which you can improve the operation of your home, to reduce energy inefficiency. I know that a number of members in this place have taken advantage of that. It is a very effective program and one that also allows you to take advantage of a $500 rebate from the government if you spend a certain amount of money as part of your home energy improvement.

The government is making opportunities available to Canberrans to further improve energy efficiency at home and carry the message of Earth Hour into every day of the year.

**MR HARGREAVES**: A supplementary, Mr Speaker?

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

**MR HARGREAVES**: Noting that, with the exception of Ms Le Couteur who is sitting here riveted to your answer, minister, and the Greens' disinterest otherwise,

can the minister outline how much greenhouse gas emissions are reduced by Canberrans' participation in Earth Hour?

**MR CORBELL**: Of course Earth Hour is a symbolic act designed to encourage and galvanise action and raise awareness around the issues of climate change. But it does have a meaningful impact. During the last Earth Hour, we achieved a reduction in electricity use of around 9½ per cent of the city's total energy consumption or about 27 tonnes of greenhouse gas avoided for just that one hour.

If we were to achieve that sort of reduction each and every hour, of course the savings could be much more significant. That is, of course, what the purpose of Earth Hour is, to encourage that awareness that occurs that particular hour for that particular day to become part of a normal pattern of living throughout the year. And with more people taking up their involvement in Earth Hour, the more likely we are to see those types of reductions sustained as people take individual action to drive down their own emissions.

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

**MS LE COUTEUR**: Yes. Continuing on from that, I understand the government actually makes some efforts to reduce energy use in Earth Hour. Why is it only in Earth Hour? Why isn't it 24 hours a day, seven days a week, 365 days a year? Why is it Earth Hour, not earth year, for the government?

**MR CORBELL**: I reject that. The government continues to improve energy efficiency in its operations as part of its ongoing activity. Obviously, the symbolic steps that are taken during Earth Hour can be—and are—implemented in a range of ways across ACT government operations. The ACT government are continuing to increase its purchase of green power for its operations. We are continuing to improve energy efficiency in government buildings in a range of ways. These are ongoing activities of the government; they are not constrained just to Earth Hour for that one day.

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

## Supplementary answer to question without notice
### Family and youth services

**MS BURCH**: Can I add to a question by Ms Hunter in relation to the purchasing framework and the notice to service providers? Whilst we were sitting here, my department gave me an update. We are aware now that a few services did not receive the paper until shortly after a number of other services and, given that, the deadline has been extended to 17 March and the department is working with individual services if they want extra time on top of that.

## Answer to question on notice
### Question No 434

**MR COE**: I seek an explanation under standing order 118A as to why question on notice 434 has not been answered.

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): From which minister?

**MR COE**: From Mr Stanhope.

**Mr Stanhope**: What was that about?

**MR COE**: 434, dead running of buses.

**MR STANHOPE**: Mr Coe, I apologise. I will actually check my own papers. I cannot give you an explanation because I am not quite sure what it is. I apologise that it is overdue, but I will deal with the issue.

## Papers

**Madam Assistant Speaker**, on behalf of **Mr Speaker**, presented the following papers:

> Standing order 191—Amendments to:
>
> Domestic Animals Amendment Bill 2009, dated 15 February 2010.
>
> Health Legislation Amendment Bill 2009, dated 12 February 2010.
>
> Planning and Development Amendment Bill 2009 (No. 2), dated 15 February 2010.
>
> Revenue Legislation Amendment Bill 2009, dated 12 February 2010.
>
> ACT schools—Procurement and purchasing policies and practices—Response to resolution of the Assembly—Letter from the Minister for Education and Training to the Speaker, dated 19 February 2010.
>
> Commonwealth insulation instalment program—Answer to question without notice asked on 11 February 2010—Further advice—Letter from the Attorney-General to the Speaker, dated 17 February 2010.

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

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

> Financial Management Act, pursuant to section 17—Instrument varying appropriations relating to Commonwealth funding to the Department of Treasury, including a statement of reasons, dated 15 February 2010.

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

Leave granted.

**MS GALLAGHER**: As required by the Financial Management Act 1996, I table an instrument issued under section 17 of the act. The direction and a statement of reasons

for this instrument must be tabled in the Assembly within three sitting days after it is given. Section 17 of the act enables variations to appropriations for any increase in existing commonwealth payments by direction of the Treasurer.

The Department of Treasury has received $2.38 million in additional funding from the commonwealth for the first homeowners boost. This increase in funding is due to the extension of the scheme by the commonwealth to 31 December 2009. This extension was announced after the release of the ACT budget. The increase in appropriation is required to fund the additional first homeowners boost payments being made by the Department of Treasury, and I commend the instrument to the Assembly.

## Paper

**Mr Corbell** presented the following paper:

> ACT Criminal Justice—Statistical Profile—December 2009 quarter.

## Outlaw motorcycle gangs
### Paper and 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) (3.11): I present the following paper:

> Outlaw motorcycle gangs—Human rights compliance of legislative responses to bikie gangs—Copy of letter to the Attorney-General from the Human Rights and Discrimination Commissioner, dated 24 August 2009, pursuant to the resolution of the Assembly of 1 April 2009.

I move:

> That the Assembly takes note of the paper.

Last year, the Assembly passed a motion that required the government to advise the Assembly on the nature and operation of existing territory laws used to combat organised crime groups. The government was also asked to examine the legislative responses adopted by governments in other Australian jurisdictions to tackle serious organised crime, particularly in New South Wales and South Australia. The motion also required the government to report on any human rights issues raised by legislation that bans certain organisations from criminal activity.

On 24 June last year, I tabled the government report to the ACT Legislative Assembly *Serious organised crime groups and activities*. In preparing the report, I sought the advice of the Human Rights and Discrimination Commissioner on the way human rights issues might be raised by outlaw motorcycle gang legislation that other jurisdictions have adopted. This advice was sought to ensure that any legislative response by the territory was informed, reasonable and compatible with our human rights obligations.

The commissioner's advice is a detailed and thorough assessment of the legislative responses that the South Australian and New South Wales governments have taken in recent years targeting outlaw motorcycle gangs. In her advice, the commissioner concludes that it is unlikely that a legislative response similar to that of the South Australian and New South Wales anti-association laws to outlaw bikie gangs would be compatible with our obligations under the Human Rights Act 2004. The government agrees with the commissioner's position that the anti-association laws are too great an impediment on human rights. As I have previously indicated, the banning of organisations in other Australian jurisdictions is a grave and extraordinary step by the respective legislatures and it is not something that the government considers necessary in the territory.

Consequently, the government will not be adopting the onerous and draconian laws of South Australia and New South Wales which some members of this Assembly have previously called for. As members would be aware, during the debate in the Assembly on serious organised crime last year, I announced the government's intention to introduce amendments to strengthen the territory's ability to combat serious organised crime.

The report also detailed possible legislative changes that the government could consider which could further strengthen the ACT's stance against serious organised crime groups and their activities. The government has considered the commissioner's advice in considering whether legislative amendments are needed in the territory.

Later this week, I will be introducing the Crimes (Serious Organised Crime) Amendment Bill 2010, which contains a suite of measured responses to combat serious organised crime. The bill seeks to introduce the offences of affray, participation in a criminal group and recruiting persons to participate in criminal activity. The bill also extends the concepts of criminal responsibility to reintroduce the concept of joint criminal enterprise and being knowingly concerned. The bill will strike a fair balance between the ability of police to disrupt serious organised crime where it occurs in the territory and ensuring the protection of fundamental human rights.

The commissioner's report notes comments in the recent Australian parliamentary joint committee inquiry into the legislative arrangements to outlaw serious and organised crime. It was noted that it is more critical and effective to remove the financial motive of organised crime through confiscating proceeds of crime than dealing with issues such as control orders.

The commissioner's advice also evaluates unexplained wealth provisions in other Australian jurisdictions and whether such schemes would be compatible in a human rights jurisdiction. While the government is currently considering the best legislative approach to remove the financial incentive of engaging in organised crime, it is essential that this is done in a measured and considered manner. The government will undertake further work on this matter.

I would like to thank the Human Rights and Discrimination Commissioner, Dr Watchirs, for her detailed consideration and advice on this matter, and I invite all members to give it close reading.

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—

Births, Deaths and Marriages Registration Act—Births, Deaths and Marriages Registration Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-58 (LR, 17 December 2009).

Board of Senior Secondary Studies Act—

Board of Senior Secondary Studies Appointment 2010 (No 1)—Disallowable Instrument DI2010-11 (LR, 1 February 2010).

Board of Senior Secondary Studies Appointment 2010 (No 2)—Disallowable Instrument DI2010-12 (LR, 1 February 2010).

Board of Senior Secondary Studies Appointment 2010 (No 3)—Disallowable Instrument DI2010-13 (LR, 1 February 2010).

Board of Senior Secondary Studies Appointment 2010 (No 4)—Disallowable Instrument DI2010-14 (LR, 1 February 2010).

Board of Senior Secondary Studies Appointment 2010 (No 5)—Disallowable Instrument DI2010-15 (LR, 1 February 2010).

Board of Senior Secondary Studies Appointment 2010 (No 6)—Disallowable Instrument DI2010-16 (LR, 1 February 2010).

Corrections Management Act—Corrections Management (Official Visitor) Appointment 2010—Disallowable Instrument DI2010-17 (LR, 4 February 2010).

Court Procedures Act—Court Procedures Amendment Rules 2009 (No 3)—Subordinate Law SL2009-56 (LR, 17 December 2009).

Environment Protection Act—

Environment Protection Amendment Regulation 2009 (No 2)—Subordinate Law SL2009-54 (LR, 11 December 2009).

Environment Protection Amendment Regulation 2009 (No 3)—Subordinate Law SL2009-55 (LR, 11 December 2009).

Exhibition Park Corporation Act and Financial Management Act—Exhibition Park Corporation (Governing Board) Appointment 2010 (No 1)—Disallowable Instrument DI2010-10 (LR, 1 February 2010).

Liquor Act—Liquor Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-57 (LR, 18 December 2009).

Medicines, Poisons and Therapeutic Goods Act—

Medicines, Poisons and Therapeutic Goods Amendment Regulation 2010 (No 1)—Subordinate Law SL2010-1 (LR, 21 January 2010).

Medicines, Poisons and Therapeutic Goods Amendment Regulation 2010 (No 2)—Subordinate Law SL2010-2 (LR, 21 January 2010).

Prohibited Weapons Act—Prohibited Weapons Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-60 (LR, 23 December 2009).

Racing Act—Racing (Race Field Information) Regulation 2010—Subordinate Law SL2010-3 (LR, 25 January 2010).

Road Transport (General) Act—Road Transport (General) (Vehicle Registration) Exemption 2010 (No 1)—Disallowable Instrument DI2010-9 (LR, 1 February 2010).

Territory-owned Corporations Act—Territory-owned Corporations Amendment Regulation 2009 (No 1)—Subordinate Law SL2009-53 (LR, 10 December 2009).

## Carers
### 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, Mr Hargreaves, Ms Hunter, Ms Le Couteur, Ms Porter, Mr Seselja and Mr Smyth 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 Porter be submitted to the Assembly, namely:

The importance of carers in the ACT community.

**MS PORTER** (Ginninderra) (3.16): Madam Assistant Speaker, I would like to begin by acknowledging the vital role carers play in our community. Many people are involved in caring, as you know—young carers, kinship and foster carers, people caring for those with disability and the aged and those caring for people with a chronic health condition. Care occurs across the generations, with some in our community caring for both parents and grandchildren.

Carers contribute strongly to the social wellbeing of our community. The informal and unpaid care they provide is a foundation of community care in the ACT. As we know, the caring role covers a multitude of tasks, from health care, housework, meal preparation, mobility, paperwork, property maintenance, self-care and transport, as well as emotional support for the person they are caring for and other members of the family, such as siblings.

Caring is an activity that incurs financial, physical, mental health and emotional costs, as well as opportunity costs with disruption to education, training, employment, income earning and participation in social and friendship networks. At any time in our lives, we may find ourselves fulfilling this role as carer for a member of our family. I have found myself in that role with a son who had a disability at one stage in my life.

I am proud to be able to say the ACT government has provided a 61 per cent increase in funding across a range of disability services and support since 2002. This investment equates to a growth of 31 per cent in accommodation support, 55 per cent

in community support, 70 per cent in community access, 11 per cent in respite bed nights and 96 per cent in flexible respite hours.

This increased funding specifically targets people who have very high support needs that require ongoing support throughout their lives. It also assists the children of ageing carers who require accommodation and people who are in transitional stages, for example, leaving school, starting work, ageing and needing more support.

Disability ACT administers the flexible support fund, which provides $500,000 funding for initiatives that minimise the effect of disability and maximise the independence of people with a disability and so better support carers. Therapy ACT administers the children and young people's equipment loan service, which is a free service for carers and families. This service assists children with a disability to have access to a range of equipment that will enhance their ability to be more independent, more mobile and better able to communicate. Appropriate equipment also enables families to provide care with greater ease and without injury and maintain their caring role. Through Therapy ACT, the government also provides free therapy services, which include physiotherapy, speech therapy, occupational therapy and psychological and social work, including specialist services for people with autism spectrum disorder.

The ACT government's mature carers program provides $1.73 million per annum to mature carers, who make up approximately 14 per cent of the population in a caring role, with 24 per cent of carers aged over 54. This program helps older carers to plan for their future, have additional respite and help their sons or daughters move from home to other living arrangements. This is important, because this is often a very stressful transition period for the family. I have been paying particular attention to this issue of late, and I am in discussion with the minister in relation to this group—namely, mature carers. As we all know, our population is ageing, and this particular issue of mature carers is only going to be a growing issue, and it needs urgent attention.

The ACT government introduced a companion card scheme designed to facilitate access for people with disability who require a carer in order to attend venues such as movie theatres. The scheme means that the carer of the person who requires the care can attend with that person, for instance, the movies, without having to pay for a ticket, so increasing social access for many people with disability and their carers. This may seem like a small matter. However, this is about doing what most of us take for granted—to go out for an afternoon or evening at the movies with a member of our family.

The ACT government is taking important steps to change and adapt service delivery in order to best meet the needs of carers. These steps include working with families to implement family governance support programs; increasing the visibility and participation of people with a disability in the community through initiatives such as the Chief Minister's inclusion awards and the celebration of the international day of people with disability; proactive policies, including access to government and the government employment strategy; and greater access to information in relation to a range of access to disability services facilitated through the local area networks in Belconnen and Phillip and the disability information service.

In the last budget the ACT government committed $800,000 for kinship carers over four years to support grandparent and kinship carers and to strengthen information support networks for those carers. In December 2008, the ACT government allocated one-off funding of $1.25 million to support carers. These funds boosted the capacity of existing community service providers to assist eligible carers, foster carers and kinship carers with bills and purchasing groceries and other essentials. Types of assistance included petrol vouchers, phone cards, essential household goods, pharmacy supplies, clothing, grocery vouchers and assistance to purchase educational supplies. Support was also provided for financial contributions towards the cost of purchasing or installing water or energy-efficient appliances in the home and retrofitting homes to minimise utility costs. The ACT government has developed specific initiatives designed to assist carers and those that they care for. A taxi subsidy scheme provides subsidised taxi fares to people not able to drive themselves or take public transport due to a disability.

We have a large number of carers in our community—over 25,000 according to the 2006 Australian Bureau of Statistics report—and we know that there are many more who, for one reason or another, do not identify themselves as carers. The demand for this informal care will increase with the ageing of our population and the increase in the proportion of our population with a disability.

The demand for these services is an ongoing challenge locally, internationally and nationally. All governments need to manage demand, and the reality is that we need to consider other ways of meeting this demand. The ACT government supports a national initiative to undertake a feasibility study to look at alternative ways of funding people with disabilities through the proposed national disability insurance scheme.

I would like to reiterate that we all need to acknowledge in this place the vital role that carers play in our community, not only the large number of carers but the large range of carers, from very young carers to mature age carers and those caring for their older parents, their children and sometimes their siblings. Carers deserve our recognition and our support. Meeting the needs of carers is a shared responsibility, and a coordinated whole-of-government approach has to be undertaken to improve outcomes for carers and the people they care for.

**MR DOSZPOT** (Brindabella) (3.25): This is a very timely matter of public importance that Ms Porter has brought to this place today, and I thank her for the opportunity to speak on the important role carers play in the fabric of the ACT community. It is hard to ascertain the number of carers living in our community. Many will care for a loved one or a friend without formal recognition for doing so, and many will care without any financial support from government.

A carer is a person who provides ongoing care or assistance to another individual who has a disability, chronic or mental illness or is frail or aged. Carers provide this care as unpaid labour and usually perform the role for a family member or significant person in their lives. Since being elected and subsequently taking responsibility for my current portfolios, I have had the opportunity to meet with, I would say, hundreds of carers. I have been overwhelmed in each instance by the dedication and strength of these individuals and the dignity with which they care for their loved ones.

The role of carers has been in the media spotlight of late. In particular, media stories have focused on the unending worry of older Australians who are the primary source of care for their adult children with a disability. The main question they have is what will happen to their children when they are gone or are unable to care for themselves. Who will take on the responsibilities that they have had for the entire life of their child, and can they be assured that this care is adequate and ongoing?

As one carer said to me recently, the health system, which is barely able to cope now, would collapse within days if carers stopped doing what they currently do. Indeed, in their response to the budget consultation, Carers ACT state:

> The contribution made by family carers to the ACT economy has been conservatively estimated in 2005 to be in excess of $524.6 million per annum; if formal care services were used to replace contributions made by families in providing the care to people who are unable to live independently. Yet, the delivery of this highly valuable service to the ACT community does not come without a cost to families.

The response goes on to say:

> ACT residents who are providing care often incur significant financial and wellbeing costs due to the impact of the caring role (regardless of whether for a person with a disability, a chronic illness or condition, a person with mental illness, a person with palliative care needs or a family member who is frail and aged). National research projects have consistently identified that carers are an at risk group for negative wellbeing, as they have higher than average rates of depression, chronic illness, injury and poverty due to the physical, emotional and financial demands of the caring role.
>
> The ACT Government needs to identify Carers as a priority group in their own right. It needs to deliver targeted health promotion and early intervention strategies to reduce the demand on health and community services from preventable conditions at a time when unsustainable demand is a critical issue due to the ageing population.

"Unsustainable demand" and "unmet need" are two sets of words that I have heard repeated throughout the disability and community sector in many forums.

Another issue that is ongoing for carers is respite and residential care provision. As members will be aware, the health committee has announced an inquiry into respite services, the terms of reference of which are: to inquire into and report on government and non-government respite care services in the ACT, with particular reference to the Auditor-General's report No 3 of 2009, *Management of respite services in the ACT;* the needs of care recipients, including children, teenagers and adults with a disability, elderly people, people with mental health issues and people from culturally and linguistically diverse backgrounds and their carers; the needs of staff who provide respite care, including working conditions and training; the range, availability and suitability of respite care services, including any unmet need; the interaction between government and non-government providers of respite care; and the experience of service users who utilise government and non-government providers of respite care. I look forward to discussing and listening to the issues that face carers in terms of respite care as the health committee progresses through the process of this inquiry.

The other issue that must be mentioned here today relates to the provision of residential care. That is not always the ideal option for anyone, but for some the burden of caring becomes too great or just impossible through illness or other issues. This is where we see the system under pressure; this is where we see the burden on our hospital system. Indeed, I have been very vocal in this place about the care needs of a particular individual who, instead of being housed in appropriate accommodation as a matter of urgency, was left to the care of the hospital system for over two years. A two-year wait for suitable accommodation; this is a shameful situation and one that we cannot allow to happen again. Indeed, as I understand it, it still has not been fully resolved to date.

There is the issue of young people with a disability, more often than not an acquired brain injury, consigned to aged-care facilities in the absence of specifically tailored accommodation to suit their needs and their generation. This is another issue highlighted in the media recently. Aged-care facilities are not the place for these young people, and the duress and pain and the feeling of helplessness experienced by the carers of these young people is a growing issue in the community. Government at a federal level and here at the local level must start thinking outside the square in terms of provision of care and start looking at the real needs.

ACT Labor made a number of commitments going into the last election to Carers ACT and, through this peak body, to the carers in our community. A couple of these commitments have been delivered, but others have been less forthcoming. The bigger ticket items, such as the $800,000 over four years to fund a carer advocacy service, still remain an unfulfilled promise.

I take this opportunity to remind the government of this commitment and remind them that, despite the need for financial constraint and efficiency dividends across government agencies, it is imperative that the community sector remains well supported. In saying this and in looking for efficiencies as such, the government would be well advised to have a look at the interaction between the agencies and see if there is not a better way for government departments to communicate with each other and, in turn, create better operations between each other.

When I saw this item of business on the notice paper today, I was reminded in particular of a number of individuals I have met over the past 18 months. There are some individuals who I would like to recognise by name here today who are not only responsible for caring for a loved one but also for coming up with initiatives and agitating for change at all levels: the Hillier family, Linda and John, who maintain a vigilant eye on government process and their rights as carers and the rights of their teenage children who both have disabilities; Alison McGregor and Esther Woodbury, who, with unwavering conviction, are lobbying politicians from all sides for support for the community living project; Greg Jones, who, while not a Canberra resident, has advocated for inclusion and equity for people with a disability across Australia, including for his own son, paralympian Lachlan Jones; Estelle Sydney Smith, who cares for her daughter with a disability and the rest of her family while maintaining an active presence on school boards and various other committees; Anita Gordon, who fights for her rights and is not afraid to speak out as the parent of a young adult with a disability and her own rights as a person with a disability; and Bob Buckley, Monique

Blakemore and their colleagues at Autism Asperger ACT, who maintain awareness in the community of autism spectrum disorders.

The list could go on and on. These are but a few of the carers that I have met to date, and they have instilled a sense of hope and purpose in me and my role in this place. I have been encouraged by these individuals and inspired by their dedication. I hope that we, as a group within the Assembly, can do justice to their needs. Again, I thank Ms Porter for bringing this MPI to the Assembly today.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (3.35): I would like to thank Ms Porter for bringing this matter to the Assembly today. The term "carers" covers a wide variety of groups and individuals in our community. As well as those who care for people with a disability or illness, there are young carers and kinship and foster carers who care for our vulnerable children and young people.

As outlined on the Carers ACT website, carers can be parents, partners, children, brothers, sisters, children or friends. They might be as young as five or as old as 90. They may care for a few hours a week or all day, every day. They can care for one individual or two or three family members or friends. Some are eligible for government benefits. Others rely on their salary or have a private income, even though they may be eligible for financial assistance.

Firstly, I would like to recognise the vital role carers of all descriptions play. Their hard work and care assists the most vulnerable and isolated members of our community. The government and community as a whole rely on their ongoing commitment to the people in their care.

I would like to commend and express my admiration for carers in the ACT and their efforts. I would also like to thank groups such as Carers ACT, the Foster Carers Association, the ACT Disability, Aged and Carer Advocacy Service—ADACAS—and the Kinship Carers Group for their advocacy and support for these individuals and families. This is just a small example of some of the services who work to provide information and advocacy support at the emotional, financial and social levels.

Many of you would have received budget submissions from community organisations. The Carer ACT 2010-11 budget submission states:

> The contribution made by family carers to the ACT economy has been conservatively estimated in 2005 to be in excess of $524.6 million per annum; if formal care services were used to replace contributions made by families in providing the care to people who are unable to live independently. Yet, the delivery of this highly valuable service to the ACT community does not come without a cost to families.
>
> ACT residents who are providing care often incur significant financial and wellbeing costs due to the impact of the caring role … National research projects have consistently identified that Carers are an 'at risk' group for negative wellbeing, as they have higher than average rates of depression, chronic illness, injury and poverty due to the physical, emotional and financial demands of the caring role.

Carers ACT asks the government:

> … to identify Carers as a priority group in their own right. It needs to deliver targeted health promotion and early intervention strategies to reduce the demand on health and community services from preventable conditions at a time when unsustainable demand is a critical issue due to the ageing of the ACT population.

I call on the ACT government to work with Carers ACT and other advocacy groups and organisations to address the concerns that are outlined in this submission and other concerns that have been raised in a public arena and to assist these valuable members of our community.

As a former youth advocate, I have worked hard to draw attention to the role of young carers. As we have discussed in this Assembly on a number of occasions, young carers can often be invisible to support services and to government departments. These young people may not know about support services available to carers. Indeed, they might not even consider themselves to be carers, as is also the case for many adult carers as well.

Youth Coalition of the ACT research into young carers found that the experience of caring may have positive impacts that included feelings of pride and worth, higher levels of fitness, greater resilience, stronger family relationships, better outcomes and education, and a positive outlook on life. However, young carers may also experience negative impacts of caring including fatigue, injury, greater levels of stress, anxiety and feelings of hopelessness, family conflict as well as breakdown and financial insecurity. It also can limit their social and recreational opportunities and can have poor outcomes on their education.

It is important to highlight the work being done by these children and young people in both the positive and negative impacts it has on their wellbeing. I call on the government to recognise the needs of this vulnerable group in our community and to continue to work with them and with groups such as Carers ACT who do have services for young carers, CyclopsACT and the Youth Coalition. They work conscientiously to assist our young carers by providing programs or advocating on their behalf.

As I have mentioned, the term "carers" covers a number of groups and individuals in our society. Kinship carers and foster carers also care for vulnerable members of our community. Kinship carers and foster carers take in children and young people in need of care who are unable, for whatever reason, to remain with their parents. These carers are a crucial part of the child protection system. Like all carers, without their hard work, the government would be required to pay for professional caring facilities at a considerable cost.

Placement in kinship care can benefit children by allowing the child to maintain family, community and cultural ties and there is likelihood that the child will have increased contact with their immediate and extended families. It is hoped from kinship placements that children and young people are more likely to feel secure, loved and have a sense of belonging. The inevitable trauma associated with removal can be

lessened to a degree and in some cultures shared extended family care is a traditional parenting practice.

Where kinship care is not available or not in the best interests of the child or young person, foster carers are sought to provide support and care to these children and young people. Foster carers take these children into their own families and offer—with somewhat limited support from government—care, accommodation and security to children very much in need. I would like to recognise these carer groups, such as the Foster Carers Association, for their ongoing commitment to our children.

Kinship carers and foster carers perform what from the outside would seem to be a similar role. However, the supports and training provided to these two groups are different. I have had it reported to me that the supports provided to kinship carers can be less than those provided to foster carer families. We have recently had a change in the balance where we have more kinship carers now in the ACT than foster carers. We really do need to address the sorts of supports and training issues that need to be provided to these kinship carers. We need to ensure that the system supports both foster and kinship carers.

Acting on these reports, I asked the Minister for Children and Young People about the status of the ALP election commitments to the $800,000 funding for grandparent support services, including kinship carers. In response, the minister outlined a series of programs and supports which would be funded from this money, including a position to provide support and advocacy to kinship carers, grandparents and foster carers, recurrent funding to a kinship carers advocacy group, funding to an Aboriginal and Torres Strait Islander specific organisation to provide support to kinship and grandparent carers, and support to Marymead's grandparent support program.

The minister advised that the procurement process for these services was due to be finalised in early 2010. I look forward to further advice and information from the minister on the progress of this funding. Late last year, I also asked the Minister for Disability, Housing and Community Services for an update on the $800,000 commitment for a proposed carers advocacy service. In a response to my letter, the minister advised that the proposed service would be established during the current term of government. I look forward to further updates on the progress of this service and hope that it can be established sooner rather than later.

The ACT Greens recognise the importance of carers in our community. Again, I thank Ms Porter for bringing forward this matter of public importance.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (3.44): I thank Ms Porter for bringing this matter into the Assembly. Indeed, I think we all agree that carers across our community play a very valued and honoured role. The ACT government is committed to recognising and supporting carers in the territory. According to the ABS 2006 census, there are over 25,000 carers in the ACT. Carers cover all age groups and relationships. A carer can be, as Ms Hunter pointed out, a young person, a parent, a partner, a relative, a friend or an acquaintance. Every day, carers provide many hours of care for individuals in our community.

I understand that often a carer's role is hidden. Today I wish to acknowledge the valuable work that carers perform that keeps our community functioning. The needs of carers are diverse and opportunities to access support, such as respite, need to be tailored, particularly for young carers, Aboriginal and Torres Strait Islander carers, and carers from multicultural backgrounds. The ACT government is mindful of the diverse needs of carers and ensures that these are considered in the development of policy and programs to better support our carers.

I would like to highlight the work of kinship and foster carers that Ms Hunter also spoke of. There are approximately 500 children and young people living in out-of-home care arrangements across the ACT. As of last week, 415 children and young people are being looked after by kinship and foster carers. Their support often goes unrecognised. I wish to thank carers who take children and young people into their family homes and care for them at times when they are vulnerable. Carers offer these children much needed stability and support.

Ms Hunter outlined a few of the activities that this government is committed to, such as supporting kinship and grandparent carers. I can assure Ms Hunter that I am committed to getting those activities up sooner rather than later because they are indeed a valuable focus of our community and they do a commendable job.

The ACT government provides $300 million a year for placements, in addition to providing case management and working with our community partners to provide support. I am proud to be part of a government that has proactively supported carers. The ACT was one of the first jurisdictions in Australia to develop a caring for the carers policy and to introduce legislative reform. The policy embodies the government's commitment to better acknowledge and support ACT carers. The policy aims to provide a basis for improving supports and the health and wellbeing of carers and the people they care for by recognising the social, economic and health risks that confront carers.

The policy is underpinned by seven key principles that acknowledge the importance of recognising and valuing the carer's role and supporting carer participation at all levels of decision making while respecting the rights and choices of people receiving care. The ACT government developed an action plan that outlined commitments to meet the objectives of the caring-for-the-carers policy. We have honoured the commitments we made to better address the range of needs of carers and the people who receive care. All 13 of the strategies under the action plan were achieved.

I am also pleased to advise that the ACT has reviewed our carers policy. The review confirmed that the caring-for-the-carers policy and principles remain relevant. There is clear support from the community for the direction the ACT government is taking in supporting carers. The action plan was found to have delivered positive outcomes for carers in the areas of information, support and awareness raising.

We have come a long way since we introduced the policy and action plan to better support carers in our community. Whilst we have achieved a great deal in working in partnership with individual carers and non-government organisations to support the work of carers, the ACT government understands that there is more to be done.

Ongoing engagement of carers, community groups and government agencies is critical to understanding the changing needs of carers. The work of carers is complex and challenging. The ACT government knows that whilst we cannot solve all of the problems, we can work together to share some of the responsibilities which carers carry. In this term of government we have committed to build on these foundations and continue to consult with carers and to work to provide effective support to make the roles of carers easier.

The ACT government is committed to improving the lives of carers and providing a level of support that will enable them to participate in the wider community. Carers will continue to be a high priority for us and we will maintain our commitment to acknowledge and support carers in the ACT and value the significant contribution they make to our community. Our government introduced Australia's first Human Rights Act 2004 to foster a culture of equality, tolerance and human rights in the ACT.

This government intends to build on this culture and introduce the ACT's first charter of rights for carers. It will build on a similar charter developed in Western Australia, and adopted elsewhere, which enshrines a set of standards for agencies dealing with carers. The charter will require that carers are consulted and involved in decision making during the development of policies, programs and strategies related to care. This government and I will work with carers and key stakeholders such as Carers ACT and the Human Rights Commission to develop this charter. We will formally recognise the rights of carers.

Mr Doszpot made a comment about providing housing to support young people with a disability. I would like to say that construction of a purpose-built household in Narrabundah for four young people—people aged under 50 years of age—with complex and special care needs is anticipated to be operational by May of this year.

We are also constructing a house at Ainslie for young women who are part of the Stepping Stones for Life group. That, again, is expected to be completed in March, with occupancy not long after that. Also, Disability ACT is undertaking a feasibility study to map the current and projected 10-year demand for adapted special designed properties outside general public housing and will consider that report when it comes through. I think you have highlighted that the demand is there. There is no denying that we need to look at this.

I have worked across the health and community sector for many years. That involved working alongside carers through this time. As minister, I have met many carers. I acknowledge the work that they do and I acknowledge those that they care for. I also recognise that the work they do is often to the benefit not just of those that they care for but of us as a society as a whole.

Each week I am sure that Mr Doszpot, Ms Hunter and Ms Bresnan have carers coming to them. Without a doubt, with 25,000 known carers, they are a significant part of our community. We should be recognising and helping them meet the challenges that they face. I will commit to working through my department to support these people.

My final words are to the carers in the ACT: I offer my respects and, more profoundly, my thanks for what they do for their loved ones and for our community.

**MS BRESNAN** (Brindabella) (3.52): I, too, thank Ms Porter for bringing on this matter of public importance today and I note the comments made by my colleague Ms Hunter on behalf of the Greens in regard to Carers ACT, young carers and kinship carers.

I would like to raise briefly issues relating to carers that were raised by the House of Representatives report last year *Who cares?* which is a report of the inquiry into better support for carers. It was quite a major report. They received thousands of submissions from carers across the country and held hearings. There was a lot of very compelling evidence provided to that particular inquiry.

The report notes:

> Over the years, the shift from institutional care to care in the community has greatly increased reliance on informal care provided by family and friends … Emerging demographic and social trends are predicted to result in larger numbers of people requiring care and smaller numbers of people able and willing to provide it. Existing pressures on systems of support for carers which have been building over decades are therefore projected to increase.

As has already been discussed, areas like respite care and in-home assistance are incredibly important if we are to assist carers with the growing burden they are carrying and if we are to also avoid going back to the days of the institutions, which I am sure is something which no-one wants to see happen again.

The issue of flexibility was also raised through the House of Representatives report. It is often the case that funding guidelines are tight and that a lot more could be achieved for the carer and the person whom they care for if they were given greater ability to choose how to spend the funding assistance they receive. The issue of funding flexibility applies to both federal and ACT governments.

Complexity around funding and the issue of silos, which we do often hear about, is an issue also across government agencies in the ACT. While this remains and we have a lack of integrated services and a lack of flexibility, we will continue to have problems caused for carers, which will increase the difficulty in terms of their accessing services.

I would also like to note, as Mr Doszpot already has, that the Standing Committee on Health Community and Social Services is due to inquire into respite services. Respite is an ongoing concern for carers, and access to respite helps them to maintain their caring role and their own health, which often suffers as they typically put the person they care for first, before their own needs. This also points to the issue of isolation and social exclusion, which is also raised in the numerous reports and inquiries that have gone on into carers. Because they do obviously focus on the person they care for, all those other things outside of their lives do not get taken care of.

The issue of being able to socialise is very important to maintain someone's health, not only physical but mental, and that often falls by the wayside. That is why I think respite services and flexibility in respite services is such an important issue, because it brings in those other aspects of what they need to maintain their role.

A number of points raised through the House of Representatives report are reiterated separately by the 2010-11 budget submission from National Disability Services ACT. The submission points to concerns with the ageing of carers in the population and how they can ensure their children are cared for into the future. This has been raised by a number of speakers today and is a major issue for carers as a significant proportion of carers are over the age of 60 years. A consistent issue and theme which has come through the various inquiries and reports over the years is this very issue. Carers worry about what will happen to the person they care for when they are gone. They also worry about what will happen as they get older and may not be any longer able to maintain their caring role.

Understanding need is also a key concern in that levels of need in the community for government assistance are often underestimated. I note that Disability ACT has an ongoing commitment to collect data and better predict demand levels. I think in recent years it was said to be around $9 million per annum. I look forward to future updates from the minister on what work Disability ACT is doing in this area.

One of the recommendations from the House of Reps report that I found of interest related to powers of attorney and advanced care directives. Recommendation 15 states:

> That the Attorney-General promote national consistency and mutual recognition governing enduring powers of attorney and advanced care directives to the Standing Committee of Attorneys-General.

I note that, at a local level, carer groups are keen to see the outcomes of the review of the Mental Health Act, as it is envisaged that matters regarding powers of attorney and advanced directives will be considered through that process. I did ask the Attorney-General a question on notice about this in recent months, and I was advised that the review of the legislation is scheduled to be completed by the end of 2011 and that the ACT government is committed to the recognition of formal legal documents such as advanced health directives as important and necessary both within the ACT and nationally. This is a major issue which needs to be addressed in the interests of not just carers but also consumers.

Focusing a bit more on the issue of mental health, I would like to bring to the Assembly's attention the report *Adversity to advocacy—the lives and hopes* of *mental health carers*. The report was produced by the Mental Health Council of Australia, and it was funded by the Department of Families, Housing, Community Services and Indigenous Affairs and represented the first major attempt to monitor, measure and record the experiences of mental health carers.

The report is based on over 100 workshops which were conducted by the Mental Health Council across Australia. I was working there at the time and conducted

a number of these workshops, primarily in regional and rural areas. I have to say that it was quite a profound and moving experience running these workshops. Consistent issues came up through all these workshops. Those issues included worrying about what is going to happen to the person they care for when they go or they are too old to maintain the caring role, appropriate accommodation, getting access to appropriate respite services. We heard about all those issues and other issues around stigma, not being respected and listened to. They are all consistent themes that came up.

Because we do live in a regional area, we have other regions which we service. Carers do come to Canberra to use services; so we do have that added pressure here from regional areas. But I think that mental health is often an area which does have additional stigma attached to it because of mental illness and I think we have to remember that at all times when we are looking at this issue. But it was, as I said, a very profound experience to actually hear first hand these experiences of carers who are living day to day with these issues of what is going to happen through their lives.

A number of speakers today and various reports have mentioned the issue of hidden carers. Of particular relevance to mental health, as I have already spoken about, are culturally and linguistically diverse communities and young carers. Ms Hunter has already talked about young carers but an issue with them is that they often do not self-identify, and that is often due to stigma. Sometimes, as is the case with other carers also, they just see it as something they do and they do not actually recognise themselves as carers. This issue of hidden carers is addressed in the *Who cares?* report. And it is a major issue, I think, we need to address to make people actually feel comfortable in coming out and acknowledging that caring role.

As a society, we have a long way to go to provide adequate support to carers. This is not just through specific services to carers but also through those support services that are needed for the people they care for. And the two very much go hand in hand.

As Ms Porter noted, the number of carers recorded through the census does not actually record the actual numbers of carers in our community because, as others have noted, many carers just do not identify and the issues of stigma and social isolation are key issues to address if the situation is to change. Ms Porter also mentioned the national disability insurance scheme, which is being considered by the federal government. I really do hope this progresses and actually happens and that it does not become a scheme or notion which is dismissed as being too difficult.

**MRS DUNNE** (Ginninderra) (4.01): I thank Ms Porter for bringing this matter of public importance forward today. Carers in the ACT, in our community, do play an important role and I think it is timely and appropriate that we highlight and acknowledge that role. This MPI today gives us an opportunity to recognise the extraordinary things that carers do to give quality of life to people for whom they care.

The government's caring for carers policy from 2003 describes a carer as a person who provides or has provided unpaid care and support to a person who has needs associated with a disability, ageing, ongoing physical or mental illness or substance abuse. And to expand on that description and to give an idea of the scope of the role of carers in our community, I could refer to the ample amount of material that is on

the ACT Carers website. I do note that others who have spoken before me have already been to that source.

But it is worth highlighting some of those issues. There are 2.7 million Australians who provide care for family members or friends. There are 43,000 carers or approximately 14 per cent of the population in the ACT who provide unpaid informal support to others who require care. And that can be a small amount of care—as members have said, a few hours a week—through to full-time, constant care. And the carer might be quite elderly or extraordinarily young.

In the time that I want to take today, I want to draw members' attention to some of the issues that we confront in this community. Something that occupies my mind a lot, and has for some time, is the situation that we have in the ACT and elsewhere when we are confronting the problem of an ageing community. We have a large number of elderly Canberrans who provide ongoing support for a disabled child, in particular, and there are the problems that that provides as members of the community try to organise their retirement and organise succession planning for their disabled child.

I recall many years ago, five or six years ago, during a committee inquiry into the provision of aged-care services in the ACT, this issue was raised with the planning and environment committee. I think you were present, Mr Assistant Speaker Hargreaves. It was outside the capacity and the terms of reference of the committee but there were still people coming to the committee talking about their concerns. If they moved into aged persons accommodation, could they take their disabled child with them? Did they meet the age requirement of living in aged persons accommodation? And then what happened when they could not continue to physically look after their disabled child in the way that they thought was appropriate?

This is a perennial and increasingly important issue, one that causes huge anxiety for members of our community who are confronted with this issue and who have to make very difficult decisions about finding suitable residential care because they cannot continue indefinitely to provide care for, especially, their children in their own home. These are extraordinarily difficult decisions. They are, as members have said, decisions that need a great deal of support. We need to be able to find satisfactory solutions for people who have children with a range of disabilities—physical disabilities, intellectual disabilities and combinations of disabilities—people who have children and members of their family that suffer from substance abuse. As people get older, they just cannot cope. I have advocated on behalf of a number of families in this situation and it is a constant issue that arises regularly when dealing with constituents.

What we hear and what we see is that, when people provide care in the community in this unpaid and unsung way, what they are doing often can only be described as heroic. It often strikes me that most of us, who live mainstream lives with inconvenient disabilities and twinges and things like this, do not know that we are alive until we look at the experiences of people who deal with extraordinary disability and deal with extraordinary disabilities amongst their families.

It regularly occurs to me just how difficult and how unimaginably difficult the lives of people in this community are. We stand here and we say how important their role is

but I think that we should be doing more than making nice speeches about them. What we really need to see is effective policy that addresses their needs, effective policy that does not put barriers in their way.

I think one of the most affecting experiences I had during the last election campaign was being invited to a Carers ACT election forum. And the boot was put on the other foot, because the election candidates who turned up were not asked to give their views; they were asked to sit down and listen—sit down and listen to the stories of people who live difficult lives because of their caring responsibilities and because of the physical circumstances of the people that they care for.

The clear message out of that was that people needed to be listened to. They need their issues taken seriously; they need solutions; and we need something more than platitudinous policies. Our policies cannot be just filled with platitudes; they have to be effective and produce real solutions for people who do live in extraordinarily difficult circumstances. We need to cut the bureaucracy; we need to have people who are providing services listening to people who need the service—listening to them, hearing them and responding to their needs, not trying to fit square pegs in round holes, which is often the case.

I thank Ms Porter for bringing this matter here today but I hope that, in doing so, we just do not sit down and feel comfortable that we have raised the issue. We need to do much more than raise the issue. We need to work with all of our constituents to make sure that the lives that they lead are more fruitful and less troublesome because of what we do in this place.

**MR ASSISTANT SPEAKER** (Mr Hargreaves): On the matter of public importance, there being no member rising, the discussion is concluded.

## Human Rights Commission Legislation Amendment Bill 2009

Debate resumed.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.10), in reply: I would like to thank members for their general support of this bill today. The bill amends the Human Rights Commission Act 2005 and other legislation relating to the functions of the Human Rights Commission.

The commission deals with complaints about discrimination, health services, disability services and services for children and young people, as well as services for senior citizens. The commission also has an important role in developing awareness in government and the broader community of human rights and the Human Rights Act.

Since its formation, the commission has further refined processes to better fulfil its statutory obligations. The amendments in this bill were identified by the commission as necessary to better discharge its role in dealing with complaints and fulfilling its legislative mandate. As I indicated in introducing this bill, these amendments can be broken into three categories: procedural issues under the Human Rights Commission Act, updates to the Discrimination Act and a minor change to the Mental Health (Treatment and Care) Act.

I note that, in responding to the bill today, members have reflected on the issues concerning discrimination based on a person's gender and also discrimination in relation to industrial activity. I would like to briefly comment on each of those.

Under the bill, there are updates to the Discrimination Act, under which the commission, through the Human Rights and Discrimination Commissioner, handles complaints. Under the Discrimination Act, it is unlawful to treat individuals with certain protected attributes unfavourably in public life. These amendments modernise and update the existing protected grounds of transsexuality and membership or non-membership of an association or organisation of employers or employees. These grounds are renamed "gender identity" and "industrial activity".

The term "gender identity" is a better, more modern term to describe the type of discrimination that the act is intended to prevent. Members would be familiar with the advocacy work of A Gender Agenda, an ACT-based group which lobbies for the rights of transgender, intersex and other gender-diverse people and their supporters. With this amendment, it will be clear that those who identify as another sex, and also people who are of an indeterminate sex, are protected from discrimination.

This definition better recognises the protection that was intended to be given in the Discrimination Act. The amendment does not just change the name of the protected attribute from "transsexual" to "gender identity"; it also seeks to improve the definition of that term. The government is mindful of its obligation to ensure that transgender, intersex and other gender-diverse people are not only protected in the legislation but also recognised as members of the community. The new term is more inclusive and better recognises the members of our community who are protected under these provisions of the Discrimination Act.

The amendments ensure that this new terminology is also used in relation to vilification and serious vilification on the basis of gender identity. Currently the act provides the additional protection from vilification on the grounds of race, sexuality and HIV/AIDS status, as well as gender identity. Vilification occurs when a person, by a public act, incites hatred towards, serious contempt for or severe ridicule of a person or a group of people on one of those four grounds. This can include, for example, wearing a racist T-shirt or giving a hate speech in a public place. Serious vilification provides additional criminal protection where a person intentionally or recklessly commits vilification in a threatening way, for example by intentionally threatening physical harm to members of a group.

The other protected attribute, which members have raised in the debate today, is the term "industrial activity". The proposed wording brings the ACT Discrimination Act into line with the commonwealth's Fair Work Act 2009 and the term used to describe this same issue in equality legislation in other jurisdictions. The attribute's definition is also updated to better recognise the types of industrial activities that need to be protected, including participating or refusing to participate in industrial action.

To clarify, this bill does not add additional grounds to those currently listed, but merely modernises the words used to describe two existing grounds. The changes bring the territory into line with contemporary practice adopted in other jurisdictions, including in Victoria and the commonwealth.

I note the comments made by Mr Seselja in relation to the term "industrial activity". I think the opposition can be reassured that the definition is one which, if we are successful in this process today, will be consistent with the commonwealth's Fair Work Act and also with contemporary practice adopted in other jurisdictions. It is a term which has been recommended to us by the discrimination commissioner and we believe it is worthy of support.

I would like to thank members for their general support of the bill and I commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

## Detail stage

Bill, by leave, taken as a whole.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.16), by leave: I move amendments Nos 1 and 2 circulated in my name together *[see schedule 1 at page 546]*.

I will not speak long on these amendments; I have set out in my speech in principle what the opposition's concern is. I note Mr Corbell's comments in closing. We believe the intent is good, but we do believe that there is a potential for it to be unwieldy and to have a different meaning from what has traditionally been meant by, essentially, freedom of association. Calling it "industrial activity", as opposed to the previous terminology not only changes it in name but also potentially changes it in substance. I am not sure whether that was the intent, but that is our fear. That is why I have moved these amendments, which would simply take out those definitions.

We believe that the government should have gone away and come up with a better one. I understand that is not going to be the wish of the Assembly today, but I move the amendments and I commend them to the Assembly.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.18): As I have previously indicated, the government will not be supporting these amendments. The term "industrial activity" is commonly accepted, both in terms of commonwealth legislation and in terms of a number of other jurisdictions. It is considered to be a best-practice term; it is considered to properly encompass the grounds on which discrimination matters can be dealt with; and it is a modernisation of an existing ground, not a widening of that ground.

I note that in his speech Mr Seselja raised the concerns of employer groups. Employer groups here in the ACT should not be concerned by this change, firstly because of the fact that it is commonly accepted language in the other jurisdictions I have mentioned and secondly because it is purely a modernisation of an existing ground in relation to the consideration of discrimination matters rather than a widening of that ground.

In those circumstances, if the Fair Work Act, the Victorian discrimination act and other pieces of legislation around the country use this term—use it without difficulty and use it without any impact in terms of what we have previously understood this ground to be—I do not believe that employer groups here should harbour those worries.

The government will not be supporting the amendments.

**MR RATTENBURY** (Molonglo) (4.19): As I have flagged earlier, the Greens will not be supporting Mr Seselja's amendments. We believe that the inclusion of amendments in relation to "industrial activity" are amendments that have been identified by the Human Rights Commission and that reflect both commonwealth and Victorian legislation, so there is precedence and consistency there. We believe that it is important that discrimination in relation to both participation and non-participation in industrial activity should be outlawed; the government amendment does seek to achieve that, and we believe that it effectively achieves that in the way that it has been worded.

The last comment I want to make is that the amended definition proposed by the government moves beyond just the membership of an employee or an employer group and includes those things listed, such as participating in a lawful activity organised by an industry group. Again, I think that broadening of the definition and that clarification of what is involved and what cannot be discriminated against are a valuable addition as well. On that basis, we believe that the provision put in the bill by the government is an appropriate one.

Amendments negatived.

Bill, as a whole, agreed to.

Bill agreed to.

## Surveyors Amendment Bill 2009

Debate resumed from 10 December 2009, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.21): The opposition will be supporting this bill.

The bill makes amendments to the Surveyors Act 2007, which provides the regulatory framework for surveying in the ACT. The act establishes the position of Chief Surveyor and sets out the functions of that position.

I note that, according to the bill's explanatory statement, this bill includes a number of amendments to address operational deficiencies and to better align the legislation with recent developments in New South Wales.

The amendments include replacing the term "guideline" with "direction" in relation to continuing professional development, which is compulsory under the act. Surveyors require continuing professional development under the act to be registered in the ACT; this amendment clarifies legislation to make it clear that the Chief Surveyor can issue directions for continuing professional development.

The bill also aligns the registration renewals with New South Wales, allowing a joint registration fee to be charged. I note that, according to the ES, 80 per cent of surveyors in the ACT are also registered in New South Wales.

The bill will broaden the act to include all survey work performed by the surveyor under occupational discipline. This will include all work done on a site by the surveyor and not just work done on the boundaries of a property.

The bill will also change the title "Chief Surveyor" to "Surveyor-General". I note that this will require minor consequential amendments to the Districts Act 2002, the Electoral Act 1992, the Land Titles Act 1925 and the Legislation Act 2001, to accommodate the change of title.

The Canberra Liberals have consulted industry groups, including the HIA, the MBA and the surveyors, and we understand that there are no concerns regarding this bill. On that basis, and noting the sensible deregulation initiatives contained in this bill, we will support the bill in principle.

**Ms LE COUTEUR** (Molonglo) (4.23): The Greens will be supporting the Surveyors Amendment Bill today. This bill, as Mr Seselja and the minister, Mr Barr, have noted, is a largely administrative bill. It inserts continuing professional development as a mandatory requirement for surveyors' annual registration renewal. It allows surveyors who are registered in both New South Wales and the ACT to renew registration for both jurisdictions in one easy renewal. It inserts provisions so that, if a surveyor does not meet the registration renewal requirements, such as not paying or not doing professional development, their registration is suspended until they do so.

The scope of surveyors' work is being extended to allow for all of their professional work, including the broader measurement work that may be carried out as well as the usual boundary establishment work, which is obviously already covered in the act. This brings our act into line with the New South Wales one. The bill also replaces the title "Chief Surveyor" with "Surveyor-General", which brings us in line with other states.

I found out one really interesting thing as a result of the discussions on this. I found out that ACTPLA are, in fact, the centre of the universe. As far as surveying goes in the ACT, they have a GPS receiving station on top of them. Apparently, in the ACT now, all our surveying is done electronically, and the surveyors in the ACT are surveying the distance from wherever it is back to the base station on top of ACTPLA.

**Mr Seselja**: ACTPLA mean time, is it?

**MS LE COUTEUR**: ACTPLA mean time. We used to have Greenwich; we have now got ACTPLA. Those little things that you see on pavements are no longer relevant, except as historical anomalies. I thought that was quite an exciting thing. I know that some people have wondered about ACTPLA being the centre of the universe, and it is good to know that in fact that is so.

On that note, let me say that the Greens will be supporting this bill.

**MR BARR**: (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.25), in reply: I thank the Liberal opposition and the Greens for their support. I do not think it was ever in any doubt that those who work at Dame Pattie Menzies House are at the centre of the universe.

As the collection of planning nerds who are gathered in the chamber today would appreciate, this is an important reform bill. It goes to streamline a number of elements of surveying within the territory. Although I imagine that it will not be the first item that is reported on tonight's news—the unanimous agreement of the Assembly probably guarantees that it will not be the first item reported on tonight's news—it is, nevertheless, an important piece of legislation.

I thank the opposing parties for their support in relation to this bill today. We look forward to ongoing improvement in relation to surveying in the territory as a result of the passage of this important legislation.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

## Education Amendment Bill 2010

Debate resumed from 11 February 2010, on motion by **Mr Barr**:

> That this bill be agreed to in principle.

**MR DOSZPOT** (Brindabella) (4.27): Again I rise in this place to debate the Education Amendment Bill 2010. Members will note that the opposition have some amendments to be moved. This bill is approaching something akin to a record for the number of times we have debated or tried to debate, or initiate debate, on aspects of this education bill and the impact on our ACT school principals. Today, however, in contrast to other times, I believe we will finally come to a satisfactory resolution for our students, parents, educators and the whole school community.

As I have said in past debates, this is a bill that the government and the opposition fundamentally agree upon. We both agree that these changes to the Education Act will

empower principals to be able to better address what they think is necessary in their own schools. As I committed to in this place during the last sitting week, I have sought meetings with both our Greens colleagues and the minister for education, and I am pleased to say that both meetings were indeed fruitful.

I think I can say that while Ms Hunter and the Greens do not necessarily agree on the bill before us today, nor with my amendments, they do have a better understanding now of my reasons for sticking to my guns and supporting our principals in all ACT schools. The minister was also amenable to finding a way through the impasse that we faced. I believe that we can both be satisfied that this outcome is a step in the right direction for ACT education.

Through discussions held yesterday, we have found a way through the stalemate. My amendments to follow reflect the willingness of Mr Barr to come to a compromise, that compromise being an increase to the maximum number of days that principals in ACT government and Catholic schools can suspend a student of their own accord without departmental approval, from the current five days to a maximum of up to 15 days. Again, the passage of this legislation does not mean that students will be suspended for the maximum length of time. Indeed, this autonomy will enable the principals to make a decision based on the best available local knowledge and the factors that need to be taken into account to best address their specific situation.

I believe this bill and the amendments will also go a long way towards addressing the growing number of complaints from parents who are frustrated with the problems their children are experiencing in our schools, answer the call for support of the teachers and students who currently have to put up with continued disruptions in the classroom and assist those who want to learn to be also given consideration. This bill, along with its amendments, will also be a step in the right direction for better management of disruptive students and assist frustrated educators who currently are faced at times with conflicting targets.

I also look forward to hearing more over the coming months about the results of the recently introduced pilot suspension program. It would appear that this program does address the needs of a suspended student and the school community in terms of a re-entry program. It is an initiative that we also have been advocating. This program does seem, on the face of it, to address concerns raised by stakeholders. I look forward to presenting our amendments at the appropriate time.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (4.30): Today we have the Labor Party and the Liberals joining together to rush through a change in legislation while the suspension support team pilot scheme is being conducted, the earn or learn legislation is untried and the ACT parents and citizens are calling on us to not make any changes to the current legislation. In fact, we saw the Victorian government introduce just last July a change to the length of suspension that a principal could give. That was to change it from 10 days to five days.

Now with Mr Doszpot's amendment that he will be putting forward, in the ACT we will have suspensions of up to three weeks without an independent check to protect the rights of a child, as the Human Rights Act sets down. How is a student to make up for that amount of time away from studies? What arrangements can carers or parents

make for such a long time to support the student? What is the potential for that student to fall out of the system and not reintegrate back into school?

We made it clear when this issue was debated in October last year that the needs of the student suspended, as well as the students, teachers and school staff remaining at the school, should be adequately addressed. I have recently received a briefing on the proposed suspension support team pilot. This pilot seems to be a very good step in the right direction in addressing issues that surround student suspensions, including reintegration back into the school.

The Greens support the approach taken by the ACT government to introduce the suspension support team pilot. Suspension is a major issue and necessary at times to ensure a safe learning and teaching environment. What we do not support is the "cart before the horse" approach through this amendment. We really want this pilot to go ahead first before there is a change to the number of days that students can be suspended by a principal.

This amendment also needs to be looked at in the context of the introduction in November last year of the earn or learn legislation. There is concern from a number of quarters that earn or learn will have a major impact on school attendance, as schools try to cope with extra students who may be resistant to engaging in school. Mr Barr has acknowledged this when, on presenting this amendment in the Assembly, he said that the suspension support team pilot will also assist in our implementation of the earn or learn legislation.

Mr Barr appears to be most anxious to push the increased suspension through because it is an ALP election commitment. He said this in the opening remarks of his presentation speech. He also stated in his speech that it is because parents want it and so do principals. Why is it, Mr Barr, that parents have approached us? Some have written to the local newspaper saying this is not what they want. The Principals Association advised my office that this was "not a big ticket item for them".

The ACT parents and citizens council has urged the government and the Liberal opposition to rethink their pursuit of giving principals extra powers to suspend students, saying that the simplistic approach to a complex situation totally misses the point on student behaviour and school harmony. Like the ACT Greens, the P&C welcomed the new student suspension team pilot, but the P&C want to see if it works rather than changing the legislation now.

Elizabeth Singer, the president of the P&C, went on to say in her press release that parents—bear in mind these are the ones that Mr Barr is saying want longer suspensions—"have expressed their desire in having a second person in the Department of Education and Training to review a student's suspension before suspensions of greater than five days are imposed".

This is not about the ACT Greens not wanting to give greater power to the school principals to suspend students or questioning the ability of principals to make the correct decisions in relation to suspensions. Our concern is the proposed extended length of time the student is out of the school system, what happens to the student in that extended length of time, how the school, the suspended student and fellow

students manage the reintegration and the fact that there is already a mechanism in place if a student has to be suspended for longer than five days.

As I said, we support the introduction of the suspension support pilot as a means of trying to address the issues confronting the students, parents or guardians and the schools during a suspension. This is a major shift in approach and how effective it will be in getting all parties to become involved will only be assessed over time. To link it with another major shift by extending suspension times when, as I said, there is already a mechanism in place if this is necessary is really not good enough—just because it is an election commitment.

In the coming 12 months, the pilot will not solve all the problems with suspensions. It is confined to the north side and our advice from the department is it will only cover about 25 per cent of students suspended. We know any new system has to be trialled and start somewhere, but potentially we will have 75 per cent of students suspended without the level of support offered by the pilot. If this amendment is passed, they could be away from school a lot longer. We see it as vital therefore that, while this pilot progresses, any positive outcomes or learnings are shared with those schools and colleges who are not part of the pilot. If we are going to improve our education system and have better processes around handling these issues, we need to work across all schools in the coming 12 months and not wait until the evaluation is completed.

In debating this issue last time I used an opinion piece from Professor Alison Elliott, research director of early childhood education at the Australian Council for Educational Research, where she said, among other things, that suspended students are the least likely to have the personal or family capacity to help themselves out of their difficulties. They need school and adult support. Even with the suspension support team pilot, in the ACT we are leaving possibly 75 per cent of our suspended students in this situation.

There is another issue that needs to be considered, and that is, the number of suspensions being handed out by schools in the ACT. Statistics on suspensions do not support the perception that our schools lack discipline or are unsafe environments. In answer to a question on notice in December last year, Mr Barr advised that in the primary school sector in 2009 the average duration of suspension was 1.63 days, in the high school sector it was 1.76 days and it was the same in the college sector—hardly a need for a 10 or, as we will see today, 15-day suspension or, as Mr Doszpot was arguing up until today, a 20-day suspension.

Mr Barr also advised that suspensions in the primary school sector represented 1.03 per cent of the student population, 4.69 per cent of the high school sector and 1.26 of the college sector—hardly big numbers when spread across our school system, hardly warranting lengthy suspensions which in most cases will only further isolate those students and make re-engagement with school more difficult.

In addition, in a briefing from the Department of Education and Training on this issue—and I would like to take this opportunity to thank Mr Barr and his officials for that briefing—we were advised that in the past 12 months only five applications for suspensions beyond five days had been submitted and two of these were rejected.

Looking at those figures, you have to wonder why we are seeking to go beyond five days to 15 days. But, that's right; it is an ALP election commitment.

Research by the University of Melbourne of 4,000 year 7 and 9 students in Victoria and Washington State in the US has shown, and I have quoted from this before, that suspension increases the risk of academic problems, school disengagement and dropout, participation in crime and delinquency and alcohol and drug use. In regard to those being suspended, students from socially and economically disadvantaged backgrounds are over-represented in national statistics of suspended students and Indigenous students are more likely to be excluded from school than students from other cultures. I pick up on someone who texted in to Ross Solly's program this morning, the parent of a child with autism who was concerned about those with autism spectrum disorder or ADHD.

I again raise the issue of the impact suspensions have in the case of children in care. It is hard enough on those families with a stable environment at home, but working through the issues around suspension with children in care is very hard in a lot of cases. We are short of foster and kinship carers in the ACT and many are in full-time or part-time work and have difficulty in getting the time to cope with supervising a student during a suspension.

We are concerned with the impact this change will have on children identified as at risk by care and protection. This is one of the most vulnerable and underachieving groups of all children and any chance they have to build a sound future hinges around good educational outcomes. Long periods away from school will impact on future employment prospects and, potentially, physical and mental health.

The argument from the Liberals has been that we should just fall in line with other jurisdictions and let principals do their job. The ACT Greens are not saying we do not trust principals to do their job at all. The principals do a great job and we understand they need to suspend students from time to time. Mr Barr's statistics on suspensions show that principals obviously do a great job in handling most situations in schools and only have to suspend a small percentage of students. They do an even better job in relation to long-term suspensions, with only three cases in the last 12 months where suspension beyond five days was warranted.

Mr Barr himself noted in the debate on this issue last year that it is worth noting that there has not been an increase in bullying and violence in our schools. Between July 2007 and March 2009 there has been a general downward trend in the number of critical incidents. So why, if the election promise centred around making schools safer, is a longer suspension period necessary? I believe it is far more sensible to run the 12-month suspension support pilot first and look at the outcomes before any consideration is given to the proposed amendment.

The ACT Greens say again that the principals have the option to suspend for longer than five days under section 36(2)(a) of the Education Act. We understand that in some cases there is a need to suspend students for a range of reasons and the processes are in place to do this. Indeed, if the suspension has to be extended beyond five days, there are processes in place under section 36 of the Education Act to enable principals to do so. I quote from this part of the act:

> The principal may recommend to the chief executive that the chief executive—
> (a) suspend the student from the school for a stated period of not longer than 20 days—

This is the independent check that provides proper external oversight. When these amendments were proposed last year, the best outcome for the child was the concern raised in the scrutiny support. The concern centred on the right of the child to the protection needed by the child because of being a child under section 11(2) of the Human Rights Act.

The committee has again this week drawn part of the Human Rights Act to the attention of the Assembly. A 10, 15 or 20-day suspension may be the easy option but not necessarily the best option for the student without the checks and balances option provided by the current legislation. The Liberals say, "Follow the other states." Perhaps the other states are following us if you note that the Victorian government, as I said earlier in my speech, reduced the time that students can be suspended from 10 to five consecutive days and reduced the maximum number of yearly suspensions from 20 to 15 days per student.

It is worth noting that in relation to a very detailed section on suspensions in their Education Act terms like "students should only be excluded from school when all other measures have failed" and "if a student is suspended it should be for the shortest time necessary" are used, all appearing to be fair and ensuring the interests of the student are considered.

We have made the point through this process that pursuing the reintegration of students into school, the use of restorative justice practices, in-school suspensions and involvement of families are better ways of tackling this issue than seeking to further isolate the students by long suspensions. If you take these 15 days into account, it is three school weeks, which is about a third of a school term.

The Greens are not prepared to support the amendments that will be put forward by Mr Doszpot today. The only difference this year is the student support team pilot. It is a good thing and it is something we see as part of a proper suspension process. Let us see how it works and, if successful, see how it can be rolled out to accommodate the remaining 75 per cent of students. Then let us look at any changes in legislation needed to accommodate the program long term. To trial this innovative approach to suspended students at the same time as taking away external scrutiny of suspensions longer than five days and the earn or learn changes is attempting to put too many untried systems in place at once. We favour trialling and evaluating the pilot before potential changes to the legislation. This also ensures that the ACT continues to be an innovator in the area of education.

These changes are essentially about the ACT government's election commitment when we already have a system in place to address the issues of suspension that is proving successful and may well be even more effective, by the minister's own admission. Just to reiterate, the ACT Greens will be maintaining our stance that the current legislation is adequate, particularly, as I have said, with the introduction of the student suspension team pilot. We see that it is incredibly important to look at

effective ways to ensure that our schools remain places that are safe and that are rich learning environments for all students. We see that as an incredibly important thing. Just suspending a student without putting in the supports, without working with the family and without addressing the actual issues will just end up being a revolving door of suspensions. I will be keeping a very close eye on the number of suspensions from our schools, which really are too high when you compare the number of suspensions in other jurisdictions.

It should also be noted that the vast majority of suspensions are for one or two days. Most of them are for one day and most of those students never go back to get another suspension. There is a very small group that are suspended more than twice and a smaller group who are suspended for up to five days or more than five days. I really think we are putting the cart before the horse. I believe that we should be going through with this trial, properly evaluating it and sharing those learnings with other schools so that we can do the best by teachers, by school staff and by all students in our schools.

**MR SESELJA** (Molonglo—Leader of the Opposition) (4.47): There is a bit of protesting too much by the Greens when they say that it is not that they do not trust principals and that is why they believe principals should be limited to five days in terms of suspensions. I see no other way of reading it. Clearly they are not opposed to longer suspensions in theory, because that ability is there at the moment. So the only change by expanding this particular contentious clause for the Greens is to give the principals that ability without having to seek permission from the department. That is the change. So you can say that it is not because you do not trust principals. But there must be a bit of not trusting principals to not be supporting any change here.

**Mr Rattenbury**: Come on, Zed. You are just embarrassing yourself here.

**MR SESELJA**: Mr Rattenbury, who has had a bad day, is interjecting. He interjects because—

**Mr Rattenbury**: I am having fun today—don't you worry.

**MR SESELJA**: Sorry, what was that? You are having a fun day—good. He interjects and says, "Well, you must not have been listening." But I listened very carefully, and Ms Hunter said on a number of occasions, "No, it is really not because we don't trust principals." But what else could it be? If it is simply about that there should not be longer suspensions—there can be longer suspensions now; that ability is there. What this does is simply allow principals to have the flexibility, and it says we do trust principals to deal with these issues.

We are not expecting, nor would we hope, that there would be a flood of suspensions as a result of this change. We would hope that the rate of suspensions does not change. But what we would hope also is that where necessary, where principals deem it necessary and they believe they need to act quickly, they should be able to do that, and they should not have to go through the process that they have to at the moment, because we give them the authority to manage their school and to act in the best interests of all students.

Ms Hunter put forward a number of statistics, none of which I believe proves the case put by the Greens for the "do nothing" option in this case. The average of 1.76 days in high school does not actually go to whether or not principals have felt that they are able to take the action that they need to in certain circumstances. We are not talking about many circumstances; we are talking about a small number of circumstances, and we are talking about disruptive children.

We also heard Ms Hunter say that 4.69 per cent of high school students get suspended. That is not insignificant, unfortunately. That is higher than I think any of us would want to see. We know that, if you have five per cent who are disruptive, that can be seriously disruptive for a lot of people, for a lot of other students. The question then becomes: are we serious about dealing with disruptive students? This is one tool. Is it the be-all and end-all? No. And no-one in this place has ever argued that somehow suspension powers in and of themselves are going to be enough to deal with the complex issues that are dealt with by teachers on a day-to-day basis. But they are one part of the equation.

The question in whether to change this particular provision is: do you trust principals? Do you trust them to be able to make some of these decisions? We say yes. That is our position. That is the position of the Canberra Liberals, that we trust them. We believe we can trust them as much as New South Wales principals are trusted. But what we are going to get to today with the compromise is a significant step forward for principals in the ACT, for our education system.

We do not in any way pretend that this is the most important thing or indeed that this is the be-all and end-all. Mr Doszpot has long argued that there are other measures: counselling—we note the pilot program—looking at other ways of addressing these issues, getting to these kids early and hopefully turning them around so that they do not end up in juvenile justice, so they do not end up in our prison system later on. But that does sometimes require tough decisions and it does require decisions made not just in the best interests of those students but, of course, in the best interests of the school communities. We make no apology for arguing in favour of that.

I commend Mr Doszpot for his approach on this. There were people in the community who wanted stronger powers for principals who would have said: "Well, just accept 10 days. Accept 10 days, because you're not going to get anything else." I think Mr Doszpot made the right decision to say: "No. If we are going to change it, we should go for a substantial change." Whilst he argued very strongly for parity with New South Wales, I think where we are going to end up today, with 15 days, is a significant step forward. It may be that it works very well, and it may be that Mr Doszpot's legislation, which no doubt will sit there, does not have to come back. Maybe it will have to come back. That is something that we will look at over the next couple of years. But I commend Mr Doszpot, and I am pleased that a compromise was able to be reached.

But I do not accept the "don't change anything, do nothing" option. I think the only way you can argue in favour of that is if at some level you believe principals are going to abuse this; if you believe that at some level principals are likely to start suspending kids when they should not be suspending kids. And I do not believe that is the case.

We have great confidence in our school principals here in the ACT. We have confidence in our principals in the government sector; we have confidence in our principals in the Catholic and independent sector. Indeed, the independent sector principals already have some of these powers, so, once again, it is saying, "Well, independents might be able to be trusted, but not the Catholics and not the government school principals." We were setting it up differently. We argued for parity. But I do not accept the argument that has been put. There has been no coherent argument as to how this will be bad for students, how this will be bad for schools. We believe it is a step forward.

I reiterate what Mr Doszpot has been arguing very strongly—that this will be simply one part of the overall equation, but a necessary part, an important part and one that should not be overlooked. We cannot overlook the fact that principals are well placed to make these decisions, that principals should be empowered to look after their school communities. We also believe that they will not abuse these powers. We do not expect that they will abuse them. We believe that they will act prudently and only use these enhanced powers where it is absolutely necessary.

I commend the bill and I commend the resolution that has been reached between the Labor Party and the Liberal Party on this issue.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.55), in reply: I thank members for their contribution to the debate. We certainly have, as Mr Doszpot indicated, debated this quite extensively in this chamber and it is a good thing that there is such interest in this issue and that the various points of view in this debate have been put forward passionately. It is important to be able to air these issues in a democracy.

I would like to spend a little bit of time responding to some of the issues that Ms Hunter raised, most particularly to begin by acknowledging the support of the Greens party, and indeed of the Liberals, for the suspension support pilot that is in place in the Melba cluster of schools. But I think I need to take this opportunity to stress that that is but one of many approaches and supports that are in place across our education system.

The support programs and alternative education settings that are available to assist in complex student management issues are extensive in the ACT system, through the complex needs team, through the youth education support and the families in schools together team. The ACT government has made a number of strategic investments in recent years in support of pastoral care coordinators in our public high schools—$17.4 million to provide a pastoral care coordinator for each ACT public high school. There is a complement of 45 full-time school counsellors in schools. We have established achievement centres at Canberra high school, Campbell high and Wanniassa for years 7 and 8 students who are at risk of disengaging. There are similar programs in place for years 9 and 10 students at colleges in the north, central and south parts of the city.

The families and schools together, FAST, team support families in ACT public schools who are at risk of disengaging. One that you would be familiar with, Madam

Deputy Speaker, the students participating in community enterprises, SPICE, program, is another that is available that provides a structured work placement for students at risk of dropping out before year 10. As I mentioned, the Connect 10 programs at Lake Tuggeranong, Dickson and Lake Ginninderra, as well as at the CIT, provide a range of flexible learning options. So there is considerable support provided across a range of programs.

This year we have added in the suspension support team and, if that particular pilot proves to be successful, it is the government's intention to expand that program across all schools in the territory. We will, of course, share learning with other schools and with the Catholic and independent sectors as well. There is very strong support, I believe, across all three education sectors for schools to work together in this area.

The scrutiny of bills committee made a very valuable contribution to clarifying the bill's intent. The committee has, in this instance and previously, highlighted the tension between the right of the child and the right to an education. It is worth noting that decisions regarding suspension will be taken on a case by case basis, assessing the relevant factors comprising the circumstances for each child. With this in mind, there is a whole range of safeguards for consideration by principals, such as procedural fairness and natural justice, as outlined in the department's policy on suspensions.

The scrutiny of bills committee asked the question, "Has significant recognition been given 'to the right of a child to the protection needed by the child because of being a child'?" and went on to say that it is arguable that the right to education is a component of the Human Rights Act right.

The government's response to that is that a child can only be suspended from an ACT government school if that student is engaging in behaviour outlined under section 36(1)(a) of the act. The need for a suspension in these circumstances is reflective of the need to balance the human rights of the suspended student with the rights of those that are negatively affected by that student's conduct. At this point it is worth reflecting that we have heard extensively in this debate—and rightly so—about the human rights of and implications on students who are suspended. But what I hear a lot about as education minister is the impact of poor behaviour on other students, on teachers and on staff in schools, and that has to be put before the Assembly as well.

There has been, in the course of education history in this territory and in schools all over the country, a range of horrific incidents that have had dramatic impacts on other students, on teachers and on staff in schools. When we consider these issues, we have to balance what can be significant harm to others as the result of poor behaviour. And at some point we have to send some pretty firm signals about what is appropriate and what is not in terms of behaviour in schools. This is one, as the Leader of the Opposition said, of many mechanisms to send that signal.

But what I do not want to see lost in this debate is the other side of this equation: the rights of the vast majority, the overwhelming majority, of students that go to school to access a quality education and to do so in a safe environment. There have got to be some advocates for that in this place as well, and that is why the Labor Party went to the 2008 election with this commitment. It certainly was not dreamed up overnight. It

was derived after quite a considerable amount of experience and feedback and discussion.

In relation to the Parents and Citizens Council, with due respect to Elizabeth Singer and her committee, they are a very small group of parents and I do not think that they claim in this instance, and I do not think they would, to speak on behalf of every parent. At no point have I suggested that every single parent would agree with this—there will be a range of views in the community—but a lot do. In fact, in my view—and I will make the political judgement here and I will face the consequences one way or the other, as will the opposition, in relation to this—the overwhelming majority of parents will support this action. Frankly, the P&C Council are out of touch on this issue; I very firmly believe that. I believed that a number of years ago, back before the 2008 election, and I believe it now in 2010. And I do not resile at all from that view: the P&C are out of touch on this issue.

I return to the scrutiny committee. The need for a suspension is reflective of the need to balance human rights. In such circumstances, the behaviour of the child has the potential to compromise the learning environment and safety of fellow students and the working environment of school staff. Students who are suspended will be given reasonable opportunity to continue their education during the suspension and this is laid out in section 36(5)(d) of the Education Act. Suspended students are also provided with access to a range of support services to assist in addressing their reintegration into the school community and their ongoing individual learning and development needs.

The scrutiny of bills committee also raised this: "A further consideration is that this amendment to the Education Act 2004 will have the effect of reducing the period in which there will be a review of the need for a suspension and for arrangements to be made in consequence of the suspension." Again, it is worth reiterating that the proposed amendment that I have put forward and that Mr Doszpot will then add to with his amendment will remove the need of the chief executive to consider whether to give effect to a principal's recommendation that a student be suspended for a period of what now will be six to 15 days rather than a period of five days.

However, all decisions made under the proposed section 36 of the act, as amended and as then amended by Mr Doszpot, will be subject to the review of the Civil and Administrative Tribunal. So there is still a review mechanism, but it is not the department of education in this instance. In addition, the department's complaints resolution policy, which is publicly available on the department's website, contains a specific process for responding to complaints about suspensions. So there are very adequate measures contained within the legislation for review.

I do not suggest that the Greens are implying by their opposition to this that principals will run rampant with suspensions. I do not believe that will be the case and I do not think anyone who considers this matter seriously does. But, in any event, were that to occur, there are still review mechanisms through the department's policy and then ultimately through ACAT. So I think there are plenty of protections in place in the extremely unlikely event of a principal doing something entirely crazy—and I do not think that is going to happen.

I note the comments made this morning on ABC radio by Michael Battenally from the Principals Association. I think he presented a very balanced and fair position in relation to this legislation. I have met and discussed this matter extensively with the Principals Association over a number of years. This move today signals the first of what will be a number of steps in a whole range of areas of school administration within the ACT where the government intends to hand much greater autonomy to principals.

We will be moving away from a highly centralised system of school management. We have taken some steps in this jurisdiction previously in relation to school-based management, the review of which I will release in the near future. We will have some responses in this year's budget. But I am signalling today that this is the beginning of a process to give schools, and principals in particular, a considerable amount of additional autonomy to run their educational institutions. That is the direction of government policy at a national level and it will be reflected here in the ACT as well.

In closing, I thank members for their contribution. I thank the Liberal opposition for their support and indicate that the government will support Mr Doszpot's amendment when he moves it in the detail stage.

Question resolved in the affirmative.

Bill agreed to in principle.

## Detail stage

Bill, by leave, taken as a whole.

**MR DOSZPOT** (Brindabella) (5.06), by leave: I move amendments Nos 1 and 2 circulated in my name together *[see schedule 2 at page 546]*.

As I have mentioned, these amendments are the result of a compromise between the government and the opposition and seek to change the number of days set out in the bill from 10 to 15. This is slightly less than the opposition had proposed. However, in the interests of all concerned, we are happy to move forward with this increase in place.

Again, I say here that we all—I think I can speak for my Green and Labor colleagues—agree that suspension is certainly not the only answer to antisocial behaviour in ACT schools, but it goes some of the way to empowering principals and it is a starting point from which to progress. I welcome the bipartisan support and the cooperation of the government that was needed in order to make this bill a reality. I commend my amendments to the Assembly.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (5.08): As I indicated earlier in my speech, we will not be supporting these amendments. I do want to go to the issues that Mr Barr just raised about the other supports in schools, which are quite true. Probably in the last seven to eight years particularly there has been quite an increase in the focus on student services and pastoral care and seeing a

student as the whole human being and not just the educational delivery. I do acknowledge that those programs are in place. We do have student services teams and welfare teams, counsellors and a range of programs. But, in most cases, they are generalist services. They are very worthwhile services, and I think they do a great job.

But what we will have with this student suspension team pilot are some professionals. We will have a social worker; we will have a psychologist and an educational consultant. We will have a multidisciplinary team that can go in and really support and work with the students to tackle the issues to get to the bottom of the problems and really try and sort them through so that it does not become a larger problem, so that these students do not revolve in and out of school on suspensions or have the unfortunate result where they actually disengage from school. If that happens, a number of life opportunities are limited and there can be all sorts of other issues involved, such as ending up in contact with, say, the juvenile justice system.

I also note that he talked about complaints mechanisms and so forth and that there was still an opportunity for the family of a suspended student to be able to, for instance, complain to the Department of Education and Training. I would hope that, as it is clear that these changes will go through today, that it is clearly spelt out to families of students in the Catholic school system and in the public school system that these mechanisms are available and how they might be able to pursue them. That does ensure that, if there are any concerning situations, they can be taken up and dealt with properly.

It is about ensuring that there is natural justice. I believe that that external review and mechanism from someone—the department of education—is an opportunity to run an eye over a decision made. As I said earlier, there have been five applications for students to be suspended for more than five days in the last 12 months, and two of those were not supported by the department of education. It shows that it is an important oversight mechanism.

I also want to make it very, very clear, as I did in my speech and have in public comments, that this is not about in any way saying that we do not trust principals to make good decisions. Mr Seselja spent some time on this. I made it very, very clear that we believe that we have some great principals out there who do a tremendous job under some difficult circumstances, sometimes with constraints on funding and so forth. But this is really about ensuring that there is some sort of oversight mechanism when we are talking about children.

I also made it very clear in my speech earlier that we do need to look after the health and wellbeing of all students at schools, of teachers and of other staff in schools. This is also not about neglecting that side of the issue as well. My belief is that, if you can get in to work with students who have been suspended, work with students who are displaying problematic or antisocial behaviour and provide those supports, then that is going to have a beneficial outcome for everybody who is part of that school community.

I was very alarmed when Mr Doszpot decided that this is all based on trying to have some sort of equity with independent schools. That is really hardly an argument. As I said earlier, he talks about New South Wales having 20 days, so we should have it

here. I could raise—and I have earlier in my speech—a counterargument that not every jurisdiction has 20 days. In fact, Victoria has turned it around from 10 days to five days. Again, that is just not in my view a strong enough argument.

As I said, I will be keeping an eye on how suspensions are going in the ACT. I know there is concern about the number of suspensions, and that is about looking at and reviewing behaviour management systems in schools to ensure that we have got the right levers, the right mechanisms, processes and so forth in place, and also ensuring that those workers, those teachers and other professionals who are working in our student services areas and also in this student suspension team pilot are well supported to do their job.

We will not be voting for this today. The ACT Greens believe that this is the cart before the horse. We have got a great innovative pilot, and I do look forward to seeing how that is rolled out. I do hope that the learnings from that pilot are shared with all school principals while it is underway and that we do not wait for the 12 months to then go into an evaluation to see where we go, because there will be learnings along the way. I think that in order to have a rich learning environment across schools, to be able to share information, to be able to share strategies, to be able to share new programs, is very much part of keeping the ACT education system at the forefront of innovation in this country. We have been, over many, many years, a very innovative jurisdiction in this area, and I hope we continue to be that.

Just in closing, as I said, we will not be able to support it today, but we will look forward to seeing the outcome of the pilot and I will be keeping a very close eye on the statistics around suspensions. I am also looking forward to updates and briefings on the outcome of not just this pilot but other programs that are being put in place across the territory.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.15): Just briefly, the government will support these amendments. They do represent the Labor and Liberal parties meeting half way in relation to this issue. I think I have observed in this place before that the adage in an old Rolling Stone's song from 1969, "You can't always get what you want, but if you try sometimes you just might find you get what you need", is applicable in this instance.

I thank Mr Doszpot for his generosity in approaching the government to seek a resolution on this matter, and I was pleased to be able to reach that agreement. I think it is important that we do make some progress in relation to this issue, but I am equally conscious that, in addition to the powers that we extend to principals in this legislative change, the other side of that equation also is the range of the support services that need to be in place.

I did neglect to mention earlier in my very long list of initiatives that the government has funded that the initiative that placed pastoral care coordinators in each government high school was also matched by a team of 17 who have multidisciplinary skills and who work in a central unit within the education department. So, it is from that team of 17 that we have been able to draw some of the specialist skills to support the pilot project. There is capacity within the existing departmental allocation through

that initiative for that pilot program, if it is to be successful, to be rolled out across the territory. It really just is a case of determining the best way to apply those resources, which are significant.

In the context of our education system and the size of that system, to have 45 school counsellors, 17 pastoral care coordinators and a multidisciplinary team of 17 in addition to the range of other supports that are provided by other ACT government agencies is phenomenal. The question really for government—this is the challenge that we accept—is to ensure that we are utilising those resources effectively. I recognise and value the scrutiny that will be provided to that process by Ms Hunter, amongst others. I acknowledge the skills and experience that she brings in this area and look forward to working with her to ensure that those resources are used effectively.

I know there are a variety of uses that do not necessarily go to how much money is invested in this area but more to the effectiveness of the programs and activities that are undertaken. That debate is not resolved. That is one of the many reasons why we are supporting this particular pilot program in this particular trial in the Melba cluster—that is, to see if there are better ways of utilising the resources that we have available. In my view, if you were to compare the level of resource that the ACT government provides to student support services with any other jurisdiction, we would be streets ahead on a per capita basis. The question is how we ensure that those resources are utilised effectively, that we are innovative and that we remain at the forefront of education reform. That has always been my goal as education minister—that is, to ensure that the place that this territory occupies continues. Through this measure, through the suspension support pilot, we will see a continuation of that record of achievement and innovation in the ACT.

In closing, I thank again the Liberal opposition for their support on this occasion. I look forward to the successful implementation of this legislative reform and the suspension support pilot.

Amendments agreed to.

Question put:

> That this bill, as a whole, as amended, be agreed to.

The Assembly voted—

| Ayes 9 | | Noes 4 |
|---|---|---|
| Mr Barr | Mr Hargreaves | Ms Bresnan |
| Ms Burch | Ms Porter | Ms Hunter |
| Mr Coe | Mr Smyth | Ms Le Couteur |
| Mr Doszpot | Mr Stanhope | Mr Rattenbury |
| Mrs Dunne | | |

Question so resolved in the affirmative.

Bill, as amended, agreed to.

## Adjournment

Motion by **Mr Barr** proposed:

That the Assembly do now adjourn.

### St Mary MacKillop college
### Ms Amy Gillett

**MR DOSZPOT** (Brindabella) (5.24): In my capacity as shadow minister for education and training, I had the pleasure of accepting an invitation from Mr Michael Lee, the principal of the newly renamed St Mary MacKillop college, to join the school community last Friday, 19 February, at their opening mass for 2010. This mass is always marked by dignified worship, sincere praise and an energy that reflects the pulse and rhythm of St Mary MacKillop college. Last Friday was no exception, as 1,700 students and around 400 parents joined in prayer in a very inspirational start for the coming year.

I was particularly impressed by the number of young people who graduated last year and who returned on Friday to celebrate with their former school. I offer my sincere congratulations to Mr Michael Lee, the principal of St Mary MacKillop college, and his executive, Mrs Michelle Marks, Ms Sandra Darley, Mr Paul O'Callaghan and Mrs Lois White, and all the staff at the college for a very well organised and quite emotional event which was no doubt helped by the news received that day from the Vatican about the canonisation of the college's patron, Blessed Mary MacKillop.

I am obviously very pleased at this recognition of a great Australian and her dedication to the homeless, the new immigrants, the lonely and the unwanted. Her legacy through the "Brown Joeys" is still delivering today her message of reverence for and recognition of human dignity. This timely recognition of her life and example will hopefully inspire many within our Tuggeranong and Canberra communities.

Having been taught by the sisters of St Joseph at St Fiacre's, Leichhardt, during my primary school days, I am very much aware of the good works and the profound influence of Mary MacKillop and her order on the formation of Catholic education in Australia. I once again offer my congratulations to Mr Michael Lee for the continued good work within St Mary MacKillop college.

Also, I was at an event in honour of Amy Gillett, which I would like to say a few brief words about. Most of us will remember with sadness the tragic and very untimely death of Australian rower and track cyclist Amy Gillett on 18 July 2005. Amy was killed in an accident in Zeulenroda, Germany, when a young motorist lost control of her car and crashed into the squad with which Amy was cycling. Other members of the squad were seriously injured in the crash. This was a terrible loss both in personal terms to Amy's family and friends and also to Australian sport.

Amy was a rising star who had represented Australia overseas in rowing on a number of occasions, including the Atlanta Olympics. She decided to switch her focus to cycling and was thought to have a real chance of winning a medal at the 2006 Commonwealth Games. Unfortunately, this was not to be.

In Amy's memory, her husband, Simon Gillett, and the Australian Cycling Federation jointly established the Amy Gillett Foundation—Safe Together. The primary objective of the foundation is to reduce the incidence of injury and death caused by the interaction between cyclists and motorists, by helping foster a shared respect between them. Other aims of the foundation are to provide financial support for the rehabilitation of Amy's five injured team members and to fund and administer a scholarship program for young women cyclists to support their sporting and academic endeavours. One of the ways the foundation raises funds to support its activities is through a series of events known as "Amy's rides", held across Australia, in which participants obtain sponsorship for their efforts.

I was pleased yesterday to attend a function to welcome the foundation to the ACT and to promote the inaugural Amy's ride in Canberra to be held on Sunday, 14 March. I was pleased to be there with colleagues from the Assembly, Minister Barr and the Speaker, Mr Rattenbury.

I take this opportunity to encourage as many Canberrans as possible to take part in this very important event as all money raised through the event will help support the foundation's road safety initiative. Cyclists are overrepresented in road crash statistics, and for this reason the Amy Gillett Foundation—Safe Together is worthy of broad community support to make life safer for participants in the sport she loved. Amy Gillett could have no more fitting legacy.

## Water safety awards
## Sparke Helmore corporate challenge

**MR SESELJA** (Molonglo-Leader of the Opposition) (5.29): I would like to pay tribute quickly—this happened last year but I did not get a chance at the time—to all of the recipients of the water safety awards which a number of us attended last year. It was put on by the Royal Life Saving Society, and I would like to commend Sean Hodges who does such a sensational job with the society.

Just going through them quickly, we had: the minister's award for the most significant contribution to water safety by an individual, Bradley Bell; outstanding media service to water safety, *Canberra Times*—I believe Eva received that; community education program of the year, Margaret Roberts; community service award, Zoe Whymark; lifesaving educator of the year, Carol Gathercole; gold star aquatic facility safety award, Lakeside Leisure Centre's Doug Read; gold star aquatic facility safety award, Canberra International Sports and Aquatic Centre's Harry Konstantinou; ACT schools water safety awards, Farrer primary school, Wayne Prowse; Alfred Deakin high school, Rob Lans and St Jude's primary school; and rescue of the year, Glen Scott from CISAC.

We also had lifeguard of the year, Alastair Hodgson from Dickson Aquatic Centre; the Ken (Chuck) Evans award, Isabella Denis; the Ngadyung award, Courtney Garner; the president's commendations for lifesaving, the Canberra Labor Club and, indeed, Andrew Barr; life members, Lyal Holley, Peter Granleese and Tony Bandle; distinguished service members, Peter Castle and Lyn McDermott; and Fellow of the Royal Life Saving Society of Australia, Tony Bandle.

The AUSTSWIM awards went to outstanding contribution to AUSTSWIM, Lyn McDermott; ACT AUSTSWIM swim school of the year, AIS swim school's, Ali Parvizi; ACT AUSTSWIM teacher of swimming and water safety, Tony Streets from CISAC; ACT AUSTSWIM teacher of infant and preschool aquatics, Kate Lowe of the AIS; ACT AUSTSWIM presenter award, Lyn McDermott; and the Royal Life Saving Society Australia rescue medal, the Waser family, Elise Waser, Barton Waser and Jon Waser, for the rescue of a family of five people stuck in a rip at Broulee Beach.

Congratulations to all of those worthy recipients. We had the opportunity on the day to meet some of them. I would like to, again, commend the Royal Life Saving Society for the amazing work that they do.

I would like to also make mention of the Sparke Helmore corporate challenge which happened over the weekend as part of the Stromlo running festival. Laura Stuart from the Assembly actually organised a team. The Assembly team was small but it was very determined, can I say. And we need to put on the record that it included two members of the Assembly, Mr Hanson and I, and a number of staff. It was indeed Bianca Elmir, the Greens staffer, who left us all in the dust and was the person who did the most laps. I think a number of us got to six laps but Bianca was probably a good kilometre ahead, I would say, of the nearest rival in her team. Well done to Bianca.

I was very pleased that I was able to beat Jeremy Hanson. Jeremy says to me that he actually deferred to my leadership and that is why I won. I have got to take my hat off to Jeremy because he is an excellent actor because he looked buggered when I ran past him. So not only did he defer to my leadership, he actually played the part of looking like he was really struggling. But Jeremy did very well to finish; very good for an old fellow. So well done, Jeremy.

Well done to Laura Stuart for organising it. It was good fun and hopefully in future such events we will see more MLAs, more staff, so that we can rack up the kilometres we need. I think we racked up 49 kilometres in total. I think the winning team did about 156 or something along those lines but we had a lot fewer competitors than many of the other teams. I think it was a commendable effort.

Well done particularly to the ACT Cross Country Club and all of the sponsors, Sparke Helmore and the other sponsors who got behind it. It is a fantastic event and I commend all of the participants for their efforts.

## Our Wellness Foundation

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (5.33): I just want to talk in the adjournment debate today about the Our Wellness Foundation event that was held at Reconciliation Place on Sunday. I had the pleasure of joining fellow MLAs Steve Doszpot, Alastair Coe and Brendan Smyth. We were with a few other local identities. Our role was to take part in the paper aeroplane competition.

I was lucky enough to have a bit of support. My 10-year-old son came along as my chief engineer and coach, and I have to say that he did assist me in putting together my paper aeroplane. I was a little envious when I looked over at Brendan Smyth as he was constructing what he called a special secret Smyth family special. It was quite impressive. Mr Coe and Mr Doszpot also had quite good craft that they put together.

I do have to say that it was a wonderful event that was raising money for the paediatrics unit at the Canberra Hospital. The paediatrics unit is a fantastic place for those sick children who are in need of medical assistance. The staff is wonderful. Having had a couple of my children admitted to the paediatrics unit over the years, I know how great the staff are and what a wonderful job they all do. So it was a pleasure to be there.

I do have to give you the outcome of the paper aeroplane competition. We were split into two groups. I did, I believe, get into the second round in my group but I have to say that, although the plane was okay, my technique was rubbish. I know that Mr Coe, Mr Smyth and Mr Doszpot did quite a bit better. Mr Doszpot showed that he has a very competitive streak. But at the end of the day it was Cameron from Mix 106 who outdid all of us. I have engaged him as a coach for next year so that, hopefully, I can improve my technique and, I guess, not embarrass my son so much next year, although he did join in the children's competition and came second. He was very happy with a kite and we did spend another hour or so down there at Commonwealth Place flying a kite. It was a beautiful afternoon and congratulations to the Our Wellness Foundation for a fantastic fundraiser and event on Sunday.

## Canberra area theatre awards

**MRS DUNNE** (Ginninderra) (5.36): Madam Deputy Speaker, as you and Mr Coe would know, Saturday night was the sparkling event of the season, with the CAT awards. I want to spend a little bit of time to pay tribute to Coralie Wood and her team for yet another fantastic CAT awards, the 15th in succession. The thing that struck me about this was how this is truly a regional event. The regional theatre groups that participate did extraordinarily well this year and it shows the maturity of the event that they are not along just for the ride.

I pay tribute to some of the award winners. This year, the recipients of the awards were as follows: best set designer for a play, Russell Brown from Canberra Rep for *It runs in the family*, which was a splendid play, and Bill Deverill from Merimbula's Spectrum Theatre Group for *The club*; best set designer for a musical, David Todd from Albury's Livid Productions for *Jesus Christ Superstar*; best lighting designer, again, *Jesus Christ Superstar*, from Livid Productions in Albury; and best moment in theatre, Lyneham high school in Canberra for the entry of the elephant from their production of *Aida*. I did not see Lyneham high school's production of *Aida* but I heard great things about it and I think it is a great testament to music in schools that they would undertake such an adventurous and challenging work.

Kinross Wolaroi preparatory school in Orange won for *Strictly Zorro*, the Mexican hat dance. The community theatre award went to SFP Productions from Wagga for *It Takes Two*. In the technical area, Supa Productions and Phoenix Players won for best

sound design for *Miss Saigon*, which was a sparkling presentation. Rebekah Cartwright from the University Theatre Ensemble in Wagga Wagga won the best costume design for Gormenghast. *Seussical the Musical* from Batemans Bay won best costume design for a musical, along with Coty Farquhar from Mittagong, for the *Wizard of Oz*.

The best original work went to Joshua McHugh from the ANU School of Music for *Grimm and the Blue Crown Owl* for original script music and orchestration. The University of Canberra's award for best original work for a school or youth production went to the drama students at Canberra Girls Grammar school for their production of *Generation Y*. The best ensemble in a play went to the University Theatre Ensemble of Wagga Wagga for *Gormenghast*.

The best actor featured in a school youth play was Ben Kindon from Canberra Grammar, for their production of *The Truth*. The best actress featured in a school or youth play was Jessica White from Canberra Girls Grammar, for *Dinkum Assorted*. The best actor in a featured role in a school or youth musical went to Blake Appelqvist as Pilate from Marist college's production of *Jesus Christ Superstar*, which won a number of awards during the night. The University of Canberra Co-op Bookshop best actress in a featured role in a school or youth musical went to Lucy Ridge, who played Amneris in Lyneham high school's production of *Aida*. The best actor in a leading role in a school or youth play went to Roscoe Walker, who played Lord Fancourt in Canberra grammar school's production of *Charley's Aunt*. I think it is wonderful that young players are prepared to play old roles as well.

Queanbeyan Players' best actress in a leading role in a school or youth drama went to Joanna Richards from Canberra Girls Grammar's production of *Dinkum Assorted*. Best actor in a leading role in a school or youth musical went to Bill Bourchier as Judas in Marist's *Jesus Christ Superstar*. The best actress in a leading role in a musical went to Caitlin Dickinson from James Sheahan Catholic high school in Orange for her role as the Cat in the Hat in *Seussical the Musical*.

I will leave it there. I know that Mr Coe is going to speak on the subject. He can take it up. But I do want to pay particular tribute to the great work done by the CAT awards group and want to also draw attention to the work that is done by them, the hundreds of hours of travelling and taking in shows and writing judgements, which is all done on a voluntary basis. They need to be highly commended for the work that they do for amateur theatre in the ACT and the region.

## Road safety

**MS LE COUTEUR** (Molonglo) (5.41): I would like to continue on the theme that Mr Doszpot was talking about—road safety and bikes in particular. I am moved to talk because the ACT has now recorded its second road fatality this year in close succession.

First, there was a motorcyclist killed on Horse Park Drive on 11 February. Then, on Saturday the 13th, a cyclist was killed in Wanniassa. It is something that we all need to be concerned about. Road deaths should all be preventable deaths. We need as an Assembly and as a community to keep on working on making our roads safer.

I note that the two people who have died this year have both been vulnerable road users. They were on pushbikes and motorbikes. They have not been car drivers. I also note that over the last two years, 2007 and 2008, there were in fact not any cycle deaths in the ACT; so it is a great pity to see that record not being maintained.

Mr Doszpot talked about the Amy Gillett ride, which I think is a great ride. I would also like to mention Pedal Power's family ride on Canberra Day. It is a 16-kilometre or a 25-kilometre ride around the centre of Canberra. It is designed for families, to get them off the road, for them to feel that this is an okay place to be and to encourage riding for all of us in Canberra.

## Tuggeranong Valley amateur rugby union awards

**MS BRESNAN** (Brindabella) (5.43): I would like to talk briefly about the Tuggeranong Valley Rugby Union and Amateur Sports Club amateur sports awards, which I attended on Friday night. I also attended the awards last year. As was the case with last year's awards, I was quite astounded by the sporting talent that comes from the Tuggeranong Valley. There were territory, region and Australian representatives nominated and awarded on the night. It was a very exciting night to see all this great talent that we have, not just in the ACT but in the Tuggeranong area.

The Vikings Club, which ran the awards, is a great supporter of local sport. The extensive array of sports represented on the night really showed the breadth of their support in the community. The nominees for the awards represented a number of different sports, including lawn bowls, judo, softball and athletics. The winner of the major individual sports award was a champion junior javelin competitor who had thrown the fifth best distance for an Australian female competitor. She is obviously going to be a person to look out for in the future in terms of sporting talent.

I would like to congratulate all the nominees and winners on the night and also thank Ray Sweeny from Vikings who is instrumental in putting together these awards. I wish them all the best for the future.

## Canberra area theatre awards

**MR COE** (Ginninderra) (5.45): On Saturday night I was very pleased to be able to attend this year's ActewAGL Canberra area theatre awards. Mary Porter and I were proud to be a part of welcoming the biggest crowd ever to the CAT awards night. I note that my Liberal colleagues Steve Doszpot and Vicki Dunne were there and they are both keen supporters of the CATs.

I would like to pay special tribute to the board and judges for their continued excellent work and, in particular, Coralie Wood OAM for her dedication to theatre in our region.

I reiterate my sentiments in this chamber on 17 November last year: I hope the CAT awards are given full consideration for possible ACT government funding. If we are going to have programs to support the arts, it amazes me that the CAT awards, which motivate so many people, harness so much talent, and engage tens if not hundreds of thousands of people through the audiences of the shows, fail to be supported. We cannot take the CAT awards for granted.

This year, the recipients of the awards were as follows:

1. Ryleho Home Solutions—Best Set Designer for a Play
Russell Brown, Canberra Repertory, *It Runs In The Family*
and Bill Deveril, Spectrum Theatre Group, *The Club*

2. Ryleho Home Solutions—Best Set Designer for a Musical
David Todd, Livid Productions, *Jesus Christ Superstar*

3. Best Lighting Designer
Adam Boon, Livid Productions, *Jesus Christ Superstar*

4. John Thomson—Magic Moment of Theatre
Lyneham High School, for *Aida*
and
Kinross Wolaroi Preparatory School, *Strictly Zorro!*

5. Community Theatre Award
SFP Productions, for raising money for a number of charities

6. Technical Achievement
James Mcpherson, For Sound Design in *Miss Saigon*

7. Canberra Repertory Society—Best Costume Designer for a Play
Rebekah Cartwright, University Theatre Ensemble, *Gormenghast*

8. Best Costume Designer for a Musical
Candy Burgess, Bay Theatre Players, *Seussical the Musical*
and
Coty Farquhar, SHYAC, *The Wizard of Oz*

9. University of Canberra—Best Original Work
Joshua McHugh, ANU School of Music, *Grimm and the Blue Crown Owl*

10. University of Canberra—Best Original Work for a School or Youth Production
Drama Students, Canberra Girls' Grammar School, *Generation Y*

11. Best Ensemble in a Play
The Cast, University Theatre Ensemble, *Gormenghast*

12. Best Actor in a Featured Role in a School or Youth Play
Ben Kindon, Canberra Grammar School, *The Truth*

13. Best Actress in a Featured Role in a School or Youth Play
Jessica White, Canberra Girls' Grammar School, *Dinkum Assorted*

14. UC Co-Op Bookshop—Best Actor in a Featured Role in a School or Youth Musical
Blake Appelqvist, Marist College, *Jesus Christ Superstar*

15. UC Co-Op Bookshop—Best Actress in a Featured Role in a School or Youth Musical
Lucy Ridge, Lyneham High School, *Aida*

16. Queanbeyan Players Best Actor in a Leading Role in a School or Youth Play
Roscoe Walker, Canberra Grammar School, *Charley's Aunt*

17. Queanbeyan Players Best Actress in a Leading Role in a School or Youth Play
Joanna Richards, Canberra Girls' Grammar School, *Dinkum Assorted*

18. Blumers Lawyers Best Actor in a Leading Role in a School or Youth Musical
Bill Bourchier, Marist College, *Jesus Christ Superstar*

19. Blumers Lawyers Best Actress in a Leading Role in a School or Youth Musical
Caitlin Dickson, James Sheahan Catholic High School, *Seussical the Musical*

20. Taps Dancewear—Best Production of a School or Youth Play
Canberra Grammar School, *Charley's Aunt*

21. OC Dance Studio—Best Production of a School or Youth Musical
Marist College, *Jesus Christ Superstar*

22. ACT Government—Best Contribution On or Off Stage By An ACT Senior
Oliver Baudert for various productions

23. Patricia Kelson Encouragement Award,
Sarah Wall, Cooma Little Theatre, *Stepping Out*

24. Radio 2CC Best Variety Performance By An Individual or Ensemble
Dick Goldberg and Ian Croker, Canberra Repertory Society, *Jazz Garters*

25. Radio 2CC Best Ensemble in a Musical
The Cast, Don Hillam Entertainment, *The 25th Annual Putnam County Spelling Bee*

26. Radio 2CC Best Actor in a Featured Role in a Play
Ian Hart, Canberra Repertory Society, *It Runs in the Family*

27. Radio 2CC Best Actor in a Featured Role in a Musical
Allyn Smith, The Dubbo Theatre Company, *Spamalot*

28. LJ Hooker Best Actress in a Featured Role in a Play
Kiki Skountzos, Free Rain Theatre Company, *Charlotte's Web*

29. LJ Hooker Finance Best Actress in a Featured Role in a Musical
Christine Forbes, Queabeyan City Council, *Chess*

30. Niltac Enterprises Best Musical Director for a School or Youth Production
William Moxey, Kinross Wolaroi School, *Les Miserables*

31. Teatro Vivaldi Restaurant Best Actor in a Leading Role in a Play
Duncan Driver, Everyman Theatre, *Latin! or Tobacco and Boys*
and
Tony Falla , Canberra Repertory Society, *Runs in the Family*

32. Teatro Vivaldi Restaurant Best Actor in a Leading Role in a Musical
Bill Jayet, Parkes Musical and Dramatic Society, *Oliver.*

33. Teatro Vivaldi Best Actress in a Leading Role in a Play
Naone Carrel, Canberra Repertory Society, *Amy's View*

34. Teatro Vivaldi Restaurant Best Actress in a Leading role in a Musical
Jacinta Le from *Miss Saigon* by Supa Productions and Phoenix Players
and
Meredith Adams from *The Last 5 Years* by MMM Productions

35. DSP Productions Best Director of a Play
Brandon Martignago, Child Players ACT, *Hating Alison Ashley*

36. Stage Whispers Best Director of a Musical or Variety Show
Mark Grentell, Don Hillam Entertainment, *The 25th Annual Putney County Spelling Bee*

37. Channel Vision Best Musical Director
Lucy Bermingham, Queanbeyan City Council, *Chess*

38. Richards Consulting Best Choreographer
Lisa Buckley, Canberra Repertory Society, *Jazz Garters*

39. Best Production of a Play
Canberra Repertory Society, *It Runs in the Family*

40. Best Production of a Variety Show
The Milton Ulladulla Entertainers, *You Can't Stop the Music*

41. Best Production of a Musical
Don Hillam Entertainment, *The 25th Annual Putnam County Spelling Bee*

42. The ActewAGL Gold Cat Award
Lyn Townsend, Parkes Musical and Dramatic Society

I thank the board, judges, sponsors, performers, technicians, organisers, families and audiences who make theatre in our region as strong as it is.

**Mr Barr**: I could not understand a word of that from over here, but I will read the *Hansard.*

**MADAM DEPUTY SPEAKER**: I think Mr Coe gets the award for the best reading of awards.

## South Asian film festival
## Canberra area theatre awards
## Mother Language Day

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (5.50): I want to refer to a couple of

events that I went to over the weekend. Last Friday, I opened the South Asian film festival down at the Tuggeranong Arts Centre. It is running for a week. These are wonderful films from the South Asian region. It was good to meet members of the diplomatic corps from that area and watch a Nepalese film about the scenery, and to capture the locale and environment through these international films. That is something quite special. That was good and I encourage those that have an interest in South Asian film to mark this in your calendar.

Also on Saturday night I, too, was at the CAT awards. I think we must have all been there from the sound of it. I am not going to be running through the list but I do congratulate Oliver Baudert who got the senior award for contribution on and off stage.

On Sunday, 21 February I went to two events to celebrate Mother Language Day. UNESCO has determined that 21 February is Mother Language Day. The first event was a forum at the University of Canberra, and that was a gathering of families and educators. There were parents and children who have an interest in wanting to maintain language and also to have their children experience being bilingual—to experience a second language. It was clear from those there that there is a strong interest in maintaining language and having a bilingual parent within a family structure.

It was interesting to hear the stories of the children. One child went through high school and college here and is now at university in Japan. We heard about his experience of Japanese as his first language, coming through the Australian education system and then when he got English down pat he moved across to Japan to a Japanese university. It was a good day.

Then I shared the afternoon with the Bangladeshi community at the high commission's Mother Language Day, which is a particularly important day for the Bangladeshi community. 1952 was a hallmark; they drew a line in the sand in respect of maintaining their Bengali language. They really then went on to maintain their independence 20-odd years later. So I think that Mother Language Day is an important day to remember. Language is, indeed, a key to maintaining heritage and culture. The maintenance of that across families and also across communities adds a richness and vibrancy to our community here in the ACT.

I am pleased that we have recognised language as an important part of our multicultural community. It is recognised in our multicultural strategy. We will be going out and talking to the broader community about how we bring that about across a whole-of-government approach. I think there was an apology from Sam Wong at the University of Canberra—

**Mr Doszpot**: I was actually there.

**MS BURCH**: I must have missed you, Mr Doszpot.

**Mr Doszpot**: I got there about 2.15.

**MS BURCH**: All right.

Question resolved in the affirmative.

**The Assembly adjourned at 5.54 pm.**

# Schedules of amendments

## Schedule 1

## Human Rights Commission Legislation Amendment Bill 2009

Amendments moved by Mr Seselja (Leader of the Opposition)

**1**
**Clause 5**
**Page 3, line 8—**

*[oppose the clause]*

**2**
**Clause 10**
**Proposed new definitions of *industrial activity*, *industrial association* and *industrial organisation***
**Page 5, line 7—**

*omit*

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## Schedule 2

## Education Amendment Bill 2010

Amendments moved by Mr Doszpot

**1**
**Clause 4**
**Page 2, line 15—**

*omit*

10

*substitute*

15

**2**
**Clause 5**
**Page 2, line 22—**

*omit*

10

*substitute*

15

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