Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

25 FEBRUARY 2010

www.hansard.act.gov.au

Thursday, 25 February 2010

Thursday, 25 February 2010

MR SPEAKER (Mr Rattenbury) took the chair at 10 am and asked members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

Questions without notice—standing order 117(e)
Statement by Speaker

MR SPEAKER: Members, I would like to make a brief statement with regard to standing order 117(e), which was discussed in question time yesterday. I want to cover that now, well ahead of today's question time.

Yesterday in question time I ruled out of order a question asked by Mr Doszpot to the Treasurer. I ruled the question out of order on the basis that it infringed standing order 117(e) and that the substance of the question, in particular a preamble given by Mr Doszpot, made assertions which are now the subject of a privileges committee inquiry.

The establishment of a privileges committee to investigate an alleged contempt is a very serious step to take, both for the Assembly and for the individual concerned. The Assembly needs to vigilantly ensure that due process and fairness is followed in all of its activities, particularly in relation to privilege matters. Having reflected overnight, I remain committed to the position I took yesterday.

Subsequently, Mr Smyth asked me when it would be appropriate to ask Ms Gallagher questions about her activities as the Treasurer which were associated with the matter. Speaker Berry addressed the Assembly on this issue on 2 May 2006, and I think it is worth while repeating his statement here. He said:

> To balance the competing needs of public interest and safeguarding committee deliberations, I intend to allow questions which only coincidentally refer to matters which are the subject of a committee inquiry. The appropriate practice is to allow questions seeking information on public affairs for which there is ministerial responsibility, provided that such questions are not of a nature which may attempt to interfere with a committee's work or anticipate its report. For example, I will not allow questions which refer to evidence taken in camera, nor will I allow questions relating to evidence not yet authorised by a committee, nor will I allow questions which speculate on potential findings by a committee.
>
> I will, therefore, continue to rule any question out of order which, and whether intentional or not, in my opinion is framed in such a way that it has the potential to adversely affect the operations of committees. This is subject, of course, to whatever course of action the house might in its wisdom wish to adopt in relation to this matter.

Speaker Berry went on:

> In framing questions I request members to give consideration to this statement so as to avoid potentially disruptive calls for my approval for the rephrasing of

> questions on the floor which may lead to disorder because of, firstly, the undesirable inconvenience and, secondly, the unnecessary interruption to business this can cause the house, not to mention the unintended consequences of a hastily redrafted question without notice.

Speaker Berry's approach was a sensible one and I intend to continue to follow that approach. On the specific question asked by Mr Smyth, it is open to any member to ask questions of the Treasurer at any time provided the questions do not make or repeat assertions which are the subject of the privileges committee inquiry.

Animal Welfare Amendment Bill 2010

Mr Stanhope, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

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) (10:04): I move:

> That this bill be agreed to in principle.

The Animal Welfare Amendment Bill 2010 will amend the Animal Welfare Act 1992 to give the minister the power to make mandatory codes of practice under the act. Although the act gives the minister the power to make codes of practice, there is currently no requirement to comply with a code. As the act is currently structured, a code of practice describes best practice in owning or caring for an animal. Compliance with a code may also be relied upon by a person as a defence, with some exceptions, to a prosecution for an animal cruelty offence.

The Primary Industries Ministerial Council agreed at its May 2009 meeting that all jurisdictions move to implement consistent animal welfare requirements. The ACT government is introducing this legislation in preparation for the introduction of mandatory codes of practice which will ultimately allow for a nationally consistent animal welfare regulatory regime.

The government will be working through a set of 23 key elements for consistency developed and endorsed during cross-jurisdictional consultative workshops. These workshops included regulators from every jurisdiction, industry peak bodies and representatives of the Victorian and New South Wales Royal Society for the Prevention of Cruelty of Animals.

The new national model codes of practice will be developed on behalf of the Primary Industries Ministerial Council. For example, there is currently in development a mandatory code of practice for the welfare of animals for the land transport of livestock. This will use a standard template and undergo a structured process managed by Animal Health Australia. It will also be verified through measurement or audit to

ensure the standards and guidelines it contains are able to be legally enforced. I should advise the Assembly that there is some debate nationally about the terminology applied to these codes and ultimately what we call the codes may change. However, for the time being the ACT will retain the working terminology of codes of practice and mandatory codes of practice.

The power contained in this bill will allow the minister to declare all or part of a code of practice mandatory. The declaration of a mandatory code of practice will be a disallowable instrument.

This bill will also require the minister to consult before making a mandatory code of practice. Many people have animals in their care and should be offered the opportunity to provide their views, as animal welfare stakeholders, on whether a code of practice, or parts of it, should be mandatory. Consultation can increase understanding of animal welfare issues, improve relations with stakeholders, and improve trust in government and industry. It is expected that this will lead to better animal welfare outcomes.

It is also important that consultation is undertaken before making a code mandatory because it will be an offence to fail to comply with a requirement of a mandatory code of practice. Two offences of failing to comply are proposed, taking a two-tiered approach. The first offence is a fault element offence, where the prosecution will need to prove the person recklessly failed to comply with a requirement of a mandatory code of practice. The second offence is a strict liability offence.

The requirement for consultation will be an integral part of the development of mandatory codes of practice. While consultation at the national level is necessary, the government considers it important that Canberrans also have an opportunity to offer their views. This requirement for consultation builds on the requirement in the act for the Animal Welfare Advisory Committee to participate in the development and recommendation of codes of practice.

The act already requires non-mandatory codes to be published and this requirement will be extended to new mandatory codes. In addition to the requirement to consult and to publish a mandatory code of practice, the operation of the strict liability offence will also be subject to special arrangements where an offender might not reasonably be expected to know of his or her obligations under a code. Typically, this might be individuals not involved in a business or industry to which a mandatory code ordinarily applies.

In such cases, the requirements of new section 24C will apply. Where the person is reasonably suspected by an animal welfare inspector, or an authorised officer, of breaching a code, the person must first be served with a written direction to rectify the breach. They must be told how they have breached the code and given a reasonable time to comply. The person only commits an offence if they fail to comply with that direction within the stipulated time. This will ensure that the person is made aware of the existence of the mandatory code.

This bill is the first step to be taken to bring about nationally consistent implementation in animal welfare regulation. The government will be working

through the 23 key elements and consider the changes that can be made to legislation, enforcement systems and administrative arrangements to achieve the worthy goal of nationally consistent regulation.

Alongside this legislation, and in consideration of the fact that nationally consistent mandatory codes of practice will only commence to be introduced from the end of this year, the government will, before this bill is debated, be introducing new regulations to impose mandatory standards for the welfare of poultry.

These regulations will provide specific requirements for cage design, inspection regimes and stocking density, as well as stipulating water and feed trough sizes and minimum design standards. The new regulations will allow the ACT to continue to lead the nation ahead of the introduction of a national regulatory code of practice for the welfare of poultry to which this bill will give effect.

Combined, these measures will ensure that the ACT government continues to be a leader in the realistic and practical reform of the caged hen industry.

Mr Speaker, I commend the bill to the Assembly.

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

Crimes (Serious Organised Crime) Amendment Bill 2010

Mr Corbell, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.11): I move:

> That this bill be agreed to in principle.

Organised crime continues to present many challenges in jurisdictions within Australia and overseas. Organised crime has been at the forefront of media attention in recent times, particularly in relation to outlaw motorcycle gangs, and jurisdictions in Australia have been evaluating their legislative responses to serious organised crime.

The government in the ACT has also taken the opportunity to examine the responsiveness of the ACT's legislative framework to tackle the multijurisdictional nature of serious organised crime. The Legislative Assembly passed a motion on 1 April last year resolving that the government provide advice to the Assembly on various aspects of organised crime in the ACT and other relevant jurisdictions.

On 24 June last year, I tabled the government report to the ACT Legislative Assembly: *Serious organised crime groups and activities*. This report is a

comprehensive and factual document designed to inform the debate and provide members with the facts that exist. In tabling the government report, I asked each member of the Assembly to also consider what is in the best interests of the territory in addressing serious organised crime in the territory. During the debates in the Assembly last year, I also announced the government's intention to introduce amendments to strengthen the territory's ability to combat serious organised crime.

Therefore, today I am pleased to introduce several of these measures in the Crimes (Serious Organised Crime) Amendment Bill 2010. The bill introduces the offences of affray, participation in a criminal group, recruiting persons to participate in criminal activity, and expands the offences relating to the protection of people involved in judicial proceedings to cover people involved in criminal investigations. It also extends the concepts of criminal responsibility to reintroduce the concept of joint criminal enterprise and knowingly concerned. A detailed discussion of each of these proposed legislative amendments was contained in the government report I tabled last year, and I again refer members to that report.

As I have previously said, the ACT will not be adopting legislation that allows for the banning of certain organisations in a similar fashion to that currently provided for in South Australia and New South Wales. In fact, the South Australian laws were dealt their first blow by the South Australian Supreme Court in November last year, when it was found that a control order made against a Finks motorcycle club member was void and of no effect and that the provision relating to the making of control orders by the court was invalid. It is expected that the issues relating to this and similar legislation will ultimately be litigated in the High Court.

Therefore, what is proposed in the bill tabled today includes a series of new offences around participation in a criminal group. I would like to provide some more detailed comment on this aspect of the bill, as these provisions engage the right to freedom of association in section 15(2) of the ACT's Human Rights Act 2004. It cannot be denied that freedom of association is an important element for a free and democratic society. The right to freedom of association ensures that citizens can participate fully in society and contribute to the shaping of public opinion.

However, no human right is absolute. Section 28 of the Human Rights Act provides that all other rights may be subject to "reasonable limits set by territory laws that can be demonstrably justified in a free and democratic society". This section gives statutory effect to the international human rights law concept of "proportionality".

The process for establishing whether a limitation on a human right is proportionate, and thus a "reasonable limit" which is "demonstrably justified in a free and democratic society", is now well established. To satisfy the test set out in section 28, the limitations must fulfil a pressing and substantial social need, pursue a legitimate aim and be proportionate to the aims being pursued. Further, the concept of proportionality requires that the limit must be:

- necessary and rationally connected to the objective;
- the least restrictive in order to accomplish the object; and
- not a disproportionately severe effect on the person or persons to whom it applies.

First, the limitation must be intended to overcome a problem which is "pressing and substantial". There is no doubt that serious organised crime activities such as the manufacturing and distribution of illicit drugs and firearms, money laundering and extortion would all satisfy this requirement. It is well established that freedom of association may be limited in the interests of public safety or for the prevention of disorder or crime. Suppression and interruption of serious organised crime in this context arguably justifies limitations being placed on the right to free association.

The next question that must be asked is whether the limitations are rationally connected to the objective. That is to say, "the measure must be fair and not arbitrary, carefully designed to achieve the objective in question and rationally connected to that objective". Organised crime relies on systemic conduct and networks to achieve and promote criminal activities. The connection to the objective is unequivocal.

To be reasonable and demonstrably justified, the impugned measures must impair the infringed right or freedom "no more than is necessary to accomplish the objective". Furthermore, the law must be carefully crafted to attend to the objective of the legislation such that rights are impaired using the least restrictive means and no more than necessary. Finally, any limitation must also strike a fair balance between the general interests of the community and the requirements of the protection of an individual's fundamental rights. This will usually entail asking whether the measures used to achieve the objective are unacceptably broad in their application, or whether they impose an excessive or unreasonable burden on certain individuals.

The offence provisions in the bill have been carefully drafted to ensure that the provision is reasonable and demonstrably justified. Some of the important safeguards and features of this offence are:

- A group is a criminal group only if it is a group of three or more people that has the objective of obtaining material benefits from conduct that constitutes an indictable offence or committing serious violent offences, or both.

- A person can only commit offences under the provisions if the person participates in the criminal group; knows that the group is a criminal group, and knows, or ought to have known, that the person's participation in the criminal group contributes to criminal activity.

The bill defines "criminal activity" as conduct that constitutes an indictable offence.

Under the offences proposed by the bill, "participation", per se, attracts a maximum penalty of five years imprisonment. However, if the person engages in conduct that causes harm, or threatens to cause harm, to someone else, or damages property belonging to someone else, or threatens to damage that property, an elevated maximum penalty of 10 years imprisonment applies.

This bill does not propose to introduce a blanket prohibition on association or participation into the ACT statute book. The offences contained in this bill will not apply to all members of any group. A person can only be prosecuted under this

offence if the person knew that a group engaged in criminal activity and actively participated in that criminal activity. Legal activities of a group or law-abiding members of a group will not be committing any offence and the provisions will not apply.

The bill does not contemplate introducing a "declaration" process relating to either groups or individual members. Further, the conduct prohibited by the offence is conduct that constitutes criminal activity. Innocent association or social interactions, even if between members of a group who have fallen foul of the provisions and who may have been convicted under the provisions, will not amount to a criminal offence.

In addition to this, the bill makes it an offence to recruit people to engage in criminal activities and, in particular, creates an offence with a maximum penalty of 10 years imprisonment if the person recruited is under the age of 18. The government strongly believes that exploiting the vulnerability of a person under the age of 18 in order to further criminal interests is particularly reprehensible. The increased penalty for this offence reflects this sentiment.

This bill represents a strengthening of the territory's ability to combat serious organised crime and balances the rights of individuals against the protection of society and the reduction of crime. I commend the bill to the Assembly.

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

Crimes (Surveillance Devices) Bill 2010

Mr Corbell, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

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): I move:

> That this bill be agreed to in principle.

The Crimes (Surveillance Devices) Bill 2010 is the next step in the government's commitment to provide ACT Policing with modern tools to detect and dismantle organised crime by providing a legal framework for the use of surveillance devices.

This bill is the third piece of legislation that the government has introduced into the Assembly to give effect to the cross-border investigative powers for law enforcement model legislation. This model legislation has been prepared by the Standing Committee of Attorneys-General and Australasian Police Ministers Council joint working group on national investigation powers.

The bill creates a scheme that will authorise the use of surveillance devices by law enforcement officers in the ACT that can also be used in other jurisdictions with

corresponding laws. The legislation also contains mutual recognition provisions to ensure that in jurisdictions that adopt the model these warrants will be recognised and have effect.

There are four types of surveillance devices that the bill covers: data surveillance devices, listening devices, optical surveillance devices and tracking devices.

The bill broadly defines a data surveillance device as a device, equipment or program that is capable of being used to record or monitor the information sent or received by a computer, as well as a device that can record or monitor data entered into or received by computer. A listening device is defined as a device that monitors and records conversations and other audio emissions in the open air. An optical surveillance device is defined as a device that includes cameras, video recorders and other devices that permit an image to be seen and/or recorded. A tracking device is defined in the bill as a device that emits a signal that allows the movement of a vehicle or object to which it is attached to be monitored.

Before law enforcement agencies can place a surveillance device, they must first secure a warrant to do so. The bill establishes a procedure for law enforcement officers to obtain warrants for installing and using surveillance devices in cross-border criminal investigations, and for the removal of such devices.

There are two types of warrants that may be used: a surveillance device warrant and a retrieval warrant. In addition, a warrant may be issued in relation to one or more kinds of surveillance devices. For simplicity, one warrant can be sought to authorise a number of devices or composite devices, rather than requiring a separate warrant for each device.

Applications for warrants are made to a Supreme Court judge for any type of surveillance device warrant, and to a magistrate for a warrant for the use of a tracking device or a retrieval warrant for a tracking device.

The bill treats tracking devices differently because they involve less intrusion upon privacy in comparison with other forms of surveillance devices. In addition, the option of either a judge or magistrate provides law enforcement agencies with greater access to judicial officers in the case of obtaining tracking devices warrants, which may assist in circumstances where a warrant is needed urgently at short notice.

In adopting the model laws on surveillance devices, the ACT will be taking responsibility for legislating to govern the issue and use of electronic surveillance device warrants in the ACT. Currently, the ACT relies on the issue of these warrants under division 2 of part II of the commonwealth's Australian Federal Police Act 1979 that has been repealed as far as the commonwealth is concerned but still applies to the ACT for the use of listening devices in respect of offences against the law of the territory.

In order for police to investigate crime, they must be given effective powers. Setting out cross-border investigative powers in legislation provides law enforcement agencies with clear parameters and promotes transparency and certainty about the extent of those powers.

I am sure no member of this Assembly would deny that protecting society against crime is an important public interest or that the use of surveillance technology has proven to be an effective tool to detect and prevent serious organised crime. These sentiments are echoed in the final report of the Wood royal commission, which considered that the use of electronic surveillance was the single most important factor in achieving a breakthrough in its investigations.

The use of electronic surveillance can be seen to have a number of advantages, including: obtaining evidence that provided a compelling, incontrovertible and contemporaneous record of criminal activity; the removal of the incentive to engage in process corruption; the opportunity to effect an arrest while a crime is in the planning stage, thereby lessening the risks to lives and property; and overall efficiencies in the investigation of corruption offences and other forms of criminality that are covert, sophisticated and difficult to detect by conventional methods, particularly where those involved are aware of policing methods, are conscious of visual surveillance and employ countersurveillance techniques.

Of course, especially in a human rights jurisdiction such as the ACT, these advantages and police powers must be balanced against the rights of the individual, particularly the right to privacy and the right to a fair trial. Section 13 of the Human Rights Act 2004, which is based on the right to privacy reflected in article 17 of the International Covenant on Civil and Political Rights, states that everyone has the right not to have his or her privacy, family, home or correspondence interfered with unlawfully or arbitrarily.

I would like to assure the Assembly that in drafting the model laws the joint working group gave careful consideration to the right to privacy and included a number of important safeguards and accountability measures to ensure the use of surveillance devices is restrained and not abused.

It is not the government's intention that this bill will authorise law enforcement officers to listen into the private conversations of anyone they feel like. Instead, this bill provides for strict legal and operational control of surveillance devices. This is in keeping with established human rights jurisprudence in this area, an analysis of which is set out in the explanatory statement that accompanies the bill.

A clear example of these controls is the set of criteria which must exist for a law enforcement officer to make an application for a surveillance device warrant. Firstly, the officer must suspect or believe on reasonable grounds that a relevant offence has been, is being, is about to be or is likely to be committed. The bill defines a relevant offence as an offence against an ACT law that is punishable by imprisonment of three years or more, or an offence against an ACT law that is prescribed under regulation. Examples of such offences include serious drug offences, possession of prohibited firearms and administration of justice offences.

The second criterion is that the law enforcement officer must believe or suspect on reasonable grounds that an investigation into an offence is being, will be or is likely to be conducted in the ACT wholly, in the ACT and in one or more participating jurisdictions, or in one or more participating jurisdictions.

The final criterion is that the law enforcement officer must believe or suspect on reasonable grounds that the use of a surveillance device will be necessary in the course of that investigation for the purpose of enabling evidence or information to be obtained about the commission of the relevant offence or the identity or location of the alleged offender. Under this criterion, the offence could be occurring either wholly in the ACT or in the ACT and in one or more participating jurisdictions.

A further restriction on the possible abuse of surveillance devices contained in the bill is the independent oversight of the scheme by the ACT Ombudsman. The Ombudsman may inspect records made under the foreshadowed act. If the Ombudsman inspects the records, a report on the inspection must be prepared under the terms of the Annual Reports (Government Agencies) Act 2004. The report will be de-identified to protect operatives, agencies, investigations and potential prosecutions.

The Ombudsman's authority in this bill works alongside the authority in the Controlled Operations Act and the Assumed Identities Act to enable the Ombudsman to examine the interplay of an authority to use an assumed identity with a controlled operation.

To further ensure that reasonable limits apply and privacy considerations are taken into account, there are additional safeguards and accountability measures incorporated into the bill to ensure that surveillance powers are appropriately used and not abused. These safeguards extend beyond those currently available at common law and include: requiring the approval by judicial officers of the covert use of surveillance devices by law enforcement officers; allowing for emergency authorisations in urgent situations, which still require law enforcement officers to apply to a Supreme Court judge for approval of the use of the emergency powers; requiring law enforcement agencies to record details relating to the execution of warrants and to provide annual reports to the Attorney-General on the use and effectiveness of surveillance devices; restrictions on the use, communication and publication of information obtained from surveillance devices, including safe storage; and obligations on law enforcement agencies to maintain a register and keep records connected with warrants and emergency authorisations.

As I have outlined, this bill will provide law enforcement agencies working in the ACT with modern powers to break down and infiltrate organised crime groups. The foreshadowed act will work in synergy with the government's controlled operations and assumed identities law. This combination of laws will enhance the ability of the police to involve themselves covertly in organised crime, under strict operational control, to gain evidence and intelligence about criminal behaviour.

I am pleased to say that this bill will also strengthen the collaboration of law enforcement agencies across borders by enabling other jurisdictions with corresponding law to use their authorised assumed identities in the ACT, and the ACT to use surveillance devices in other participating jurisdictions.

I commend the bill to the Assembly.

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

Workers Compensation (Default Insurance Fund) Amendment Bill 2010

Ms Gallagher, pursuant to notice, presented the bill, its explanatory statement and a Human Rights Act compatibility statement.

Title read by Clerk.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (10.34): I move:

> That this bill be agreed to in principle.

In 2009 I addressed the Assembly on various pieces of legislation that were designed to deliver improvements to the efficiency and effectiveness of the workers compensation scheme established by the Workers Compensation Act 1951. In part, this work concerned the Default Insurance Fund Advisory Committee and its role as an advisory body to the fund manager and the Minister for Industrial Relations.

Underpinning the creation of the advisory committee was the government's intention to provide the Minister for Industrial Relations and the fund manager with a mechanism by which to draw on the contribution of experience, knowledge and expertise of key stakeholders within the workers compensation environment in relation to the fund's operations. The stakeholders were, and remain, employers, workers and insurers.

The introduction of the Workers Compensation (Default Insurance) Amendment Bill 2010 signals the government's ongoing commitment to delivering the program of improvement initiatives that began in 2009.

The bill addresses the functioning and membership structure of the advisory committee. The bill proposes minor amendments to the functions of the advisory committee which clarify the scope of its role in the overall private sector workers compensation scheme and give effect to the government's original intentions regarding its purpose.

Put simply, the amendments make clear that the primary function of the advisory committee is to keep abreast of the operations and conduct of the fund in order to provide, as requested, advice on the same to the Minister for Industrial Relations or the fund manager. These amendments do not detract from the advisory committee's power to perform any other function conferred upon it under the act.

Secondly, the bill also proposes amendments to streamline the membership structure of the advisory committee to assure that it allows for robust, balanced stakeholder representation in a manner that is consistent with the role and purpose of the advisory committee.

Presently, the act requires that a total of six appointed members, split evenly across employers, workers and insurers, be appointed to the advisory committee. The fund

manager and the Chief Executive of Chief Minister's Department, or delegate, are permanently appointed to the advisory committee.

The bill proposes amendments to reduce the appointed membership of the advisory committee from a total of six to a total of three members, consisting of one member with experience, knowledge and expertise in relation to employers' interests, one member with experience or expertise in relation to workers' interests and one member with experience or expertise in relation to insurers' interests. This will leave a total of five members on the advisory committee: three appointed members, the fund manager and the Chief Executive of Chief Minister's Department or delegate.

The reduction of each category of appointed member from two to one will satisfy the government's need to preserve equity in the representation of the experience, knowledge and expertise of stakeholder interests.

Moreover, the reduction in the size of the advisory committee will allow it to function more efficiently and effectively in a manner consistent with the roles and functions prescribed under the act.

I commend the bill to the Assembly.

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

Justice and Community Safety—Standing Committee
Report 4

MRS DUNNE (Ginninderra) (10:38): I present the following report:

> Justice and Community Safety—Standing Committee—Report 4—*Report on Annual and Financial Reports 2008-2009*, dated 24 February 2010, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

> That the report be noted.

The Standing Committee on Justice and Community Safety has concluded deliberations on the annual and financial reports for portfolios that come within its purview for the financial year 2008-09. The report that I present today contains 28 recommendations that cover a whole range of areas.

There are a number of recommendations about the improvement of reporting, not just in this portfolio but across portfolios. And there are a number of recommendations about improvements to the Chief Minister's annual report directions.

There are a number of issues here in relation to scrutiny. First, a considerable, problematic issue for the committee was the tardiness in relation to the answering of questions taken on notice by portfolio ministers. As it says on page 3:

> The committee is concerned about the slow responses to questions taken on notice and given on notice during the inquiry, and the slow delivery …

At the end, there is a lengthy table outlining the number of questions taken on notice and the lengthy delays. It does point out the lengthy delays. Sometimes the lengthy delays were between when the minister signed off an answer to a question and when the committee received an answer to a question. The amount of time it sometimes seems to take for that last process, for it to be walked down a couple of flights of stairs, beggars belief.

The delay did impede the committee's deliberations. The committee probably would have concluded its deliberations much earlier if we had had the information. We started the hearings as early as we possibly could so that we could get these out of the way, because we have two other important inquiries and we wanted to give attention to those. We make a recommendation that in future relevant ministers advise the committee if and why they are unable to provide responses to questions on notice and supplementary questions within the time frame advised by the committee. Of course, the time frames in committee processes are usually much shorter than the Assembly time frames, but the time frames set by the committee in this case were much more generous than is the case with the estimates process. The committee was very disappointed in that.

As I said, there are a range of recommendations about improved reporting. In relation to improved reporting, the committee made special comment in relation to courts and tribunals, about the backlog indicators to assess the timeliness of the court system. In response to questions on notice, the committee was advised that, at 30 June 2009, there were 2,168 cases before the Supreme Court which were unresolved. During 2007-08, 1,600 cases were lodged, and during 2008-09 there were 174 judgements handed down, including from the appeals court. And as at December 2009, there were 57 judgements outstanding in the Supreme Court. During a similar period, 74 judgements had been reserved by the master, judges and the Court of Appeal. The longest standing of those judgements went back to 13 March 2008.

These are matters of considerable concern to the community at large and to the committee. At recommendation 9, the committee has recommended that the Attorney-General report to the ACT Legislative Assembly every six months between now and 2012 on measures that are being undertaken and progress that has been made to reduce the backlog in the ACT's courts.

There is also a recommendation in relation to unpaid fines. This is an ongoing issue. It is a difficult issue, and I know that all jurisdictions are looking at this in various ways. We have made a recommendation that the minister keep the Assembly apprised of progress during these sittings on work done in relation to the recovery of unrecovered fines—unpaid court fines.

In passing, we noted some issues in relation to legal matters that the department is dealing with. There was a standout item which in many ways intrigued the committee: there are court processes afoot that have resulted in a huge boost to the revenue of the

ACT, to the tune of $106 million over a period of time, through a number of court matters which the Government Solicitor, I think rightly, was not at liberty to speak about at the time because there are still court matters afoot. We have asked that, at an appropriate time in the future, the committee be briefed on that matter.

Some other highlights were in relation to ACT Policing. The committee spent some time going over the issue of on-the-spot fines and infringement notices and the failings of the government in implementing policy which was passed in this place in April 2008. As at the time of the hearings in November 2009, the policy had not been implemented because of procedural matters. There did not seem to be a mechanism at that stage for electronic infringement notices to be issued, and there had been some delay in having an interim paper-based system. We have called on the minister to provide an analysis on the delays in the next report and compare the performance of the ACT with their interstate counterparts.

In relation to Emergency Services, there were recommendations for improved reporting across the board. There are a lot of gaps in the reporting there and we thought this was a particularly poor part of the report. There was also, as has become customary in annual reports hearings in relation to Emergency Services, some time devoted to the funding of the new Emergency Services headquarters. The more we ask, the murkier the whole issue becomes. We have found that there are considerable discrepancies between what the committee was told this time and what it was told the previous time it asked questions. When you marry that to the information that is provided in the 2009-10 budget review that was tabled in this place on the last sitting Thursday, there is even more confusion. There are some recommendations about accounting for those discrepancies which I would encourage the minister to deal with.

One of the other issues that occupied the committee's attention was the funding situation with the Legal Aid Commission. We see from the reports that, over two years, funding to the Legal Aid Commission has increased by roughly $100,000 from the commonwealth, $400,000 from the ACT directly and another $400,000 from the statutory interest account. It shows that the statutory interest account is proportionately doing the heavy lifting in increasing the funding to the Legal Aid Commission.

The report shows that, while applications for legal aid increased in the reporting year, the actual number of approved grants fell over the previous year, to the tune of about 1,000 applicants fewer receiving assistance during this reporting period. In addition to that, there have been recent reports that the Legal Aid Commission has had to suspend the roster of private practitioners who provide legal assistance on weekends and public holidays. This is of concern because it appears that people have been left unrepresented, and in some cases have been remanded in custody because they have been unrepresented.

Over the years, the committee has expressed concern about the funding for legal aid. It is an issue that occupies not just our minds: the Senate Legal and Constitutional Affairs References Committee has contemplated this in its report *Access to justice* and we note that the Victorian Attorney-General has been critical of the impact of cuts from the federal government in relation to legal aid.

This is an issue that goes back many years. My recollection is that it goes back to 1996, when the Howard government cut legal aid funding. The then ACT Attorney-General, Mr Humphries, was very critical of the commonwealth government, and he maintained his criticism of the commonwealth government's cut in legal aid funding. I did not hear the same vociferousness from Mr Stanhope and I do not hear it now from Mr Corbell. There are recommendations for the Attorney-General to do what he can to seek real increases in legal aid funding for the ACT.

There are other issues that arise in the report. The committee notes that the commission's staffing profile indicates that there are only 24 legal officers in a staff of 60. While we make the comment that the Legal Aid Commission cannot be compared to a normal legal practice—and I have, on other occasions, made similar points about conflict of interest—we do question whether the balance is quite right.

We also looked at a range of expenses. There seems to be a lot of money being spent on recruitment consultancies. We also note that there is—or was at the time of reporting—an as yet unexpended contract for $23,000 for payroll services. The committee did wonder why the payroll services were being outsourced rather than going to the government Shared Services agency.

And there are recommendations in relation to getting the balance between administrative costs and legal costs in the Legal Aid Commission quite right. At the moment, we are concerned that people are being deprived of access to justice because there is not sufficient money for legal services in the Legal Aid Commission.

To conclude, let me say that the community advocate raised issues in relation to the availability of a register of enduring powers of attorney and other instruments. The committee has made recommendations about the availability of that, especially to health officials, where those decision-making instruments are of the utmost importance.

I commend the report to the Assembly. I look forward to the government response. I would like to thank my colleagues: Ms Hunter; Ms Porter, when she was a member of the committee; and Mr Hargreaves. Mr Hargreaves was in a difficult position because he was in hearings and participating in hearings where he had prior knowledge because of his previous position. He acted appropriately in those matters and I thank him for that. I also thank Hanna Jaireth for her splendid work on this and acknowledge the support work of the committee secretariat, especially Lydia Chung, who did a lot of work trying to keep track of the questions on notice, which were substantial. Special thanks need to go to Lydia and Hanna for their persistence in tracking down answers to questions on notice.

MR HARGREAVES (Brindabella) (10.53): Like Mrs Dunne, the chair, I would like to commend the report to the chamber. One of the points or one of the themes which comes through this particular report is mirrored in other reports by other committees into other departments reasonably frequently: this is about format and information and the way in which it is presented.

I think it is fair to say that there has been—I have seen it anyway—an improvement over time in the nature of the production of annual reports which has made it easier for members who are not necessarily familiar with the workings and machinations of departments to work their way through. I applaud the departments for their improvement.

One of the things that I note as a member of other committees or from examining other departments as they come forward is that the consistency of information and the way it is presented are not there sufficiently that everybody can just pick up any old annual report and you can eventually work your way through it. There almost seems to be a competition between departments to see who can provide the best one. I would like to see the same format.

I do not know whether it is because people are not complying with the Chief Minister's directions or whether those directions in fact are not specific enough, but, Mr Speaker, if you look at comments on the annual reports of other departments, I think you will find this comment quite frequently. It particularly goes to the nature of the tabulation of statistical information contained in those reports. We could perhaps have some attention on that.

I would like to express my appreciation to the ministers who appeared before the committee—particularly, during my time, Mr Corbell. I found their willingness to engage with the committee commendable and I would like to see the record show that.

This time the committee decided to put details of questions on notice as an appendix to the report. I would urge members to have a bit of a look at that. You will see the nature of the questions; you will see the number of the questions; and you will see just how much work sometimes vexatious or frivolous questions can impose upon the committee secretariat and the departments. Sometimes it is very difficult for a committee to go through all of those sorts of things, because there is a stack of them.

It is to the credit of Dr Jaireth—I am sure Mrs Dunne will echo my sentiments here—and her support staff that the distillation of all of that information in that quantity of questions on notice and the responses was done with such commendable professionalism.

I, too, would like to commend the report to the Assembly.

Question resolved in the affirmative.

It being 45 minutes after the commencement of Assembly business, the debate was interrupted in accordance with standing order 77. Ordered that the time allotted to Assembly business be extended by 30 minutes.

Statement of planning intent 2010
Paper and statement by minister

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing):

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

> Planning and Development Act, pursuant to subsection 16(2)—Statement of Planning Intent 2010.

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

Leave granted.

MR BARR: The Planning and Development Act provides the Minister for Planning with an opportunity to give the ACT Planning and Land Authority statement of planning intent. In 2007, I released my first statement of planning intent. That statement established key planning priorities for the government, and these included serving Gungahlin, planning system reform, affordable housing and land release, and addressing climate change.

Among other things, the new directions resulted in mandated water use reductions of 40 per cent for new developments; the creation of a more compact city through the development of the compact block code; and the Gungahlin town centre planning study.

By ensuring a high number of planning-ready blocks, there has also been a significant increase in land supply, with 3,470 dwelling sites released in 2007-08 and 4,339 new sites released in 2008-09. These directions remain relevant and continue to form part of the government's planning priorities. A changing environment, however, means that we need to update our priorities and ensure that we are responding to new challenges.

The 2010 statement of planning intent builds on my first statement, refining the planning policy directions laid out in 2007 and responding to a range of new challenges. In setting priorities for the future of planning in Canberra, the statement outlines a direction or intent whereby Canberra will maintain its unique status as the nation's capital while providing the living environment that Canberrans want and Canberrans deserve.

My 2010 statement also includes the intent that the government will ensure Canberra has a planning system which meets the challenge of climate change, supports economic growth and involves the community in decision making. These issues have come to the fore in the context of the impacts of the global financial crisis and the actions taken to ensure that the territory's economy is strong enough to enable the ACT to work through the crisis. To reflect these messages, the key areas in my 2010 statement of planning intent are: supporting Canberra's economic growth; preparing for a sustainable future; planning for a more compact, more affordable city; planning for our neighbourhoods; continuing to listen to the community; and keeping politics out of planning

In terms of supporting Canberra's economic growth, in the short to medium term there is an ongoing need for the development assessment system and construction services to be responsive to new demands. In this respect, the new development assessment system is already showing itself to be flexible and adaptable.

The government's ACTPLAn initiative has delivered a range of procedural, cultural and structural improvements. ACTPLAn is an action plan supported by industry to ensure that ACTPLA, the Department of Territory and Municipal Services and the building industry work more closely together to support thousands of building jobs in the ACT.

As I have said before in this place, climate change means Canberra changes. And our ideas for planning respond to this. The ACT government is planning for climate change. The government's intent is to drive change to planning policy through the sustainable future program in support of the government's climate change strategy, weathering the change. This will drive changes to regulation and design standards in the territory plan, including those relating to solar orientation and solar access.

The government's intent is to develop and implement statutory arrangements for protecting solar rights. We intend to consult industry to alter the current solar access rules in the territory plan to ensure better tools for measuring energy gain. And we intend to strengthen the rules around passive solar orientation of stand-alone blocks in new subdivisions.

We intend to evaluate and review the Canberra spatial plan to ensure that it is responsive to and can deliver on the key principles that are contained within it. We intend to work with the community and industry to implement, over the next decade, carbon targets for entire estates.

We intend to implement more comprehensive measures to increase residential density in and around town and group centres and along transport corridors. We intend to develop world's best practice sustainable development demonstration projects such as the East Lake development. We propose to further enhance stormwater harvesting in new estates, establish new approaches to water re-use in the Molonglo Valley development and continue to drive energy efficiencies in new and existing homes by phasing out electric storage hot-water heaters for class 1 and 2 buildings, consistent with the COAG national strategy on energy efficiency.

As Canberra's population grows and the demand for new and affordable housing increases, the government will continue to plan new suburbs in accordance with the Canberra spatial plan. At the same time, the government's aim is to meet the goal of the Canberra spatial plan to achieve 50 per cent of all new development by 2030 within 7½ kilometres of the city centre. Building on the work already undertaken in areas such as Woden, Belconnen, Gungahlin and Braddon, we will investigate ways of preparing our town centres and group centres for the future. To quote from the statement:

> Perhaps the most difficult element of any development assessment system is balancing the rights of the community with the rights of the individual.

The planning system has to balance these competing rights through the consultation process, the notification process and, to a lesser extent, in the appeals process.

A key feature of the broader planning system is the focus of public consultation in the development of the territory plan and its related codes. This is designed to make the system fairer on everyone by engaging the community in setting the planning rules rather than debating policy through individual development proposals. This is a very important aspect of our consultation processes.

It is the intent of the government to ensure that there are appropriate opportunities for the public to be effectively engaged in strategic planning projects and the development of planning policy. However, we will also limit the potential for policy to be subject to contest through the processing of individual development applications. At the same time, the government will continue to promote and encourage those who propose to develop or use land where a development application is required to consult those who may be affected by their proposals and respond appropriately before lodging a development application.

Finally, good planning works to harmonise our communal, economic and environmental needs. There is no doubt that bringing these needs together can be a very difficult balancing act. But balance is at the heart of the government's approach to planning. Balance also applies to our approach to development. To ensure development assessment is undertaken without political or commercial interference, the government will continue to keep politics out of planning.

The development assessment process will remain a statutory function. This is to make sure that decisions are made at arm's length from government, providing the community and industry with confidence in the separation of powers between policy making and development assessment decision makers.

To summarise, the government's planning intent in relation to this key planning function is to maintain the statutory independence of development assessment and to prioritise the timely processing of development assessment and to ensure transparency of information about development assessment.

The act requires that the minister table the statement of planning intent in the Assembly not later than six days after the statement is given to the authority. I have given a copy of the statement of planning intent to the Chief Planning Executive of the ACT Planning and Land Authority earlier this week. I table it today for members.

MS LE COUTEUR (Molonglo), by leave: I thank the planning minister for bringing this to the Assembly's attention. We have our usual comments about the role of politics in planning and I think this is the role that politics has in planning—that is, the role of determining the overall intent of our planning system. Obviously I can only talk about this at a high level because I received the document only about half an hour ago. I would say that generally it seems something which we would be agreeing with. I think that everyone in this Assembly wants a sustainable city. I am sure that everyone in Canberra wants a sustainable city. With this document, as with the rest of the planning system, the devil is in the detail.

We have been talking for a long time about creating a city that is green, sustainable, climate change ready, water sensitive, child friendly, inclusive et cetera. What we

need to be concerned about is actually achieving it—not just the good words which Mr Barr has written here. I will go through and talk about some of the issues which he has raised. Firstly, he says that his statement of planning intent in 2007 was addressing climate change. I guess I would have to say there is a fair degree of scepticism as to the efficacy of planning systems addressing climate change to date.

I would like to make particular comment about the compact city through the development of the compact block code. This is an area where we need to look at what has happened in practice. While the ideas behind it seem quite sensible, we need to look at what this is doing in terms of solar access, space for kids, in particular, to play and green space and whether the idea of having lots of little houses on little blocks—houses made out of ticky-tacky all lined up in a row, as the song says—is the way to go or whether we need to look at different built form—for instance, more row housing and terrace housing.

Moving right along to the points in Mr Barr's statement, his first dot point is that the government's intent is to drive change to planning policy through the sustainable future program. This seems like a very interesting program. My question is: how does that get involved with the rest of the planning system? In fact, the sustainable future program produced whole-of-government recommendations. I would really like to hear how ACTPLA is going to be driving the whole-of-government plans which it talks about in the sustainable future program.

Mr Barr's statement goes on to a number of dot points about solar access rights and legislation. I am very pleased to see these in Mr Barr's statement. As Mr Barr would be aware, these were part of the agreement between the Greens and the ALP when the ALP formed government. We have, in fact, been quite disappointed that these changes have not already been introduced, given that it is about 18 months since the Stanhope government took office. I would like to see work on this considerably hastened. Obviously, the next point of evaluating and reviewing the Canberra spatial plan to ensure that it is responsive and can deliver on the key principles would seem a good idea.

The next point—working with the community and industry to implement, over the next 10 years, carbon targets for entire estates—again, seems a useful idea. The issue here, of course, is going to be what are the targets. I hope that the government, in doing this, will bear in the mind the commitment which has already been made by Minister Corbell, that by 2060 the ACT will be carbon neutral. I would like to see that being the target for the estates. That is where we have decided as a community we have to end up so we may as well plan for that now rather than attempt to retrofit estates in the future so they can be carbon neutral. It will be cheaper both in the long run and in the short run to have good development up front. I note that is an area where the Liberal Party, in particular, have been debating with us the usefulness of planning up-front for houses which use less energy and for estates which will require less energy to be spent, estates which will be more liveable. We think this is the way to go. I am glad to see that the government seems to be moving in the same direction with carbon targets for entire estates. I would like to see the sorts of targets which we know we will need for the future.

The next dot point is "implement more comprehensive measures to increase residential density in and around town and group centres, and along transport corridors". Again, this is something the Greens support and have supported for a long time. In terms of making this a more sustainable city from an environmental point of view, it is important that we lessen the energy required in transportation.

In terms of making the city more sustainable from a more social point of view, it is also important to lessen the energy that is required in transport. People in Canberra are now spending a lot of time moving from one place to another. I have been talking to friends who say they are spending 45 minutes to drive to work. Only a few years ago you would have said you would have to live in Sydney or Melbourne to do those sorts of times. But, no, you can live in Canberra and do that.

We need to design our city so that there is good public transport and good active transport so people can walk, ride their bikes, catch a bus—and possibly in the future use light rail—so they can easily and conveniently, and cheaply for them and the environment, get to where they need to go. The statement about what could be described as transport-orientated development is one of the key mechanisms that this community needs to have to make better transport happen.

Mr Barr's next dot point is "develop world best practice sustainable development demonstration projects such as the East Lake development". That is a very good aim, but my question is: why is it only for demonstration projects such as the East Lake development? If it is good enough for East Lake, why is it not going to be good enough for all the developments in the ACT? I would like to see this change to develop world best practice sustainable development in all of the ACT's development.

In this regard I particularly want to comment on the Molonglo development. I point out to Mr Barr and the chief planning executive that one of the items in the agreement between the Greens and that Labor Party was excellence in sustainable design for Molonglo. I would like to see this statement amended to explicitly include Molonglo, which is the next big area of urban development in the ACT. It needs to be something which we do better than we have in the past. It needs to be world best practice for sustainable development.

I note that the next couple of points are about water use—"further enhance stormwater harvesting in new estates" and "establish new approaches to water re-use in the Molonglo Valley development". I note here, again, an item in the Greens-Labor Party agreement which talked precisely about this and the possibility of developing a third pipeline for reuse of water.

Looking at the last dot point, it is a bit strange to see—"continue to drive energy efficiencies in new and existing homes by phasing out electric storage hot water heaters for class 1 and class 2 buildings, consistent with the COAG national strategy on energy efficiency". Mr Barr might remember that a little under a year ago I introduced legislation to do precisely what this dot point says. The Labor Party quite vehemently opposed the legislation at the time. It was finally passed in a heavily amended form with the support, which I welcomed, of the Liberal Party. The

legislation passed was only for new houses. I am very pleased to see that the Labor Party is supporting it. I regret very much that it did not support the legislation a year ago so that this could have been happening earlier in the ACT.

The next point I would like to make is that the government's aim in the Canberra spatial plan is to achieve 50 per cent of all new development by 2030 within 7½ kilometres of the city plan. I believe this is, in fact, the current aim, not just an aim by 2030. My question to Mr Barr is: how much of that is happening now? How much of our development is greenfields and how much of it is infill? Next he goes on to talk about building on the work we have already undertaken in areas such as Woden, Belconnen, Gungahlin and Braddon—"we will investigate ways of repairing our town centres and group centres for the future". I was really surprised on reading this that we did not mention Civic in this list. Is Civic not the number one centre of Canberra?

Mr Hargreaves: No, Tuggeranong town centre is.

MS LE COUTEUR: Okay—second only, possibly, to Tuggeranong town centre, Mr Hargreaves. Civic is an area which, it would be almost universally agreed, needs better planning. I continually get people saying, "Why is there no master plan for Civic?" I have had this conversation with ACTPLA who have told me that, because of the issues with the National Capital Authority, the only master plan they can have is the Griffin legacy. I note, of course, that even the federal parliament has suggested that the Griffin legacy should not be adopted—that is, when there was a joint parliamentary inquiry into it in the house on the hill.

Civic is clearly an area which needs better planning. The document which the government put out a couple of weeks ago on the greater Civic was not a master plan. It could not be described as a master plan. It was probably a budget plan for TAMS and as such it has some use, but Civic desperately needs some more inclusive planning. Civic is the centre for the inhabitants of Canberra, as distinct from parliament, which is the centre for the parliamentary part of Canberra. The citizens of Canberra need more involvement in planning Civic. People really do not know what the future of Civic is.

Next I move on to the statement's comments about the appeals system and balancing the rights of the community with the rights of the individual. I am surprised that Mr Barr did not mention the rights of the developers and property owners, because I think those rights also need to be balanced in this. I have to agree with him that is very difficult to correctly get the balance between the various property rights in this system. I note in passing that I introduced a bill to change the balance to a very small extent because I do not think we have got it right as yet.

I would also note that when we are talking about the appeals system one of the issues is the territory plan. The territory plan has a lot of objectives in it which, generally speaking, are all very good things which almost everybody would agree with. The problem, as I said before, is that the devil is in the detail. A lot of the objectives are not expressed in any way as rules in the territory plan. So when ACTPLA comes to evaluate a DA and the DA—if it does—goes to ACAT on appeal, often only the rules are looked at, not the objectives of the territory plan. This is a considerable oversight. It is something which I talk about in my planning and development legislation.

One of the issues that I am disappointed was not mentioned in this statement is child-friendly planning. It was part of the Greens agreement with the Labor Party and I understand it is something that the government are working on through DHCS. They are working on this in their children and young people plan. I thought I only had a little bit of time but it seems that I have an unlimited amount of time to speak. I will just very briefly—

Mr Hargreaves: So far you've got the record.

MS LE COUTEUR: I am sure that is not true, Mr Hargreaves. I believe Bernard Collaery has the record. I heard he managed to speak all day at one stage. I am not up for that. But what I am up for talking about is what is probably the closest the Greens have to a statement of planning intent. If I had realised this was coming up, maybe I would have managed to produce one. As members will be aware, last week the Greens launched the statement entitled "Excellence in sustainable design in the Molonglo Valley development". In it, we go through 11 points. We go through energy, transport, sustainable road and path networks, pedestrian-friendly design, child-friendly design, water, open spaces and nature reserves, protection of river corridor and the riparian zone, community gardens and suburban level composting, public housing and universal design. We also end up with some examples of sustainable design where other jurisdictions are doing things better than the ACT.

I will not go through this fully because it is probably a bit too long. I would just like to make a few comments based on some of the public discussion of this, specifically in terms of seven-star housing. Seven-star housing is something which we think would be a very good idea for the ACT. We have read quite a number of reports, particularly from RMIT, where it has been demonstrated that after a very small number of years the minimal extra costs of building seven-star will be well and truly repaid and it is cheaper to live in seven-star housing rather than less energy efficient housing. The costs of seven-star housing are not a lot more.

I sincerely hope the development authorities will do the right thing—and I am encouraged, based on Mr Barr's statement, that they will—and they will orientate the blocks correctly. Every new block should have a useable northern face. Given that, and given good insulation, it is really just a matter of the builders using good design, rather than a lot of additional money, to create seven-star houses. I have seen examples where it is cheaper to create a seven-star than a less energy efficient house. Seven-star housing is something which costs very little in the beginning and has big positive benefits in the future. It means that people will be more comfortable in their houses and will spend less money on heating and cooling.

Another area that has been talked about quite a deal is the Greens' aspirations for Molonglo. We hope that Molonglo will be an area where the transport system is good enough so that most households find they need a maximum of one car. I hope some will find they do not need any cars. Most of them will be able to live their lives quite comfortably and easily with one car. This is because there will be good public transport, good walking provision and good cycling provision. These are things which make a city more liveable. They help the inhabitants of the city to be healthier by

encouraging active transport and having a bit of activity integral in our lives instead of being something that we have to drive our car and go to the gym for. In the long run, it will save people money and it will save the territory money. Instead of providing a lot more roads, we can provide cycle highways and footpaths for people to walk on. The city will be healthier and the people in the city will be healthier. We will create a more sustainable city which will have fewer negative impacts on the world.

MR SESELJA (Molonglo—Leader of the Opposition), by leave: I was not here while the minister was delivering his speech—and I am not sure if it was delivered to my office—because I was at the organ donor awareness function, so I will just pick up on a couple of the points in the plan.

It is worth noting that all of Mr Barr's good ideas in planning seem to draw their inspiration from our policies. We compliment him on finally, and hopefully, signalling that the government has learnt its lesson from some of its planning policies about focusing in and around core areas for its residential infill. What we said in our 2004 policy was:

> … concentrating high density residential development along major transport corridors and around town and group centres.

I read from the statement of planning intent:

> … implement more comprehensive measures to increase residential density in and around town and group centres, and along transport corridors …

It does sound extraordinarily familiar to me, Madam Deputy Speaker.

Mr Barr: There has not been disagreement about that.

MR SESELJA: Well, there is disagreement, because the focus of ACT Labor has been to dump it in the core areas; their way of delivering infill has been the core areas. What have they done in the spatial plan to deliver that? What have they done, say, in relation to Northbourne Avenue? What have they done in relation to Civic and having more people live in Civic?

We saw a belated announcement of a plan from the Chief Minister, which was universally panned because it had no detail; it had no demonstration of how they were going to get there. It was merely a case of the Chief Minister being at the end of his time and putting out policies to say, "I'd like to see double the number of people living in Civic." Well, that is good, but what are you going to do to actually achieve that? We have seen redevelopments in recent years where there could have been mixed use, where we could have seen residential, and we did not. We have seen no movement in areas such as Northbourne Avenue.

This government have been obsessed with what has been proven to be a very flawed core-area policy, which they gradually had to wind back because of the inevitable problems that go with it. That has become even less effective than it was in terms of delivering infill, because it was such a flawed policy and they had to change some of

the parameters so you would not get too many units happening in the cul-de-sacs. We have seen them backing away from that. Now we actually need to see a serious plan to have more people living in our town centres and in Civic.

Simply stating a number that you would like to get to does not get it done; we want to see that there is actually a plan to work with industry, to look at identifying sites, to look at ways of encouraging infill in those areas. We look at how much land is wasted in some of our inner areas and we look at underutilised need, then we see—as we have seen starkly this week—the real problems around housing affordability for young families in Canberra. Many of these people would be very happy to buy units, but even units have become expensive and difficult to get into. I reject absolutely this line that is peddled by some that it is merely the high expectations of this generation that is causing the housing affordability problem. That is not true.

We know that it is the land prices and we know that it is the lack of availability of units that has seen even basic housing—very modest small houses and small units—become very expensive. Part of the answer to that has to be to actually allow for more infill as well as your greenfield development. You cannot have one without the other, and we have seen that neglected. We have seen the greenfield end neglected. There has not been enough coming on line, and that has been a significant issue.

This obsessive focus with their main approach to medium density, which has been the failed core-area policy, has wasted a lot of years in dealing with this. That is part of the reason, I think, why we see from the HIA-Commonwealth Bank report that we are such an unaffordable jurisdiction, even by national standards, regardless, of course, of what the Chief Minister tries to say about it.

We see again in this document that the minister wants to take the politics out of planning. Labor's record around the country on taking the politics out of planning is a colourful one, let us say. We only have to look to Wollongong to see what their record is on taking the policies out of planning.

Mr Barr: And the relevance to the ACT of that is?

MR SESELJA: Well, it is the Labor Party, you know—

Mr Barr: Are you suggesting Wollongong-type corruption in the ACT planning system?

Mr Hargreaves: Are you going to take Howard's credit? Are you going to take the credit for John Howard, mate?

MADAM DEPUTY SPEAKER: Mr Hargreaves!

MR SESELJA: Just down the road in Wollongong we see an example of the Labor Party taking the politics out of planning.

Mr Hargreaves: Are you going to take the credit for Baxter? Are you going to take the credit for the detention centre?

MR SESELJA: That is how they do it. That is how they do it in Wollongong.

Mr Hargreaves: I'm awake now!

MR SESELJA: Not much politics there!

MADAM DEPUTY SPEAKER: Mr Seselja, will you just resume your seat for a few seconds, please.

Mr Barr: Because, of course, that's never happened in Liberal or National-run councils anywhere in this country, has it? No, never.

MADAM DEPUTY SPEAKER: Mr Barr! I know that this has touched a raw point. However, Mr Seselja, will you—

Mr Barr: I don't own any white shoes, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: No, I understand that.

Mr Barr: But there are plenty of people on that side of politics who do.

MADAM DEPUTY SPEAKER: I am just about to speak to Mr Seselja about this. Mr Seselja—

MR SESELJA: Yes, Madam Deputy Speaker.

MADAM DEPUTY SPEAKER: Wollongong has got nothing to do with this particular subject, so will you please—

Mr Smyth: It has everything to do with planning, though.

MADAM DEPUTY SPEAKER: Excuse me, Mr Smyth, I am speaking to Mr Seselja. Just stick to the subject matter, which is the minister's statement of planning intent. That is what you are talking about; nothing else.

MR SESELJA: It was a broad statement of comments, and I thank you, Madam Deputy Speaker, for your ruling. I do thank you for highlighting what a raw nerve it has touched for the minister and for the Labor Party.

But let us go to a more local level: the difficulty when you develop your policies on the back of slogans is what it all means. What does it mean for him to keep politics out of planning? He says it is all going to be at arm's length. Well, we have got a regime that does allow for most decisions to be at arm's length, but is the minister saying now that he is not going to use the call-in powers? What does it mean for the call-in powers? I think he used his call-in powers on the dam. Did he call in the hospital car park? I think he may have called in the hospital car park. That was called in, yes.

Mr Barr: That's right, twice. Unlike Mr Smyth, who used call-in powers on the dual occupancy.

MR SESELJA: He does interject; he is sensitive on this point again. I think perhaps, Madam Deputy Speaker, you might highlight the raw nerve that has been touched again.

MADAM DEPUTY SPEAKER: No, I think we are dealing with a gross exaggeration at the moment, not raw nerves, Mr Seselja. Can you just continue.

MR SESELJA: Thank you, Madam Deputy Speaker. Is that politics in planning or not? I am not sure.

MADAM DEPUTY SPEAKER: I think that is what they are reacting to.

Mr Hanson: Excuse me, on a point of order, Madam Deputy Speaker: offering commentary on Mr Seselja's speech is inappropriate. If it is in contravention of the standing orders, then you can rule, but to simply be offering commentary from the chair on what he is saying and his rationale for that is most inappropriate from the Deputy Speaker.

MADAM DEPUTY SPEAKER: Thank you very much. I will not offer any more commentary on his speech, including not commenting about raw nerves, Mr Seselja, which you did not object to—

MR SESELJA: Thank you, Madam Deputy Speaker. I did enjoy some of your commentary, I have got to admit.

But that is the question for the minister: when you develop your policies on the back of slogans, what does it mean? We do not subscribe to the view that there should never be a call-in. When I was asked about the dam, for instance, and whether that should have been called in, I said I thought that was probably reasonable. I did not criticise the minister. I had the opportunity to criticise the minister, but I said, "No, I'd like to see the dam go ahead." We need water security. The government has been slow on water security, and we do not want to see the dam delayed for another six months. So we believe that was a reasonable use of the call-in powers. But is it politics in planning? It was a political decision made by a minister. It is not at arm's length from the minister, so what does it mean? It becomes meaningless when you actually break it down and look at the practice. It becomes meaningless because—

Mr Barr: It really drives you insane, doesn't it? You really don't like it.

MR SESELJA: Sorry? I could not quite hear the interjections, Madam Deputy Speaker—

MADAM DEPUTY SPEAKER: Mr Seselja, take no notice of the interjections.

MR SESELJA: I know that I should not respond to them anyway, but it is difficult when you just hear a little bit of a mumble from the other side. Perhaps if he was

either silent or he made clear interjections which I could respond to, it might be simpler.

Mr Barr: You'd like me to be louder, would you? Will I take my interjection lessons from Mr Hanson, then? Is that it?

MR SESELJA: Either speak your mind—

Mr Hargreaves: He said, "Sex makes you deaf"!

MADAM DEPUTY SPEAKER: Mr Seselja, resume your seat. Mr Barr, if we are ever going to get to the end of Mr Seselja's response to your paper, we need order in the house. So will you listen in silence, please.

MR SESELJA: Thank you, Madam Deputy Speaker. I will not respond to the unclear interjections.

MADAM DEPUTY SPEAKER: There will not be any more.

MR SESELJA: I will respond only to the clear ones. Madam Deputy Speaker. That is the problem when your policies are developed on the back of slogans. There is a place for a call-in power and there is a place for politicians from time to time to stand up and say, "We don't agree." We are elected to this place to do that. Now, if we were to do that on every development application, it would become ridiculous.

Mr Smyth: As Mr Corbell used to do.

MR SESELJA: As Mr Corbell used to when he was shadow planning minister. There was not a development in town that he was not opposed to. That was politics in planning, let me tell you. But we look, for instance, at something like the power station. That was one of the examples, I think, that the government held up as politics in planning. The flip side is, if the government are going to pursue ridiculous policies and ridiculous planning outcomes in partnership with private industry or otherwise, if they want to throw a big fat power station in the backyard of Tuggeranong residents, as they wanted to do, I, for one, make no apology for standing up for those residents. If that is politics in planning, so be it. We believe there are times when elected representatives have to stand up against crazy decisions, against poor process and against a government that has no regard, in this case, for the people of Tuggeranong and their concerns. If that is politics in planning, so be it.

Label it what you want but we will not shy away from saying we disagree—not on every issue, and that has been our consistent approach; we do not oppose them when we believe they make sensible decisions and where the minister uses his political judgement or otherwise to make a decision. We believe that power should be there. We believe it should be used where it is in the public interest. Indeed, it was in the public interest for us to oppose the dirty great power station that they wanted to impose on the people of Tuggeranong. We make no apologies for that whatsoever.

Madam Deputy Speaker, Ms Le Couteur touched on the Greens' Molonglo plan, and I would like to just say a few words on that. I have been on the record as raising

concerns about it. The planning minister appears far more comfortable with the plan. Because this is a planning debate we will not go into all of the cost implications of the plan, but they are significant; they are massive. There is no doubt about it. Mr Hargreaves knows; he has seen the costings. He referred to the costings in terms of the some of the public housing promises that we have seen even in the Greens-Labor agreement. If you are going to put 10 per cent public housing in the Molonglo valley—that is roughly 3,000 homes—we are talking $1 billion-plus. That is what we are talking about. Treasury numbers said 1,200 public housing properties might cost around $500 million, so you double that to 2,400 properties, and you are around about the $1 billion mark. You are talking big dollars.

You are talking also financial implications in moving to 7-star ratings and moving to 7-star without talking to the industry about what the implications are. When I spoke to the HIA, I was surprised that the Greens had not spoken to them to actually find out whether it could actually be achieved and what would be the cost. Ms Le Couteur was on radio last week, and it started off at a few hundred dollars and then it was a few thousand dollars. The answer is that they do not know.

But we go to some of the broader planning issues, and one of the things from the announcement that struck me as concerning was this idea of limiting to one lane the road in and out of Molonglo. How has that worked out with, for instance, Gungahlin? How has the one-lane idea worked out for the residents of Gungahlin? Take a poll in Gungahlin and ask them whether it was a good idea to have one lane on Gungahlin Drive. Was that a good idea? Is the congestion they are suffering now something that they would want to see repeated in other parts of Canberra? I would say no. I would say that the vast majority of residents would agree with that and that they would say that condemning the people of the Molonglo to that outcome would be a big mistake. It would be a major planning debacle. There are a number of other aspects that we could go to but there are obviously some concerns. We have put the concerns out there.

In relation to the statement of planning intent, I will just conclude on this: we do need more substance to it. There are some worthy goals in the statement of planning intent, and we will take the time to look through them in detail to see which we agree with. But the more important thing will be how we get there. Do you have a plan to get there? That is the real challenge. That is the challenge—to go beyond some of the sloganeering that actually appears in the statement of planning intent.

MR RATTENBURY (Molonglo): I seek leave to respond to the minister's statement.

Leave not granted.

Standing and temporary orders—suspension

Motion (by **Mr Rattenbury**) agreed to, with the concurrence of an absolute majority:

> That so much of the standing and temporary orders be suspended as would prevent Mr Rattenbury from making a statement in relation to the Statement of Planning Intent 2010.

MR RATTENBURY (Molonglo): I am sorry it had to become such a process to simply make a couple of observations. I wanted to simply make a couple of comments in response to Mr Seselja's observations on the Greens' vision for Molonglo.

Mr Seselja: That is not what you asked, though. You asked to respond to the minister.

MADAM DEPUTY SPEAKER: Mr Rattenbury, you are making a response to the minister's statement on planning intent, not Ms Le Couteur's statement about her plan.

MR RATTENBURY: Madam Deputy Speaker, I would ask for your ruling on the fact that Mr Seselja saw fit to make substantial comments on the Greens' policy proposal. What is the Deputy Speaker's ruling on that?

Mrs Dunne: On a point of order: Mr Rattenbury sought leave to speak to the minister's statement of planning intent, as too did other people. But when Mr Rattenbury stood up, he did not refer to the minister's statement of intent; he referred to comments made by Mr Seselja. Mr Rattenbury sought leave for three minutes to speak to the minister's statement of planning intent.

The opposition has problems with the Speaker intervening in this way. There was no question before the house. There is no debate. There is no question before the house. This is not a debate. The respective shadows sought leave to speak on the matter, to respond on the matter, and that is normal practice. But to have everyone else standing up means we would never get on with the business of the house. There is no motion before the house.

MADAM DEPUTY SPEAKER: Mr Rattenbury, limit your comments to the statement of planning intent by the minister, please.

MR RATTENBURY: I pass up on my right to speak. I will find another opportunity to return to Mr Seselja's lazy attack.

Construction Occupations Legislation 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) (11.47): The Canberra Liberals will be supporting the Construction Occupations Legislation Amendment Bill 2009. The bill will amend the Construction Occupations (Licensing) Act 2004 and the Unit Titles Act 2001 in order to outsource elements of the unit title process.

As outlined in the explanatory statement, the Unit Titles Act states the information that an applicant for a unit title must provide to ACTPLA for its consideration. For example, the application must provide for the subdivision of the parcel into units, unit subsidiaries and common property. It may also provide for staged development of all or some of the units. The application must also include a certificate from a registered

surveyor describing the situation of the building on the parcel of land and a plan showing encroachments into public places. ACTPLA may then approve the application under section 20 of the Unit Titles Act if it is satisfied on reasonable grounds that the application fulfils stated requirements.

To be approved by ACTPLA, the application must be consistent with the Unit Titles Act, which requires each unit to be suitable for separate occupation and for a use that is not inconsistent with the lease. The proposed schedule of unit entitlement must be reasonable and any encroachments into a public place must be satisfactory. When processing the application, ACTPLA will conduct site inspections and request certification, if required, from relevant agencies, such as TAMS and Actew, on technical specifications for the development.

According to the explanatory statement, a site inspection may cover such things as establishing whether the building has been built in accordance with the approved plans, other than those matters covered by the Building Act 2004; that the landscaping is consistent with the approved landscape plan; that all unit subsidiaries are located and consistent with the proposed units plan; that encroachments have been identified and that these are permitted; that the proposed units and car spaces are correctly numbered and letterboxes provided.

The amendments made by the bill will outsource elements of the application process to provide flexibilities to applicants by creating a new construction occupation of works assessor who, if licensed under the Construction Occupations (Licensing) Act, can assess and collate the requirements for an application before it is submitted to ACTPLA for final approval. The outcomes of this work will be compiled in a unit title assessment report which will be one element of the final application that is considered by ACTPLA. ACTPLA will retain some elements of the process and will still approve the application, as it does currently.

The bill will require unit title assessment reports to be provided with an application for unit titling if prescribed by regulations. According to the explanatory statement, this includes the following: an applicant for unit title application may apply in writing to a unit title assessor for a unit title assessment report. The application must include any details or material prescribed by regulation. If an assessor receives an application and the assessor agrees to undertake the work, the assessor must prepare a unit title assessment report and give it to the applicant within five days and give a copy to ACTPLA.

The assessor may refuse to prepare and provide a report if they do not have enough information. If, after taking reasonable steps, an applicant cannot find an assessor who will agree to prepare a unit title assessment report, the applicant may apply to the construction occupations registrar to appoint an assessor to prepare a unit title assessment report.

A regulation may prescribe the requirements for a unit title assessment report. An assessor may, by written notice, ask the applicant to give the unit title assessor stated further information and, if the applicant fails to provide some or all of the information in accordance with the request, the assessor may refuse to provide a unit title assessment report.

The bill also requires the works assessor to have professional indemnity insurance and ensure they do not have a conflict of interest. It will also legislate for ACTPLA to make requests for further information relating to a unit title application from an applicant.

The Canberra Liberals have consulted HIA, MBA, the Property Council and the Canberra Business Council, who have not raised any major concerns with the bill. However, we are concerned that this will increase the cost of the unit titling process if ACTPLA do not reduce their application fee for a unit title application.

HIA have raised this issue with us, and we call on the minister to use the passage of this bill as an opportunity for genuine deregulation that will reduce costs for the construction industry, albeit in a minor way. The construction industry is subject to many regulations, and regulations can add significant costs to the price of a house or unit. This is especially significant for first homeowners, many of whom purchase a unit as their first home.

As I was saying before, all these things add up when it comes to housing affordability. This is not a major plank of it but the government should be looking, wherever possible, to reduce the burden on homebuyers because we know that there is a significant amount already through regulation, through taxes and of course through the very high costs of buying land in this town. So I would put that on the record for the government to consider because there is obviously a potential for a doubling up of costs with the outsourcing if the application fee stays as it is.

In summary, we will be supporting the bill.

MS LE COUTEUR (Molonglo) (11.52): The Greens will be supporting the Construction Occupations Legislation Amendment Bill before us today. The key part of the legislation which we support is that the bill introduces a new occupation for licensing; that is, a works assessor, and this person will be able to assess elements of the unit titling process which were previously done by ACTPLA. This includes such things as inspecting and collating reports on landscaping, encroachments, units, car spaces, letterboxes and so on.

Generally I do support this move, because it is certainly a job which has to be done, and I understand that delays in ACTPLA are sometimes holding up unit titling. As this is the last thing that has to be done before the sales can be completed, this hold-up by ACTPLA can be very expensive for developers and inconvenient for potential residents.

This bill also provides for ACTPLA or the works assessor to request further information from the applicant, and ACTPLA will do auditing of the work to be done in the certification of the unit titling. I understand that there will be a 100 per cent audit rate for the first two years of the operation of this new level of certification. I am very pleased to hear of this level of auditing, given some of the problems which I will talk about in a minute. The bill also sets out the technical provisions which construct processes to clarify details of the unit title assessors' reports, requirements and powers.

One concern I have about this bill and the construction industry as a whole, I guess, is the level of privatisation of building certification. Related to this is one issue which says that a works assessor is not to take on a job if they have an interest in the work, which we otherwise know as conflict of interest, in an independent assessment. Despite the very careful provisions in the bill to vet for legal and financial interests, I note that it is very difficult to completely avoid all conflicts of interest, particularly in a relatively small jurisdiction such as the ACT. One issue that has been raised around this is that, if you would like to be engaged again to do a works assessment for that same developer, it is of course in your interest to tick off all the boxes and sign off on the report.

There is also a huge hole in the building certification process, particularly for the larger unit titled apartments, as there does not seem to be a place for any of the existing inspectors, nor the process, to really vet the building products or standards, with the client being the eventual owner and resident of the unit titled buildings. As long as the construction is certified to comply with the building code, there does not seem to be much that can be done through the ACTPLA processes if the building does not match up to the plans which the owners signed up to. It is then left to the legal system.

Given the way unit titles work, the building certifiers will have been employed by the developer, not in fact by the eventual owners. And this is an item on which there has been considerable correspondence in the *Canberra Times* and other places. It does seem to be a frequent occurrence in the ACT that townhouses and apartments are built to a standard that does not meet the expectation of the owners and the tenants. And there seems to be an issue where we need to improve some basic standards, to ensure that certifiers sign off in a more rigorous fashion.

I quote from a letter which Murray Upton of the Owners Corporation Network recently sent to the *Canberra Times*:

> It would appear that under the existing legislation it is difficult to determine (legally) just what a building certifier is supposed to certify and when defects are found they are too problematic (legally) for the certifier or ACTPLA to deal with. The duties and responsibilities of building certifiers should be increased and clearly defined in the legislation. Depending on the Building Codes of Australia is totally inadequate.

There was quite a discussion yesterday evening about insulation installation and the need for this to be properly certified, or certified or monitored, or something. There was a lot of agreement that something needed to be done and I think we all agreed that not certifying or not adequately training tradespeople or in fact even allowing do-it-yourselfers to do the job can lead to disastrous results. And the best results occur, obviously, when we have professionals who are well trained, motivated and monitored, and when the buying, consuming, public is both interested and informed about insulation. In fact, that was fairly much the case in Canberra prior to the Rudd and Garrett scheme.

But in circumstances where the public has limited knowledge and that limited ability to scrutinise the developments then auditing by the government is vital. And this is the situation with most building development. An auditing process is vital.

When we hear stories of 16 per cent of insulation being installed in a substandard manner, we have to wonder just how many other things are done in our buildings to substandard levels but are not being picked up on. As well as hearing in the Rudd insulation program that the insulation was not actually being installed, I have heard exactly the same story with new buildings in the ACT where insulation either was not installed at all or was just put up in the roofing cavity and not taken out of its plastic bags and laid out. Either way, it does not work.

Another area where we certainly see this problem is the house energy efficiency rating and the lack of certification. Luckily in this case, it is not actually a danger to life and limb but it is a concern, because building owners simply are not getting what they are paying for. They end up paying for this in the long run, with additional heating and cooling costs and a much less comfortable building.

We have seen a number of houses which must in fact have been assessed as five-star houses when they were constructed to pass BCA requirements but, after they have been built and then are resold and their energy efficiency rating is reassessed, their energy efficiency rating may go down to three or even 2½ stars. I do appreciate that things can change but it is very hard to imagine that they were in fact constructed at five stars, which was the legal minimum, or even probably 4½ stars, if when they are resold they are certified down at three stars. It is very hard to imagine that they could have been correctly certified in the first place.

As a result of questioning last year, I established that energy efficiency ratings are unfortunately not, in general, audited in the ACT. I moved a motion in the Assembly last year to ensure that at least five per cent of energy efficiency ratings for new houses will be audited.

Another point is that the fact that there is a total lack of certification of energy assessors is a concern. However, I do understand that this is going to be addressed in one of the series of COLA bills for this year. I think it is bill No 2.

I was amazed to read in John Thistleton's article in the *Canberra Times* of 17 February this year that Mr Barr suggested that bonuses should be paid to builders in the ACT who actually do the right thing in building their buildings.

Mr Barr: Put an award up each year.

MS LE COUTEUR: An award?

Mr Barr: An award, not pay them money.

MS LE COUTEUR: An award for an exemplary building does sound like a good idea. But it was reported, unfortunately, that we had reached the stage where the minister felt that we had to give bonuses to people who actually fulfilled the current requirements. I must say that I was deeply dismayed to read that this was the level that the industry had got to. But I am very pleased to find that this is merely an example of incorrect reporting.

Despite these problems which I have noted with the construction occupations legislation—and obviously not all of these could be addressed by the bill today—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) (12.01), in reply: I thank the opposition and the Greens for their support of this legislation. I just put on the public record in relation to Ms Le Couteur's last comments that the article in the *Canberra Times* took the concept of a reward for good outcomes in this particular area beyond anything that I had mentioned to the Owners Corporation Network.

The government's proposal in this area was a possibility of the network, perhaps in partnership with the Planning and Land Authority, supporting an award each year for good practice and for the best practice in the industry in this particular area. How that came to be misreported in the *Canberra Times* as some sort of financial incentive is beyond me. However, I was not privy to the conversation between the journalist and the Owners Corporation Network, so I cannot comment there. But what I can comment on is the nature of the discussions I had with the Owners Corporation Network where we did float the possibility that, along with many other industry awards each year, we might consider looking at something along those lines.

But back to the bill itself: it does recognise the vital economic contribution that the construction and building industry makes to Canberra and the region. Perhaps the size of the ACT building industry is often overlooked. It employs nearly 14,000 Canberrans. That is more than the tourism industry, although they are very close; they are nearly on a par there. It is the third largest industry employer in the ACT, behind government administration, defence, and property and business services. It is an effective partner with the government in the key challenges of keeping our local economy strong, keeping Canberrans in their jobs and developing Canberra in a socially and environmentally sustainable way.

That is why the government will continue to work to ensure that our planning system is simpler, faster and more effective. It is why we will continue to work closely with industry through the industry monitoring group. It is why we will keep politics out of planning, to give investors and community certainty. And it is why we are cutting red tape wherever we find it.

This bill is another example of the government delivering on these measures. It streamlines and improves the efficacy of the unit titling processes, which will result in benefits for both developers and homebuyers. It will give developers more certainty and flexibility and will, in turn, help them to deliver more affordable housing.

I thank the opposition parties for their support for this bill today and commend it to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Children and Young People Amendment Bill 2009 (No 2)

Debate resumed from 10 December 2009, on motion by **Ms Burch**:

> That this bill be agreed to in principle.

MRS DUNNE (Ginninderra) (12.05): Mr Speaker, the Canberra Liberals will be supporting this bill, which amends the Children and Young People Act. The purpose of this bill is to provide interpretive clarity in two areas: the provision of temporary standard exemptions for childcare licensees and the information-sharing provisions under the Children and Young People Act.

The bill also makes a technical amendment that gives the act priority over other legislation when that legislation interacts with this act in relation to information secrecy and sharing provisions. In reading the act, it is important always to remember that its fundamental premise is to ensure its operations and that the decisions made under the act are in the best interests of the child or young person. In other words, the best interests of the ACT children and young people are paramount.

The amendments that this bill brings forward in relation to the temporary standard exemptions provide some flexibility for childcare licensees. There are two elements: the first is that the chief executive will be able to grant more than one exemption during the period of the licence, which is one year for new licensees and three years for established licensees. The second is that the chief executive will be able to determine the period of the exemption. The act requires the chief executive to consider a range of matters when coming to a decision to grant an exemption and to determine the period of exemption, all of which, again, keep the best interests of the children and young people as paramount.

The minister in her tabling speech gave the example, amongst others, of a childcare licensee that might need to go through one or more recruitment processes during the licence period. Currently, only one exemption can be given, which would create significant difficulties not only for the licensee but also for the children in the care of the licensee. This amendment provides the flexibility that would be needed in those circumstances. Indeed, this amendment is quite timely, which is unusual for this government.

As you know, Mr Speaker, the nation is moving towards the implementation of new standards for childcare. Childcare centres will have lower staff-to-child ratios from the beginning of 2012. Childcare centres will have to have higher qualification requirements for their workers also from 2012. Perhaps another example the minister might have given in her tabling speech is the possible need for childcare centres to seek licence exemptions to allow them to adjust to the new rules.

For example, take a childcare centre that has 10 children under the age of two. Currently, two staff are required to look after those children. Under the new arrangements, two staff would only be allowed to look after eight children. In these circumstances so many questions arise. Does the childcare centre tell two families that they are no longer welcome? Does the childcare centre tell the remaining eight families that they will have to pay more because the same costs are being spread over fewer children? Does the childcare centre seek to increase its licence to 12 children? Will the centre be able to get the extra staff member it would need? Does it have the space? Does it need to extend its building? How long will it take to get the necessary building design and approvals? Will the land accommodate the extension? Can it afford the extension? What disruptions will an extension cause to the existing operations? If it does not have enough room on its block, will it be able to get more land and does getting more land mean a change to the territory plan?

Mr Speaker, these are the kinds of questions that childcare centres are facing right now. These are the kinds of questions that this government and this minister do not seem to care about. This government and this minister try to wash their hands of any responsibility for childcare fees. This government say that fees are a matter for childcare centres alone. Yet this government is preparing to put childcare centres through this kind of uncertainty, the kind of uncertainty that I have outlined above. This uncertainty has already begun right now with childcare centres across the territory, especially community-based childcare centres. So it would come as no surprise at all that the flexibility that this legislation contemplates for licence exemptions may be very well tested in 18 months.

The same applies to the qualification rules. The childcare sector is already under pressure in terms of being able to recruit staff. New rules will turn up that pressure. It will be harder for childcare centres to get new staff; it will be harder for childcare centres to meet the new requirements. Add to this the child-to-staff ratio requirements, and it is no wonder that the childcare sector is worried about its future and its viability.

There may well be a run on licence exemption requests as we approach 2012. Still the government claims that childcare fees are a matter for the childcare centre and the government has no influence over them. While the changes may be good policy, in early childhood terms the implementation will be everything. There is no point in the government turning a blind eye to the impact that they will have on childcare centres and our young families. The government needs to show more interest in these issues. The government needs to show that it simply cares.

Then there is the government's head-in-the-sand approach to portable long service leave. Need I say more than to restate that this short-sighted, ad hoc policy puts even more pressure on the viability of our community sector, including the childcare sector. The second element that this bill amends relates to the information sharing provisions in the act. Two amendments are proposed: the first expands the definition of sensitive information which forms part of protected information under the act. The definition is expanded to include all the information gathered following the receipt of a report that falls into the ambit of the definition of sensitive information. The effect is that reporters, in the information gathering process, will be protected.

The second authorises the chief executive to disclose a reporter's details to police for the purposes of investigating an alleged criminal offence against a child or young person. It also enables the chief executive to provide a reporter's name to the police if requested in the investigation of an offence disclosed in a child concern report referred to the police by the chief executive.

Mr Speaker, these amendments are made because, like many new pieces of legislation, it takes a little time for issues such as those identified in this bill to emerge. The department's officers are to be commended for their continuing vigilance and ensuring that legislation operates smoothly, efficiently and effectively, always in the context that the best interests of the ACT's children and young people are kept paramount.

Perhaps, though, it is also a consequence of this ACT Labor government trying to tie up everything in a single piece of legislation which is almost 1,000 pages long. As I have said before, legislation of this length can be problematic, as evidenced by the number of amendments already made to the Children and Young People Act since it was passed in 2008. Nonetheless, Mr Speaker, the amendments contemplated in this bill today are responsible, and the Canberra Liberals are happy to support them.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (12.13): I would like to thank the minister for bringing this bill to the Assembly. As we know and have discussed regularly in this place, the protection and wellbeing of our children is of vital importance and incorporates families, schools, childcare, healthcare and the wider community.

This bill, as members have noted, makes changes to the exemptions for childcare providers, adjusts the arrangements about sensitive information and amends the provisions for the transfer of information to the police. The Children and Young People Act of 2008 is a very large and comprehensive piece of legislation.

Its contents cover the entire spectrum of the life of a child or young person in the ACT from birth to adulthood and even beyond. Given the scope of this document, it is not unreasonable to expect that the government will have to make some changes, or tweak the legislation, to aid in implementation of the laws, always keeping in mind the best interests of the child.

The changes proposed to the temporary exemptions to childcare standards outlined in this bill will provide greater flexibility to childcare centres to provide continuity of service during events such as centre upgrades and staff turnover. We all know that staff turnover is a big problem for the industry, which is why things like portable long service leave are so important to ensure that staff in childcare centres are receiving conditions that are enjoyed by others.

The act currently outlines conditions on temporary exemptions which ensure that the exemption is not likely to prejudice the safety and educational, social and developmental wellbeing of a child or children being cared for by the service; that the exemption is not likely to impact on the childcare service's promotion of the

educational, social and developmental wellbeing of children; the childcare service has taken, or is taking, steps to comply with any childcare service standard included in the exemption; and the exemption will not result in the proprietor of the childcare centre failing to take all reasonably practicable steps to protect the health, safety and welfare of employees of the childcare service.

The current standards, and the act, are considered. They provide transparency through reporting on the legislation register as notifiable instruments. This reporting will continue with the additional temporary exemptions. Exemptions will still only be allowed if it is safe and does not impact negatively on the wellbeing and development of the children at the centre.

I ask that the minister monitor the use of these exemptions to ensure that the flexibility required is being used and the best interests of the children are protected at all times. It is hoped, minister, that these changes will further enhance a collaborative relationship between the service providers and the department to ensure positive outcomes for children, parents, staff and the community.

The changes to the reporting outlined in clauses 9 to 12 serve to provide improved safety and clarity in information sharing concerning reporting. People making a report under the provisions of the Children and Young People Act 2008 are doing so because they believe it is in the best interests of the child. It is important that protection is built into the legislation to ensure that information from concerned members of the community comes through and allows action to be taken when considered necessary.

The department, which, of course, is bound by the act, holds the best interests of the child as the paramount consideration in any action. It shares information in order to protect the safety and wellbeing of the child or young person. It is critical that the community has a sense of security, trust and an understanding of what will happen to their information when making a child protection report.

We know that a child abuse report is made in Australia every two minutes. This is information from the Australian Institute of Health and Welfare. With this in mind, I refer to the message from Child Protection Week 2009, which was "Walls protect child abuse, not children. Break down the walls and help bring child abuse out into the open."

Last year over 30,000 Australian children were proven to have been abused or neglected. It would seem that many walls still exist within our community that continue to allow this to happen. It is the small changes to our legislative framework that allow us to move forward in breaking down the barriers to people reporting child abuse and neglect in our community.

The final amendment to the bill discusses changes to information provided to police to assist with their investigations where there is an allegation of criminal offence committed against a child or young person. The chief executive will now be able to provide a reporter's details to police to assist in their investigations.

In order for a full and frank investigation to occur, the AFP, in particular the sexual assault and child abuse team, requires access to all possible sources of information.

We understand that the movement of a reporter's information from protected to sensitive classification is the reasoning for the final amendment in the bill.

We know that the nature of this work is difficult. It is emotive, very sensitive and at times involves danger and risk for children, families, community members and police. For these reasons we need to ensure that children and young people have every opportunity to be protected in the ACT. To do this, allegations need to be investigated and evidence collected in order to prove or disprove the allegations of criminal acts that are reported.

It is unfortunate but we do know that allegations of child abuse and neglect can occur in a vexatious manner within the community. In particular, they can come up in Family Court matters. This amendment does not affect the ability of a court to request the information about reports made to Care and Protection Services. However, there is provision made for the department to make a submission about why or why not this would be in the best interests of the child. Therefore, we have in place opportunities to continue to protect the child and the person making the original report.

I call on the minister and the department to monitor these amendments to the act and, of course, the act itself to ensure that the best interests of the child or young person remain paramount. The ACT Greens will be supporting the bill today.

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) (12.20), in reply: I thank members for their contributions and I thank all those with an interest in this.

Firstly, can I just make a comment to Mrs Dunne, who continues to throw fear and loathing onto the COAG reform and onto portable long service leave. I say again to Mrs Dunne that I really do not know what she has against quality childcare, against improved ratios for workers or indeed against supporting workers within the sector.

In December I tabled amendments to the Children and Young People Act 2008. This significant piece of legislation was passed by the ACT Assembly in 2008 and was implemented in July 2009. The legislation is broad and encompasses child protection, youth justice, the regulation of childcare licences and the employment of children in the territory.

Since its implementation, minor issues have arisen through practice that needed amendment. These amendments are needed to ensure clear interpretation or strengthening of clauses to reflect the initial intention of the act and to ensure the ongoing care and protection of children and young people in the territory. The Children and Young People Amendment Bill 2009 (No 2) proposes amendment in two areas of the Children and Young People Act 2008. These are the provision of temporary childcare exemptions and information and secrecy provisions.

Early childhood education and childcare services are crucial services for children and families in the ACT. Childcare provisions of the act provide the Chief Executive of the Department of Disability, Housing and Community Services with regulatory

powers in relation to childcare services in the territory. These regulatory powers include the granting of licences and monitoring of compliance with the ACT childcare service standards. The responsibility for these functions rests with the Children's Policy and Regulation Unit. As of 16 February of this year, the unit has responsibility to regulate 248 licensed childcare services, monitoring these for compliance with up to 396 different childcare service standards.

At times a temporary exemption for a standard needs to be provided. The act currently provides for the granting of temporary standard exemptions against one or more childcare services. Exemptions ensure operators of licensed childcare services are authorised to continue to provide a childcare service in the best interests of the children.

All exemptions granted to licensees are instruments open to public scrutiny. They are notified on the legislation register and are displayed in the childcare centre program. Exemptions are only granted if there is a suitable and timely plan to rectify the issue. Currently a temporary standard exemption, against any single standard, may only be granted to a service on one occasion during the duration of a licence. Licences are usually granted for a year for new services and three years for established businesses.

Additionally, the current provisions have a 12-month limit on the granting of extensions to exemptions. These conditions may restrict the viability of childcare services in the ACT and impact on the provision of child care offered to children and families. For example, suppose a childcare centre seeks an exemption regarding an accommodation standard while refurbishments to the centre are underway. An exemption is provided for the planned duration of the refurbishment—initially six months and then extended to 12 months. But we know that delays can occur affecting the completion of the work. In accordance with the act, a further exemption to the relevant accommodation standard is unable to be authorised and the centre must close rooms and limit services until the work is complete.

Temporary standard exemptions have been granted on 56 occasions to licensed childcare services since May and 49 of these exemptions have been repealed, having been satisfactorily addressed. Each exemption is notified in the register and displayed for information for parents and families. The granting of an exemption to a service continues to require the service to comply with all other provisions of the act that ensure the best interests and wellbeing of children.

The amendment proposed at section 749 clearly states that a temporary standard exemption may be granted on more than one occasion during a licence period for only one standard—and the duration of the exemption is determined by the chief executive in accordance with the stringent requirements and accountability measures that I have referred to—and where there is an agreed plan to remedy the situation.

Amendments are also proposed to information-sharing provisions of the act which clarify its interpretation and reflect its initial intentions. The Children and Young People Act 2008 makes provision for information-sharing and information secrecy requirements when undertaking functions under this act or as required under another law.

The restrictions and limitations placed on information sharing ensure that the best interests, safety and wellbeing of children and young people are paramount in decision making. The act also provides that a person who receives information under the act becomes an information holder and restricts the information shared by information holders and others.

The act differentiates information as protected information and sensitive information. Protected information includes all information about a person obtained by, or disclosed to an information holder, and it also includes sensitive information.

Sensitive information includes prenatal reports, reports made to the public advocate, care and protection report information, care and protection appraisal information, interstate care and protection information, family group conference information, contravention report information and information prescribed by regulation.

The act limits the sharing of protection information and provides further limitations on the use or disclosure of sensitive information.

Provisions that allow for the divulging of sensitive information require the consideration of the best interest, safety and wellbeing of the child and prohibit release of information that would identify a person who has made a child concern report.

Upon receipt of a child concern report or making of a child protection report, a prenatal report or notification, child protection authorities need to ascertain the level of risk to the children or young people concerned and the nature of voluntary or statutory involvement. To achieve this outcome, inquiries are made of persons or agencies that may be involved with the children or young people. This information is directly linked to reports which are sensitive information.

An amendment is proposed to expand the definition of sensitive information to include the information gathered following the receipt of a report. This will ensure consistent protection of a reporter and the information pertaining to that report.

Protection of a reporter's identity is a primary consideration when considering the release of sensitive information. The act allows for release of sensitive information in limited circumstances and sections prohibit the release of sensitive information which could identify a person as a reporter.

The protection provided by these sections is currently limited to the reporter of a child of concern report, not including a prenatal reporter, a confidential report or an interstate care and protection report. The proposed amendment of section 845 will provide protection to all reporters under this act. This will continue the ongoing protection of reporters when sharing crucial information to assist and support children and families.

The scrutiny of bills committee noted that the amendment simply seeks to extend a definition in an appropriate way and maintains existing provisions concerning the protection of the reporter and privacy, in prenatal reports, of a pregnant woman.

A further information-sharing amendment is the provision of information to police at section 865A. The act provides that an information holder must produce or give protected information to a court or investigative entity when doing so is required or authorised by the act or another territory law.

The act provides no specific limitations on the provision of sensitive information when required by an investigative entity acting under lawful authority. In addition, the act currently enables the details of a report to be provided to police with the exception of the identity of the reporter.

The proposed amendment seeks to expand the details of the report to include information about a reporter that could be provided to police as an investigative entity in certain circumstances. During the initial course of an investigation, police, as an investigative authority, do not have the power to require the production of documents or answering of questions.

The proposed amendment seeks to authorise the chief executive to provide reporters' details to the police at this earlier point in time—to assist in the investigation of an alleged criminal offence committed against a child or young person or children or young people. For example, it might be in relation to a report that contains information about an alleged or known paedophile.

The amendment also provides that the chief executive may provide police with a reporter's name when the police request this information when investigating offences disclosed in a child concern report which is referred by the chief executive to the police. The amendment does not affect or modify a court's or investigative entity's authority to compel information under a lawful authority.

The amendment maintains a high threshold for the protection of reporter confidentiality. This position is maintained to reflect community expectations regarding protection of children and young people and acknowledging the role of reporters of child abuse and neglect in this process.

The scrutiny of bills committee has commented on this amendment, noting some concerns about the privacy and reputation of the persons subject to an investigation or proceedings. As I have advised the committee, this is sensitive information that the act already enables the chief executive to provide to police when in the best interests of a child or young person. Police, as information holders, are required to comply with the protection provided to information shared under the Children and Young People Act 2008.

A further information-sharing amendment is proposed in section 875 of the act to ensure clarity of interpretation when the information secrecy and sharing provisions of the act interact with other acts. It is the intention of the act that its application is given precedence over other legislation that might otherwise allow or restrict information exchange. The amendment ensures that the restrictions contained in this act continue to apply to an information holder who is performing a function under another law that does not have a purpose under this act.

The support, care and protection of children and young people in the Australian Capital Territory is a community priority and these minor amendments strengthen aspects of the legislation that achieve this outcome. A robust and effective Children and Young People Act 2008 is desirable for us as members of the legislature, members of the community, adults, parents and carers.

I fully support the Children and Young People Amendment Bill 2009 (No 2). I seek support from all members and I have appreciated their comments.

Question resolved in the affirmative.

Bill agreed to in principle.

Leave granted to dispense with the detail stage.

Bill agreed to.

Sitting suspended from 12.32 to 2 pm.

Ministerial arrangements

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): Mr Speaker, for the information of members, Ms Burch, the Minister for Disability, Housing and Community Services, regrets that for personal reasons she needs to leave question time at 2.45 pm today. If members do have questions that they wish to direct to the minister, I advise that she will not be available after 2.45.

Questions without notice

Health system—Canberra Hospital

MR SESELJA: My question is to the Minister for Health. Minister, yesterday you informed the Assembly that there was a war in the health system that had been going on for 10 years. Minister, exactly when did you first become aware of this war and what steps have you or your government taken to end this war over the last two terms?

MS GALLAGHER: It seems that the opposition's campaign, being prosecuted through media releases and twisting and slanting my words, is going to continue in question time today. I think I made it very clear, and I have made it clear a number of times—indeed, yesterday was not the first time that I have said it—that, across the obstetric community, tensions have existed amongst obstetricians with different points of view and different perspectives for a number of years, in excess of 10 years. I do not think anybody who works in the obstetric community, for which I have responsibilities within the public system, would dispute that.

If there is anything good to come out of the past week, I would hope that some of the tensions that have existed—and they are largely tensions between doctors—will be put aside in the interests of providing a seamless service across the public and private system. If there is anything good to come out of the way this campaign has been prosecuted in the last week, I hope it is that.

In terms of the responsibilities I have for running the public obstetrics service, there have been no wars within the public obstetrics service, which is what the opposition are trying to twist and slant in their media commentary. As I have said a number of times, I became aware of concerns within the public service, within obstetrics, at a meeting held with staff last Wednesday. And a number of steps have been taken since then to support staff and seek to investigate that further.

MR SPEAKER: Mr Seselja, a supplementary?

MR SESELJA: Minister, what exactly is the damage that has been done to the Canberra Hospital as a result of this 10-year war?

MS GALLAGHER: I think the damage that has been done as a result of last week's events, which is bringing up issues that have arisen in 2005 and, I think, back in 1999, but particularly in the last week, has been damage to the reputation of the Canberra Hospital. And I regret that enormously. I do not think it is warranted. I do not think the allegations around clinical safety and standard of care that have been put from one side will be supported when a thorough external review is done. But I think damage has been done, and I think it has been done to reputation over time. Again, I think that is enormously regrettable.

MR SPEAKER: A supplementary question, Mr Hanson?

MR HANSON: Minister, is the war in the health system over, or are you hoping your review will end the war?

MS GALLAGHER: I have called upon the private obstetricians I met with on Monday to put aside their differences and to work with the Canberra Hospital and clinicians within the Canberra Hospital to make sure that any concerns that exist—they are concerns that exist across the private or public system—are resolved and that obstetricians can work together in the interests of the community. I put that to the private obstetricians, and they agreed that that was a sensible way forward.

Weston Creek cottage

MS HUNTER: My question is to the Chief Minister and it concerns the Weston Creek cottage. Chief Minister, why did the Weston Creek cottage lie vacant for two years after the government evicted the previous tenants and what has been the cost to provide security for the cottage over this period?

MR STANHOPE: I thank Ms Hunter for the question. In the context and the history of the cottage at Stromlo, the fact that the cottage is being upgraded at quite

significant expense to the taxpayer after a delay of two years is quite reasonable and appropriate. It is, of course, a story that has something of a vexed and controversial history. I think one of the hardest things a landlord ever has to do is to be involved in the eviction of people from any accommodation. The fact that in this instance the eviction involved squatters perhaps at one level exacerbated the difficulties which staff, organisations and landlords faced.

This is and always was, I think, difficult, particularly for those who were occupying the house at the time—people that did not have tenure, people that were squatting. Their eviction, of course, did generate significant emotions and controversy within the community. It was not an easy thing. As I say, the history of all staff within our housing employ—and indeed I think it would be the experience of all landlords—is that there is nothing more distressing than forcibly requiring the removal of somebody from a place that they live in. As I say, that distress and difficulty was not lessened—in fact, I think it may have been exacerbated—in the situation we faced of evicting squatters.

That was done for a whole range of reasons, of course, that every landlord would face in relation to an appropriate response, particularly when the property in which the squatting was occurring was public property—property which is vested in the people of the ACT—with people occupying it without rental and without authority. What is a government to do? A government must respect the ownership of that property and the fact that it is public property—property that belongs, at the end of the day, to all the people of the ACT.

Ms Hunter: Mr Speaker—

MR SPEAKER: Ms Hunter, on a point of order. Stop the clock.

Ms Hunter: Mr Speaker, I would just direct the Chief Minister that my question was about the cost of providing security for the cottage over this period.

MR SPEAKER: Thank you. Chief Minister, you have set the context.

MR STANHOPE: Yes, I will take the question on notice.

MS HUNTER: Supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: What percentage of the $150,000 price tag for renovations for the cottage relate to damage due to vandalism?

MR STANHOPE: I will take the question on notice, Mr Speaker.

MR SPEAKER: Ms Le Couteur, a supplementary?

MS LE COUTEUR: How will the government ensure that the site is secure during renovations, so that vandalism does not happen?

MR STANHOPE: The cottage has, for the entire period of the last two years, been subject to regular and routine security assessment and visitation.

MR SPEAKER: Ms Bresnan, a supplementary question?

MS BRESNAN: Why has it taken so long to start the renovations, considering that the new tenant was announced in June last year?

MR STANHOPE: I will have to take some detail on the time line, and I am more than happy to provide the exact time line. It is a cottage that actually has been nominated for registry on the heritage list. There would be a whole range of issues around heritage and heritage assessment. Heritage architects actually would have been engaged. There would have been a tender process. There would have been a DA process. There would have been planning. There would have been the need to actually draw up plans and have the plans approved and certified, submitted to ACTPLA and approved. Indeed, as I said, I think the time line is quite reasonable.

Health system—Canberra Hospital

MR SMYTH: My question is to the Minister for Health. Minister, yesterday you said that you had known about the 10-year war since 2005, even before your time as health minister. Minister, how does this reconcile with your comment in the *Canberra Times* of 19 February that "at this point all I've seen is a lot of mud being slung around and no substantiation"?

MS GALLAGHER: Because they are answers to two entirely different questions. The first quote you used was in relation to the broader issue of the tensions that have existed across the obstetric community for a number of years. Again, I do not know what trouble you are having grasping that. Anybody who has spoken to any obstetrician, I think, will confirm that tensions exist. And they are tensions that exist between doctors around different perspectives of how things should be run, how services should be run.

In relation to the second quote that you used, I was speaking specifically around the comments that were made in the media that started on Tuesday of last week.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Thank you, Mr Speaker. Minister, was the 10-year war just a lot of mud-slinging and no substantiation? If so, why did you describe it as a war?

MS GALLAGHER: I could go and get the dictionary out, but usually the term "war" can be used. I do not have a dictionary in front of me to describe conflict that exists. I was merely drawing members' attention to the fact that conflicts have existed between obstetricians across the ACT for a number of years.

MR SPEAKER: Mr Hargreaves, is this a supplementary?

MR HARGREAVES: Thank you very much, Mr Speaker. My supplementary question is to the Minister for Health. Is the minister aware of the page number of the *Canberra Times* from which the questions from the opposition are derived?

Mr Hanson: A point of order, Mr Speaker: I raised this issue—

MR SPEAKER: The question is out of order. A supplementary question, Mr Hanson?

MR HANSON: Yes. Minister, do you hold the view that the 10-year war is just a lot of mud-slinging with no substantiation?

MS GALLAGHER: That is a difficult question for me to answer. I think the tensions that exist, that I have been talking about, exist between a professional group. I am not a member of that professional group. There may be some very legitimate reasons for the tensions that exist. The mud-slinging that I was referring to was the allegations, the one-sided allegations, that were raised in the media last Tuesday. At that point in time, and still today—

Mr Hanson: How did you know they were one-sided if you didn't know anything about it?

MS GALLAGHER: Because there were allegations made and the other side of the story was not put, Mr Hanson. It is pretty clear that they were one-sided allegations. Anyone watching the news would have seen that.

Mr Smyth: Enlighten us with the other side of the story.

MS GALLAGHER: The other side of the story will come out. It will come out in time, in an appropriate way, under the reviews that we have commissioned, and that is entirely appropriate. And the mud-slinging that I was referring to related to allegations about clinical standards, safety, relationships between midwives and doctors—all of which I still believe are mud-slinging allegations because I have not seen anyone or anything that would confirm that there are concerns around those areas.

Health system—Canberra Hospital

MRS DUNNE: My question is to the Minister for Health. Minister, you stated in this place that when doctors wrote to you with serious concerns about the work environment at the Canberra Hospital you wrote back and asked them to expand on their concerns. Given your knowledge of the 10-year war, why did you need doctors to expand on their statements? Why did you not immediately acknowledge to the doctors your understanding of the 10-year war?

MS GALLAGHER: Well, they did not write to me about serious concerns.

Mr Hanson: They did. You just didn't interpret it that way.

MS GALLAGHER: Well, they did not. They wrote around what they called concerns with the workplace environment, I believe.

Mr Hanson: And that's not serious?

MS GALLAGHER: Add your—

Mr Hanson: Nine doctors resigning is not serious?

Mr Seselja: They're trivial concerns, are they?

MS GALLAGHER: The information that the opposition interject with—

Mr Hanson: You weren't aware that nine doctors resigned?

MR SPEAKER: Thank you, Mr Hanson.

MS GALLAGHER: The information that the opposition interject with was not contained in those letters. So let us just—

Mr Hanson: You were unaware of it?

MS GALLAGHER: They were not contained in the letters. Let us be clear: the letters—

Mr Smyth: So there was a war, but you had no detail?

MS GALLAGHER: You know, I felt that if people were going to raise issues alleging concerns with the workplace environment they needed to be clear about what they were. I think it is entirely reasonable. So I wrote back, and I asked them to elaborate, and they chose not to.

MR SPEAKER: Mrs Dunne, a supplementary?

MRS DUNNE: A supplementary question, Mr Speaker. Minister, you described the recent issues in health as doctor politics and then as a 10-year war that has done damage to the Canberra Hospital. Which is true, or are both true?

MS GALLAGHER: I stand by the comments I have made. The tensions that exist between doctors date back many years. All of the statements I have made in relation to this matter are true and correct from where I sit. The opposition can continue to slant and add little words here and change the flavour of it. They are really enjoying the bashing that they are doing of the Canberra Hospital. I do not think I have ever seen them enjoy anything quite so much, from the behaviour that they have displayed in here—bashing the public health system.

But with all of the comments I have made, what I am trying to do is ensure that there is a fair and reasonable process for all doctors involved to have their grievances aired

and considered. And that is something that it appears the opposition are not prepared to allow to happen. I urge the opposition to just rise a little bit above the actual politics of this and allow those doctors' issues to be aired and dealt with.

MR SPEAKER: Supplementary, Mr Hanson?

MR HANSON: Minister, you have also said that there has been no substantiation of these claims for doctors, yet you profess that you have known of the 10-year war since at least 2005. Which is true—or are both true?

MS GALLAGHER: I missed the first bit of the question, but I think it is along the same theme. All of the comments I have made in relation to this matter over the past week are accurate from my point of view, from the information that I have available to me. As I said, the one thing that I hope comes out of all of this is that the obstetricians across the ACT work together and put aside some of the differences that they have brought to the system over a number of years. I do not think it is in anyone's interests in relation to the long-term needs of this community's health system. We need a fully functioning private obstetrics service and we need a fully functioning public obstetrics service. There is enough work for everybody; there is a role for everybody. We need to ensure that all of the people involved in the events of the last week have the opportunity to have the matters examined and reviewed and appropriate action taken.

MR HARGREAVES: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, how does the 10-year war involving obstetricians compare with the 10-year war in the Liberal Party over leadership where they have had five leaders over the last few years? I think it is one new leader every two years.

Mrs Dunne: Mr Speaker, on Mr Hargreaves's question: Mr Hargreaves is blatantly abusing the supplementary question system to deprive members of the opportunity to ask questions by asking questions which are clearly out of order. He has done it twice today. He did it yesterday. Mr Hanson raised the issue yesterday. I would like you to address it.

MR SPEAKER: There are a number of points on this matter. Yes, the question is out of order. I do not know that I need to state that. It is clear that members should not ask facetious or frivolous questions. I will keep an eye on that to make sure it does not happen.

The other observation to make is that, as I indicated when we moved to the new supplementary question system, I do have an approximate quota of questions in proportion to the major parties represented on the floor. If the Labor Party chooses to use up its questions in this way, they should not protest when they run out of opportunities later in question time to have a question.

Mr Hargreaves: I would be interested in seeing the actual delivery of the numbers against those quotas that you are talking about, because my count seems to show an imbalance.

MR SPEAKER: For your information, Mr Hargreaves, the quota is: the opposition, 55 per cent; the crossbench, 27 per cent; and the government, 18 per cent. The current statistics are: the opposition, 55 per cent; the crossbench, 26 per cent; and the government, 19 per cent. So you are actually ahead of your quota.

Mr Hargreaves: On the point of order, Mr Speaker: how can you measure two members of the government backbench against five or six members—I am sorry, Alastair, I have forgotten you—of them when that is clearly not a reasonable representation?

MR SPEAKER: Mr Hargreaves, if you would like to take this matter up in the administration and procedure committee, I think that would be the appropriate forum.

Environment—Jerrabomberra wetlands

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services and is in regard to the management of the Jerrabomberra wetlands. Minister, can you provide an update of plans for the wetlands, including the status of the Jerrabomberra wetlands management plan, and any recommendations that have come out of roundtable meetings held with stakeholders to discuss the wetlands?

MR STANHOPE: I thank Ms Le Couteur for her question. I am able to advise Ms Le Couteur that the draft master plan for the Jerrabomberra wetlands is going through a final edit before being presented to me. My plan, when it is presented, is, of course, to forward it—I am not sure which committee it is—for potential inquiry and response by the Assembly.

I have an expectation that the draft master plan will be provided to me, hopefully, within the next week or so. That is the stage that it has reached. But, as I say, it is undergoing essentially a final edit. I do expect that I will be receiving it in the very near future—hopefully, as I say, perhaps within the next week.

I have engaged with the full range of stakeholders that have expressed interest in the Jerrabomberra wetlands within the ACT. I have held two roundtables now, which were very well attended and very productive on the issue and on the future thinking and planning for the Jerrabomberra wetlands. The meetings were attended, for instance—and I am going somewhat from memory here—by representatives of the Natural Resource Management Advisory Committee, the Flora and Fauna Committee, the Canberra Ornithological Group, representatives of Parks, Conservation and Lands, representatives of the Limestone Group, academics from the ANU and officers from other departments, most particularly the LDA, ACTPLA and the Chief Minister's Department.

A whole raft of issues have been discussed in relation most particularly to potential impacts of issues in relation to the development of East Lake and how we can best manage that, particularly in relation to the interface, and issues in relation to plans which Actew have forwarded for the relocation of the electricity substation. Those issues have been raised and discussed. There are also ongoing discussions with that

same group of stakeholders in relation to my proposal to establish a Jerrabomberra wetlands trust. Indeed, the discussions on that are being conducted jointly with discussions with a separate stakeholder group in relation to a Mulligans Flat trust. There is discussion between all of those stakeholders, most particularly about whether or not we might develop a model of a single trust with two arms or an individual trust. But there is consultation being pursued at a number of levels in relation to the Jerrabomberra wetlands.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Chief Minister, you mentioned some meetings with stakeholders. Could you tell us about all the meetings you have had with stakeholders in the last six months, and would it be possible to make minutes from these meetings available to the Assembly?

MR STANHOPE: Certainly, to the extent that there are formal minutes or documents that are a result, most particularly, of those roundtables, I am more than happy to do that. I will have to investigate and take some advice, Ms Le Couteur, but I am more than happy to respond positively to you in relation to that.

I might say that I have numbers of informal meetings too. At the launch of *Birds of Canberra Gardens* by the Canberra Ornithologists Group just two weeks ago, a launch that the Speaker attended, I stayed and talked with the Canberra Ornithologists Group and a number of representatives of other stakeholder groups for an hour after that particular book launch. The subject of conversation was essentially exclusively around future planning for the Jerrabomberra wetlands. I say it was a conversation; it was not a formal meeting. It was a meeting or a discussion that went for an hour, and we had a very productive discussion around some of the issues of concern or moment.

Indeed, as a result of that particular meeting—there were no minutes and it was not formal and recorded—I have undertaken—you may wish to join us, Ms Le Couteur, and I extend this invitation to you—that I will meet with that group of stakeholders on site at a time yet not fixed but over the next few weeks for a detailed discussion around issues, most particularly involving some concerns around the proposed location or relocation of the electricity substation. I would be more than happy, Ms Le Couteur, for you to accompany me on the site inspection.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. Chief Minister, have representatives of RiverSmart Australia been invited to the roundtable or have you had any meetings at all with RiverSmart Australia in relation to Jerrabomberra wetlands? If not, why not?

MR STANHOPE: I have received correspondence from Mr Bill Phillips of RiverSmart. Indeed, I read with some interest Mr Phillips' views about the future management of the Jerrabomberra wetlands. Some of his views are at quite serious odds with points of view that have been put to me collectively at the roundtables.

Most particularly, RiverSmart believe that water sport activity should be encouraged and located within the Jerrabomberra wetlands. RiverSmart have also advocated

publicly and through the *Canberra Times* that there should be an urgent and radical weed removal program. I just highlight those particular issues. They struck me because both of those issues are at complete odds with advice that I have received through the roundtable.

Mrs Dunne: Have you been advised to keep weeds?

MR STANHOPE: Yes, Mrs Dunne, I have, because at the Jerrabomberra wetlands there is nothing but weeds. That is all there is. The trees are mainly willow, mainly a declared weed. There is no native grass. All the grasses are exotic. There is no endemic native tree. Yet RiverSmart, from their perspective from Sydney, through the pages of the *Canberra Times* and correspondence, is strongly advocating radical and urgent weed removal.

Indeed, in fairness, I have written to all the roundtable stakeholders and asked them as a result of this view that is contrary to theirs whether or not they would wish to reconsider their position and their advice to the government in relation to locating water sport in the Jerrabomberra wetlands and removing all weeds. They have written back to say, "No, Chief Minister, we do not think you should reconsider our advice on that issue."

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Minister, what is the current level of ranger support provided for the Jerrabomberra wetlands by Parks Conservation and Lands and do you consider this to be adequate?

MR SPEAKER: Did you hear the question, Chief Minister?

MR STANHOPE: I did, just. I would have to take some advice on the exact level, but the level of ranger activity is very low. Indeed, at this stage my understanding of it is that it is at a level no greater than occasional visits for the purposes of security and assessment. There is essentially no active ranger activity at the Jerrabomberra wetlands, hence the very heightened level of interest by the government, most particularly by me, and a determination to create a future through an agreed vision for the Jerrabomberra wetlands.

It is one of those issues that need to be handled carefully, soberly and in a very organised and rigorous way. Mrs Dunne's question about the weed removal is a classic example. I have seen in a number of articles now, one most particularly by Ms Beeby and supported by Dr Phillips, attacking the government in relation to weeds. I was being attacked so I went to the experts that I defer to on these matters in the ACT and said, "I am getting this conflicting advice." I remember that at the first meeting I proposed that perhaps we had better knock down these major weed trees, the willows, as we did in the Molonglo River. Aghast, the advice from all of the representative conservation organisations was to leave the trees alone until we have an appropriate replacement regime and transitional plan in place. Then Mrs Dunne jumps

up and says, "Get rid of the weeds. Knock the willows down". There is no plant life in the Jerrabomberra wetlands which is not and cannot be characterised as anything but a weed. They are all weeds, even the grass. *(Time expired.)*

Organ donation awareness

MS PORTER: My question is to the Chief Minister. Chief Minister, this morning you attended the Chief Minister's awards for organ donation awareness. Could you inform the Assembly about the purpose of these awards?

MR STANHOPE: I thank Ms Porter for her question. Yes. A number of members also attended and it was very good to see the high level of interest by elected representatives in organ donation awareness and the importance of this awareness week. The purpose of the awards is, of course, to recognise those who have contributed to improving community awareness of the importance of organ donation.

Awareness is important in very many areas of healthcare. That is why we are seeing awareness campaigns such as this designed to encourage procedures, in addition to organ donation, such as breast screening and campaigns to improve the awareness of other health issues.

When it comes to organ transplantation, awareness is important on multiple levels. Firstly, we need more individuals to register as potential donors, and that requires that people be aware of the register and of how easy it is to add their own name to the list. It all sounds simple, of course. But, while most Australians I am sure would philosophically agree with donation, no-one wants to contemplate their own early death. And that is what signing on to the register requires us to do: to address our mortality.

There is something potentially confronting about putting your name on a list that effectively acknowledges the prospect of early and untimely death, at a young age perhaps or at the peak of good health The reality is that most donors only become donors because they are struck down by some kind of catastrophic injury or illness, or perhaps as a result of a car accident, a stroke, a fall or some such. Signing on as a potential donor means first acknowledging that this could happen to us. And in the midst of a busy work and home life, with all of the competing claims on our attention and our thoughts, it is probably little wonder that looking mortality so squarely in the face is something many people do not get around to. We go into some fairly rapid avoidance.

Awareness campaigns such as this week, and this morning's awards, help cut through, and one way they can do that is by reminding people of what the gift of an organ or tissue can mean for the recipients, because that is ultimately what donation is all about—improving the quality of life for recipients; in some cases literally and dramatically offering someone the gift of life.

And that restored quality and duration of life, that gift, can only be offered to the 1,700 Australians now waiting for organs if more of us register as potential donors and if more of us encourage our families and friends and loved ones to do the same.

The awards presented this morning are part of a week-long program of activities all across Canberra, all aimed at improving awareness of the importance of organ donation and the role each of us can play in boosting donation rates.

It is not just about getting on the register either. A great many people do not know that, even if they sign on to the register, their family would still have the final say in the event of their death. That makes it absolutely critical that awareness not remain in the head and the heart of the person signing on as a donor. It makes it critical that the potential donor talk to his or her family members so that, if and when the time came for a decision to be made, those left behind might be more inclined to honour the wishes of their loved one.

Events such as today's ceremony are opportunities to get that message out, through the media and through forums such as this Assembly, into the broader community.

MR SPEAKER: Ms Porter, a supplementary?

MS PORTER: Thank you, Mr Speaker. Chief Minister, what advances in organ donation registration have been made in recent years with the support and assistance of the ACT government?

MR STANHOPE: The number of Canberrans who are registered on the national organ donor register has grown significantly over this past decade. In 2000, there were just 200 ACT residents on the register. The figure is now, I have heard this morning, in excess of 50,000. I should acknowledge, over that period, two leaders of campaigns to enhance awareness and the successful campaigns that have led to that dramatic increase. Harold Hird, an esteemed ex-member of this place, was chairman of—I am not sure of the full name of the organisation that Harold chaired—

Ms Gallagher: Gift of Life?

MR STANHOPE: I think it was Gift of Life; I was not sure if they had been through a name change. Harold Hird led that organisation for many years, and very successfully. He has been succeeded by Anne Cahill Lambert, who has continued the work which Harold Hird started. Anne has shown tremendous leadership through her energy and commitment and has achieved quite wonderful outcomes here in the ACT.

The ACT helps fund Gift of Life ACT's work, raising community awareness. The former ACT organ and tissue donation service at the Canberra Hospital—now expanded and renamed under the national organ and tissue donation reform initiative as DonateLife ACT—has also played a very significant role.

One of the most notable advances of recent times has been the creation, in January last year, of the Organ and Tissue Authority, a commonwealth statutory authority with its own legislation which sits within the commonwealth's health and ageing portfolio. The job of the authority is to establish an approach in partnership with state and territory governments as well as the medical profession, Australians on donation waiting lists and the broader community. There has been enormous progress in this area in the last few years.

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGREAVES: Chief Minister, what leadership role can the government play in boosting donation rates in the ACT community?

MR STANHOPE: I think there is a role for elected representatives, and, I must say, the very pleasing aspect of the awards this morning and, indeed, the Terry Connolly walk yesterday, was the very visible attendance by leaders, most notably yesterday, of course, with the Prime Minister of Australia. Today, too, I have to say that it was very pleasing to see the numbers of members of this place that attended, including the Leader of the Opposition. That really is a reflection of the role which elected representatives can play in drawing attention to this most important issue, an issue which we, as a nation, have struggled to grasp or to grapple with as we have struggled with that issue of facing our own mortality and the prospect of each of us actually meeting with a life-ending incident or disease or illness and the subsequent difficult issue that is yet to be fully addressed by the Australian community—that is, the decision making which we leave to our relatives if we have not made it explicit through a discussion or conversation with our loved ones that it is our strong desire that our organs be offered for donation.

It remains one of the major issues yet to be confronted in organ donation that there are significant numbers of Canberrans and Australians who have registered for organ donation but where the opportunity is lost when relatives equivocate, are not sure, do not quite know what to do, are too confronted or upset at the point of our deaths in the very short, narrow window of time or opportunity that exists to make the decision to donate our organs. The opportunity passes, and a wish or a desire to have organs donated is not fulfilled. We all need to do more as leaders of this community to address that particular issue.

Health system—Canberra Hospital

MR COE: My question is to the Minister for Health. Minister, you have advised the Assembly of the 10-year war in the health system that has damaged the Canberra Hospital and that you had known about the war since 2005. Minister, given the previous reviews, including the review by the Health Complaints Commissioner that you mentioned yesterday, why did the war not end after these reviews?

MS GALLAGHER: I thank Mr Coe for the same question, asked in the same way as all his colleagues.

Mrs Dunne: It is not the same question. You had better start listening.

MS GALLAGHER: I think in music they would call it a variation on a theme perhaps. It is almost identical, for the purposes of the debate.

In relation to the issue Mr Coe alludes to, I believe the only people that can answer that question are the doctors themselves. The tensions that I talked about are about interpersonal relationships that exist across the obstetrics community and have for some time. The doctors themselves are the only people that can answer that question.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Yes, Mr Speaker. Minister, what other reviews and/or inquiries have been made into this 10-year war?

MS GALLAGHER: I do not think there has been any review or any inquiry into a 10-year war. The Health Services Commissioner, or the Health Complaints Commissioner at that time, did an own initiative investigation into a range of allegations that were being put about clinical standards at the Canberra Hospital. I am not aware of any review, and I am not sure that any could be commissioned under any authority. These are about relationships between doctors. It is silly to suggest that a review would be able to work that out. For the convenience of opposition for opposition's sake and all the rest of it, you would like to pin a difference of opinion between doctors on me; I wish you well with that campaign because you simply will not be able to do it.

MR SPEAKER: Supplementary question, Mr Hanson?

MR HANSON: Minister, what did you do to implement the results of any other reviews and inquiries that have been conducted during the last 10-year war?

MS GALLAGHER: There have been two investigations into allegations. The reviews have been into allegations that have been made about service standards at the Canberra Hospital.

The Health Services Commissioner had her own investigation. She made recommendations to the ACT Medical Board and to the College of Obstetricians and Gynaecologists and some recommendations to ACT Health. All of those that relate to ACT Health have been implemented.

In addition, there has been an Assembly inquiry—*A pregnant pause*—which looked at maternity services across the ACT and I think was chaired by Kerrie Tucker or Karin MacDonald—one of them. It was a very comprehensive review that looked at a whole range of issues. ACT Health and the government responded to that at the time; those recommendations, where they were supported, have been actioned by the government.

MR SPEAKER: Supplementary question, Mr Hanson?

MR HANSON: Minister, if, in your words, it would be silly to suggest that a review could sort it out, what do you expect will be the outcomes of the current review that is proposed?

MS GALLAGHER: The review is responding to allegations that have been put. The review is not going to seek—and I do not think can—to resolve the tensions that exist across the obstetric community. That is specifically why I have asked the doctors themselves to put aside the differences of opinion and perspectives about how services should be run, particularly focused on the Canberra Hospital—as it always has been. The allegations have always been about the Canberra Hospital. Every time

this comes up, the allegations are made about the Canberra Hospital—usually from doctors that do not work within the Canberra Hospital. That is what I have asked—that, if there is anything good to come out of this, those doctors put aside their differences of opinion and move on in the interests of obstetrics care in the ACT.

The review is responding to allegations that have been made. That is what the review will examine. As to whether it will end the tensions that exist across the community, I do not think that any of us can answer that because I do not think any of us can deliver that; only the doctors themselves can.

Alexander Maconochie Centre—Official Visitor

MS BRESNAN: My question is to the minister for corrections and is in regard to the Official Visitor at the Alexander Maconochie Centre. It has come to my attention that the AMC has been operating without an Official Visitor since around November and this may still be the case. Minister, could you please inform the Assembly of the exact length of time that the AMC has been operating without this important role?

MR CORBELL: Just for the record, there is not a portfolio minister for corrections. It now falls under the Attorney-General portfolio. The issue of the Official Visitor at the AMC has been an issue of some concern for my department. Unfortunately, we did have some difficulties with the previously appointed Official Visitor in terms of his ability to attend the facility on a regular and ongoing basis.

This has led to the government appointing a new Official Visitor. I can certainly confirm that the new Official Visitor has been agreed to by cabinet. It has been referred to the Standing Committee on Justice and Community Safety for a review as part of the normal process for these types of statutory appointments. If I further recall correctly, the committee has recently advised me that it has no objection to the proposed candidate. The government will be moving to appoint that new Official Visitor as soon as possible.

I may stand corrected on a couple of those factual details. I will check those for the member and I will try to provide some further advice at the end of question time.

MR SPEAKER: Ms Bresnan, a supplementary?

MS BRESNAN: Thank you, Mr Speaker. Minister, what procedures does the AMC have in place to quickly replace the Official Visitor in the event of a sudden departure or dismissal and what interim measures are in place for prisoners to make complaints through an external, independent person?

MR CORBELL: Prisoners can continue to make complaints through other statutory officers, including the Ombudsman, and prisoners are made aware of their rights in terms of being able to make complaints to the Ombudsman. It is not a matter for the AMC to replace the Official Visitor; it is a matter for the government to do that. The government has to go through a statutory process, including consultation with the standing committee in this place. As I have just outlined, that process is underway.

MS HUNTER: A supplementary?

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: To the Attorney-General: on average, how many complaints are made to the Official Visitor per month and, based on this figure, how many complaints have gone unreported as a result of there not being an Official Visitor in place?

MR CORBELL: I do not have the exact figures of how many complaints are made to the Official Visitor but I am happy to provide information to the member about complaints that have been received by the Official Visitor previously. It is important to stress that the role of the Official Visitor can be formal or relatively informal. Many matters that are raised with official visitors relate to relatively low-level concerns about issues as routine, as perhaps mundane, as quality of food or access to particular recreational facilities. They can be much more significant, including ill treatment or inappropriate treatment and allegations of that sort.

The Official Visitor, at their discretion, decides how they deal with those matters and the Official Visitor, under the legislation, is able to raise those matters with the management of the prison. Equally, the Official Visitor can, at his or her discretion, make reports to me on any matters that they feel need further action.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Minister, can you confirm that disallowable instrument 2010 No 17 appointed Mr Boland as the Official Visitor on 15 February, and can you further confirm that this matter was signed off by the appropriate standing committee?

MR CORBELL: I knew the process was well underway. I do not profess to be a walking encyclopaedia. I will, of course, check that Mrs Dunne is citing the appropriate document. I do not have the privilege of having a laptop in front of me like Mrs Dunne has. But, Mr Speaker, I will confirm the details.

Health system—Canberra Hospital

MR HANSON: My question is to the Minister for Health and relates to the 10-year war in the health system. Minister, the *An own initiative investigation into the obstetric service at the Canberra Hospital* report by the commissioner under the Community and Health Services Complaints Act 1993, dated October 2005, notes in a section headed "Complaint":

> the resignation of seven registrars, who were unable to cope with the atmosphere, personalities or standards within the Obstetrics Unit.

Minister, was this addressed in the review?

MS GALLAGHER: The recommendations that related to ACT Health in terms of response that was needed to be provided have all been implemented and to everybody's satisfaction, as I understand.

Mr Smyth: So it hasn't fixed it?

MS GALLAGHER: Mr Smyth, this war that you are surprised about: do you remember as a minister, perhaps, having any issues around tensions in the obstetric service—that Mr Moore may have been dealing with; indeed, Mr Berry may have been dealing with? You just cannot come in here and pretend that you were unaware of issues that have existed in the obstetric community.

As far as the matters relating to ACT Health have gone, and the responses that we were needing to provide in relation to that own initiative investigation, which predated my time as minister, to my understanding they have all been implemented.

MR SPEAKER: A supplementary question, Mr Hanson?

MR HANSON: Yes. Minister, with regard to the complaints about the resignation of seven registrars, what were the primary findings of the review and what changes were made by you to implement them?

MS GALLAGHER: I am not sure I am aware of what review Mr Hanson is talking about.

Mr Hanson: The review that you referred to yesterday.

MS GALLAGHER: The own initiative investigation?

Mr Hanson: Indeed.

MS GALLAGHER: Well, you have got the report, and you have got the government response to that.

Mr Hanson: And I asked you what changes were made by you to implement them. What did you do?

Mr Seselja: Why won't you answer?

MS GALLAGHER: I have answered it. They have been implemented.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Thank you, Mr Speaker. Minister, given that we are facing, in your own words, the exact situation that we were five years ago, doesn't your answer demonstrate a complete lack of action in dealing with this 10-year war?

MS GALLAGHER: No, it does not. The reviews that are underway are yet to determine the allegations that have been put. Perhaps we can let the reviews that have been announced and will be finalised this week be dealt with. In terms of during my time as minister having any complaints brought to my attention, I meet regularly—let us just go through them—with the Medical Board, the Health Services Commissioner,

the AMA, the Divisions of General Practice, ASMOF, the ANF, the ACT Health Council and the Health Care Consumers Association. None of them, not one of them, in my four years as Minister for Health has raised concerns about the standards of care or complaints within the TCH obstetric service. I have had complaints raised with me about other obstetric services from one or either of those sources, but not one from that list has raised concerns with me.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Minister, what areas of the 10-year war were not addressed by the own initiative review of the Health Complaints Commissioner, and did you take any action or did the government take any action to ensure that the gaps in the review were addressed?

MS GALLAGHER: As I have said in answer to a number of the questions that have been asked of me today, I do not believe that any review will be able to resolve the tensions that have existed probably dating back to Wayne Berry's time as minister and certainly during Michael Moore's term as minister and which have re-emerged now. This is a matter that the doctors themselves have to resolve. There is not a recommendation—

Mr Hanson: So you take no responsibility here? You can do nothing?

MS GALLAGHER: No, that is not what I said. I am taking—

Mr Hanson: You just said the doctors have got to deal with it and you can't.

Mr Stanhope: Point of order, Mr Speaker, we admire your counting of supplementary questions, but it might be of some benefit to each of us if you started counting interjections and doing something about that as well.

MR SPEAKER: Thank you for the free advice, Mr Stanhope. I think question time has been fairly sedate today.

MS GALLAGHER: I have been trying—

Mr Hargreaves: On the point of order, Mr Speaker, we can fix that, if you like.

MR SPEAKER: I am sure you could, Mr Hargreaves. I think we will continue in the spirit in which question time has been conducted so far.

MS GALLAGHER: I am not walking away from my responsibilities, and I never have. But I am being honest—

Mr Smyth: But you've done nothing before this.

Mr Seselja: You can't fix it.

MS GALLAGHER: I give up, Mr Speaker.

Health system—Canberra Hospital

MR DOSZPOT: My question is to the Minister for Health and it relates to the 10-year war in the obstetrics unit. Minister, the commissioner's review notes, in a section headed "Complaints", "the resignation of seven registrars who were unable to cope with the atmosphere, personalities or standards within the obstetrics unit". Minister, this issue is not dealt with in any of the recommendations or findings in the review. Have you sought advice from either the reviewer or the department as to why this was the case?

MS GALLAGHER: This review predates my term as minister. I cannot answer for the discussions that the previous minister may have had with the Health Services Commissioner. I have frequent meetings with the Health Services Commissioner and I can tell the Assembly that at these meetings, either with my staff or myself, no concerns have been raised with me around obstetric care at the Canberra Hospital. Concerns that have emerged last week—

Mr Hanson: People make complaints and they get ignored.

MR SPEAKER: Mr Hanson! Mr Doszpot, a supplementary question?

Mr Seselja: Are you going to stop answering questions mid-sentence?

Ms Gallagher: I am going to stop every time someone else asks me a question.

MR SPEAKER: Order! Mr Doszpot has the floor.

MR DOSZPOT: Mr Speaker, my question is, obviously, to the minister again. Minister, if an own-initiative review completed by the Health Complaints Commissioner five years ago failed to address this critical concern, how can the public have confidence in your latest review suggestion?

MS GALLAGHER: I think they are casting a view about the Health Service Commissioner's report. Again, the first part of that question would need to be referred to the commission for them to answer, as it was an own-initiative investigation into concerns that had been raised. I cannot answer why her report and findings did not cover that particular area of the report. It is simply that I am not able to answer it.

In relation to the reviews that I have announced—and we will be finalising the details of those, hopefully, by the end of this week—we are taking careful and considered advice about how to establish those two different reviews. There are actually two reviews going on. One is into standards and clinical safety, and one is into the issues around the workplace and allegations of harassment. The terms of reference are being finalised. The reason I have taken my time to finalise them is to make sure that people feel able that, if they choose to participate, they are able to participate in a safe manner. And I think it is quite sensible that I do that.

MR SPEAKER: Yes, Mr Hanson; a supplementary?

MR HANSON: Minister, if you and your department simply ignore complaints that are being made by the doctors, what do you expect will be the outcome of the review that is due to be conducted?

MS GALLAGHER: I have never ignored a complaint put to me by a doctor. I can tell you that right now. In fact, when I get a complaint from anybody, each of those complaints is investigated and I respond to each and every one of them. The complaints that I am yet to receive, I think—I cannot recall any even this week. I have received an email from one doctor who does not want it to proceed as a complaint. I still cannot think of one letter I have got of complaint from a doctor yet.

Mr Hanson: They have given up on you. They have tried it before.

MR SPEAKER: Mr Hanson!

MS GALLAGHER: Well, Mr Hanson, I did not sense from my meeting with the doctors that I met with on Monday that they have given up. The meeting I had where they raised their concerns with me was extremely cordial. Indeed, they agreed with the process that I put forward. They were happy with that process until, I think, Mr Hanson got in their ear and said, "Come and support us under the inquiries act."

Mr Seselja: Oh, so they weren't so happy.

MS GALLAGHER: No, then one of those doctors changed their view and wanted a process that involved subpoena. But that certainly was not the view expressed to me in that meeting. I asked them around the review and the processes in terms of whether or not they felt that was the right way forward.

I think the processes that are going to be put in place appear on the surface to have the support of the doctors that are making the allegations. As of this point in time—and I do not expect necessarily to receive the complaints; the complaints may well go straight to ACT Health or through the review process that has been established—I still have not received a complaint from a doctor other than some concerns that were put to me at that meeting.

MR SPEAKER: Supplementary question, Mr Hargreaves?

MR HARGREAVES: My question is to the minister. Is it true, with respect to complaints around professional treatment, that the hospital receives far more compliments than it does complaints?

MS GALLAGHER: The Canberra Hospital certainly receives lots of consumer feedback and patient feedback; in fact, it is an area that we survey. The hospital also gets lots of compliments, because the hospital does a fantastic job, on the whole. However, no health system is perfect. I do not think any health minister would ever say that they have a perfect health system. There is always room for improvement.

Patient feedback is one of the ways that we are able to analyse our performance over time. The feedback that we have been getting since we have been doing the patient

feedback is constantly improving. But a busy health system will always have to deal with complex and sensitive complaints. I want to make sure, and I believe the processes are there to ensure, that those complaints are handled appropriately, but one of the issues that this review will look at is whether those processes are adequate.

In relation to the answer I just gave, I should say that I have—

Mr Hanson: Mr Speaker, a point of order.

Mr Hargreaves: Stop the clock.

MR SPEAKER: Yes.

Mr Hanson: It is on relevance. The question by Mr Hargreaves was quite specific—whether the Canberra Hospital receives more compliments than complaints. The minister has not actually addressed the substance of that issue.

Mr Hargreaves: On the point of order, Mr Speaker, I was talking about complaints and compliments regarding professional services that were provided. The minister is providing an answer that I am particularly interested in following—a line of my thought.

MR SPEAKER: There is no point of order.

MS GALLAGHER: I certainly have not added up the feedback I get, but I would get as many compliments about the hospital as I get complaints—at least as many.

In relation to the comment I just made around receiving a complaint, I should correct the record: I have received one complaint—it dates back to 1998, I believe, a time under the previous government, but nonetheless when these tensions existed—from a registrar who worked at the Canberra Hospital at that time.

Canberra centenary

MR HARGREAVES: My question is to the Chief Minister. Can you please update the Assembly on the preparations for the centenary of Canberra in 2013?

MR STANHOPE: I thank Mr Hargreaves for his interest in the planning for Canberra's approaching centenary, which, as members of course would be aware, is only three years away.

The government first started the planning for the centenary celebrations several years ago when we undertook extensive community consultation at a local level on the sorts of activities and events that might take place in the 100th anniversary year of Canberra's declaration as the national capital of Australia. Last year, in the budget, we committed a total of $14 million to develop a first-class centenary program. Indeed, I think the total commitment by the government now to the centenary is in the order of $19 million.

Since that time, there has been significant progress, including what we regard as a major coup in our centenary planning by securing the services of one of Australia's pre-eminent special event organisers in Ms Robyn Archer AO as the creative director for the centenary of Canberra. Ms Archer took on her role only late last year and her enthusiasm for the centenary—and I am sure many of you who have met Ms Archer would agree with this—and I must say for the city of Canberra as well, is proving exceptionally infectious.

While the program is still being developed, Ms Archer and the government are determined that it will provide an exciting array of activities which encourages broad participation and, importantly, I think, is being planned with a view to providing a legacy for the future.

The ACT and the commonwealth governments continue to meet regularly via an intergovernmental working group to progress joint planning for the celebrations. In all of my discussions with the commonwealth, they remain 100 per cent committed to playing a significant role in helping to recognise the significance of this occasion for the nation.

The first major event we have secured for the centenary is the 2013 Australian Women's Golf Open, which will be played at Royal Canberra and will attract the best players from across Australia and overseas.

Members interjecting—

MR SPEAKER: Order, members! I am having trouble hearing the Chief Minister.

MR STANHOPE: We have had very positive discussions with many of the other major sporting codes, and I remain confident that we will have a smorgasbord of world-class sporting events in our centenary year. Both the ACT and federal governments are continuing to liaise with Cricket Australia, with the aim of securing a first test cricket match in Canberra in 2013.

Robyn Archer has met with all of the big national cultural institutions across the city and all are excited about delivering a 10-month calendar of events second to none in the history of our city. Ms Archer has also had very positive discussions with many of our nation's leading artistic companies.

Mr Smyth interjecting—

MR STANHOPE: Just to respond to Mr Smyth's obvious interest in the centenary, we do wonder about, and I am sure we are looking forward with great interest to, Mr Smyth's travel report on his trip to Florence, where he addressed an international meeting on Canberra's centenary celebrations—

Ms Gallagher: On everything that he's doing.

MR STANHOPE: on everything that he is doing for the centenary, to an audience in Florence. I am not quite sure; did you see any good public art, by any chance? Did

you whip down and have a look at *David*, mate? I think it will prove to be the most fascinating travel report ever—Brendan Smyth's formal report on a trip to Florence to talk about Canberra's centenary, during which he advised an international audience of his perspective and what it is that he will be bringing. Actually, I think it was a conference for other cities that are having their bicentenaries et cetera, and Mr Smyth was lecturing on the lessons to be learned from Canberra's centenary celebrations. Could you circulate your speech on the lessons that Rome or Athens might take for their 2,000-year celebrations from the Canberra experience, Mr Smyth? *(Time expired.)*

MR SPEAKER: A supplementary question, Mr Hargreaves?

MR HARGREAVES: Apart from "Mr West End's" theory on having a gondola from the airport to the city, I would like to know, given that the 2010 Canberra Festival is only two weeks away, what the community can expect from this year's festival.

MR STANHOPE: Thank you, Mr Hargreaves.

Mrs Dunne: A point of order, Mr Speaker, Mr Hargreaves's original question was about the centenary, and his supplementary question is about the Canberra Festival. While there is a link, it is out of order, because it does not relate to the subject matter of the first question.

Mr Hargreaves: On the point of order, I neglected to provide the link between those, and I may, with your indulgence, do that. I wanted to know how, in fact, we can excite the people of Canberra towards our centenary in 2013 by using something like the Canberra Festival that is coming up.

MR SPEAKER: Thank you for the clarification, Mr Hargreaves. Chief Minister.

MR STANHOPE: I thank Mr Hargreaves for his question. It is an amazingly puerile point of order. It really does raise a question about just how interested the Liberal Party are in the centenary and, indeed, in the celebration of our annual birthday. We are moving now to our 97th birthday celebration, and, of course, our 97th birthday celebration is very relevant to the program that we are developing for our centenary.

I have to say that, in a consciousness of how important it is that we do develop programs and work with the community to ensure our centenary celebrations really are a wonderful celebration of this community and what this community has achieved over a century, we are seeking through each of the next three birthdays as we head to 2013 to actually build a program that will, through the Canberra Festival, achieve just that.

This year the Canberra Festival, the celebration of our 97th birthday as a city, begins on 6 March and runs through until 14 March. Over those nine days, it will showcase Canberra's special qualities through a whole range of activities. Indeed, I think there are 50-plus events now organised by the government and the community in partnership. We do expect, once again, that the highlight will be the celebrate in the park event, and we have, of course, arranged again the balloon spectacular, just for Mr Smyth.

MR SPEAKER: Ms Le Couteur, a supplementary question?

MS LE COUTEUR: Thank you, Mr Speaker. Mr Stanhope, you mentioned joint conversations with the commonwealth. Is the commonwealth actually coughing up any money for this event?

MR STANHOPE: It is a very sore point, Ms Le Couteur. We are at a point now in our discussions with the commonwealth where we have now signed an MOU with the commonwealth in relation to administrative arrangements. There are regular meetings now between officers of the Chief Minister's Department, the centenary unit and the Attorney-General's Department around joint approaches, joint management and a shared vision of a celebration of the centenary. Those discussions are very much focused, from our point of view, around our willingness as a government to look to the domestic celebratory activities that are very much to be featured in the Canberra Festival in two weeks time but expanded massively, we hope, throughout the whole of 2013, so that we have a genuine year-long celebration.

There have been very concrete and productive discussions. There are good, firm relationships and administrative arrangements in place. Indeed, I met with the Prime Minister two to three weeks ago. One of the formal agenda items for my most recent meeting with the Prime Minister was, again, the nature and level of commonwealth support administratively and monetarily in celebrating the centenary. I was left, through the conversation, with the certain knowledge that the commonwealth is genuinely and fully committed to a celebration of our centenary and that the commonwealth will be playing a significant role in that celebration.

MR SPEAKER: Supplementary question, Mr Hargreaves?

MR HARGREAVES: This is my last supplementary before the end of question time, Mr Speaker. Can the Chief Minister tell us whether we enjoy bipartisan support with the opposition on the provision of a balloon spectacular in that festival?

MR SPEAKER: Chief Minister, Mr Hargreaves cannot ask a supplementary on his own question.

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

Supplementary answers to questions without notice

Alexander Maconochie Centre—Official Visitor
Water—Murrumbidgee to Googong pipeline

MR CORBELL: Further to questions asked in question time today relating to the Official Visitor, Mr Boland was appointed on 15 February this year. The position was vacant from 1 October last year until 14 February this year.

As to the level of reports, the Official Visitor is required to report to me as the minister quarterly. Regrettably, the previous Official Visitor did not submit quarterly reports. He only submitted one report to me and he only referred one complaint. However, there have been other complaints lodged by other advocates on behalf of

prisoners. In relation to Mr Boland's term, no official visits by Mr Boland have yet commenced but I am advised that he is meeting with prisoners tomorrow and will commence his official visits on Monday.

Yesterday, in question time, Mrs Dunne and a number of other members of the opposition asked me a series of questions, initially starting with plans for the route of the Murrumbidgee to Googong pipeline. In relation to the first question, Mrs Dunne asked me whether I would table, by the close of business today, the initial plans for the route of the Murrumbidgee to Googong pipeline, any variations that have been considered to that initial plan and the current final proposed route. I can table, for the information of members, an image that shows the original alignment assessed and presented in the draft EIS, which was completed in August 2009. That image also shows the final alignment as assessed in the final environmental impact statement completed in December 2009. I table the following paper:

> Murrumbidgee to Googong pipeline—Previous and proposed pipeline alignment.

I received this supplementary question from Mrs Dunne:

> … has Actew Corporation prepared and submitted for approval the environmental impact statements as required by all relevant commonwealth, New South Wales and ACT government authorities? If no, why, and when will those statements be prepared and submitted?

The draft environmental impact statement and environmental assessment were submitted to the ACT Planning and Land Authority and the New South Wales Department of Planning in August 2009. The assessments were then placed on public exhibition during August and September 2009 for those members who missed it. After addressing issues raised during the public exhibition phase, Actew lodged the final EIS with the New South Wales Department of Planning and the ACT Planning and Land Authority on 21 December last year. The EIS incorporates a preferred project description and submissions report to meet the requirements of both New South Wales and ACT authorities.

The commonwealth Department of the Environment, Water, Heritage and the Arts advised Actew in December last year that the Murrumbidgee to Googong water transfer has been deemed a controlled action under the Environment Protection and Biodiversity Conservation Act 1999, and that Actew was required to provide an assessment by a public environment report. Actew is currently preparing that draft report based on guidelines received from the commonwealth in December last year and it is expected that this will be submitted in March 2010. This public environment report will largely be based on the EIS already submitted to ACTPLA and New South Wales.

Mr Seselja asked me, as a supplementary:

> … were those statements prepared and submitted based on the final proposed route? If no, why, and on what route or routes were the statements prepared?

I can advise that the draft EIS and EA were prepared based on an alignment that was finalised in mid-2009. In response to a large number of submissions received during

the public notification period on the draft EIS in favour of an alternative outlet option further upstream, in Burra Creek, Actew adopted this option as the preferred project and this was submitted as part of the final EIS.

Actew commissioned extra environmental investigations associated with the option and undertook specific community consultations with local community organisations and potentially affected landholders. This was reflected in the final EIS.

The fourth supplementary question that I took on notice was from Mr Smyth. He asked me:

> … have all relevant commonwealth, New South Wales and ACT authorities approved the environmental impact statements? If no, why, and what work remains to be done to satisfy the requirements of those relevant authorities?

The answer to that question is that Actew has been advised that the EIS report for the Minister for Planning is being prepared. The report assists the minister to determine if the EIS is complete. Once the EIS is deemed complete, Actew will be required to submit a development application for the ACT components of the project. Actew has received draft conditions of approval for comment from the New South Wales Department of Planning. This project is deemed as critical infrastructure by virtue of an order made by the New South Wales minister on 26 June 2009 under section 75C of the New South Wales Environmental Planning and Assessment Act. A range of environmental approvals and licences will be required from both New South Wales and ACT authorities for construction and operation of the pipeline. These cannot be obtained until EA or DA approval is received.

I hope that answers members' questions.

Aboriginal and Torres Strait Islander Elected Body
Paper and statement by minister

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

> ACT Aboriginal and Torres Strait Islander Elected Body—Report on the outcomes of the Aboriginal and Torres Strait Islander Elected Body Estimates Hearing 2008 2009—First Report to the ACT Government, dated January 2010.

I seek leave to make a statement.

Leave granted.

MR STANHOPE: I am pleased to table the Aboriginal and Torres Strait Islander Elected Body's inaugural report to government—a historic document and a welcome addition to how this government consults Aboriginal and Torres Strait Islander Canberrans.

This report arises from the inaugural estimates-style hearings held on 19 August last year, at which members of the elected body had an opportunity, at a specially convened hearing, to ask questions of, and demand answers from, chief executives and senior officers of all ACT government agencies in relation to services provided to Aboriginal and Torres Strait Islander members of this community.

The report I table today reflects the content of those hearings and allows, for the first time, a group of Indigenous men and women, elected by their peers, to put to government recommendations in relation to policy and service delivery. It details the Aboriginal and Torres Strait Islander community's perspective on the range and quality of the services our agencies deliver and suggests areas for redoubled effort.

Those hearings were indeed historic. They represented the first time in the nation's history that a democratically elected Aboriginal and Torres Strait Islander representative body had been given an opportunity to ask agency heads, face to face, to account for this government's performance in service delivery to a discrete sector of the community.

The hearings took a similar form to those hearings with which members of this place would be familiar. They took place in the Assembly committee room, and the elected body had the resources of Hansard staff at its disposal to record proceedings.

The elected body has asked that I convey today its thanks to the chief executives and other senior officers for their time and their input into the hearings.

I believe it is important for the elected body to be given the legislative capacity and power to call chief executives. That is why, when we legislated to establish the elected body, we ensured, under section 26 of the Aboriginal and Torres Strait Islander Elected Body Act 2008, that the elected body had the power to invite chief executives of government agencies to discuss any issues relating to the functions of that agency. Under the law, all chief executives must take reasonable steps to attend such meetings, answer questions and provide such information as is requested.

I have also made it clear that the members of the elected body should have good access to all ministers in the government, and, indeed, the body does meet at intervals with the entire cabinet, as well as with individual ministers.

I personally have high hopes that the adventure we have embarked upon here in the ACT with the elected body will lead to direct and measurable improvements in the quality of life of those Aboriginal and Torres Strait Islanders who make their homes here—those who are indigenous to this area, as well as those whose roots lie elsewhere in the country. I welcome this first report from the elected body and give my assurance that it will be read most carefully and responded to at the earliest opportunity.

The elected body makes a number of recommendations arising out of the hearings. Six have been identified as key recommendations. The elected body identified issues that have an impact on the targets this government has pledged itself to pursue through the work of the Council of Australian Governments.

The elected body rightly observes that this government, our agencies and this community can do better by Aboriginal and Torres Strait Islander Canberrans, and I am sure we all know that we can. We can do better in the area of Aboriginal and Torres Strait Islander juvenile detention. At any one time, about half of all the children in detention in the ACT are Indigenous, off a population base of two per cent.

We can do better in addressing the homelessness of Aboriginal and Torres Strait Islander people. We can do better in the recruitment, retention and development of Aboriginal and Torres Strait Islanders into the ACT public service. We have already instituted a highly successful traineeship program, now well into its second year, but we do need to do more, not just at entry level but at every point of the career pathway.

And there is no dispute that we can do better in the way we collect and manage data relating to those Aboriginal and Torres Strait Islander people who use and depend upon the services of the ACT government. This goes for dedicated Indigenous services, but also for mainstream provision of services, where we need to be able to better identify the Aboriginal and Torres Strait Islander cohort.

The report highlights six areas for particular improvement. Firstly, it calls for improved collection and management of Aboriginal and Torres Strait Islander data. Secondly, it recommends a whole-of-government Aboriginal and Torres Strait Islander recruitment, retention and development strategy. Thirdly, it calls for better dissemination of information about and better promotion of ACT government services to Aboriginal and Torres Strait Islanders in the ACT. Fourthly, it calls for improved support for school-age students during the transition to high school and beyond, to maintain literacy and numeracy achievements. Fifthly, it recommends increasing the number of Aboriginal and Torres Strait Islander liaison officers in Canberra's hospitals. Sixthly, it recommends recurrent funding for the Aboriginal and Torres Strait Islander support worker at the women's legal service.

As I said, the government takes this report very seriously. I intend to table the government's response to this report in three months. I acknowledge the immense amount of work by individual members of the elected body that has gone into the production of this important document.

Papers

Mr Stanhope presented the following papers:

> Ministerial Travel Report—1 January to 31 December 2009.
>
> Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2009-2010—First quarter (1 July to 30 September 2009).

Mr Corbell presented the following papers:

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

Legislation Act, pursuant to section 64—

Health Act—Health (Interest Charge) Determination 2010 (No 1)—Disallowable Instrument DI2010-20 (LR, 11 February 2010).

Nature Conservation Act—Nature Conservation (Flora and Fauna Committee) Appointment 2010—Disallowable Instrument DI2010-21 (LR, 18 February 2010).

Victims of Crime Regulation—

Victims of Crime (Victims Assistance Board) Appointment 2010 (No 1)—Disallowable Instrument DI2010-18 (LR, 8 February 2010).

Victims of Crime (Victims Assistance Board) Appointment 2010 (No 2)—Disallowable Instrument DI2010-19 (LR, 8 February 2010).

Health system—Canberra Hospital
Discussion of matter of public importance

Mr ASSISTANT SPEAKER (Mr Hargreaves): Mr Speaker has received letters from Ms Bresnan, Mr Coe, 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 Mr Hanson be submitted to the Assembly, namely:

State of the ACT health system.

MR HANSON (Molonglo) (3.25): In turning to this matter of public importance, let me say that it is difficult to identify where to start in terms of the state of the ACT health system. I will turn immediately to the concerns that have been raised in obstetrics at Canberra Hospital of late, a matter that has been covered fully in question time.

The concerns that have been raised have been broadly put in the media and were the subject of a motion yesterday. I just reiterate that the concerns that have been raised with me specifically by obstetricians who have recently left the Canberra Hospital are due to the concerns that they have about the cultures and the bullying there, that nepotism has put patient safety at risk, that clinical mistakes are being covered up, that there is a culture of abuse and bullying, that there is a deliberate strategy not to put anything on paper and that there are problems between the bureaucracy and the clinical staff.

These are very, very serious allegations. They have been echoed by Dr Andrew Foote, who is the chairman of the ACT branch of the Royal College of Obstetricians and Gynaecologists, who has said:

> We were concerned that the Minister was trivialising this issue and writing it off as doctor politics, but it's really about patient safety and the safety for women and babies.

What we have heard from this minister is denial and a refusal to accept that there is anything that goes beyond doctor politics and mud-slinging.

What we know is that there are allegations, and serious allegations, that include a dysfunctional complaints system. People have a fear of making complaints. Look at what has been said by people. I have had quotes, by people who have made complaints and been treated appallingly, that you would have to have rocks in your head because you get crucified.

Then we turn to the own-initiative investigation into the obstetrics service at the Canberra Hospital. We see that as early as 2005 complaints were made. The complaints were about the resignation of seven registrars who were unable to cope with the atmosphere, the personalities or the standards within the obstetric unit.

This is about the Canberra Hospital. This is not, as the minister asserts, about this 10-year war that is everywhere but the Canberra Hospital; this is about obstetric service at the Canberra Hospital. How is it that she can say that there is a 10-year war that is occurring everywhere except the Canberra Hospital?

We can see that the complaints that were made to the Health Services Commissioner in 2005 were specifically about the Canberra Hospital and specifically about the resignation of doctors, of registrars, and their being unable to cope with the atmosphere, the personalities or the standards. Doesn't that sound familiar? Doesn't that sound familiar from a minister who is denying that anything in her 10-year war had anything to do with the Canberra Hospital?

What happened about these complaints? What did we see? What action was taken? The first thing—in the review there is no further mention: there are no recommendations; there are no conclusions; there is no discussion of those complaints that were made, very serious allegations that led to the resignation of seven registrars. There is nothing there to say, no, that was not the case, or that it should be discounted. There is just no reference. What we find is that not only are they being ignored but there is no action being taken.

Nothing has been done, despite this government being fully aware of the fact that we have an obstetrics unit at the Canberra Hospital that is in crisis—and has been, in the minister's words, for 10 years. We have got reports—which have been tabled to ministers, which have been conducted by the health commissioner five years ago—outlining those complaints. Not one thing has been done.

All we see from this minister is abject denial, refusal to take any responsibility. What does she do? She turns the attack to the very doctors that have made the complaints. She questions why these doctors have not come forward, have not wanted to speak to her about them and had to go through the royal college and make their complaints in quiet. She wonders why they want a judicial inquiry that has the status of an inquiry under the Inquiries Act. She wonders why that is what is being called for.

This is the result from all the people that have made complaints. There are the complaints that we know that Dr Liz Gallagher made to the general manager of the

Canberra Hospital that went nowhere—or if they did, the minister and the acting chief executive are denying that they went anywhere. That is the response.

We now hear from the minister—I will paraphrase, because I have not got the exact quote from *Hansard*—that it is silly to suggest that a review would sort it out. Not only is she ignoring the complaints and saying that nothing has gone wrong before—and we know it has—but she has got the audacity in this chamber to say that you would be silly to suggest that a review is going to sort it out. Why are we having the review then? Why is she having the review that she is going to put forward if she knows that nothing is going to happen—just like nothing happened last time?

While we had doctors resigning en masse over the period from 2005 up until 2010, where we find ourselves now—we have all these doctors resigning—and we have all these serious complaints being made, what do we have? We have a minister who is denying, who is refusing to take responsibility, who refuses to have an inquiry under the Inquiries Act, an inquiry that is necessary to stop what has been occurring: systemic failures for 10 years now. What we find is that she says, "No, I am going to have a review, but let me tell you that you would be silly to suggest a review to sort it out."

I wonder why we have so many problems in our health system. If that is the attitude of the Minister of Health—if that is her attitude, her disregard, her failure to accept responsibility—no wonder.

She has been using some military analogies. She has been talking about a 10-year war in obstetrics. She talked about conflict and the definition of war. I will give her one: she should be court-martialled. If this is her response, if this is the way that she is going to conduct her responsibilities as the minister, the response is that she should be court-martialled. There is an analogy that I would consider appropriate.

I do not consider these incidents in obstetrics to be isolated. I have received numerous complaints in my office from people fearful of making complaints through the complaints system. I think we now understand exactly why that may be the case. We know that we have had allegations; we know we have got evidence. We have seen what has happened. We have women who have miscarried in emergency department toilets five days after they have been told that they have already lost their baby. Just imagine. That is an outrageous thing to have occurred.

We had mothers and babies exposed to tuberculosis in the hospital wards and then given treatment. And then—very, very tragically—one of the babies, young DJ Franco-Gill, passed on after the mother had taken him to the hospital, expressing her concern about the state of health of her young baby, and was told by the hospital staff to go home. This is the subject of a coronial inquest, but how tragic that then, so shortly afterwards, the baby was sent the bill for the tests for TB. The hospital infected—or put the child at risk of infection, then put it on an extremely demanding regime—

MR ASSISTANT SPEAKER: Point of order.

MR HANSON: Stop the clock, please.

MR ASSISTANT SPEAKER: Stop the clock.

Ms Gallagher: Mr Assistant Speaker, I think Mr Hanson is predetermining matters which are currently in the coronial process. I would just seek your ruling on that.

MR ASSISTANT SPEAKER: Mr Hanson, I think the minister has a point. You are sailing very close to the wind. I would urge you to consider what you are saying in the context of the coronial hearing.

Ms Gallagher: He said the hospital infected the baby.

MR ASSISTANT SPEAKER: You have got to be very careful that the things that are said in this place do not appear to influence the outcomes of a coronial hearing.

MR HANSON: Yes, I acknowledge that and I—

MR ASSISTANT SPEAKER: I am asking you to be careful. We will watch it and we may have to pull you up if you—

MR HANSON: I would express that I did clarify my words. I said that the hospital—I corrected myself—had put the baby at risk of TB. I think that that is a very well established fact, and that is why the hospital actually conducted tests.

Ms Gallagher: Point of order, Mr Speaker.

MR ASSISTANT SPEAKER: No. Just a minute. Mr Hanson, I am sorry; it was the comments that went on beyond that which are starting to impinge upon the coronial hearing. I would ask you to be very, very careful henceforth.

MR HANSON: The other comments were—

MR ASSISTANT SPEAKER: Recommence the clock.

MR HANSON: The other comments were regarding the fact that the baby had been sent the bill for the tests, and that is a fact. The only facts I have made are that the baby was deceased, that the baby was put at risk of infection and that the baby had been taken to the Canberra Hospital when it first became sick. I think that they are all well-established facts. They have been broadly reported. I make no further judgement beyond that; any further judgement beyond that that may be interpreted would be erroneous.

Moving on, though, let me say that we have seen the case of the first swine flu death and the breakdown in communication between the Canberra Hospital, the health department and the family—and so on.

Yesterday we had the motion from Ms Porter on Calvary. We saw the wasted 18 months, the minister distracted by an ideological obsession. That is a very visible example of this minister's inability to get the job done—a flawed plan very poorly

executed, with failure to accept any responsibility for what went wrong. When this all fell over, it was everybody's fault but her own.

Mrs Dunne highlighted the differences between Calvary and the Canberra Hospital there and was attacked by the Chief Minister for doing so. I refer to page 91 of the ACT Health annual report. If you look at the statistics, which have been amended to reflect the different targets of the hospital, because you are comparing oranges and apples, when you look at how the Canberra Hospital achieved in reaching its targets, and compare it to Calvary, you will see that Calvary achieved a far better rate of success in achieving its targets than the Canberra Hospital did. All Mrs Dunne was doing yesterday was comparing what is on the factual record. She was attacked in the most vile manner by those opposite for doing so.

There is no doubt that our health system lags behind the rest of this country in a number of very important health statistics. The minister says this is about "we have got the best health outcomes in terms of health". As the wealthiest demographic in Australia, we do. There are reasons for that, because determinants of health are linked to socioeconomic factors.

I am not talking about those; I am talking about things like elective surgery, where we have the longest median wait, almost double the national average. The minister says, "That is because we are coping on the long-term focus. That is where we are at." But if you actually look at what is recorded, the number of patients or the proportion of patients who have waited over a year for elective surgery was 10.3 per cent of all patients on the waiting list in 2007-08—10.3 per cent against the national average of three per cent. It is three times worse than the national average.

The minister said in this place yesterday that she is focusing on the long term, and that is why the median looks so bad. Let me tell you that the long term looks even worse, Mr Assistant Speaker. It is a disaster for the people waiting so long for elective surgery. That figure is 1.8 per cent in New South Wales; here it is 10 per cent of people waiting over a year for their elective surgery.

What about our emergency department waiting times? What is she going to do to fix those? We know that our urgent and semi-urgent categories are 52 and 53 per cent respectively. That is deemed unacceptable—not by me, but by the Royal Australasian College of Surgeons. They are saying that that is way below the requirement, which is meant to be 75 per cent and 70 per cent, respectively.

What was it when this government came to power, Mr Assistant Speaker? I will tell you what it was. It was not 52 per cent and 53 per cent; it was 80 per cent and 72 per cent. It was achieving the standard—and exceeding it. Now what do we see? We see that we are failing. We are failing dismally. It is the minister—and her colleagues that preceded her, including the Chief Minister—who have led us to this point through their absolute abrogation of responsibility.

Their one defence—the one thing that the minister and the Chief Minister come up with—is this: "Well, it is because Kate Carnell closed 114 beds 14 years ago." Let me say two things to you. Firstly, I do not see evidence of that. Secondly, there is the

revenue. Look at the budget circumstances there—the litany of failure by the previous Labor Government, the debt that was incurred and the revenue. She had a billion dollars—$1.1 billion in revenue—when she was there. The revenue now is $3½ billion. It has tripled. What she had to deal with was a very different circumstance. It was again a Liberal government dealing with Labor debt.

It is time that this government stopped trying to put everything back on a decision—which I still cannot find any proof of—14 years ago and started taking responsibility and showing accountability for the perilous state of a number of aspects of our health system. Until they acknowledge that they have any responsibility in dealing with this issue—that they are responsible as Chief Minister and Minister for Health, rather than denying any responsibility and trying to say that this is all due to something that happened 14 years ago—it is absolutely appalling. It is probably the biggest abrogation of responsibility and ministerial accountability that many of us have seen in the history of ACT self-government.

I can go on, and I will, on other aspects. I would like to go into them in detail, but time will preclude it. But let me tell you this. There is terrible access block, high bed occupancy, the lowest ever GP availability, GP bulk-billing rates the lowest in the nation, fee for service the highest in the nation and the availability of public dentists the lowest in the nation. Infrastructure—$57 million rolled over in the last budget in health alone.

Let me give an example—operating theatres that open for the minister and the Prime Minister for a lovely photo opportunity. We will certainly see her out there when there is a photo opportunity. Are those operating theatres that she said would be open the very next month open? No. It takes months. And so on. Where is the secure mental health facility?

This is a minister who has failed dismally and who fails to take responsibility for that failing. *(Time expired.)*

MS GALLAGHER (Molonglo—Minister for Health) (3.41): I welcome the opportunity to talk about our health system again, as we have at some length this week, and to respond in general. I believe there were at least four or five references in Mr Hanson's speech where I have been verballed. I will be going through and checking those and responding. I think what Mr Hanson is making a habit of is being extremely loose with the truth and the facts. I think at some point in time somebody is going to have to pull him up on that.

I think a number of times in your speech today, Mr Hanson, you made reference to comments that I had made about a war of 10 years at the Canberra Hospital, for example. I have not made those comments. Particularly on an issue like this where there is going to be an extensive review, I think it would be helpful if all of the commentators in this place actually told the truth and kept to the facts.

Our health system—and I will stand by this—is one of the best not only in the country but in the world and we are very lucky to have such a health system, for a community of our size. The fact that our population is only 350,000, that we actually support

a major tertiary teaching hospital in this region and that we attract staff of immense calibre to come and work, who want to work in our health system because of the role that TCH plays in the region, has immense benefit to us as a community. It means that a community of 350,000 has access to tertiary level services that other communities of 350,000 would have to travel for. We have an extremely dedicated group of professionals that work across our health system, not just in the hospital. The health system is much more than that.

The health system, I note, is the topic of discussion today, although Mr Hanson struggled to actually talk about the health system, which is made up of community health, preventative health, population health, private health. They are all very important areas and components to enable the entire health system to work. But I noticed Mr Hanson could not move his prejudice past the Canberra Hospital and focus on the health system more broadly. I think, when you do have a look right across the system, you have to accept that we have a wonderful health system here, staffed by wonderful professionals providing an excellent level of care. I think Mr Hanson's MPI should have actually referred to the Canberra Hospital, because I know he certainly could not move past it.

He talked about fee for service, which is a point that I would welcome further discussion on as well, the exorbitant fees that are charged here, particularly by private specialists for their services. And they are found out, I think, in the reports on what people's out-of-pocket expenses are here.

I note the opposition have been using this week the productivity data that is provided. It has a whole range of excellent indicators. I note one fact that they have not used is the fact that in this report—and it supports my argument that the ROGS data provides one source of analysis and does not deliver a comprehensive analysis of the performance of a health system—the ROGS data indicates that the ACT has the highest number of doctors in the country. On that raw analysis, doctors per head of population, we have the most doctors in the country.

We know for a fact that that is not the case in terms of doctors that are practising as doctors, because we know that we have one of the lowest—I think the lowest, next to the Northern Territory—GP rates in the country. Yet the productivity report, if you read it in isolation, will tell you that we have the highest number of medical practitioners of anywhere in the country.

I have been looking recently at performance in terms of access and demand at the Canberra Hospital, and I have to say that I am very happy with how the performance of the Canberra Hospital is going for the year to date. For the first six months of this financial year, over 54,000 people attended the emergency departments across our city. All category 1 patients were treated on time; 83 per cent of category 2 patients were seen on time; 61 per cent of category 3 patients; 57 per cent of category 4 patients; and 78 per cent of category 5 patients. Again, there are significant improvements there. We always do very well in categories 1, 2 and 5 but we are seeing big and continued improvements in categories 3 and 4.

When we look at the rates for access to elective surgery for the first six months of the year, there were 4,797 procedures, which I think exceeds the total of what was being

delivered back in the year 2000. Our long-wait list, people waiting longer than one year, has dropped from 702 at the end of December 2008 to 645 at the end of December 2009. And that is despite the fact that we had to wind back our elective surgery program because of the swine flu and the number of people that required intensive care beds. I think we will reach the target of 9,700 procedures for the year.

When you look at ambulance off-stretcher time, 99 per cent of ambulances were offloaded at the ED within 20 minutes during the first six months of 2009-10. That is well above the target of 90 per cent.

Mr Hanson went to bed occupancy rates. They have decreased further, to 88 per cent for the first three months of 2009-10, and that figure is decreasing. In fact, it has never been that low since it was measured. Nobody has ever done better than that since it was measured. There should be a little bit of acknowledgement of the work that is being delivered at the hospital and the outcomes that are being achieved.

There are a further 24 hospital beds funded in this budget as well as, I think, 25 bed equivalents counted through hospital in the home. We have opened a new 16-bed short-stay surgical unit, the six-bed mental health assessment unit and a further two beds for intensive care services at the Canberra Hospital.

Let us go to bypass, which was one of Mr Smyth's favourite pastimes. I miss your monthly report on that, Mr Smyth. The leak must have stopped, did it? We never did work out how you were getting those figures.

Mr Smyth: You would be surprised whom one chats to in the street.

MS GALLAGHER: One day, over a glass of wine, Mr Smyth, you will have to tell me how you were getting those. We have all moved on from there, I am sure. It was with some intrigue that we often wondered how you were getting them, often before I did. Our bypass, on which we will always argue and have always argued—and I think secretly Mr Smyth understands as well—for the year to date, for six months, is down to 53.3 hours, which is much lower than it was several years ago and is lower than the 60.4 hours reported for the same period last year. This is despite our hospital dealing with an eight per cent increase in the number of patients coming through.

That is some very good data, I think, to put in perspective and to contrast some of the allegations that Mr Hanson is putting forward in terms of his views and his perspectives of the performance of the ACT health system. There are a range of other very good outcomes.

If we look at women's and children's health, for example, the ACT's proportion of low birth-weight babies born of Indigenous mothers, that result was 18.9 per cent. It related to a small number of babies. If we look at some of the intervention rates for first-time mothers, it continues to be significantly lower than for the rest of the country. And this is from our public hospitals. The preliminary data for 2008 was that intervention for first-time mothers was 23.3 per cent, well below the national average of 30.4 per cent. The ACT caesarean rate for first-time mothers dropped from 20 per cent in 2007 to 14.8 per cent in 2008, while the national figure remained at 22.6 per cent.

These are excellent results. You cannot not acknowledge that there are excellent things being done across the health system, despite the pressure that it is under from increased demand for services and trying to work within a budget. When we look at our costs, again—and I think the Chief Minister will go to this—our costs are coming down and continue to come down. When you look at the data, despite an increase in activity, which is heading higher than anyone could ever forecast, we are bringing the costs down. It is a more efficient and more streamlined service, delivering more services than ever before, and it has never been cheaper to run.

When you look at the overall sustainability of the health system into the future, there is simply no way that we would have been able to afford the level of service that we are providing now if we had maintained the level of cost that we were paying for. This is despite the public health system being under additional stress because of our low GP numbers. And this is a position I have put to the federal government a number of times.

Mr Hanson barks on about GPs all the time. I would ask him: what representation has he made to the commonwealth? What single thing has he done to lobby—

Mr Hanson: I did institute the inquiry, remember?

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Hanson, please! You have been very good so far.

MS GALLAGHER: You did not, Mr Hanson. What single thing, as a local member for Molonglo, a person in this place, the shadow health spokesperson who gets on any media opportunity he can to blame me for the GP shortage, has he done? Has he even—

Mr Hanson: I moved a motion for the inquiry, the health committee inquiry.

MR ASSISTANT SPEAKER: Mr Hanson, self-control, please!

MS GALLAGHER: Has the lazy shadow minister even picked up a pen? You do not even have to pick up a pen anymore. Has he put something on Facebook? Has he sent an email to Nicola Roxon? Has he done one single thing?

Mr Hanson: Yes, I have.

MS GALLAGHER: And the answer would be no.

Mr Hanson: That is not true.

MR ASSISTANT SPEAKER: Mr Hanson, no conversation, please.

MS GALLAGHER: I concede that one politically motivated motion was moved in this place by Mr Hanson around GPs.

Mr Hanson: It established an inquiry, a very important inquiry into GP services in the ACT.

MR ASSISTANT SPEAKER: Mr Hanson, I do not want to have to ask you again, please.

MS GALLAGHER: Not one single thing. Did he contribute to the GP task force? Nope. Did he provide a submission? Nope. Did he come and meet me? Nope.

Mr Hanson: Did you?

MS GALLAGHER: Did he meet with the task force? Nope. Did he have anything to say about some of the issues that I have raised with the commonwealth? Nope.

Mr Hanson: I am having a forum on 30 March on GPs.

MR ASSISTANT SPEAKER: Mr Hanson, that is the last time I will ask you.

MS GALLAGHER: What single thing has he done in two years? Nothing. It is very easy to bang out hostile and aggressive media releases about another person, which is something that Mr Hanson does very easily and very quickly; it is another thing to stand up and demonstrate that you have got the courage or conviction to actually pursue an issue. And pursuing an issue and delivering the outcome is not just about getting on Mark Parton. Getting on the besties with Mark Parton will not actually deliver one single extra doctor for this city.

Have you met with the medical board? Have you discussed anything? Have you met with the Belconnen co-op, for example, about the—

Mr Hanson: I have done a tour of that, yes.

MS GALLAGHER: There are two things you have done in two years. Not one—

Mr Smyth: You were wrong again.

MR ASSISTANT SPEAKER: Members of the opposition will come to order.

MS GALLAGHER: Not one letter, not one representation, not one meeting with the federal minister, who actually has responsibility for this area.

Mr Hanson: I have met with the shadow numerous times.

MR ASSISTANT SPEAKER: Mr Hanson, do not force me

MS GALLAGHER: He will be able to deal with it because he has got the leverage, does he not? The shadow federal minister for health! That is really focused on delivering the outcome then.

Mr Hanson: So it is my fault?

MR ASSISTANT SPEAKER: Mr Hanson, this is the last time. Next time it is a warning.

MS GALLAGHER: The point I am trying to make is that it is extremely easy to come in here and bang out the same speech you have been banging out for two years, changing it a little bit for your own convenience; it is another thing to actually pursue and care about an issue enough to try to deliver some change. And that is what we are trying to do. We are trying to reform the health system; we are trying to create new services, build new capacity and fund it in a sustainable way. That is the government's plan; that is what we have been doing; it is what we will continue to do and without the assistance of the opposition.

MR ASSISTANT SPEAKER: Before I go to Ms Bresnan, members, we have had a reasonable debate so far. I would ask you to address your remarks through the chair and not have conversations across the chamber. If you want to have conversations, you can do it in the form of a debate or use the lobbies.

MS BRESNAN (Brindabella) (3.56): I thank Mr Hanson for raising this matter of public importance today. We are privileged in the ACT to enjoy levels of health and wellbeing that are amongst the best in the country. We are privileged to live in a territory that enjoys comparatively high education levels, high rates of employment and income and low mortality rates.

There is always, of course, a commitment and desire from leaders, advocates and stakeholders to see our health system improved, and there are, of course, improvements that can be made to our health system in the ACT.

I would like to start by noting that our health system is not merely comprised of hospitals. Our health system is also about whether or not we are able to keep people well, out of hospital and living healthy lives. It comprises actions government take in preventative health and primary and allied healthcare. It is also about the manner in which we assist people to go through that difficult process when their life is coming to its end. The growth in chronic illness and our ageing population will be a major challenge to our health system in coming years, and health budgets will continue to face exponential demand.

There are three key issues that governments at state, territory and federal level need to address if they are to decrease the incidence of chronic illness, and those three issues are obesity, alcohol and smoking. Imagine if junk food and alcohol companies were not allowed to sponsor sports events or even if junk food companies could not advertise to children. Imagine if every child was able to walk to school, or local residents were encouraged to eat healthy produce that was grown locally. Unfortunately, governments often find these issues too tough to tackle, despite the rewards which these actions would reap.

The recent report from the federal government's preventative health task force, while promising much in this area, fell well short of making any tough recommendations around this, and it did very much seem to be like a more of the same approach. This

was a great opportunity to make change in this area and it is disappointing that this did not happen. Preventative health is an important and key factor in the overall health of our community in order to halt the onset of chronic illness and address symptoms of illness at an early stage and an early age, before they reach a crisis level.

This is particularly important with mental heath, which I will talk more about later, as the mental health system is very much crisis focused and funding has not kept pace with need. I note that Mr Hanson's quote from Professor Patrick McGorry, in the introduction to his health report, is in reference to the mental health system, as this is Professor Patrick McGorry's area of speciality.

With regard to primary healthcare and reports that have been made into this, I am proud of the report which the health committee recently delivered into primary healthcare, and I have to say that does provide a very thorough and detailed report of the issues around primary healthcare. I did refer to some of the recommendations that were made when the report was tabled, but I will just refer to a couple of them again, particularly around the alternative models of primary healthcare, because we are very much focused on GPs when we talk about this issue, and GPs are extremely important because they are the first point of access for most people to the healthcare system. But, as this inquiry showed, there are alternative models we can look at. Very good examples are Companion House and Winnunga Nimmityjah health service. They do very much look at that holistic, integrated type of healthcare, and I think we do need to start looking at alternative areas like this because they are successful and they do work for people. Yes, these services target specific populations, but they are relevant to other areas in the community and would be appropriate for those people.

Also, nurse practitioners: it is good that we have a trial which will be starting on this and that the primary health report recommended that 12 months after its operation it be examined and that we look at establishing similar clinics in other areas. Again, this is a very important way to look at alternatives we can offer. And, if we look to the UK, where nurse practitioners have delivered healthcare, that has been successful and people have gone to them. Often it has been said that people will not go and visit them because they do not know what they do. But I think the example in the UK shows that they do work.

Another issue that arose through the committee investigations that raises particular interest for me is how we can better enable community health services by providing them with the ability to engage salaried general practitioners. I am also keen to see how we can progress and assist other communities to establish GP cooperatives, including the GPs for Tuggeranong campaign, and achieve success similar to that of the West Belconnen Health Cooperative. Again, there was a recommendation in the report around this, about providing assistance so we can help these sorts of ideas get off the ground. It does not necessarily have to be the model that Belconnen used, but something like that, by providing a business case to just help them get going.

I would also like to see the community receive better information about what access points for healthcare needs there are, including GPs, allied health professionals and pharmacists. As we grow those alternative points of entry, we need to encourage people to use them.

It is important to acknowledge that in the long term something really does need to be done with regard to GPs. Largely, this has to happen at the federal government level and we need to have the ACT seen as a district that is experiencing a workforce shortage for GPs. This will require action at the federal level, and I would like to see our federal ACT representatives addressing this much more than they do now.

As I have already said, mental health is an area that has been underfunded for far too long. This is not particular to the ACT but exists across Australia. Mental health targets were included in the Labor-Greens agreement; that is, 12 per cent of health funding going to mental health, which reflects the burden of this disease in the community, and 30 per cent of this funding going to the community sector.

I note that Mr Smyth committed the Canberra Liberals to this target at a mental health election forum in 2008, but then he actually attacked the Greens for having this target and made some comments about us wanting to rip nurses out of the health system. But this was a ridiculous statement to make, and he might want to explain to the mental health community sector why he stated he would have this target but then did not actually back it up.

Through the discussion paper that the Greens released last year, we were able to identify a number of service areas that are facing gaps and should be targeted for future funding. The first gap is the availability of non-government mental health services to clients after hours. This is a specific item I would like to see funded in the next budget. A number of people suffering from a mental illness have a strong relationship with their service provider, and if there could be flexible and easy access to them after hours we could avoid the more acute episodes that the CAT team and the PSU are facing. Wherever we can, we should be trying to avoid a crisis, as it causes much distress for people, their family, their friends and their carers when an acute episode occurs.

Funding is also needed to sustain the sector via the development and implementation of a government and non-government mental health sector workforce development strategy and, of course, step-up, step-down facilities are also extremely important in providing that alternative option to hospital for people with mental illness.

With regard to palliative care, I am disappointed, I have to say, that the minister no longer feels it is appropriate for an independent review of palliative care to be conducted. This was a major issue that came out of the consultations on Clare Holland House, and I have to say it is unclear still whether Clare Holland House is off the table when it comes to the Calvary negotiations. I would urge that it does not again become a factor in deciding the future of Calvary hospital. A review of palliative care is still relevant. It is something a number of groups have been calling for for quite some time and this issue, which came out of the consultations, still remains.

Finally, it is important in debates that we have about ACT Health and the health system that we recognise and support the work of the staff on the ground. It is often easy for people to criticise from afar or make comments through the media with little regard for the situation on the ground. Working in the health system with patients is

tough work, physically and emotionally, and to hear criticism through the media of units which one is associated with must cause distress to and affect the morale of the workplace. When concerns arise, they should be raised; but it should be done in a manner that avoids sensationalism and they should go through the appropriate review processes.

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) (4.06): I too am very pleased to have this opportunity to discuss the achievements of the ACT public health system under Labor—the incredibly positive achievements that have been delivered by the Labor Party in government.

It is relevant, of course, to provide some context, to look at the system that we inherited when we came to government in 2001. It is most generous of Mr Hanson to give us an opportunity today to do precisely that—to reflect on the decisions and philosophy that underpinned the delivery of healthcare, most particularly through the public hospital system, under the previous government. I think Mr Smyth is the sole survivor here from within the Liberal Party who was here at the time, and he was part of the cabinet that took the decisions to slash and burn the infrastructure and healthcare within the ACT.

In any discussion around health, healthcare delivery in the ACT and the state of health in the ACT, you would need to go back and look at some of the decisions that the previous government took. It is remarkable and quite stunning to look at some of the actions that were undertaken and delivered. When the Liberal Party came to government in 1995, they inherited 780 public hospital beds from the Follett government. When they left, they left the public hospital system with 670 beds—rounded, I think that was—a total reduction of 114 beds in two terms of government.

You do need, in any discussion around health, healthcare delivery and the Canberra Hospital, to understand that when the Liberal Party last took government they inherited 780 public hospital beds. When they left government, after two terms, they left 670 beds. In fact, they took out of the public system a total of 114 beds. That was the starting point for this government: a public health system that had been denuded of beds. It is just mind blowing, in the context of the changing demographics, the incremental increase in demand—an insatiable demand for healthcare in an ageing population. We had the most rapidly ageing population in Australia, and what did the previous government do in the face of that?

The health situation that we faced going forward was described by the Minister for Health as a health tsunami—a health tsunami which has led this government to take the bold decisions that it has taken to invest $1 billion in public health infrastructure over the decade to meet that emerging need for healthcare within this town. And we started from a position of minus 114 beds, courtesy of the Liberal Party, courtesy of Brendan Smyth and his cabinet.

We have heard some comparisons being made today—but no comparisons about throughput; no comparisons, of course, of the level of activity and the per unit cost of

throughput in the last year of the Liberal government. And I wonder why. Of course, we will do that work, just for the information of the Liberal Party as much as anything, so that they do understand the implications of their policies and the decisions they took. But it is worth again reflecting on that, to look at what the throughput was, to get a cost-weighted separation at the Canberra Hospital, say, in 2001 under the Liberal Party and to look at the throughput today and the cost-weighted separation today relative to that in 2001.

What did the Productivity Commission tell us about the overall level of expenditure in health in 2001 under the Liberals? It was 130 per cent—30 per cent above the national average. That is what the Liberal Party sat on. This is what one must focus on in any comparative analysis on health between the performance of the opposition when in government and the performance over the last eight years: a cut of 114 beds and a cost-weighted separation that was supported by a level of expenditure at 30 per cent above the national average in 2001, as against today. We have seen an increase, since coming to government, of 255 beds, making up the 114 that the Liberal Party closed; and, stunningly, whilst increasing the number of public hospital beds by 255, a reduction in the cost-weighted separation, a reduction in expenditure; efficiencies that reduced the overall level of expenditure against national benchmarks from 130 per cent, or 30 per cent above the national average, to 106.6 per cent now, 6.6 per cent above the national average.

That is, in anybody's language and under any interpretation, an enormous achievement by this government—that we have created efficiencies worth 24 per cent in our time in government while maintaining the best healthcare outcomes in Australia; while planning for the future, achieving efficiencies, adding service upon service, increasing dramatically the number of specialties available and maintaining fantastic service for the people of New South Wales from the region—26 per cent of all occasions serviced the region, not residents of the ACT—while doing all of this, increasing dramatically the level of service, the quality of service, the number of specialists, the range of services both within the public hospital system and within the community, and doing it while continually reducing the overall cost burden and increasing efficiency. And it is vital that we do that because of the change in demographic.

This is a government and a party with a view to the future, the capacity to grasp any issues that we face and the determination to meet the challenges of the future. The fastest ageing population, all the demographic work and the assessment of health needs over this coming decade indicate to us, show us clearly, that, if we do not take the dramatic action that we have forecast, we have no capacity to meet the healthcare needs of this community without the major investments, the changes, the efficiencies and new technologies which we are pursuing as a government, which will be a hallmark of this government's success in the delivery of healthcare—and doing it, of course, in the face of enormous opposition.

One of the most singularly significant issues in terms of the capacity to continue to deliver efficiencies is, of course, an integrated system across both public hospitals—an issue, of course, that was simply sunk in our first effort to produce the best outcome in terms of an integrated system, the purchase of Calvary hospital—actually

opposed, outright, point blank. There was no consideration of the issues that the government faces; no consideration of the need for greater efficiencies.

Of course, your practice was to run a system at 130 per cent of the national average. You were content to try to run health at 30 per cent above the national average—30 per cent of funding you could not put into new programs, extra specialties, the creation of a medical school; the sorts of things that we do.

The Follett government left with 780 beds. The Carnell government, the Liberals: you took 114 beds out of the system. You ran a service at 30 per cent above the national average—the most inefficient. You did not actually deal with the issues that the system faced. You left it to those that came after you. What we have done is increase the number of beds by 255. What we have done is actually reduce inefficiencies to the point where it is now an efficient operation. What we have done is produce the best bed occupancy rates since self-government. What we have done is increase the number of beds to above the national average—from a position of way behind the national average when the Liberals were in government.

These are all facts. You failed miserably in health. That is why you were chucked out of government—your history of activity, your laziness; your refusal to grasp and grapple with the real issues; your refusal to even contemplate or work with the government in relation to the need to create an integrated system in relation to the Calvary hospital; your complete determination to oppose for opposition's sake. Everything that you have done can be characterised as opposition for opposition's sake: a lazy government, too lazy to do the work, too lazy to do the research, just grasping populist issues along the way, opposition for opposition's sake, completely hopeless—and an explanation of why you were thrown out of government last time and will never get back.

MR DOSZPOT (Brindabella) (4.16): I am very pleased to be able to speak to and support the matter of public importance that Mr Hanson has brought to us today. Mr Hanson has provided us with a litany of failures by this government when it comes to the delivery of health services in the ACT—a damning insight into the performance of this government and all the ministers that have presided over this situation for nearly 10 years now, and the current minister is included. We have seen the head-in-the-sand, cover-our-backsides attitude that is so prevalent in this government and so notably illustrated by the Chief Minister here this afternoon, who for 10 minutes could say nothing good about what this health minister has done or delivered. He spent 10 minutes going back 10 years into history. Mr Stanhope, if that is the best you can do, you might as well hand over now and just step down as Chief Minister, because this is absolutely shameful.

We have seen eight years of inaction by this government, eight years of inaction by ACT Labor, in addressing our GP crisis, and as a result we now have the lowest number of GPs per capita in Australia. This health minister's failure to address our GP shortage has led to a situation where we risk a two-tiered primary health system developing in Canberra where people cannot access a GP. For the past eight years this government have kept denying that they have any responsibility for GP numbers and have refused to take any action. The recommendations of the GP task force that were

agreed to by this government have vindicated the attitude of the opposition and the community over many years—that is, there is a lot that can be done by government at a local level.

It is a great pity that arrogance has prevented this government from acting and has led us into being in the position of having the lowest number of GPs per capita. In relation to this shortage, Ms Gallagher has been quoted as saying in this place with deep concern:

> There is absolutely nothing I can do.

Again, on ABC news in March last year, the minister said:

> All we can do is, is, I guess seek the corporate goodwill of some of these providers.

Now we have seen our GP bulk-billing rates, which are already the lowest in the nation, decline even further. The latest statistics, which can be conveniently found on the ALP's own website, show that the rate of bulk-billing in the ACT is a ridiculously and shamefully low 46 per cent. The next best jurisdiction was the Northern Territory, which recorded 65 per cent. That is nearly 20 per cent better. New South Wales, just across the border, recorded a bulk-billing rate of 84 per cent, 40 per cent more, or nearly double, than the ACT.

The Medicare statistics published by the Department of Health and Ageing for the December quarter also reveal that we are paying more for GP services than the rest of the nation, with fewer GPs in Canberra observing scheduled fees than anywhere else in Australia. Not only is accessibility to GPs an issue but affordability can be factored in too.

The issues we face as the nation's worst performer when it comes to GPs are only compounded when we see the poor results for elective surgery waiting times and emergency department waiting times. Still no responsibility has been taken by this government. Perhaps it has been the distraction of the last 18 months with the government's failed attempt to acquire Calvary Hospital. The facts remain—we are paying more, waiting longer and getting less. These are all matters of deep concern.

The revelations of recent days that there is a "toxic" culture, a 10-year war, within the obstetrics unit is not that surprising given the long history of administrative issues in ACT Health. We have seen the tragic handling of the first swine flu casualty, the appalling treatment of a woman who miscarried in a toilet in the Canberra Hospital emergency department, the exposure of mothers and babies to TB, ACT Health sending bills to families of babies who had died after being in the ward, bullying and harassment in our obstetrics and gynecology wards resulting in the loss of nine doctors, the advice to a mother who subsequently delivered a healthy baby that she should have an abortion and, last but not least, health performance that is the worst in the nation and a 10-year war within the obstetrics unit. These are all matters of deep concern.

It is important to place on the record and remind those opposite that it was the Canberra Liberals who took strategic policy to the last election to attract and retain GPs. It was the opposition who established the Legislative Assembly inquiry into GPs, and it was opposition pressure on the government that resulted in the establishment of the GP task force.

In making the referral to the Standing Committee on Health, Community and Social Services in March last year, the Assembly recognised that the ACT has the second lowest number of GPs per capita in Australia behind the NT, that GP clinics across the territory continue to close and that the number of aged and ageing in the community in need of access to GPs for ongoing primary care is increasing. The health committee highlighted what should be of deep concern to this government—that is, 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.

It is the Canberra Liberals, through the hard work of our alternative health minister, Mr Hanson, who have released the discussion paper, *The state of our health*, which sets out a forward-thinking strategy. The Stanhope-Gallagher government spends the most on health per capita than anywhere in Australia, yet we have some of the worst health results. We need to increase and enhance the capacity of our public hospital system, but we must also make our health system more efficient and effective. *The state of our health* sets out a strategy for the ACT's health system, where there is a greater focus placed on preventative health and early intervention and where the patient is placed at the centre of the system. We need to change from a culture of treating illness in our hospitals to a culture of promoting wellness in the community.

Mr Hanson is also holding a forum on primary health in the ACT on 30 March, where the guest speaker will be the ACT President of the AMA, Dr Paul Jones. Our alternative health minister, Mr Hanson, has taken the first step towards a better future for healthcare in the ACT and will engage with the community and work in partnership with health experts and the community in the process of realising this vision. *(Time expired.)*

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Doszpot, I am afraid the time for discussion has concluded.

Home insulation scheme

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.25), by leave: I move the motion circulated in my name:

> That the resolution of the Assembly of 24 February 2010, relating to the Commonwealth Home Insulation Scheme, be amended to provide for the ACT Government to provide to the Speaker all documents pertaining to the Commonwealth Home Insulation Scheme by close of business Wednesday, 3 March 2010.

Members, the motion I am moving with your leave is a motion to amend the reporting date in the context of the resolution of the Assembly of yesterday relating to documents held by the ACT government pertaining to the commonwealth home insulation scheme. That resolution as passed yesterday called on the government to table those documents by the close of business tomorrow. In discussion with members today, the government has made it clear that it will take a longer period of time to ensure that all documents are located, identified and provided. Therefore, I am seeking the Assembly's agreement to provide those documents to the Speaker by the close of business on Wednesday next week.

It is important that the government make sure that any documents pertaining to this broad request are identified. It goes beyond the portfolios that I, as the Attorney-General, am responsible for; it involves potentially a number of other government departments who will not have the time to search and identify any relevant documents before close of business tomorrow. Therefore, I ask the Assembly to agree to the documents being provided by the close of business next Wednesday.

MRS DUNNE (Ginninderra) (4.27): The Liberal Party will be opposing this motion. As the point was made last night, the request for these exact documents has been outstanding under the Freedom of Information Act for a fortnight as of yesterday. It is the case that, if government departments have been doing their job, they should have already identified those documents. In fact, the Leader of the Opposition has today received advice from Actew, which was also subject to the freedom of information request, that they have done a search and they have no documents to reveal. Actew has done the work, so it seems that other agencies should be able to do this work.

This is an important issue and this is another example of obfuscation. It is interesting that the minister says that he had discussions with members, but I think, as usual, no members from the opposition were included in this. We had a little, cosy Labor-Greens conversation and we have agreed on this issue.

Mr Coe: They have a joint caucus, Vicki.

MRS DUNNE: Well, I suppose they do have a joint caucus; it must be the only way. They are actually using each other's lines now. As a consequence of the work that should have already been done, it is unreasonable that we should be delayed another week in receiving these documents. As a result, we will not be supporting this motion.

MR RATTENBURY (Molonglo) (4.29): The Greens will be supporting this motion today. It is consistent with the position we took last night in my conversations with Mrs Dunne as we attempted to sort out the insulation motion, which we were keen to see pass. She wanted to receive the documents by close of business today, and I actually said to Mrs Dunne last night, "You know, I think it would be really sensible and, frankly, practical to leave it until perhaps the middle of next week. Let's give the departments a few days to actually check the documents, because what we know from the discussion that has taken place this week is that junior officers seem to have many of these documents and, frankly, it is going to take a little while to track back through everybody's notes and identify some of these documents."

The question becomes: what is your objective here? Do you want the documents or do you want some time line? Last night I implored Mrs Dunne to go for a time next week, but I said, "You know, we're committed to getting this motion through, so we'll agree to whatever date you put on it." She came in and moved the date for tomorrow, despite my suggesting to her that the far more pragmatic approach would be to leave it for a couple of days. So, consistent with the position I took last night in my discussions, the Greens will be supporting this motion today.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4.30), in reply: I would like to thank Mr Rattenbury for indicating the support of the Greens for this resolution. It is a practical approach. If the opposition feel that this is such an urgent matter, why are they pursuing two courses of action? Why are they pursuing an FOI route as well as this route? You are basically asking the government departments to do that work twice, because we will still be obliged under the FOI request to provide those documents to you again.

It just highlights the sort of petty, nitpicking and lazy approach that we get from the Liberal Party. If they feel that this resolution, in whatever form, meets their requirements for documents, I look forward to receiving letters from them indicating that they no longer wish to pursue their FOI request.

Question put:

> That **Mr Corbell's** motion be agreed to.

The Assembly voted—

Ayes 10		Noes 5
Mr Barr	Ms Hunter	Mr Coe
Ms Bresnan	Ms Le Couteur	Mr Doszpot
Mr Corbell	Ms Porter	Mrs Dunne
Ms Gallagher	Mr Rattenbury	Mr Hanson
Mr Hargreaves	Mr Stanhope	Mr Smyth

Question so resolved in the affirmative.

Adjournment

Motion by **Mr Corbell** proposed:

> That the Assembly do now adjourn.

Ms Helen Josephine Briggs

MR SMYTH (Brindabella) (4.35): I wish to bring to the attention of the house the passing of Helen Josephine Briggs. Helen worked as an adviser in my office from September 2000 to October 2001 and, apart from being a valued member of staff, was

a great friend. Helen would be known to many in our community, particularly through her work in disability. At one stage I believe she ran Disability ACT.

Helen is survived by her brother John, her sister Virginia and her sister Sarah and a number of her nieces and nephews. She was cremated on Tuesday at the Gungahlin cemetery and a very well-attended farewell it was for Helen. There were a lot of people from a lot of both federal and ACT departments who obviously knew, respected and loved her. There were some lovely stories told and some lovely comments passed.

In particular, I would like to put on the record the appreciation of other members of my staff at that time—Michael Hopkins; Mal Baalman, who worked for Michael Moore; Jo Elson; Tamsin Davies; Adam Stankevicius; James Lennane; Tim Dillon; and Megan O'Connor—who all sent their regards to the family.

Helen received an Order of Australia medal for her work as a public servant, particularly looking after those who were less well off in the community. If there is a lasting memory I have of Helen, it is just her sense of what was right and what was wrong. As she talked to constituents or addressed things that came into the office, I can often remember her saying, "Brendan, but it's just not right." She had some very strong guiding principles and was not afraid to apply those principles. Indeed, I think she is remembered by everyone for applying what she believed in and getting out there and doing it.

The other thing about Helen was her absolute loyalty to those that she loved, as was raised at her memorial service—40 years or thereabouts after leaving school, the fact that a group of her friends would still come around, and they met regularly. She seemed to be the central link in all of those groups of friends and circles.

A lot of comment was passed about Helen's other pastimes. She loved her food and cooking. She loved travel. She was very good with her hands. She particularly liked knitting. She had explored other forms of expression more recently, particularly with her love of colour and loud hats. They put on the coffin a cat hat that she wore. I should perhaps mention that Helen had passed away as a result of cancer. As you would all know, often cancer can be particularly brutal to a person's hair. So Helen had a set of delightfully coloured hats that she wore with a great deal of pride.

She was also a very ordered person. You would not want to cross Helen and not file things properly. Her brother spoke of the family going to her house and finding 45 years of *National Geographic* neatly catalogued and approximately 20 years worth of the gourmet magazine all neatly stacked. I think it brought a chuckle to everybody's face that apparently her father gave her her first copy of *National Geographic* when she was 12 or 13 and starting geography and she had not missed an issue since.

She was a very single-minded, very dedicated person. She was also a very courageous person because she had suffered the affliction of cancer for something like 15 years on and off. On every occasion that she beat it she would let the word out that she had beaten it and we all hoped that that was it. Occasionally she would get past the period where people would start to hope and think that she had finally beaten it, but in the

end it was slightly more persistent than she was. But to the bitter end she never lost her hope, she never lost her joy, she never lost the love of her friends. I think that those of us who were there and those of us that could not make it—and so many had said they wanted to be there but could not—will always remember her for her love of what she did, how she did it and the way that she was a central point for so many groups of people and the way they lived their lives.

Canberra area theatre awards

MS PORTER (Ginninderra) (4.39): I rise this evening to join with other members of this place who spoke very well about the CAT awards on Tuesday night. As you would be aware, I was in the chair at the time and unable to speak. It was unfortunate for me that I was unable to speak at the time; I had intended to do so.

I would love to recognise this evening the amateur theatre's night of nights. We witnessed 11,000 lovers of live theatre gather at the Canberra Theatre on Saturday night for the 15th annual ActewAGL Canberra and Area Theatre awards, better known as the CAT awards. This year a record 96 productions from over 60 amateur theatre companies and schools were seen by 14 judges who travelled over 112,000 kilometres to towns such as Wagga, Griffith, Albury, Merimbula, Dubbo and Ulladulla. Congratulations to all those judges. We thank them for their dedication in doing that.

As we know, the CAT awards were the dream of local theatre personality Coralie Wood—who many talked about in this place on Tuesday night—who believed that those involved in local amateur theatre did not get the recognition they deserved. I am fortunate to be a patron, along with legendary performer Toni Lamond, of the awards. I was very pleased to be part of a group of people back in 2004 that worked with Coralie to make sure that the CAT awards continued. At that time I know that Coralie was thinking that she would have to pull out and the CAT awards would no longer be able to keep going. So congratulations to Coralie and the rest of those people who have stuck by it and have made sure that these awards continue to be part of the Canberra scene and indeed part of our whole region. So many people are excited about them and love to be involved.

It is not only the performers, as other members have said before me, it is the costume makers, the set designers, the set builders, the sound and lighting engineers and musicians, the program designers, the front of house staff—everybody that gets involved in producing theatre in this city, old and young alike, and around the region. It is schools, it is seniors groups, it is just a little group of people in a town somewhere out back of beyond almost that get together and it forms the glue, often, of their community.

These things give early training experience and confidence to people who go on to get professional careers. Damien Bermingham, Lorina Gore and Rhys Holden are all young Canberrans with highly successful professional careers who got their local start in amateur theatre. I have no doubt that the quality of amateur theatre production in Canberra and the region will continue to grow as the theatre companies continue to raise the bar in order to be recognised for the CAT awards.

I would congratulate everybody—the board, Coralie herself, of course, and all the people that are involved in the theatre. I will not list the awards because other people have done that before me. I think that Mr Coe should get an award for the person who could read all the awards in the fastest amount of time in five minutes.

Ms Hunter: Without breathing.

MS PORTER: Without breathing, and being coached at the same time by Mr Doszpot. I was very impressed by that. I am going to suggest to the CAT board that we have a special award for the people that can do that every year. I know the night is a long night. I can assure you that if you have not been to a CAT award you need to take your earplugs because everybody screams very loudly when their particular theatre group or person is mentioned as being nominated. Of course, they scream even more loudly when that person actually gets on the stage to receive the award. You need the earplugs and you also need a lot of "stayability" because it is a long night. But it is a fantastic night and I would not miss it for quids, as they say.

So congratulations to everybody and we look forward to a really good year of theatre. As members, we are very fortunate to be able to see our productions in this town and occasionally we go out of town to see productions in other places as well. So we all look forward to next year.

Community council
Planning—Molonglo

MR RATTENBURY (Molonglo) (4.44): Last Wednesday evening, 17 February, I attended a public meeting for south Canberrans to consider whether they wanted to form a community council. I know you joined me at that meeting, Ms Le Couteur. It is an interesting anomaly that south Canberra does not have a community council. Belconnen has one. Gungahlin has one. Western Creek, Woden, Tuggeranong and north Canberra all have community councils, but south Canberra does not have one, despite the presence of a number of residents organisations in that area. It was a really interesting meeting to go to, to listen to the issues that were of concern to members of the community, ranging from perhaps the things you might expect around development issues, traffic—the more controversial issues perhaps—through to issues of provision of community services and simply working together on community vegie plots or sea change type activities.

The conclusion of the meeting was that the group does seek to move forward. A working group has been established to look at forming a constitution to put this organisation together. I think this will be an important and useful initiative to help the residents of south Canberra to voice some of their particular concerns more effectively.

I think that desire to get together and make a difference was in stark contrast to the total lack of imagination we saw when it came to the speech of the Leader of the Opposition in this chamber this morning regarding the development of Molonglo. We heard from Mr Seselja a tired old business-as-usual bland description of what he

thinks Molonglo should be. It was interesting that Mrs Dunne worked so hard to try and shut down my attempt to speak in response to Mr Seselja's comments. I suspect that is because Mrs Dunne was embarrassed by what she knew her leader was about to say—and so she should have been. The Greens believe, unlike Mr Seselja, that it is possible to do better—that we can build a new town in our city that will be world class, that will be the best possible town development that we can make based on the knowledge we currently have. We also know that we have to do this. It is an imperative. We need to simply do our cities better. We know that many Canberrans fancy that.

The *Canberra Times*, I think, summed it up quite well last week in a report which stated: "The party unveiled this discussion paper for Molonglo yesterday, saying the suburb's 30,000 houses should be designed and built to form the world's most environmentally sustainable community. It calls for a town where all homes have a seven-star energy rating as well as plumbing for sewerage, grey water and drinking water."

This is the kind of thinking we need for the future—houses that will be cheap to run. We know that, as energy prices go up, Canberrans will face massively increasing power bills unless they have energy efficient houses and grey water. As this climate gets dry, people can still have a garden without necessarily needing potable water to keep it alive. We can have that level of imagination. By contrast, Mr Seselja would like to condemn the families of Molonglo to having to have two cars, not having a choice, and the cost that goes with having two cars. The Greens would like to provide alternatives so that people can just have one—that that is an option for them and they do not need to have two.

The Liberal Party want to condemn people to doing it the old way. They want to condemn people to higher energy bills because they will not put in the up-front investment to get more energy efficient homes. They are not really committed to housing affordability, except for the cheap politics of saying, "The price needs to be lower at the front end." The Liberal Party want to condemn the residents of Molonglo to a 100-metre wide road corridor right through the middle of their development. That is what John Gorton Drive is going to be—100 metres of wasteland. That is why we are putting forward some different ideas—to try and get a better vision, a more liveable suburb for the people that are going to move to Molonglo.

It was really disappointing to hear Mr Seselja banging on with the same old misinterpretations of costings. He talked about hundreds of millions of dollars for investing in public housing. I presume his preferred policy is to not invest in public housing, to leave those people who need public housing out on their own to fend for themselves, because that is clearly what he seems to be suggesting. I think that is really disappointing. I hope that next time he stands up in here and speaks it will be after he has come to the briefing that we have offered the Liberal Party on our vision for Molonglo, and that after he has taken the time to read the document he will be a little more thoughtful in considering what sort of future we want to offer people in Canberra—the sort of future where we can say to them, "We are going to do suburbs better than we have in the past."

Qantas Australian tourism awards

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.49): Tomorrow evening is the tourism industry's night of nights. The Qantas Australian tourism awards will be held in Hobart. The ACT and region will be represented at these awards by 13 outstanding tourism businesses, national institutions or events.

We will be represented in a number of major categories. For the big one, the tourist attraction of the year, our ACT nominee is Questacon, the National Science and Technology Centre. Questacon won the ACT award in November last year. In the category of major festivals and events, Floriade 21—Films that shaped our nation will represent the ACT. In the categories of festivals and events, the National Folk Festival will be put forward as the ACT nomination.

We will also be represented in the specialised tourism services category through the Australian Institute of Sport tours and, in the visitor information and services category, through the Canberra and Region Visitors Centre. In the category of tourism and marketing, the National Gallery of Australia's Degas: master of French art exhibition is the ACT winner and will represent the territory.

In the tourism, education and training award, a previous national winner will again be representing the territory—the Canberra Institute of Technology's Tourism and Hotel Management Centre. In the category of tourism, restaurants and catering services, Ginger Catering will be the ACT representative. A favourite of mine in the tourism, wineries, distilleries and boutique breweries category, in my electorate, Mount Majura Vineyard will be representing the ACT.

Mr Rattenbury: Are you a regular?

MR BARR: I am indeed a regular. Just proving how generous we are as a tourism region, the ACT will be represented by the Thredbo Youth Hostel Association in the backpacker accommodation category; in hosted accommodation, Country Guesthouse Schonegg; and in the deluxe accommodation category, the Novotel Canberra. Our representative in the new tourism development category will be the National Portrait Gallery of Australia.

I will be going to Hobart tomorrow to attend the awards. I look forward to the ACT being successful in a number of categories. We have a very fine record. Over the years we have won more awards in this small jurisdiction than our population would perhaps suggest we are entitled to. I would like to take this opportunity in advance of the awards to wish each of the ACT entrants all the very best for the awards tomorrow night. I look forward to celebrating again the success of the ACT tourism industry in the national awards.

RSPCA
Mr Sandy Tanner

MR COE (Ginninderra) (4.52): I stand here this afternoon to offer my support for the RSPCA ACT. The RSPCA do a superb job in the ACT, and I think a large part of that is due to the leadership provided by the CEO of the organisation, Michael Linke. Michael does a superb job in what is a very tricky business, a very tricky organisation in an industry that really is one of a kind in terms of its social service, government services as well as its business operations.

He has got some very exciting plans for the future of animal care and protection in the ACT, and one of those is of course a new facility. I know the facility they do have at the moment is quite dilapidated and tired but they are certainly making the most of it. It would be great if all parties in this Assembly could chat with Michael to hear about his vision for the future, the future of animal care in Canberra, and how we can be a part of making that come to fruition.

I would like to also offer my support to Sue Gage, who is the president of the organisation. She leads a great council, consisting of the vice president, Heidi Pritchard; the secretary, Ms Paula Shinerock; the treasurer, Tony Miller till December 2008; and from then, from December 2008, Ms Kasy Chambers. The other members of the committee are Dr Michael Cooper, Mrs Maureen Hickman, Mrs Jill Mail, Mrs Lee-Anne Shepherd and Ms Kasy Chambers before she was appointed treasurer.

The organisation, as I said, does a great job. I think that is evidenced by the great results they have with regard to the euthanasia of animals. Whether it be canines, felines or other animals, their record really is quite exemplary. I know it very much is a last resort to euthanise an animal. Those ambitious goals do come out in their statistics when it comes to their care and protection of animals.

The RSPCA offer a number of services. They have got their animal cruelty inspectorate; they have got an animal shelter; they have got a rescue, rehabilitate and release program; they have got of course their veterinary clinic; a dog and puppy training school; they have got a very well-equipped pet supply store; they have got an advisory service and a 24-hour-a-day emergency telephone support service; in addition a program of support for aged, infirm and at-risk community members.

Fundraising is, of course, a very big part of the work that they do because, without it, they would not be able to undertake their core business. So I support the organisations that have given over $5,000 in cash. They include Canberra Milk, Bendigo Bank, Dr Michael Cooper, Hill's Pet Nutrition, the Home Loan Centre, the Audi Centre Canberra, Richard Luton Properties, Prolific International, the Canberra Philharmonic Society and Intervet. There are many other organisations that support the RSPCA, and I take my hat off to those organisations as well.

Part of their fundraising is a quiz night, which is on tomorrow night. I know the Canberra Liberals have a table. I have got a nod from some other members here; so

we will have quite an Assembly contingent, I imagine. Hopefully, the Liberal table will show off our expertise when it comes to the quiz night.

Mr Barr: Matters of trivia.

MR COE: Very worthwhile trivia, as opposed to the flippant interjections from Mr Barr.

I would also like to raise awareness of the million paws walk, which is coming up very soon, on 16 May. On 16 May, as I said, the million paws walk will be held. It is an annual fundraising event for all animal lovers. The RSPCA hope that all people can take the opportunity to join family and friends and walk for all creatures great and small and enjoy a fun-filled day of entertainment. I am going to have to borrow four paws to participate in that million paws walk but I do look forward to it.

Finally, I would like to put my thanks to Sandy Tanner for his great service in my office. He has been a friend of 10 years and has worked with me since October, since I was elected. He is leaving this place to go back to working on the hill, and I would like to say that he has been an exemplary staff member, dedicated, loyal, a lot of conviction. He is a conservative, he is a Liberal, he is a Christian, he is a monarchist, he is a good guy. And I very much take my hat off to him and support the great commitment he has shown me over the last year or so.

Healthy Weight Week

MS BRESNAN (Brindabella) (4.58): I would like to talk about Healthy Weight Week. Although it occurred in the last week of January, it is an important issue that we should be supporting. According to the Dieticians Association of Australia, as many as 62 per cent of Australians are overweight or obese and 68 per cent of adult men fit within this category. Diabetes is obviously connected to this. There are up to 3.2 million people in Australia who now have this disease. We do need to look at how we can inspire people to change their habits, health and wellbeing, particularly given these high rates of diabetes in the country.

There is a great deal of information about this topic. However, considering that Australians work some of the longest hours in the OECD, it is worth looking at how we can transform the culture practices of our workplace. A program such as the health and wellbeing $200 subsidy, encouraging public servants to invest in their health, is an excellent initiative. In our Assembly we have the weekly yoga class which has been made available to people and the corporate challenge last Saturday that was organised by Laura Stuart.

Something that I have recently learnt about is an initiative called the go green, get lean, cycle to campus challenge, through the ANU. The program provides a structured framework for staff and postgraduate students at the ANU to make the transition from motorised commuting to cycling to campus. Participants in the challenge follow a 10-week fitness program, which involves encouraging people to cycle to the ANU.

In addition to cycling, participants get involved in exercise sessions that focus on strength and flexibility and conditioning. The idea is that the fitness program and

cycling regime help build the confidence to continue a safe and effective exercise regime and exercise independently. In addition to exercise training, participants receive instruction in rider safety and bike maintenance. The philosophy behind this program is combining sustainable transport and fitness.

There is much literature that shows healthier employees improve productivity and reduce sick days. Ideally, the option of cycling or walking to work should be an attractive option to more Canberrans. There are a lot of people who are actively working on this, and Healthy Weight Week is an opportunity to encourage and support these ideas.

Mr Lou Westende

MR DOSZPOT (Brindabella) (5.00): I have given quite a number of adjournment speeches since being elected in 2008 and almost all of these have been about organisations or individuals I have come across in one of my shadow portfolio areas. Today I would like to deviate somewhat from my usual format and share with you, Madam Assistant Speaker, and our colleagues in the Assembly, a book that I recently come across, not by a blockbusting author on the current best seller list but a local author by the name of Doug Hurst. The book is called *Fulfilment & Success: the story of Lou Westende—a migrant*.

The very modest title and unpretentious presentation of the book, however, belie the content. It is a story that deserves to be known better by our community. It is a story of rags to riches, of the power of positive thinking and a never-say-die attitude. It is an inspirational story of an ordinary Canberran, a child of the Depression, a migrant who developed a successful business, contributed to our community in many ways but particularly through Rotary and who ended up in the ACT Legislative Assembly in 1992.

I have known Lou Westende since 1974 but only from a distance, as a business colleague and at times a competitor. But over the years I have followed his progress and, in many ways career-wise, I have almost followed in his footsteps, including my election to this place. And it is the ACT Assembly aspects of Mr Westende's career that I would like to mention here today. I quote from his inaugural speech in 1992:

> I feel very honoured and privileged to be standing here today as a member of the ACT Legislative Assembly; but, more importantly, I am very conscious of the responsibilities that this honour and privilege entails. It is a responsibility that is indeed entrusted to all members of this Assembly by those who have placed us here—the people of the ACT—and we must never lose sight of this.
>
> It is on this important matter of the responsibility of the Assembly in determining the future direction of the ACT that I wish to focus my maiden speech. The *Oxford Dictionary* defines the word "responsible" as liable to be called to account, answerable, capable of rational conduct, and so on. They are strong words. But, clearly, to be responsible is to be strong, and what the ACT needs right now is strength in every direction. It needs strong leadership from government and it needs a firm and strong commitment by every member of the community. We must all build the future together.

There is more to Mr Westende's inaugural speech and his words deserve to be read. I commend his speech to you. But Lou Westende's words of 18 years ago echo to us today, especially to us in the opposition, as these are the very words that we are trying to fulfil—a strong and united opposition that intends to push this government every step of the way until we take government in three years time.

I was very inspired by Lou Westende's story and, when he celebrates his 85th birthday in August of this year, I hope we can invite him to visit the Assembly. In the meantime I certainly recommend his book to all, *Fulfilment & Success: the Story of Lou Westende—a migrant*.

Question resolved in the affirmative.

The Assembly adjourned at 5.04 pm until Tuesday, 16 March 2010, at 10 am.

Answers to questions

Victim Support ACT
(Question No 369)

Mr Rattenbury asked the Attorney-General, upon notice, on 15 October 2009:

(1) What consultative activities or forums has Victim Support ACT conducted in conjunction with other victims of crime service providers or agencies in the ACT during (a) 2007-08 and (b) 2008-09.

(2) Which agencies were invited to attend the activities or forums referred to in part (1).

(3) How many clients (victims of crime) were serviced by (a) salaried staff of Victim Support ACT and (b) third party Approved Service Providers in (i) 2007-08 and (ii) 2008-09.

(4) What is the process in Victim Support ACT for monitoring the powers of staff in deciding (a) how many hours and which services are allocated to clients and (b) subsequent referral of clients to other services when their allocated hours are exhausted.

(5) Is there an independent review of the process for extending hours allocated to a client, especially when there are other non-government services available.

(6) Is there a formal written procedure in Victim Support ACT on how to refer a client from Victim Support ACT to other service providers for the case of a victim of a minor crime, for example, when only 2 hours is allocated to a client, given that the *Victims of Crime Act 1994* requires that the government service provider not extend the hours of service where there is another service provider available to provide the client with support services.

(7) What is the process in Victim Support ACT for referring clients who have exhausted their 12 hours of assistance from Victim Support ACT, before considering extending the allocated hours beyond 12 hours.

(8) Is there an identifiable process for Victim Support ACT to inform clients about services available from other providers which are also funded by the Department of Justice and Community Safety (JACS).

(9) Is there a standard form in Victim Support ACT for clients' own use to indicate their choice to be referred to other service providers.

(10) In relation to victims of crime, how many clients has *SupportLink* referred to each of the government and non-government service providers in the ACT in (a) 2004-05, (b) 2005-06, (c) 2006-07, (d) 2007-08 and (e) 2008-09.

(11) Does JACS provide any funding to *SupportLink*.

(12) What is the influence of JACS over the referral process from *SupportLink* to external service providers.

(13) Are the services, programs or activities of Victim Support ACT in any way duplicating some of the services, whether government or non-government, of other support agencies for victims of crime; if so, what (a) are the areas of duplication, (b) is the difference in the type of services available from the staff of Victim Support ACT, and non-government specialist victim service providers and (c) is being done to work with other agencies in order to reduce client waiting lists, or to reduce under-utilisation of funded services.

(14) What proportion of funding directed to victims of crime is directed to (a) Victims Support ACT and (b) non-government agencies offering comparable services.

(15) How many external Approved Service Providers (third party) are currently registered with Victim Support ACT to provide victims with essential support services.

(16) Of those third parties identified in part (15), (a) how many are being paid for services rendered in the current financial year and (b) what was the average cost per hour for these Approved Service Providers in (i) 2007-08 and (b) 2008-09.

(17) How many client cases did salaried staff of Victim Support ACT manage during (a) 2006-07, (b) 2007-08 and (c) 2008-09.

(18) How many case managers (full-time equivalent) are currently employed by Victim Support ACT.

(19) What is the average annual cost per client for using the services of Victims Support ACT, including costs for Approved Service Providers and salaried staff.

(20) What proportion of funding to Victim Support ACT was directed to (a) actual service delivery to clients and (b) administrative costs in (i) 2007-08 and (ii) 2008-09.

(21) Is there a perceived or actual conflict of interest for the position of the Victims of Crime Co ordinator in also performing the functions of Director, Victim Support ACT, where Victim Support ACT is a government service provider.

(22) Is there a perceived or actual conflict of interest for Victim Support ACT in managing the funding contract for another service provider where both service providers effectively have funds sourced from the same government budget line.

(23) What measures are in place to deal with those potential conflicts referred to in parts (21) and (22).

(24) How is the Victims of Crime Co-ordinator managing funds for community organisations, as well as managing referrals to such organisations, in order to reduce waiting lists for victims by utilising existing non-government specialised victim services.

(25) In relation to measures introduced in 2007 to increase revenue to fund enhanced services to victims of crime, specifically a $10 levy on all offences where a court fine was imposed and an increase of $10 to all traffic infringement penalties, (a) what proportion and how much of this increased revenue has been directed to non-government agencies in 2008-09, (b) what proportion and how much has been directed to Victim Support ACT and (c) how is Victim Support ACT using this additional funding.

(26) Does Victim Support ACT provide 24 hour immediate access to support services for victims of crime; if not, (a) are those clients referred to non-government specialised services for victims of crime and (b) which agency or agencies are those clients directed to instead.

(27) What was the cost incurred by Victim Support ACT in (a) 2007-08 and (b) 2008-09 in producing information leaflets and materials and changing the logo.

Mr Corbell: The answer to the member's question is as follows:

(1)

a) In 2007-08 Victim Support ACT hosted narrative therapy training.

b) In 2008-09, Victim Support ACT supported the Victims of Crime Coordinator to conduct a survey with clients about their rights as victims of crime. It also facilitated interviews with families bereaved by homicide to inform a project that was initiated by the Victims of Crime Coordinator.

Victim Support ACT also hosted cognitive behaviour therapy training.

(2) Counsellors who are approved service providers with Victim Support ACT, the Child At Risk Health Unit, Canberra Rape Crisis Service, Domestic Violence Crisis Service, Women's Health Service, Victims of Crime Assistance League (VOCAL) and Relationships Australia.

(3)

a) (i) The Victim's Services Scheme was administered by ACT Health until it was transferred to JACS in January 2007. ACT Health's database did not record total number of clients serviced. It did record that a total of 639 new clients were serviced that year.

(ii) A total of 891 clients were serviced, including 691 new clients.

b) (i) The Victim's Services Scheme was administered by ACT Health until it was transferred to JACS in January 2007. The database used by ACT Health recorded hours of service that was delivered by Approved Providers and did not record the number of clients seen by Approved Providers. In 2007-2008, 3,500 hours of private professional service was delivered to victims of crime.

(ii) 455 clients received approximately 4,000 hours of professional services.

(4)

a) The *Victims of Crime Regulation 2000* (the Regulation) governs the Victims Services Scheme, including the levels of service available to victims, authority for client care coordinators to make decisions about levels of care and internal review processes that oversee such decisions.

Under the Regulation, all victims of crime (where the crime occurred in the ACT) are entitled to two contact hours of service (level one service) to support their recovery. All victims of violent crime are entitled to an additional six hours of

service (level two service). An additional 12 hours of service (level three service) is provided to victims of violent crime on a discretionary basis. A further limited number of hours may be provided under exceptional circumstances.

The provision of contact hours is a clinical decision made by the client care coordinator and based on the goals identified in a client's care plan, progress reports and recommendations supplied by the approved provider. Contact hours are extended to an eligible victim in a way that, as far as possible, gives the victim a choice of provider.

If the client care coordinator and approved provider do not agree about the content of a care plan, the need for additional contact hours or both, the client care coordinator must refer the issue in writing to an independent arbitrator nominated by the service manager of Victim Support ACT.

If a victim is found not eligible for the Victims Services Scheme, they may ask for an internal review of that decision. In these circumstances, Victim Support ACT must arrange for a person (the *internal reviewer*) who did not make the initial decision, to review the decision.

In addition to the hours of service provided to clients under the Victims Services Scheme, Victim Support ACT provides on-going support in the form of justice advocacy for clients who have on-going involvement in the legal system. The primary focus of justice advocacy is to assist clients to access their rights and entitlements in law. Justice advocacy is not prescribed by levels of service under the Regulation.

Client care coordinators hold qualifications in counselling, social work or psychology. They are employed to make clinical decisions within a case management framework. Clinical supervision and group supervision is provided to support them in this role. Their work is supervised by senior practitioners.

b) The client care coordinator discusses referral options to other appropriate services with the client throughout their involvement with Victims Support ACT and prior to the exhaustion of their allocated hours. Referral decisions are based on an assessment of client needs and their own priorities for recovery. A wide range of community agencies are considered as appropriate points of referral. Clients are also able to access hours of service with a health care professional on a mental health plan through the Medicare Benefits Scheme.

(5) There is no independent review of the process for extending hours to clients. It would be impractical and inefficient to construct an independent process for core business activities of service delivery agencies, particularly in relation to offering a service to a client.

(6) There is no provision in the *Victims of Crime Act 1994* that prevents the government service provider from extending hours of service to a client where there is another service provider available.

There is an internal policy document on how to refer a client from Victim Support ACT to other service providers. On this occasion I am happy to provide a copy of the document to the secretariat (**Attachment A**). A checklist contained in the document assists client care coordinators to refer clients to interstate services or other agencies if the caller is ineligible for services under the Victims Services Scheme.

(A copy of the attachment is available at the Chamber Support Office)

(7) All victims of a violent crime which occurred in the ACT are entitled to eight hours of service to support their recovery from the harm suffered as a result of the crime. An additional 12 contact hours of service are extended on a discretionary basis in two, six hour blocks. Client care coordinators assess the extension of contact hours using progress reports and recommendations supplied by the client's approved provider. A decision to extend the hours is made in consultation with the client, the approved provider and for more complex cases, the service manager of Victim Support ACT. The paramount issue is the therapeutic benefit the client would derive from further hours of service.

(8) Yes. When a client first makes contact with Victim Support ACT, a Client Care Coordinator makes an initial assessment about the presenting issues and will inform and refer the client to other services as required. Following this contact, clients are sent a Victims of Crime Help Card with contact details for a range of government and non-government services (including VOCAL, Police Victim Liaison Officers etc) as specified in Victim Support ACT's Client Reception Policy.

During the intake assessment, a further assessment of their needs is undertaken and clients are asked about what other services might be involved in providing them support. Clients are referred to a range of other services that are appropriate to their needs, including providers who are funded by JACS, for example: the Home Safety Program through SupportLink.

(9) No. Clients are presented with opportunities to choose their provider at reception, intake and at stages in their care plan. All clients receive a "Help Card" at reception, which identifies victim agencies, both government and non-government. At intake, the client care coordinator will discuss with the client their options and preferences for referral. A care plan will be drafted, which reflects the client's preferences. This care plan is reviewed at each extension of contact hours.

(10)

Service	a) 2004 - 2005	b) 2005 - 2006	c) 2006 - 2007	d) 2007 - 2008	e) 2008 - 2009
DVCS	51	33	35	53	101
CLASP	67	330	136	0	0
VOCAL	389	60	41	2	0
VSACT	0	157	106	131	155
Home Safety Program	0	0	204	1840	2591
CRCC	0	0	0	36	48

(Note: the drop in VOCAL referrals occurred as the Home Safety Program (HSP), Victims Support ACT and the Canberra Rape Crisis Centre became established within the SupportLink e framework. Most victims of crime sought information on improving home security following a burglary (as provided by the Home SafetyProgram) or counselling support as provided by the funded provider for this service - VSACT or Canberra Rape Crisis Centre)

(11) Yes. In 2008/09 JACS provided $50,000 (GST excl) towards the ACT Home Safety Program www.homesafety.act.gov.au and $50,000 (GST excl) towards a Paramedic Support Program that includes welfare support for staff and a referral program for clients identified as vulnerable or at risk.

SupportLink is primarily funded by the Australian Federal Police (ACT Policing) to provide a single referral gateway for Police operations.

(12) JACS has no direct influence over SupportLink regarding the external providers that are utilised via the e referral process. The choice of providers is a professional decision made by SupportLink referral coordinators as they match client need and choice with providers.

(13) There is a range of victim services in the ACT that are provided by government and non-government agencies. The Domestic Violence Crisis Service and the Canberra Rape Crisis Centre provide specialist crisis intervention and support services to victims of family violence and sexual assault. The Canberra Rape Crisis Centre also offers counselling services. Both agencies have agreements with ACT Policing relating to attendance at incidents attended by police.

VOCAL (ACT), a community organisation that engages volunteers, is funded by the ACT Government to provide a range of support services and information to victims and their families as they access services or deal with the criminal justice system. VOCAL is not funded to provide counselling to victims.

Victim Support ACT provides specialised, professional counselling and other therapeutic interventions such as physical rehabilitation, that other services do not offer. Victim Support ACT also provides justice advocacy services to clients involved in justice processes.

As part of the Wraparound Support Program, Victim Support ACT works with the Canberra Rape Crisis Centre and the police to ensure that victims of sexual offences are offered support and information as early as possible after they have been victimised. Regular meetings and communication between these three agencies help to avoid the duplication of support services to victims.

The DPP Witness Assistance Service (WAS) provides support to victims and witnesses. The DPP WAS has criteria for the category of victims that they are able to assist. Victim Support ACT works with the WAS to determine which agency is to provide support through the criminal justice process and to ensure that victims are supported in the justice process.

I am unaware of any waiting lists that you refer to or any under-utilisation of funded services. Indeed, I am advised that all victim support services are fully utilised.

(14) One of the Government's highest priorities is looking after victims of crime. The Government directs funding to both government and non-government agencies to provide quality services to assist in improving victims' recovery.

The Government funds a range of government services to victims including: the Victims Services Scheme, Victim Support ACT, Victims of Crime Coordinator, the restorative justice program, the Family Violence Intervention Program, the Child at Risk Assessment Unit program and Forensic and Medical Sexual Assault Care. There are also several victim assistant/support positions within justice agencies, such as ACT Corrective Services, the office of the DPP and ACT Policing.

Community bodies which receive Government funding to support victims of crime include: the Canberra Rape Crisis Centre, Domestic Violence Crisis Service,

SupportLink and VOCAL. These agencies work closely with government agencies to provide a holistic and collaborative response to victims of crime.

(15) 201. This number is made up of approved providers for the ACT (62) and approved authorised exceptions that service clients who reside interstate (139).

(16)

a) 58.
b) Approved service providers are paid according to the type of service provided. In 2007-08 and 2008-09, psychologists, counsellors, occupational therapists and physiotherapists were paid $100 per hour. Massage therapists were paid $70 per hour and acupuncturists were paid $60 per hour.

(17)

a) 2006-2007 - 539 new clients.
b) 2007-2008 - 651 new clients
c) 2008-2009 - 891 (including 691 new clients)

(18) There are 7.2 FTE client care coordinators, one FTE service manager position and one FTE justice advocate. Client care coordinators also deliver justice advocacy services.

(19) Victim Support ACT provides a range of services to victims of crime that cannot be measured in terms of cost per client. These services are:

- justice advocacy work;
- court support;
- financial assistance applications;
- support to the Victims of Crime Coordinator;
- activities under the Sexual Assault Reform Program;
- case tracking of family violence and sexual assault cases;
- research and reports into victim's issues; and,
- delivery of the Victims Services Scheme.

(20) Victim Support ACT provides a range of services to victims of crime that cannot be measured in terms of cost per client. These services are:

- justice advocacy work;
- court support;
- financial assistance applications;
- support to the Victims of Crime Coordinator;
- activities under the Sexual Assault Reform Program;
- case tracking of family violence and sexual assault cases;
- research and reports into victim's issues; and,
- delivery of the Victims Services Scheme.

Victim Support ACT has two FTE positions that meet the organisations administrative responsibilities. The cost of these two positions represents approximately 5% of Victim Support ACT funding.

(21) This issue was raised in an issues paper, released by JACS in June 2008, in relation to the review of the ACT *Victims of Crime Act 1994*[1]. Submissions were sought and

considered by a government reference group overseeing the review. I expect to be in a position to introduce legislative reforms relating to that review in mid 2010.

However, as the issues paper states "there are numerous examples in the ACT of officers who balance the dual function of statutory appointment with the managerial, administrative and reporting responsibilities of a public servant".[2]

(22) The responsibility for managing the Department's contract with VOCAL was delegated to the Director, Victim Support ACT, for efficiency reasons. The Department is responsible for all decisions relating to the contract. There is no conflict of interest in this arrangement.

(23) Victim Support ACT has developed policies, ratified by the Victims Assistance Board, that clearly define its role and function. The *Victims of Crime Act 1994* defines the role and function of the VoCC. Both entities have very different roles and responsibilities.

(24) The Victims of Crime Coordinator does not manage funds for community organisations. The Victims of Crime Coordinator does not manage referrals to community organisations.

Clients of Victim Support ACT are assessed at intake regarding their presenting issues and they are then informed and referred to other services as required. Clients are given the right to choose their preferred service provider. I am not aware of waiting lists for victims to utilise victim services.

(25) The revenue raised by the victim services levy is placed in consolidated revenue to fund enhanced services for victims of crime in the ACT. The money raised from the levy, and the infringement penalty increase, is to provide an ongoing funding source to enhance services for victims of crime, and is used specifically for this purpose. The money collected will ensure a better integration and access to services, information and support for victims of crime involved in the criminal justice process.

In 2007, the same year that the levy was introduced, the Government allocated $4 million to increase services to victims of sexual assault by funding a number of victim support positions in government and non-government agencies, special prosecutors and installed technology at the Magistrates and Supreme court rooms that allow victims of sexual assault to give their evidence once, rather than several times, and to give that evidence by audio/visual means, rather than have to face the offender in a court room.

Victim Support ACT is one of a number of agencies that receive funding from that source to expand and enhance services to victims of crime. Victim Support ACT brings together the counselling and recovery team from the Victims Services Scheme and the Victims of Crime Coordinator's Office, to ensure victims in the justice system receive a more cohesive and streamlined response.

(26) Victim Support ACT is not a general crisis support service. However if a person presents to the Victim Support ACT office in crisis during business hours the designated duty officer will see the person to assess his/her needs and refer to specialist services as necessary. If a client presents in crisis, the duty officer will speak to that person and will link them to specialist services such as Lifeline, Domestic Violence Crisis Service or the Mental Health Crisis and Assessment Team.

Victim Support ACT operates from 9am to 5pm Monday to Friday. After hours and on weekends and public holidays there is a voicemail message on the freecall number giving callers contact details of after hours support and attendance services.

(27)

(a) In 2007-2008, following the transfer of the Victims Services Scheme to JACS, the expense for producing information leaflets, materials and logo was $14,943.12.

(b) In 2008 – 2009 the expense was $1640.91, which included extra fact sheets and guides.

(A copy of the attachment is available at the Chamber Support Office)

[1] Issues Paper – Review of the ACT *Victims of Crime Act 1994*, June 2008, pp 42 – 44.
[2] Ibid, p42

Finance—departmental assets and liabilities (Question No 404)

Mr Seselja asked the Minister for Health, upon notice, on 12 November 2009:

(1) What are the top ten assets, other than cash, for the Minister's department ranked by value as at 30 June 2009 and what is the value of each asset.

(2) What are the top ten liabilities, other than employee benefits, for the department ranked by value as at 30 June 2009 and what is the value of each liability.

(3) If the liabilities referred to in part (2) are loans, (a) who is the loan with, (b) who facilitated the borrowing and (c) what is the interest rate for the loan.

(4) What are the top ten contingent liabilities in the Minister's portfolio ranked by value.

Ms Gallagher: The answer to the member's question is as follows:

(1) The top ten assets and their value are

(a)	Building 1 Canberra Hospital	$110, 314,156
(b)	Building 3 Canberra Hospital	$78,755,167
(c)	Building 12 Canberra Hospital	$67,527,467
(d)	Building 10 Canberra Hospital	$31,999,745
(e)	NSW Government – outstanding debt for cross border Services	$31,192,347
(f)	Building 4 Canberra Hospital	$27,058,428
(g)	Building 11 Canberra Hospital	$23,114,650
(h)	Building 2 Canberra Hospital	$11,786,300
(i)	Canberra Hospital Land (block 1 section 58)	$10,100,000
(j)	Building 5 Canberra Hospital	$9,978,073

(2) The top ten liabilities and their value are

(a)	Payables (ACT Procurement Solution)	$8,370,056
(b)	Finance Lease Liabilities for motor vehicles	$5,359,636
(c)	Revenue Received in Advance (Commonwealth Health Program Grant)	$2,607,786
(d)	Payables (InTACT)	$1,883,720
(e)	Revenue Received in Advance (Commonwealth High Cost Drugs)	$1,532,200
(f)	Revenue Received in Advance (Government Payment for Outputs for services rolled into the next financial year)	$974,200
(g)	Payables for supplier	$751,794
(h)	Payables (VMO fee)	$750,585
(i)	Revenue Received in Advance (Donations)	$728,052
(j)	Payables for supplier	$677,081

(3) None of the liabilities listed above are loans.

(4) The top ten contingent liabilities ranked by value are

(a)	Medical Negligence	$1,000,000
(b)	Medical Negligence	$250,000
(c)	Medical Negligence	$200,000
(d)	Medical Negligence	$200,000
(e)	Medical Negligence	$90,000
(f)	Medical Negligence	$70,000
(g)	Medical Negligence	$50,000
(h)	Medical Negligence	$50,000
(i)	Medical Negligence	$50,000
(j)	Medical Negligence	$10,000

Planning—building legislation (Question No 518)

Ms Le Couteur asked the Minister for Planning, upon notice, on 10 December 2009:

(1) Is the Minister able to say under what legislation were the *Buildings (Design and Siting) Ordinance Act 1964* (BDSO/BDSA) and the *Building Act 1972* (the Building Act) as enforced up to and including 1975 to 1978 able to be granted further amendments in 1997 and 1998 while ever construction was ongoing and not within the condition of the status of not being in force under section 33A of the 1979 version of the *Building Act 1972*.

(2) During 1997 to 1998, were new amendments able to be approved under sections 33 and 33A of the Building Act by a Planning and Land Management (PALM)/ACT Planning and Land Authority ACTPLA) Building Controller/Deputy Building Controller on the still in-force 1978 approvals.

(3) During 1997 to 1998, was a Deputy Building Controller able to approve the 1978 still in-force "brought forward" approvals to be re-approved under the *Land (Planning and Environment) Act 1991* [the Land Act] without the lawful application approval process of sections 226, 229, 230 and 247 and with compliance of the requirements of Appendix III.1 in relation to the City Plan.

(4) Under what delegations and which PALM/ACTPLA officers in (a) 1997-1998 and (b) 2002-2003 would have held that jurisdiction to allow the granting of approval or re-approval to be confirmed in the Administrative Appeals Tribunal as to the valid status of the approval referred to in part (3).

(5) Were Mr William Arthur Dagger and Mr Richard John Gallagher confirmed as holding the delegations under the Land Act as referred to in part (3) within the periods stated in part (4).

(6) During 1978 to 2003, what legislation empowered the officers, referred to in part (5), by "bringing forward" previous BDSO/BDSA approvals to be approved under section 230 or 245 of the Land Act.

Mr Barr: The answer to the member's question is as follows:

(1) The questions set out are directly related to ongoing litigation with the Territory. The relevant issues were determined in the cases of *Gerondal v Minister for Planning* (2003) ACT AAT 32 (30 June 2003) and *Gerondal v Minister for Planning* [2004] ACTSC 84 (17 August 2004).

(2) In substance the questions are asking for a legal opinion and enliven standing order 117(c)(iii) regarding questions seeking a legal opinion.

(3) I refer the member to the cases cited above. As a matter of courtesy I am responding to the member's question on this occasion, however, I will not continue to respond to further questions on this matter. The ACT Government Solicitor's Office is pursuing the costs of the Territory on this matter.

(4) I believe that it is not appropriate for Members of the Legislative Assembly to continue to litigate, or re-litigate, a particular case that is, and has been, the subject of legal proceedings before the Tribunals and Courts of the Territory.

Harrison display village—house energy efficiency ratings (Question No 519)

Ms Le Couteur asked the Minister for Planning, upon notice, on 10 December 2009:

(1) Did the houses in the Harrison Display Village fail to meet the minimum energy efficiency rating standards when they were first audited.

(2) Did the auditing for the houses in the Harrison Display Village need to be repeated after the houses were brought to minimum energy efficiency rating standards.

Mr Barr: The answer to the member's question is as follows:

(1) No. When first audited, inconsistencies requiring further investigation were identified between the information in the energy efficiency rating report and the building as constructed in 4 of the houses in the Harrison Display Village. The development and building approval records for these buildings shows that 2 of these houses were approved during the transition period to the new 2006 standard, during which the requirement for the verification method was still 4 stars.

The marketing of these houses as meeting a particular energy efficiency rating is a separate matter to that of compliance with the Building Code of Australia (BCA), however at the time one building was not approved as a residence as it was being used as the site office and based on additional documentation supplied by the certifier, the other was likely to reach a 5 star rating, or a 4.5 star rating at the minimum.

After correspondence in July 2008 with the relevant building certifiers, ACTPLA ascertained that it was highly probable that the remaining 2 buildings met the 2006 BCA requirements. In addition, all of the other buildings in the village approved under the 2005 requirements that did not initially reach 5 stars underwent changes in design to reach the new standard after advice from ACTPLA to the LDA in May 2006. Following the audits, ACTPLA drew the attention of assessors and builders involved to their obligations under relevant legislation and no further action was taken.

(2) No. Verifications of compliance were provided to ACTPLA where required. ACTPLA determined that a further audit of all houses in the display village was not justified given the evidence of compliance provided.

Human resources information management system (Question No 537)

Mr Seselja asked the Minister for Territory and Municipal Services, upon notice, on 10 February 2010:

Has Shared Services begun conducting regular and scheduled testing of the restoration of backups of the "Chris21" human resources information management system; if not, when will it commence these tests.

Mr Stanhope: The answer to the member's question is as follows:

In August 2009 Shared Services commenced regular testing of the restoration of backups of the "Chris21" human resources information management system.

Department of Treasury, staff (Question No 538)

Mr Seselja asked the Treasurer, upon notice, on 10 February 2010:

How many staff work in the Minister's department on competition policy, what qualifications or experience does each possess in competition policy issues more broadly and what is the level of each officer.

Ms Gallagher: The answer to the member's question is as follows:

The Economics Branch in Treasury is responsible for competition and regulation policy, economic analysis and forecasting, and racing and gaming policy. The Economics Branch has 14 staff all with degree qualifications in commerce and/or economics. The Branch comprises of three graduates, three AS04s, one AS05, two ASO6s, one Senior Officer Grade C, three Senior Officers Grade A and a Director at Senior Executive Service (Band 1) level.

Environment—disused service stations (Question No 556)

Ms Le Couteur asked the Minister for Territory and Municipal Services, upon notice, on 11 February 2010:

> What regular maintenance work does the Department of Territory and Municipal Services carry out in disused service stations across the ACT.

Mr Stanhope: The answer to the member's question is as follows:

> The Department of Territory and Municipal Services does not do any maintenance of privately-owned disused leases. The ACT Planning and Land Authority is the responsible body for complaints that relate to an unclean leasehold such as a disused service station site. Each case is assessed based on the nature of the complaint and action may be taken under the *Planning and Development Act 2007* to enforce a breach of the Crown Lease if there is a failure of the lessee to maintain the property.
