Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

27 OCTOBER 2010

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Wednesday, 27 October 2010

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The Assembly met at 10 am.

(Quorum formed.)

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

Workplace Privacy Bill 2010

Ms Bresnan, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MS BRESNAN (Brindabella) (10.03): I move:

> That this bill be agreed to in principle.

I am proud to present to the Assembly the Workplace Privacy Bill 2010. This bill continues the ACT Greens' dedication to protecting rights for people in the workplace and will place the ACT at the forefront of the nation in recognising privacy as a right that must be respected in the workplace.

This bill comes at a time when developments in surveillance technology increasingly encroach upon our lives. Ever more sophisticated computer monitoring software, widespread use of GPS tracking on items as small as car keys and commercially available miniaturised cameras to the size of USB thumb drives provide the ability for widespread surveillance of people in the workplace.

Privacy is considered a human right, both under the ACT Human Rights Act and in international treaties, and yet it is not an absolute right in the case of surveillance of workers. It needs to be balanced against the rights of employers to take reasonable steps to operate and protect their businesses. I believe that this bill balances these rights and provides clarity to both workers and employers on the conduct of surveillance and the right to privacy in the workplace.

This bill is the first in the ACT to explicitly recognise privacy in the relationship between employees and employers. The lack of regulation to date in this area has led to some very problematic outcomes, including distribution of personal emails without the sender's knowledge or consent, the installation and use of secret cameras in workplaces and the tracking of workers' activities outside working hours.

The bill divides surveillance into three types: notified, covert and prohibited. The vast majority of surveillance that will take place in the ACT under this bill will be notified surveillance. Notified surveillance requires an employer to notify and consult with employees on what type of surveillance will take place, where it will take place and what the surveillance can be used for. Once an employer has set out in a notice or

policy how the surveillance will be conducted, they must conduct the surveillance in accordance with the notice, including limiting the use of surveillance records to purposes set out in the notice. This prevents employers from installing cameras, tracking devices or monitoring software under the guise of security and then using it for performance management.

Based upon the experience of the operation of similar legislation in New South Wales, the vast majority of surveillance will be able to continue, provided that employers comply with notification requirements.

The bill defines three types of surveillance—optical, data and tracking—consistent with the definitions in the Crimes (Surveillance Devices) Act passed earlier this year and places some specific requirements for each type of surveillance.

For camera surveillance, employers will be required to ensure that the camera itself is visible and that a sign on the entrance to the workplace notifies workers that they may be subject to surveillance. For data surveillance, the bill requires that employers develop a policy and operate data surveillance programs consistently with that policy and take steps to ensure that employees are aware of the policy. Employers will also be required to notify employees via stopped delivery notices when a program prevents delivery of a communication. For tracking surveillance, employers will be required to label that an object or vehicle is being tracked.

This bill provides for offences with relatively minor penalties for failure to comply with notification requirements.

In the event that an employer suspects that unlawful activity is taking place in the workplace and that covert surveillance is required to detect and prevent it, the bill provides a mechanism for an employer to apply to the Magistrates Court for an authority for an independent person to conduct covert surveillance in the workplace.

The bill provides a clear set of guidelines for the Magistrates Court to consider when deciding whether to grant a covert surveillance authority, including whether covert surveillance is the most appropriate means of detecting unlawful activity and consideration of the privacy of other employees.

Recognising that covert surveillance substantially impinges upon the privacy of employees, the bill provides for substantial limitations on the usage of covert surveillance records, such as that employers are only able to receive surveillance records that relate to unlawful activity. The bill provides for strong penalties for distribution and use of covert surveillance records outside the limitations set by the covert surveillance authority.

The bill sets out a number of locations in the workplace where surveillance is prohibited, where common sense dictates that surveillance is highly inappropriate, including toilets, change rooms, prayer rooms and parenting rooms.

We believe that the workplace is a place which needs to foster trust between employers and employees. We recognise the need for employers to protect their

workplaces and monitor their employees through surveillance. However, we do not recognise the need to mislead and conceal the means of doing so in the everyday running of a business.

An important principle in enabling people to protect their privacy is to ensure that they know when they are under surveillance and what they are under surveillance for. This bill enshrines this principle in legislation. This bill encourages full and open disclosure and dialogue between employers and workers about the need for surveillance and the impacts it has on privacy, security and performance. We also believe this will create far more harmonious workplaces due to this open disclosure and dialogue.

This bill will not have a substantial impact on most workplaces, as the requirements for compliance with the notified surveillance provisions are quite small and it will provide clarity to both employers and workers as to how surveillance will operate. This bill in no way restricts an employer from legitimate, overt, notified surveillance. The only situation where it will compel changes to the workplace is where employers are currently engaging in what would be considered covert surveillance, such as businesses that currently use concealed cameras to monitor the workplace or businesses that monitor places like change rooms or prayer rooms.

This bill is partially based upon the Workplace Surveillance Act as it operates in New South Wales. We have made several improvements to the bill, in some cases based upon the national privacy principles that regulate privacy interactions between businesses and consumers and, in others, based upon feedback provided on the operation of the Workplace Surveillance Act in New South Wales by groups such as the Australian Privacy Foundation.

Additionally, following feedback from the earlier exposure draft of this bill, the ACT Greens inserted provisions requiring consultation with employees during the notification period and specifying that employers must set out the purpose of the surveillance in the notification, thus restricting the use of surveillance records to the purposes set out in the notification. Some changes have been made to definitions, specifically defining "adverse action" consistent with the commonwealth Fair Work Act and provisions around consultation similar to the definition of consultation provided by the Australian Industrial Relations Commission case of the CPSU and Vodafone.

The bill provides for a six-month delay before the notified and covert surveillance provisions come into place to ensure that employers have sufficient time to comply with the provisions under the bill, whether it be conducting notification and consultation or removing covert surveillance from the workplace. The provisions regarding prohibited surveillance come into place immediately.

The ACT Greens want to work with the other parties in the Assembly to ensure that this legislation is implemented properly and effectively. We recognise that the vast majority of employers act appropriately when it comes to surveillance of employees in the workplace. However, in cases where footage of or information from employees is misused it can be very damaging for the person involved.

We recognise that the government will need to consider how this will fit in with other workplace regulations and how the covert surveillance authority application process will work in the Magistrates Court. We look forward to providing briefings and negotiating with other parties in this place to ensure that this bill can be enacted with the support of all members.

I commend the bill to the Assembly.

Debate (on motion by **Mr Corbell**) adjourned to the next sitting.

Discrimination Amendment Bill 2010

Mr Seselja, pursuant to notice, presented the bill.

Title read by Clerk.

MR SESELJA (Molonglo—Leader of the Opposition) (10.13): I move:

> That this bill be agreed to in principle.

I rise today to bring forward an important amendment on an important issue. The amendment bill I am presenting today has only one clause but it is a very important one. It is a clause that goes to a much deeper issue and exemplifies many of the values that we as Liberals hold to. It is a clause that highlights some of the extremes and absurdities that can arise when good intentions go astray. It is a change that needs to happen to bring some common sense back to the territory.

On 7 September this year, Lanyon high school principal Bill Thompson was reported in the *Canberra Times* for his imaginative attempt to keep kids in class. This teacher of 32 years attempted a very simple solution. He asked the shops in the nearby centre not to serve kids during school hours. In return he offered to promote the names of the shops that helped prevent truancy in the local school newsletter as a sign of community support.

Mr Thompson is reported to have said, "In Sydney there are signs up saying 'we will not serve students'." It was a simple attempt to get better results, an idea that had been run in other place with some success. On ABC radio the idea gained a lot of local support. There were reports on 14 September this year saying that the principal had "enlisted the help of local shopkeepers to provide a practical solution to deal with the age-old issue of kids wagging school". And support he got. It was reported that "666 listeners held some strong opinions with one caller believing that the education system was failing to engage our young people".

Not all shops took up the request. Some could not be contacted and others refused, as is their right. But he rightly expected that he could at least raise the issue and get some local support.

What must have shocked Mr Thompson was that this simple attempt at local community collaboration to do the right thing by the kids of the neighbourhood had

drawn the ire of none other than the human rights commissioner, who launched an all-out media assault on the issue.

Dr Watchirs issued a statement saying that such action would be unlawful, that it is illegal to refuse service to someone on the basis of age, race, sex or disability under the Discrimination Act. She is reported as saying:

> A shop is a service provider and refusing service is unlawful. There are other ways to do it, including monitoring students' movements between school and out of school grounds.

Obviously, Dr Watchirs had not read the original reports, in which the principal states, "It's sort of a neighbourhood watch concept as we can't see where 640 students are all of the time." Further to this, the human rights commissioner told the public that shopkeepers and Mr Thompson may in fact be aiding and abetting an unlawful act. Aiding and abetting an unlawful act—all for trying to get the community behind an idea to keep kids in school.

Mr Speaker, this is absurd. It is not the intent of the discrimination or human rights legislation that it be used for this sort of purpose—to threaten a school principal who is trying to keep his students in school and local shopkeepers trying to uphold standards for local children.

Indeed, this gulf between common sense and political statutory interpretation led to quite an outcry on talkback radio when it was raised. One memorable caller created a quote that I think is hard to top: "What a crock!" Mr Speaker, that is exactly what it is.

At the time the human rights legislation was introduced we cautioned the government to be alert for unintended consequences. We warned of absurd outcomes if high ideals were not tempered with a cold dose of common sense.

The outcome we saw with the human rights commissioner—with all the issues of the AMC, of Bimberi, of the education gap—was Dr Watchirs putting this principal on notice. Far from being a local hero, he was a law breaker. Enough is enough.

We moved a motion on this topic and did not receive any support from the Labor Party or the Greens. Mr Barr resorted, as he always does, to sneering and sloganeering. Mr Barr loves nothing better than to stand in this place and offer nothing but the same tired lines repeated from the federal Labor handbook of message management which has brought us "moving forward" and "new Julia". With his well-worn slogans, all Mr Barr gives us is repetition for repetition's sake. The Greens, as they all too often do, dodged taking a stance, avoided the hard call and let political correctness get in the way of practical answers.

We have asked questions on this to the minister, again to little avail. We were spared the spin doctor slogans but we did not get any acceptance from the minister. The regime as it stands is not giving the community the outcome it wants or expects. Indeed, the gist of the answer we received is in this quote from Minister Corbell. He said, "If you have a problem with the law, Mr Seselja, change the law." Well, that is what we intend to do about it.

I present today the Discrimination Amendment Bill 2010, a bill that should put an end to the farcical outcome we have seen in the past few weeks.

The bill contains only one substantive clause. It inserts into the Discrimination Act an exception, or should I say another exception, as there are many in the act already. Even a cursory consideration of the practical application demonstrates that exceptions can and indeed must be included. These exceptions are to protect communities and groups from unintended consequences, just as this amendment does today.

It would be absurd if the Discrimination Act was used to tell an innkeeper or hotelier that refusing service to minors was a breach of their human rights. That would be absurd. There is an exemption for gambling products. You cannot claim it is a discrimination to refuse service to a person because of their age if they are attempting to gamble. That would be absurd. There are exemptions relating to sporting clubs, tours and accommodation, for work benefits and education. In fact there are 47 exemptions in this act.

This is just one more. It is one that will mean a school principal or local community will not face legal challenge for the heinous offence of trying to keep kids in school. Mr Barr, in between jibes, made these comments:

> The law now requires full-time participation in education …

Indeed, it does. He went on to say:

> … there would be no excuses. Everyone would participate and everyone would be responsible.

When talking about taking steps to keep children in school during school hours, Andrew Barr said:

> Failure to take action and comply with the notice is an offence, and it becomes a matter for ACT Policing and the Director of Public Prosecutions.

For goodness sake, Mr Speaker, we have a government that is prepared to resort to the DPP before it will support a principal in taking reasonable action with his community to keep kids in school.

It is worth taking members through the parameters of the bill. The bill is simple. Proposed new section 57JA, which deals with premises, goods, services and facilities in school hours, states:

> Section 19 … or section 20 … does not make it unlawful for a person to discriminate against someone else on the ground of age in relation to access to premises, the use or availability of facilities, or the provision of goods or services if the person reasonably believes that—
>
> (a) the other person is a student at a school; and
>
> (b) the school is open for attendance.

That is it. It is not an unreasonable adjustment and it is one that our conversations and our connections with the community convinces us would be welcomed by the community.

I would like to address some of the legislative issues raised in this bill to put them to bed before some of the more extreme accusations that are sure to come from across the chamber get thrown at us. The Human Rights Act itself recognises that human rights are subject to limitations. Section 28 provides as follows:

> Human rights may be subject only to reasonable limits set by Territory laws that can be demonstrably justified in a free and democratic society.

The proposed amendment is precisely the sort of exemption contemplated, one that arises when the strict interpretation leads to a nonsensical outcome. Given that limitations can be imposed, we have to consider whether the limitation is reasonable in all the circumstances. Again, section 28 of the Human Rights Act gives guidance. It states:

> (2) In deciding whether a limit is reasonable, all relevant factors must be considered, including the following:
>
> (a) the nature of the right affected;
>
> (b) the importance of the purpose of the limitation;
>
> (c) the nature and extent of the limitation;
>
> (d) the relationship between the limitation and its purpose;
>
> (e) any less restrictive means reasonably available to achieve the purpose the limitation seeks to achieve.

Mr Speaker, you can see from our amendment that we seek a reasonable belief that a person is of school age and it applies only during school hours. Most importantly of all, it is crucial to note that our exemption does not impose a positive obligation. That is, it does not seek to force a shop owner to refuse service. There may be many instances in which it is reasonable to do so.

It merely makes it open for a shopkeeper to choose to do so without fear of legal prosecution. This is an important distinction, so I will repeat it. This bill allows shopkeepers to choose not to serve if they have a reasonable belief that the person is a truant and not be prosecuted for doing so.

This is where this bill meets the proportionality test required under human rights legislation to limit the protection only so far as necessary to achieve its stated end—in this case to allow citizens to make a reasonable decision for the purpose of helping children maintain their education and assisting principals and the community in providing a community support system to make it happen.

This proposal is by no means new or drastic. As Mr Thompson stated, such signs are common in Sydney, which also has discrimination legislation. It is being considered in Queensland. It happens in Western Australia. This is a reasonable response to an unreasonable circumstance. Remember, attendance at school is compulsory under the Education Act. Yet simple shopkeepers would currently be committing an offence if they attempt to make sure this happens.

I really hope some common sense can prevail here today. I implore the government and the Greens to put aside prejudice and see this for what it is, a circumstance that is not supported by the community, a circumstance that has exposed a flaw in our current legislation, and a simple solution that allows teachers, students and business people to get on with giving our kids the best opportunity possible without any incomprehensible interference.

Once again, the Canberra Liberals are prepared to stand with the community, side by side, and stand up for the children who are being taught by this debacle that the law is actually there to defend waggers when, indeed, it should not be. Once again, the Canberra Liberals are prepared to bring common sense to the debate and propose a practical solution. Once again, I ask this Assembly to support a sensible solution. I commend the bill to the Assembly.

Debate (on motion by **Mr Corbell**) adjourned to the next sitting.

Corrections Management (Mandatory Urine Testing) Amendment Bill 2010

Mr Hanson, pursuant to notice, presented the bill.

Title read by Clerk.

MR HANSON (Molonglo) (10.24): I move:

> That this bill be agreed to in principle.

I am tabling this legislation today in response to the fact that this government have given up on keeping drugs out of the Alexander Maconochie Centre. They have stated that they believe that they are doing all that they can to eradicate drugs, and they have stated that there is nothing else that can be done. We refuse to accept that this is true. We refuse to accept that "drugs are readily available" and that there is not anything that can be done about it.

The Australian Institute of Criminology found that 37 per cent of detainees attributed some of their offending to drugs and that 41 per cent of detainees are deemed to be dependent on drugs. The 2003 Australian Institute of Health and Welfare paper on the health of prisoners found that 71 per cent of prisoners had used illicit drugs in the last 12 months—that is, prisoners who are entering jail—with illicit drug use being slightly more common amongst female than male entrants. The highest percentages of illicit drug use were recorded by entrants aged 25 to 34 years—that is, amongst

younger offenders. The ability to reduce drug use at a younger age makes it less likely that we will have drug offenders at a later age.

This government, along with the Greens, are sending a signal to the prisoners of the Alexander Maconochie Centre that drug use is okay—in fact, let us support this with the use of a needle and syringe program.

New South Wales has been running jails since 1788 and, although there have been errors, there has been much learned along the way. The ACT has been operating prisons only since 2008—in fact, 2009, because the prison was not actually running for six months. But this government still think that they know better—that without any experience they can do a better job. But they do not even use the tools available to them, contained in the legislation that they introduced.

The Corrections Management Act 2007 provides the chief executive of the Alexander Maconochie Centre with the ability to undertake random and targeted drug tests on detainees by urinalysis. Currently, detainees are tested on admission to the prison, when they voluntarily submit to tests for rehabilitation purposes, and through targeted tests when corrections officers suspect that a detainee may be under the influence of drugs.

The act allows us to take these measures further. We would not be forced to introduce this policy as an amendment if the government could be trusted to implement the best practice policies. However, as we all know, the Alexander Maconochie Centre has been a litany of disasters—from extensive delays to cost blow-outs and security breaches. This government cannot be trusted to do what is in the best interests of detainees, corrections staff or the wider community in relation to the AMC.

Under the Corrections Management (Mandatory Urine Testing) Amendment Bill 2010, which I am tabling today, the chief executive of the Alexander Maconochie Centre is required to randomly select at least five per cent of the total number of detainees each month. These detainees are then subject to a drug test by urinalysis. The Corrections Management Act details the consequences if a detainee fails to provide a drug test or provides a positive drug test. Under the act, they would be subject to disciplinary action pursuant to the prisoner discipline policy and procedure.

There are multiple purposes to this amendment. Mandatory random drug testing identifies detainees who would benefit from rehabilitation; identifies detainees for punishment, which is line with the current laws; provides a deterrent against drug use; and provides information on the frequency and type of drug use. The implementation of a program like this increases the safety and security of the institutional environment.

Most importantly, mandatory random drug testing will reduce the incidence of drug taking at the Alexander Maconochie Centre. How do we know? Because this policy has been proven to work in the United Kingdom, Canada, the USA and New South Wales. Canada introduced random mandatory drug testing in their correctional facilities in 1993. The United Kingdom introduced the regime in 1996. Selective states of the United States of America introduced a testing regime from 1998. In New South Wales, the regime has been operational since 2000.

We have chosen urinalysis as a method for testing for several reasons. Whilst we are aware that no testing process is perfect, the urinalysis testing is in line with current testing procedures in place at the Alexander Maconochie Centre. The introduction of a mandatory random drug testing regime by urinalysis utilises the current tools available to corrections staff and therefore minimises the costs involved in implementing this policy.

The UK introduced mandatory random drug testing in 1996. The initial studies of prisoner opinion were, unsurprisingly, quite negative. They stated that they believed that it would have little impact on their drug use, that it would increase the level of violence between prisoners and corrections officers and that the prisoners would switch to harder drugs that were more difficult to detect.

But the hard data has proven them wrong. In 2005 the UK Home Office reported that since the introduction of mandatory drug testing, a decline in drug use in prison was found even though drug use in the wider UK community had increased over the same period. In 1997, 24 per cent of tests returned positive. By 2003, this had fallen to 12 per cent, a 50 per cent reduction in drug use by prisoners. In Canada the pilot program, in 1993, of mandatory drug testing found that the positive rates of testing fell 34 per cent. A subsequent reduction of 11 per cent in positive samples after nationwide implementation was recorded. Once again we are looking at an almost 50 per cent decrease in the level of drug use by prisoners.

New South Wales implemented a mandatory random drug testing regime in 2000. A survey of prisoners in that year found that of those who had tested positive for illicit drugs through urinalysis, 61 per cent had decreased their drug use, 17 per cent had requested to see an alcohol and drugs worker and a further 17 per cent had elected to attend an education or counselling program.

The UK Home Office in 2005 investigated the deterrent effect of the random mandatory drug tests. A study of prisoners who were drug users in the year prior to imprisonment found that knowledge of the penalties associated with positive drug testing significantly reduced the likelihood of a prisoner using drugs whilst in prison. A survey of Canadian prisoners found that, as a result of mandatory random drug testing, 27 per cent of prisoners stopped using illegal drugs and 15 per cent reduced their level of consumption.

The UK Home Office 2005 report also investigated whether there was any value in the argument that mandatory random drug testing encouraged prisoners to move to harder drugs such as heroin in an attempt to avoid detection. The report identified that six per cent of prisoners who had previously not used heroin had begun doing so in jail. However, the majority of this small group of prisoners had previously been using other drugs—most commonly stimulants and opiates—in the year prior to coming into jail. The main reason for giving up heroin in jail was the availability of the drug, not avoidance of the urinalysis scheme. Only one per cent of the prison population as a whole stated that they had moved from using cannabis to using heroin—for a range of reasons, including but not exclusively, detection by mandatory drug testing. A survey of prisoners in Canada found that only four per cent had changed their drug use.

Two years after the introduction of the regime in the UK, studies show that while there was a decrease in positive cannabis tests there was no increase in positive opiate tests. Similarly, studies have shown that there has been a decrease in both cannabis and opiate positive drug testing results in Canada.

Opposition to this policy argues that it causes corrections authorities to focus unduly on cannabis rather than focusing on harder drugs like opiates and heroin. This argument arises because mandatory random drug testing brings up significantly more tests positive for cannabis than for any other drug.

We need to stamp out illegal drug use in our jails, full stop. The 2009 Australian Institute of Health and Welfare report on the health of prisoners found that most prisoners have used illicit drugs at some time in their life, with two-thirds regularly using drugs at the time of incarceration. In this same report it was shown that over 50 per cent of this drug use was cannabis. A focus on cannabis use, given its dangerous consequences, is not unwarranted.

In the United Kingdom, Her Majesty's Prison Service has reported that dependency on illegal drugs is the single most serious risk for repeat offending. The New South Wales Bureau of Crime Statistics and Research has found that there is a strong link between frequent cannabis use and participation in juvenile crime. Surveys conducted by the bureau suggest that this is because juveniles resort to income-generating crime to fund cannabis use. The likelihood of participating in an assault is twice as high for juveniles who use cannabis frequently as in non-users. The likelihood of participation in malicious damage was three times as high as in non-users and the likelihood of participation in property offences was five times as high.

A study into cannabis use by detainees who were imprisoned for burglary offences found that, of those who committed burglary to obtain income for drugs, 84 per cent stated that the drug used was cannabis. Urinalysis conducted in Canada reflects this premise. Arrestees who had had a prior arrest or who were incarcerated in the prior 12 months were more likely to test positive for drug use. Additionally, cannabis is seen as a gateway drug. Heavy use of cannabis increases the likelihood of heroin use as users seek to find an ever-increasing high.

Cannabis use not only affects the wider community but has a detrimental effect on the short and long-term health of an individual. The Australian Medical Association states that cannabis use exacerbates pre-existing psychotic symptoms, does substantive damage to lungs, causes a decrease in motivation and concentration, causes difficulty in memory and the ability to learn new tasks, and has an effect on the reproductive capabilities of males and females. And users can become psychologically dependent.

Mandatory random drug testing puts equal emphasis on rehabilitation and punishment. There is no logic in trying to stamp out the illicit use of drugs in prisons if, upon release, detainees do not have the tools to actively abstain from drug use. Random mandatory drug testing has been proven to reduce the incidence of drug use in jail. It can be assumed that, as fewer drugs are taken into prisons, the amount of drugs present in the prison is reduced.

Narcotics Anonymous, in their rehabilitation programs, encourage their members to remove themselves from situations where drug use and drug users are present. It is common sense that not having the substance present makes it easier for a person to abstain.

The Alexander Maconochie Centre currently operates a drug and alcohol therapeutic community, first steps and back in control, in which detainees may participate in order to reduce the incidence of drug addiction. However, it is difficult to target and focus on the detainees who would benefit most from these programs without being able to identify them. Random mandatory drug testing identifies those people who are current users of drugs and also, importantly, identifies what drugs they are actually using.

The provision of rehabilitation programs at the Alexander Maconochie Centre would also be enhanced, as programs can be obtained and delivered with the best possible knowledge of what drugs prisoners are using. It is important to identify who is using and abusing illegal substances, for a variety of safety and treatment issues. The Correctional Service of Canada state that the information gathered from urinalysis has had a profound effect on how that service targets programs and treatment services to those identified with drug abuse problems.

In the recent debate on the introduction of a needle and syringe program at the Alexander Maconochie Centre, Ms Bresnan raised the concern that violence between prisoners may increase due to mandatory random drug testing. It was argued that violence may increase as prisoners carry out their own form of justice against those who are caught using drugs. It is an important concern, as the safety of corrections officers, who will often be caught up in prisoner violence, is paramount.

However, the research quoted by Ms Bresnan was a narrative survey of prisoners conducted in the initial stages of the introductory mandatory random drug testing in the UK in 1997. This survey asked prisoners what they thought would be the consequences of the introduction of mandatory random drug testing in prisons. These initial opinions were based on the fact that offenders initially felt that random selection was not random in reality—rather, that it was being used as a punitive measure, thus raising tension between prisoners and corrections staff.

However, subsequent data collected by the UK Home Office has shown that there has not been an increase in violence between prisoners or against guards. Furthermore, measures have been taken in overseas jurisdictions to ensure that the integrity of random selection is upheld. Additionally, a survey of New South Wales prisoners found that a majority felt that urine testing was fair. Violence is unlikely to arise between prisoners and corrections staff if the integrity of the randomised system is maintained and detainees have confidence in it.

Violence in correctional facilities increases as a result of the presence of drugs. Trafficking in drugs leads to significant threats to the security of correctional facilities for both detainees and corrections staff. Detainees will often need to seek protection from dealers within the prisons due to pressure and physical threat for non-payment of drug debts. Drug dealers intimidate and place pressure on offenders returning from

temporary release programs to bring drugs back into the prison and threaten staff and the families of offenders so that they will carry drugs inside to maintain a supply. Reducing the supply of drugs in the AMC will reduce this threat of violence.

It would be difficult to oppose this policy on the basis that it impedes prisoners' human rights. The Labor government brought in the Corrections Management Act in 2007 that allowed random drug testing to be used in the Alexander Maconochie Centre. However, like many of the elements of establishing this prison, the government have failed to utilise all of the tools available to them. The government promote that the Alexander Maconochie Centre is the only human rights compliant jail in Australia. However, the failure of the government to actually live up to this claim is well documented.

The introduction of a mandatory random drug testing regime would not go against the claim of the jail being human rights compliant. Investigations by privacy commissioners in overseas jurisdictions have found that random drug testing is a justified invasion of the right to privacy if there is a significant prevalence of drug use within a group. In the case of offender populations, including the AMC, this condition is clearly met.

We do not argue that this policy is the ultimate solution—that it will eliminate the presence of drug use in the Alexander Maconochie Centre and completely discourage prisoners from using drugs in the prison. Drug use in prisons is a complex problem. With complex problems come complex situations. We support a multi-tier approach to drug use prevention; this is merely one tier, but it is an important and an effective one.

The AMC has been a litany of disasters. It cannot be argued that the establishment of the ACT's first prison has been efficient or effective in the management of a large-scale project. The Corrections Management Act 2007 is a redundant measure if the tools provided in that act are not used effectively. As the opposition, we will continue to find ways in which we can improve the effectiveness of the prison, not only against drug use but in every aspect of the ACT's correctional facility.

The Canberra Liberals will utilise the full realm of tools available in the Corrections Management Act to ensure that the AMC is run as effectively and as resourcefully as possible. If needed, we would expand the scope of the act to ensure that this Corrections Management Act is in line with best practice.

The environment for this policy is there. The legislative tools are there. The systems are there. But the government's ability to use them efficiently is absent. The government would rather treat the symptom than fix the cause. Introducing a needle and syringe exchange program at the AMC attempts to fix the symptoms of drug use rather than trying to fix the problem itself. Mandatory random drug testing is in the best interests of the prisoners, the corrections staff and the wider community.

The Liberals are providing a viable and effective alternative to the government's policy. And what is the government's policy when it comes to the use of random testing at the Alexander Maconochie Centre? To simply allow the status quo to

continue, to allow detainees to maintain and further their dangerous drug habits at the Alexander Maconochie Centre; that is what is occurring currently under the government's regime.

We refuse to accept that this is all that can be done. We refuse to accept that drugs are readily available or should be readily available and that there is not anything we can do about it. We call on the government to follow sound and effective policy and introduce a mandatory drug testing regime in the AMC. I will be calling on the Greens and the government to consider this bill as it has been presented and I look forward to the debate in the coming weeks and months.

Debate (on motion by **Mr Corbell**) adjourned to the next sitting.

Children—adoption

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.44): I seek leave to move my motion as amended in the terms circulated.

Leave granted.

MS HUNTER: I move:

That this Assembly:

(1) notes that:

(a) Children's Week is from 23 to 31 October and provides an opportunity to celebrate the right of children to enjoy childhood and to demonstrate their talents, skills and abilities;

(b) the Western Australian parliament passed a motion:

(i) recognising that past adoption practices, such as the immediate removal of babies following birth and preventing bonding with the mother, have caused long-term anguish and suffering for the people affected; and

(ii) apologising to the mothers, their children and the families who were adversely affected by these past adoption practices; and

(c) similar practices occurred here in the ACT during the Commonwealth government administration of the territory;

(2) acknowledges the work of CCCares program in providing education services to young parents;

(3) supports a national inquiry into forced adoption practices and a national apology to those affected; and

(4) calls upon the government to:

(a) apologise to those ACT residents who have been affected by forced adoption practices; and

(b) support initiatives that assist young parents and their children.

There are many parts of our history to be remembered and there are many that can never be forgotten. What I am raising today is a very difficult issue that involves an enormous amount of pain and trauma for many thousands of Australians. It is the issue of past forcible removal of babies from their unwed mothers for adoption or to be placed into institutional care. More than mistakes or errors, not just misguided lapses of judgement, what was done to women and babies under these past policies and practices was so fundamentally offensive to common decency and to our inherent rights as human beings that we have a responsibility to understand what happened and to do our best to ease that suffering.

What must be made clear is that the most appropriate first step is a thorough national inquiry into what happened to all those mothers who had their babies taken away without their consent. I understand that the minister will be moving amendments to recognise some other work that is being done—in particular, research being carried out by the Australian Institute of Family Studies. As a community, we need to understand the full extent of what happened, why it happened and how best to respond and ameliorate the harms caused.

This will involve an apology from the government and the parliament, both at a national and at a state and territory level. However, we must first understand the full extent of what happened and make sure the community understands why it is that we should be apologising and exactly what we are apologising for.

The ACT is in a different position from the states. We did not have self-government at that time and so we do not have the same type of continuity of governmental responsibility as is the case in the states. That said, the evidence suggests that what happened to women in Tasmania, New South Wales, Victoria, Western Australia—in fact, right across Australia—was the product of a commonwealth government policy that was implemented by the states. Given that this is the case, while we do not know the numbers involved, we must expect that it did happen here and that even if the effect was to send single young women to institutions in New South Wales to have their babies, and have their babies taken, this is just as bad as if the removal occurred within our borders.

The fact that we are unsure of the extent of the problem and the commonwealth government's role in taking children from young single mothers here in the ACT only further strengthens the need for a commonwealth inquiry so that we can find out what really happened here in the ACT to the ACT residents that we now represent.

On the issue of the need for an apology, there are two significant points to be made. On 17 June 1997, this Assembly passed a motion apologising to Aboriginal and Torres Strait Islander people in the ACT for the hurt and distress inflicted upon any people as a result of the separation of Aboriginal and Torres Strait Islander children from their families. This motion was then re-affirmed on 14 February 2008 following the national apology that was done in that year. In this case it is also appropriate that the ACT government and this parliament act, even though neither existed at the time.

In the 2008 debate, Mr Stanhope, referring to the morning of the national apology, said that Canberrans:

> … were on their way to hear one word said. They heard it said not once but again and again, for there was more than one wrong to be made right, more than one hurt to be healed, more than one need to say sorry.

Today, we start the process of addressing another need to say sorry. That need arises not because the ACT government did the wrong thing or that as individuals we have done the wrong thing, but because as a society we recognise that a great wrong was perpetrated against members of our community and that it is appropriate that we all fully understand those wrongs and that the government and the parliament on behalf of Canberrans apologise for those wrongs.

There is a particularly strong need to make the community aware of what happened and apologise for it so that those children who were adopted out or raised in institutions know that their mothers did not abandon them as "unwanted babies", as was widely claimed at the time; that this was certainly not "in the best interests of the mothers and babies" and these young mothers did not have a choice about what happened to their children, and that they have carried a lifetime's anguish wondering what became of them.

Child psychiatrist Dr Geoffrey Rickarby, in the book *Releasing the Past: Mother's Stories of Their Stolen Babies,* edited by Christine Cole, says:

> Each time I hear an adoptee say, if my mother had really wanted me, she could have … something inside me boils, no matter how much I feel with the adoptee before me. As a psychiatrist I am left with one stand out conclusion: that a woman having a baby taken from her is one of the deepest traumas available, and the grief is untenable when she knows her child is out there—where?

The Western Australian Minister for Health, Dr Hames, in his speech on the Western Australian apology, said that, after speaking to a mother who had been affected by the practice, he had—and I quote:

> … a far greater understanding of their treatment during that time and to gain a greater appreciation of the need for and the benefits of an apology. One of the mothers whom I met explained to me that while the apology could not heal the hurt that she had suffered for so long, it would make all those involved in the process understand that she had not given up her child because she did not want it, but because the process that led to the adoption was so flawed that the option of choice was effectively removed.

The minister also read out a number of letters that he had received from around the country. One that I would like to share again here read:

> My mother was one that was affected by the actions that will be the focus of your apology in Parliament next week. Unfortunately my mother passed away yesterday in Brisbane and will not get to hear the apology delivered, or see it in writing. I am pleased to say that I was able to let her know of your apology plans

> prior to her death and it gave her great joy. Her funeral is in Brisbane next Thursday and I would very much like to include some aspects of the apology at her funeral.

Enough time has passed now that many women who are affected by the forcible removal of their children are nearing the end of their lives, and this only adds to the need to act promptly so that our actions may be seen and heard by them, and hopefully they may have some of their pain eased by our efforts.

There is a significant concern by some of those affected by this that an apology without a proper inquiry and community understanding of what happened is not the right way to go. I agree that there does need to be a proper understanding of what happened to these mothers. As I said, today is the first step, and I hope that the Assembly will give its support for a national inquiry and subsequent apology.

The Convention on the Rights of the Child, in article 5, provides:

> States Parties shall respect the responsibilities, rights and duties of parents …

Article 9 provides:

> States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child.

It is important to note that what occurred was illegal. It was not in accordance with the law of the day. Justice Chisholm of the Family Court described it as effectively "kidnapping" in his evidence to the New South Wales inquiry into the issue. He made the point of explicitly stating that it was not in accordance with the law and that the practice did breach international laws of the time as well as the laws of Australia.

There are reports that not only were young mothers given drugs to sedate or coerce them into signing forms to relinquish their babies, but also that some were tied to beds during the delivery to ensure that they did not try and escape with their baby, and that young mums were only released from the hospital after having signed the required adoption forms.

It was commonplace for screens or barriers to be erected so that the women could not see or touch their babies before they were taken away. As a mother myself, I do not think I can imagine anything more horrific than the thought of never being able to touch my children, of always wondering what had happened to them. The anguish of being subject to such cruelty, powerless to do anything to get them back, I imagine would be almost unbearable.

On a more positive note, the motion also recognises that it is Children's Week. In fact, today is the day that Australia recognises Universal Children's Day. I felt that it was appropriate to recognise this in the context of what is a motion on recognising the harms done to children both as parents and as adoptees because it does show that we have changed as a society, and we recognise the role children play, the rights of children, and in fact have a very positive alternative to the practices of the past.

In the context of this debate, it is also appropriate to mention the CCCares program. Established in 2005, the program has won a number of awards, is nationally recognised as a leader in the services it provides and has given young parents an education that is so important for both them and their children. The program has made a real difference to many hundreds of lives. These young parents now have many more opportunities, and not only will they benefit, but the community will also benefit from knowledge, skills and understanding they will bring to whatever endeavour they apply themselves to.

This is a good opportunity for us to say that we appreciate all the work that the CCCares staff are doing, and that we support Canberra's young parents who are doing their best at what is, even in the easiest circumstances, the very challenging job of raising children.

Today is the first step, as I said, in bringing out into the open this important issue. It is intended to recognise and acknowledge the past practices and harms caused and provides a means of moving forward. Much more will need to be done to address this issue.

We must also be careful to ensure that we recognise that the recipients of the forcibly removed babies are not unfairly labelled or made to feel like they did the wrong thing. As is the case with all parents who care for, nurture and want the best for their children, they provided the best upbringing they possibly could for their very much loved adopted children, and it would be wrong of us to label them in any way culpable or involved in what occurred.

I would also like to take the opportunity to note that 8 to 14 November is National Adoption Awareness Week. As a community we should be openly talking about adoption and encouraging awareness and understanding. I think that it is also appropriate to promote referral services for those parents who want to find their children, and those children who want to find their parents.

As a jurisdiction that has formally recognised the basic human rights that forcibly taking away babies from their mothers offends, we have an obligation on us to address what was a clear and gross breach of human rights and of common decency and compassion. I hope that now, having put the issue into the public arena and identified what needs to happen next, we can make a positive contribution to a very sad part of our history.

For so many years, there have been very few able and willing to advocate the cause. Now that there is an increased national momentum across Australia, now that there are many able and willing advocates, as well as many mothers themselves who have told their stories, we simply cannot in good conscience hide from the issue. We in the ACT have an obligation to respond on this issue as well. I therefore commend my motion to the Assembly.

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) (10.58): Thank you, Ms Hunter, for your motion today. Children's Week is a time to reflect and celebrate the rights of children to enjoy their childhood. I have watched with interest the apology made by the Western Australian government to the mothers, children and families of that state for previous adoption practices. The stories were indeed heart-wrenching. It is hard to contemplate the deep personal loss of having a baby removed from your care without your consent. Fortunately, this practice stands in stark contrast to the ACT's current policies on adoption, and how we support mothers and children to bond and grow into healthy families.

I am pleased today that the crossbench has recognised the successes of the ACT government's carers program run through the Canberra college. Through the program, education and support are provided to young carers, pregnant and parenting students and students experiencing significant life changes and challenges that pose barriers to the continuation of their education.

This program is best practice. The nation is looking to the ACT to improve how it engages young mothers in education and how that can provide a benefit to the children as well. We know that those young mothers are often at difficult times in their lives. But there was a time when those mothers were not supported. I have not personally had representations made to me about past adoption practices in the territory. That is not to say that these brutal practices were not applied prior to self-government. In supporting this motion I recognise that they probably occurred.

Adoption in the ACT was historically managed and regulated by New South Wales authorities until 1966, when this responsibility was transferred to the commonwealth government. Child welfare in the ACT applied commonwealth legislation, while services were offered by both the commonwealth and New South Wales.

In 1988, with the passing of self-government, these responsibilities were transferred to the ACT government. Self-government for the ACT brought about the implementation and development of an extensive range of legislation concerning the care and wellbeing of children in the ACT. This included the implementation in 1988 of the Children's Services Act 1986 and the enacting and implementation of the ACT Adoption Act 1993.

The ACT government focus has been on improving the services and supports provided to children, parents and their families. The act included provisions such as the Aboriginal and Torres Strait Islander placement principle, access to origins information for all and open adoption where birth parents could remain informed or in contact with their child and recognition of the overarching principles of the "best interests" of the child being paramount.

The act also provided for the establishment of the Adoption Information Service to provide counselling, support, information and assistance to facilitate reunions between affected people as required. The government has also ensured that our adoption legislation is consistent with the Children and Young People Act 2008 and integrates the principles of the United Nations Convention on the Rights of the Child.

Recent amendments to the Adoption Act passed this year made further provisions to assist these information and reunion processes and renamed the ACT Adoption Information Service the Family Information Service. The work of this service has provided assistance to up to 50 people each year affected by past adoptions and who are seeking identifying information. This work acknowledges the detrimental impact of past practices, with women who remain very distressed, and provides support to these women, often over lengthy periods, as they undertake their personal journey searching for their child.

The Premier of Western Australia, in his apology on 19 October this year, apologised on behalf of the Western Australian government to mothers, children and families who were adversely affected by past adoption practices from the 1940s through to the 1980s. Premier Barnett expressed his sympathy to those persons whose interests were not best served by the policies of the time. The ACT government has acknowledged through its service models that past adoption practices can cause distress to the children, mothers, fathers and families involved. While the ACT government is not responsible for such events during this period, the government, through the services available, supported the children, birth parents and their families who continue to suffer the impact of these events.

I support a forward-looking service delivery model to assist children, mothers and families that have been affected by past adoption processes. The ACT has established specific services to support people who seek assistance and support. I have made mention of that service. The *Search and Reunion* booklet is a guide for people accessing the service and a valuable resource for people who are thinking about searching for a family member, but who do not wish to access support from the service.

Ms Hunter has proposed in her motion that the Assembly support a national inquiry into forced adoption practices and a national apology. While this is a broader matter than what is achievable through the Assembly, the ACT government has recently supported national research on the service response to past adoption practices. This process will enable a critical analysis of practices and responses to be undertaken and to inform future service support for families in a way that, while not forgetting the past, will enable us to move forward and consider further improvements rather than in a very public arena address very personal issues. I believe that we must do the best we can as a government to support children and their mothers to live happy and healthy lives.

At a universal level we have the services provided by the child and family centres, maternal and child health, early childhood and preschool services and childcare regulation, providing safe and accessible childcare to children in the ACT. There are also youth and family support services funded by the ACT government for the vulnerable, at risk children, young people and their families. These include services such as Karinya home for mothers and bubs, the ACT Playgroups Association, as well as—as mentioned by Ms Hunter—the ACT government's Canberra college cares program, operated by the Department of Education and Training, which will be expanding nationally, as reported in the *Canberra Times* in October this year. I seek leave to move some amendments that have been circulated in my name.

Leave granted.

MS BURCH: I move:

(1) Omit paragraph (1)(c), substitute:

"(c) the Australian Institute of Family Studies' 'Impact of Past Adoption Practices' report has been released and that a cost-shared budget submission was agreed to by the ACT Government in June 2010 to progress a national research study to build on the Australian Institute of Family Studies' review;

(d) the extent and impact of past adoption practices needs to be understood to inform the development of an appropriate response for those affected. The Australian Institute of Family Studies' review is the first step in building this evidence base; and

(e) similar practices probably occurred in the ACT during the Commonwealth Government Administration of the Territory;".

(2) Omit paragraph (4), substitute:

"(4) calls on the ACT Government to:

(a) apologise on behalf of the ACT Legislative Assembly and the community to those ACT residents who have been affected by forcible removal practices; and

(b) support initiatives that assist young parents and their children.".

I have moved an amendment to Ms Hunter's motion to recognise the significant contribution of the ACT government through the Community and Disability Services Ministers Conference. In June 2010, the ministers agreed to a joint national research study into past adoption practices to be conducted by the Australian Institute of Family Studies. This built on the *Impact of past adoption practices* report which highlights the potential for lifelong consequences for the lives of both the woman and child, as well as others, such as the mother's family, the father and the adoptive parents and their families. The Australian Institute of Family Studies is consulting widely in conducting a further study with a report to be delivered to the ministers by the end of 2011.

The ministers agreed to a further research study to assist adoption and other legal options for achieving permanency and enhancing outcomes for children. This will include an examination of legislation across the jurisdictions related to decision making for children unable to remain with their birth parents on a long-term basis. I look forward to updating members on the outcome of this work, as it will contribute to the evidence base on past adoption practice which will then inform how governments respond to those affected.

In relation to the amendment to change the direction of this motion to call on the government to apologise on behalf of the Assembly and the community to those

affected by past adoption practices, rather than the government by itself, I think this is a matter that concerns the administration prior to territory self-government and it is incumbent upon all members to apologise, as well as the government. I see it as a community response as well as by those here. I commend Ms Hunter for bringing this motion to the Assembly. I think my amendments add to it and recognise the work that is currently in play on this matter.

MRS DUNNE (Ginninderra) (11.08): I congratulate and thank Ms Hunter on bringing forward this important matter today. Although the Canberra Liberals have some amendments, I want to make it perfectly clear that the issues that we have are related to the language and the process that Ms Hunter has suggested rather than the end itself. I note that the minister also has some amendments, some of which we support and some of which we still have a problem with. A little later in my remarks I will move an amendment to Ms Burch's paragraph (4)(a), which I think better sequences the process that we need to go through in this matter.

It is appropriate that this matter has been brought forward in Children's Week. It is an important issue. I discussed with Ms Hunter and Ms Burch before the debate today whether we should have a broad-ranging Children's Week motion or whether we should concentrate on this aspect. There are arguments for both of those approaches. I had been minded to move some amendments that raised the notion of Children's Week to a higher point than was the case in the motion proposed by Ms Hunter but, on reflection and from listening to the debate, I do not think I will go down that path.

I think that we should concentrate on the issue which Ms Hunter wants to bring forward, and that is the issue of particular practices in the space of adoption which are odious, inappropriate and contrary to the fundamental rights of the mothers in particular but parents in general and the children as well. This is not to say that the notion of adoption is a wrong notion. I do not know that that has been reinforced and I do not think that the people of the ACT should come away with a view that the ACT Legislative Assembly thinks that adoption is not an appropriate practice in the 21st century.

The fact that it is a much rarer practice today than it was even 30 years ago is a fact, and I do not know what that reflects. Perhaps it reflects that today there are more options for women who find themselves confronted with difficult pregnancies. This is the issue that Ms Hunter touches on in her motion when she speaks about the spectacular success of the Canberra college cares program. It is a program that I have had a particular interest in. I have had the privilege of visiting the Stirling campus on a number of occasions and have seen how that program has developed since 2003. I want to put on the record my particular support of and thanks to John Stenhouse, the principal of Canberra college, who has overseen this since 2002, and the person who has had her hands on this from the outset, Jan Marshall, who has done fantastic work.

I think that CCCares is an example of how a community can support young people, particularly young women. But it is not just young women; it is young parents who find themselves in difficult circumstances. The community has been heroic and the young people who are involved in this program are themselves heroic for not giving up and saying, "The world has dealt me a rum deal." Instead, they have continued and

persisted with their education. They understand that they will end up in a better place because of their education and they have persisted, often in the face of considerable odds against that process.

When we are talking about the support provided to people, I could not possibly let this opportunity go past without paying tribute to that other non-government organisation which the minister also mentioned, Karinya House. Members would know that I am one of the patrons for Karinya House home for mothers and babies. I think that they do a spectacular and heroic job in this area as well. I note that both the Speaker and Ms Burch were at one of the more recent Karinya House fundraising events. I said at the time that it showed the huge support for it. It was a great acknowledgement of the work that is done by Karinya House.

Karinya House is an example of how, hopefully, today in the 21st century we are in a different place in relation to addressing the problems of women who are confronted with difficult pregnancies. I have often said—and I think I have said in this place—that when many women discover that they are pregnant it is not an experience of unalloyed joy. I know many people in stable relationships who still think, "Oh gosh." There is often a sense of trepidation. The situation that arises for young women who do not have appropriate family support is difficult today. I believe that in previous ages it was more difficult than it is even today. I think that the mores of the times have created a situation that we are talking about here today.

The Canberra Liberals are in support of the notion that we should acknowledge past errors and address those. As we have said in relation to the apology to the stolen generation, it was the Canberra Liberals who led the country in this area. It is not an issue where we are afraid of owning up to mistakes of the past.

Both Ms Hunter and the minister have acknowledged that the practices that we are talking about happened before self-government. If they happened in Western Australia and they happened in New South Wales they have probably happened here as well. Ms Hunter is right to say that, because young women from the ACT might have gone interstate to homes and established hostels for unwed mothers, it does not mean that we are less culpable. If these things happened to people in the ACT and they were condoned by the authorities, the ACT community does have a responsibility.

Where we have a parting of the ways—and it is only a modest parting of the ways—as I have already said to Ms Hunter, concerns the problem I have with the language of this motion, particularly paragraph (4), which seems to put the cart before the horse. I know that Ms Hunter's remarks in moving this motion differ from the clear words of the motion, but what will be reflected on are the clear words of the motion.

The Canberra Liberals believe that to some extent we are putting the cart before the horse. We are asking the ACT—whether it is the ACT government or the ACT community generally—to apologise before the case has been put, so to speak. The example that was put to me amongst my colleagues this morning was that we went down the path of an apology but only after the *Bringing them home* report. We put together a body of evidence which reinforced and accentuated the need for an apology. I have a problem with the current wording because it asks the ACT government to

apologise before we have done that work. I know that it is not the intention. What I would propose instead would be a different form of words.

We now have a proposal from the minister that we also take into account the issues related to the work being done by the Institute of Family Studies and the shared research that is being done there as a first step. I think it is appropriate that we as a community reinforce a desire for a national inquiry into this. There has been piecemeal work. Work has done in WA and New South Wales; there is work afoot. But we really need to bring all of that together in some sort of national inquiry and then bring the results of that national inquiry back here. Then we can resolve the form or whatever of the apology rather than saying that we will apologise and then do the work. My amendment would amend paragraph (4)(a) of Ms Burch's motion.

This is a matter of finessing the language so as to bring, I would contend, a more thoughtful process where we bring together the information—the experiences that we have seen in WA, the work done in New South Wales and the work which is still being done by the Institute of Family Studies—compile that and use it as the impetus for a national inquiry. Let us look at the results of the national inquiry and then consider the appropriate terms of an apology for the people of the ACT as a result of that national inquiry.

These are very fraught issues. I think this is something that people think about that might have happened soon after the Second World War and in the 1950s and 1960s. In discussing this today, one of my staff members told the story of something that happened in his family much more recently than that. Members of his family feel that people were forced or coerced into a particular course of action in relation to an unplanned-for and difficult pregnancy and that has created a level of tension and animosity in that family which persists until today.

These issues will never be fully addressed, cauterised or resolved, but if an apology is an appropriate process I think that a national inquiry will reveal that. There was probably a high level of willingness for that to happen, but I think that we should be doing it in a very careful way and we should be very mindful of the needs of people.

I also reflect on the comments made by Ms Burch. I, like Ms Burch, have not received any representations on this matter. From discussions with my colleagues, none of my colleagues have received any representations from ACT people on this matter. That is not to say that there are not people out there who have concerns about this, but it was not until it has been raised by Ms Hunter. Apart from what has been happening in WA, this has not been a top-of-mind issue for the people of the ACT.

I commend Ms Hunter for bringing this matter forward today. I commend the spirit in which this is done. I reinforce that we believe that the motion has merits, but we have problems with the language and the sequencing. I commend my amendment to Ms Burch's amendments, just to put some more process into this. I move:

> Omit proposed paragraph (4)(a), substitute:
>
> "(a) bring forward for debate in the Assembly any report emanating from the national inquiry, together with recommendations in light of that report, as to

> a course of action the Assembly should consider in relation to the ACT, including whether an apology to ACT residents who have been affected by forced adoption practices is appropriate; and".

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.22): I will speak to Mrs Dunne's amendment and also to Ms Burch's amendments. First of all, I do acknowledge what Mrs Dunne was talking about around the importance of research and inquiry before we move to an apology. As I said in my speech, I am very much supportive of that. And that is what people who have been affected by these past policy and practices are calling for—they want that inquiry first so that they get to tell their stories, and so that there is a raised awareness and understanding in the community about why there is a need for an apology and what it is we are exactly apologising for.

Mrs Dunne feels it needs to be more explicit around the sequence of events—that the inquiry come before an apology. I do understand what she is saying there, but I believe the amendments and, in fact, part of my original motion under (4)(a) have that covered off, because they talk about an apology to ACT residents who have been affected by forcible removal practices.

So it is to me quite clear that we would first need to investigate the issue, have that inquiry, find out who was affected by those practices and, as I said, then understand the scope of the apology and how that apology should be delivered. Therefore, although, as I said, I do understand where Mrs Dunne is coming from, I will not be supporting her particular amendment.

But with Ms Burch's amendments, we will be supporting the amendments that refer to the Australian Institute of Family Studies report and research that is being done into the impact of this issue. We see that as a very important part of this process, a process that has a number of stages that I believe at the end will be about an apology by this Assembly and the community to those women who were gravely impacted and affected by these terrible practices of the past of forcibly removing these children.

As I said, I will be supporting Ms Burch's amendments, and although I understand what Mrs Dunne is saying, I will not be supporting that today, as I believe that the amended (4)(a) will quite clearly show that we are pushing for an inquiry in the first instance.

Mrs Dunne's amendment to **Ms Burch's** proposed amendments negatived.

Ms Burch's amendments agreed to.

MR ASSISTANT SPEAKER (Mr Hargreaves): The question now is that the motion, as amended, be agreed to.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (11.26): I would like to thank Mrs Dunne and Ms Burch for their participation in the debate this morning. I think that there is agreement in this chamber on the importance that we look at this issue and on the importance of moving on the issue once that evidence and information are out in the public arena.

Just this morning I received an email from a birth mother, and I just want to share that email with you. It says:

> I also am a birth mother. My daughter was placed for adoption in Melbourne, and luckily I am now in touch with her, 47 years later.
>
> We were all told it was the best thing for our children at the time. However that is by no means certain, and what is certain is that many birth parents suffered greatly afterwards, many unable to have any more children. And adopted people too suffered much from feelings of rejection.
>
> So I applaud the actions in Australia where there are attempts at last to recognise this pain and at least to apologise though the pain itself will always be there for many.

I also just wanted to finish up with another story recounted by Mr Templeman during his speech on the WA apology. This is a slightly condensed version, but I think it does sum up the stories, the experiences and the importance of what we are doing in this Assembly today. It is by a woman called Phyllis, and she wrote:

> When my baby was due I went to the Hillcrest Hospital. Us girls lived at the back of the hospital, while we waited to give birth. The night my baby was born they took me down to the labour ward at the other end of the hospital, I had to walk. They had to help me up into the bed as I was in a lot of pain.
>
> I had a needle put in my leg and I don't remember anything until the next morning. I was still very groggy and was put into another bed. I must have slept for two or three days but when I awoke I asked where is my baby? One of the girls said you had your baby a couple of nights ago don't you remember? She told me that the baby was probably already gone.
>
> I cried for about three days and the sisters gave me tablets to dry up my milk and something else to calm me down.
>
> Someone came and took me to a dark room with a very pale light. I told him I wasn't signing any papers and that I don't have a name picked out.

This was repeated on a number of occasions. Each time Phyllis replied "no". Phyllis goes on to say that a nice sister came in and asked her whether she had had a boy or a girl. Phyllis told her that no-one would tell her the sex of her baby. The sister informed her that she had given birth to a boy. She then writes that an arrangement was made "against the rules" for her to see her son:

> She told me to come down to the nursery about 10pm, and that I would be able to see my son and cuddle him for about half an hour, but not to say anything because she could get the sack for what she was doing. I was able to cuddle my son and I told him that one day I would see him again.

I think that sums up the importance of the debate today, and I thank members for their involvement.

Motion, as amended, agreed to.

Water—Murray-Darling Basin Authority

MRS DUNNE (Ginninderra) (11.30): I move:

That this Assembly:

(1) notes:

(a) the Murray-Darling Basin Authority's Guide to the proposed Basin Plan, released on 8 October 2010 and the Technical Background paper, released on 21 October 2010;

(b) that the plan proposes a reduction of between 26 per cent and 34 per cent in the ACT's current diversion limit, or 34 per cent to 45 per cent if the diversion is taken only from watercourse diversions;

(c) that the ACT's current diversion limit is 40GL per year, negotiated in 2008, which is less than 0.5 per cent of total surface water diversions for the Basin;

(d) that the ACT is the largest urban centre in the Basin, with a population representing some 17.5 per cent of the total population in the Basin;

(e) that the ACT is a full voting member of the Murray-Darling Basin Ministerial Council;

(f) that both the Commonwealth government and the Authority have admitted that the proposed plan is deficient in its analysis of the social and economic impact of the plan on regional communities, including the ACT;

(g) that the Commonwealth has begun a parliamentary committee inquiry into the impact of the plan;

(h) that the Authority has commissioned additional research into the local community effects of the proposed Basin plan;

(i) that the ACT government, through the Minister for the Environment, Climate Change and Water, and the ACT Greens have made public statements broadly in support of the proposed plan; and

(j) that the Canberra Liberals have drawn public attention to the potential impact of the proposed plan on the ACT's future growth and economic prosperity;

(2) calls on the ACT government, within the timeframes set by the Authority in its public consultation process in relation to the proposed Basin plan, to:

(a) make a submission to the Authority on behalf of the ACT, vigorously defending preservation of the ACT's current diversion limit;

(b) fully engage the public in that process, separately and in addition to any public consultation conducted by the Authority;

(c) commission the necessary expert or professional advice to support its defence of the current diversion limit;

(d) commission an independent assessment of the impact of the proposed Basin plan on the net economic benefit of ACTEW Corporation's current major water security projects separately and together and release that assessment publicly; and

(e) present a final draft report to the Assembly for debate prior to submitting the final report to the Authority; and

(3) support the ACT government's submission once it has been debated and agreed.

Much has been said over the past three weeks in particular about the release of the guide to the proposed Murray-Darling Basin plan on 8 October and the subsequent release on 21 October of the technical background paper by the Murray-Darling Basin Authority. The documents have been the subject of a great deal of criticism throughout the basin and across the nation. Local communities, farmers and business people are outraged over what they see as the most serious threat to confront their livelihood and the social and economic fabric of their communities.

The commonwealth government and the Murray-Darling Basin Authority, despite spending millions of dollars on research, have acknowledged that the plans have failed to take proper account of the social and economic impact on local communities in the basin and they have gone away to do more work.

Even the Prime Minister, who during the election campaign in a foolhardy moment said that she would do whatever the authority recommended sight unseen, has backed away from that proposed plan. I note that in a previous Assembly the Chief Minister in this place said that he would agree to the McLeod report into the operation of bushfires sight unseen, and he backed away from that plan as well.

The water minister, Tony Burke, has also back-pedalled on his early comments about the proposed plan. We now have Mr Burke seeking, obtaining and publishing legal advice that says that the Water Act requires the basin authority to look at other issues apart from the environmental issues. There is a great deal of discussion to be had across the basin about what the guide means, how it might be changed and what impact that will have on the draft and the final plans as they evolve over the next year and a bit.

But what of the impact of the proposed Murray-Darling Basin plan on the ACT? I have spoken in this place on a number of occasions in my career here on the importance of water, our responsibility to husband water in the basin in particular and the important role that the ACT plays being the largest population centre in the basin. As the only jurisdiction wholly within the basin, we have an important role to play.

The ACT is the largest urban centre in the basin and it represents 17.5 per cent of the total basin population. Our water diversions from the basin represent about one-half of one per cent of the total diversion for consumptive purposes within the basin.

Over many years, there have been lengthy discussions about the level of the cap that the ACT should apply as part of maintaining a healthy basin. Before I became a member in this place but when I first worked in this place the discussions afoot at that time were that the ACT should have a cap of what is now an unimaginable figure of 150 gigalitres. Actually, I had to go back when I was researching for this and look at those figures. I had a conversation only recently with an eminent water person in the ACT who has a longer history in this and a much more eminent history on this matter than I do. He confirmed my recollection that, in fact, the initial discussions were in relation to 150 gigalitres.

At the time when we were negotiating around a cap of 150 gigalitres the ACT did not have a seat at the table of what was in those days the Murray-Darling Basin Commission. I remember the negotiations that went on year in, year out in a rather arid way for us to obtain something more than observer status at the then commission. I remember the negotiations between ministers here and hold-out authorities elsewhere, most notably Victoria. The Victorian government did not want the ACT at the table for the sorts of negotiations that in those days were talking about a cap of 150 gigalitres.

The ACT's diversion limit was finally agreed in 2008 after it became a full voting member after many years of work. At the time I congratulated the Chief Minister on his achievement in this. The ACT became a full voting member of the Murray-Darling Basin Ministerial Council. The cap was agreed at 40 gigalitres, which is a far cry from the heady days of 150 gigalitres. I had concerns about the nature of that cap and the issues around it but I had some comfort from the fact that the cap at the time allowed a growth factor as well.

It is true, of course, that over the past years our actual usage has been far less than that cap. Even when we were not in water restrictions it was unusual for us to be net users of anything like 40 gigalitres of water. Indeed, our usage has been at about the level that is contemplated under the proposed plan in the best of times. Of course, until recently our usage has been governed by stage 3 temporary water restrictions since 2006 and that has had a considerable impact. In fact, there was one year recently—2008, maybe 2009—when our net usage was as low as just under 16 gigalitres, which is an extraordinary achievement for the people of the ACT.

The bottom line here is that the diversion limits for the ACT, as proposed under the plan, will see a situation where the ACT would be committed almost permanently to stage 3 water restrictions. That would go on forever. If the Murray-Darling Basin plan evolves for the ACT as it is currently proposed, there will be no room for future growth in the ACT—none, forever.

People say to us all the time that we are spending half a billion dollars establishing Canberra's future, establishing Canberra in a way that will be free of water restrictions into the future. The minister speaks about—he did so recently—how it is

government policy that we should be in water restrictions one year in 20. We have heard Actew Corporation tell us that we can expect not to be under water restrictions into the future but to be in a system of permanent water conservation measures. I think there is general agreement that we should have such measures. We are told that temporary water restrictions will be a one-in-20-year occurrence.

The proposed Murray-Darling Basin plan, I would suggest, puts paid to all that. If we end up with the sorts of reductions in the order of 13 to 18 gigalitres that would eventuate under the plan as it is currently proposed, as I have said before we would be in the equivalent of stage 3 water restrictions. If we grow as a city and as a community we will have to buy extra water needed for that growth. We will have to buy that water from the water that is stored essentially in our dams—the infrastructure that is costing the ACT community half a billion dollars.

This is one of the aspects of this whole process that I do not think the people of the ACT fully understand. It is partly because this government is afraid or unwilling to articulate this. We can store water in our dams. In the Murray-Darling Basin system that is not a diversion. It is only when we use that water that it is a diversion. Those dams can be filled but if the program evolves as it currently looks, we will be limited to using something in the order of 28 gigalitres a year net. That means that even when those dams are full we will not be able to draw down at a faster rate than we did when we had stage 3 water restrictions. That is the problem for us in the ACT.

Mr Corbell, when the guide was first announced, was quoted in the press as saying that this will ensure our water security into the future. He is, strictly speaking, technically correct because as things stand we will be unable to draw down at the rate at which we currently anticipate we would be able to draw down. Our capacity to draw down out of those dams will be much curtailed. Of course, the storage life of a full dam will last much longer. So technically speaking the minister is correct. It would ensure our water security into the future but not in a way, I think, that the people of the ACT would expect.

This is serious stuff. It has the potential to have a serious impact on the social and economic wellbeing of the ACT and its people as it does on every other community in the basin. It is the most serious threat ever to confront our community. What is sad though is that the Canberra Liberals are the only political party to draw these matters to the attention of the people of Canberra. It is only us who have highlighted the seriousness of that threat confronting our city, our lifestyle, our social and our economic wellbeing.

Mr Corbell has said that he is concerned about the plan and the potential impact on the future growth of the ACT. Mr Rattenbury, on behalf of the Greens, has made probably the most telling comments. He said on ABC news the day after the guide was released: "We must rescue the Murray Darling Basin. This plan cannot be allowed to fail and as the ACT, one of the largest cities on this river, we definitely need to make our contribution."

I agree with the first sentence. We do need to rescue the Murray-Darling Basin and I have been on the record on this matter for a very long time. But just to say at the first

reading that we cannot let this plan fail shows again the propensity of the Greens to sign up to something sight unseen. They signed up to the proposal to sell Calvary hospital. They sign up to government initiatives sight unseen without thinking through the implications. Here again we had the Greens saying the same thing. It was out of the national Greens playbook. It was almost the same language as was being used by Senator Hanson-Young at the same time. When the leader of the Greens said, "This plan cannot be allowed to fail," he was saying, "Just do it." It is the Nike excuse: "Just do it."

My motion on the other hand calls on the government and ultimately the Assembly to be of one voice when it comes to defending the ACT's rights to water in this matter. My motion calls on the government to engage the community fully in this process. My motion calls on the government to seek independent expert advice, particularly on the impact the basin plan will have on the net economic benefit of our water security infrastructure. My motion calls on the government to engage the Assembly in this process.

In short, my motion calls on the government to take a vigorous, assertive and comprehensive approach to putting together a submission to the Murray-Darling Basin Authority in response to this proposed plan. And my motion calls for tripartisan support for that approach. I cannot overstate the importance of this work and I cannot overstate the importance of engaging the community in this process.

This is an issue that goes to the heart of every Canberra household and I was not comforted by the words of the attorney last week when he was specifically asked about how he would engage the community in this. He basically said that he would not. He said that there would be submissions made and that would be it.

As I have said before, I do not think we can overstate the importance of this issue to the community and I cannot overstate the seriousness of what we and the community are facing. This is something that cannot be dealt with in a couple of meetings or a letter or two. It should not be dealt with behind closed doors with a wink and a nod. Whatever we put forward must be well founded, well argued and incontestable. Importantly, it must have in mind the economic, environmental and social future of the ACT and how it fits into the basin. But first and foremost, it should be about the future of the ACT.

I therefore commend to the Assembly my motion in relation to this matter. I understand that there is a proposal for a large range of amendments to this and there seems to be a willingness by all members here to have a fruitful discussion on this matter. I understand that it is the intention to adjourn this matter until a later hour today so that we can have some commonality of purpose in relation to amendments.

Debate (on motion by **Mr Corbell**) adjourned to a later hour.

ACT Policing—tasers

MR RATTENBURY (Molonglo) (11.45): I move:

That this Assembly:

(1) notes with concern the recent Western Australian Corruption and Crime Commission report which identified that in the two years since tasers were issued to all general duty police officers:

(a) police use of firearms has doubled;

(b) injuries to police officers have increased 22 per cent; and

(c) tasers have been used, contrary to policy, as a tool to enforce compliance with the confronting example of the unarmed, non-threatening man who was tasered 13 times while surrounded by nine police officers for failing to comply with a strip search;

(2) notes locally:

(a) the current ACT taser deployment model which only issues tasers to members of the Specialist Response and Security Tactical Response team;

(b) the current ACT police review into an expanded use of tasers; and

(c) the ACT Minister for Police and Emergency Services' 2008 statement that increasing transparency relating to use of force employed by police has the potential to reduce public scepticism of police and increase public confidence in law enforcement;

(3) calls on the ACT Government to publicly report on:

(a) the results of the police review;

(b) the current level of de-escalation and non-weapons based training provided to all ACT police;

(c) details of the taser training provided to members of the Specialist Response and Security Tactical Response team and how this compares to other jurisdictions' training requirements;

(d) the use of force continuum adopted by ACT police; and

(e) all use of force incidents involving a handgun, taser, oleoresin capsicum spray or baton; and

(4) calls on the ACT Government to commit to not expanding the taser deployment model until it has passed a motion in the Assembly agreeing to the expansion.

I am pleased to bring this motion on for debate today. I think it is an issue of some considerable interest in the community and has certainly had some significant recent media discussion.

At the heart of what I am calling for today is a full debate on tasers before the government and the police authorise an expanded rollout to all general duty police

officers in the ACT. The Greens believe that the level of public interest in this issue warrants that the debate take place if and when the government seriously consider such an expansion.

I am seeking the support of the Assembly in my call because I believe that there are significant risks associated with an expansion of the use of tasers and that we as an Assembly have a duty to be participating in the debates about the possible rollout.

We have a duty to inform ourselves of the facts and figures surrounding tasers and to participate in the debate in an informed way. It is not good enough for us to step to one side and waive the decision to the AFP Commissioner or the ACT minister for police because it is deemed an "operational police matter". Yes, it is an operational matter, but it is an operational matter of significant importance and public interest.

The issue of tasers is of importance because Australia has witnessed a dramatic rollout of the devices in recent years. Some 7,000 of them have been purchased for police use in the last three years alone. Contrast this with just 10 years ago when no Australian police had them at all. With this dramatic increase have come substantial problems. The recent Western Australian Corruption and Crime Commission report makes for confronting reading. It found that since all general duty police officers were given tasers, injuries to police have risen 22 per cent and police use of hand guns has doubled. In those two statistics lies the reason that the Assembly should be involved in any debate around an expansion of tasers. Those statistics call into question the frequently used argument that tasers are a replacement for hand guns.

But tasers are about more than statistics; at the end of the day, they are about people—police officers and the people they come into contact with. The Western Australian report contained some confronting and disturbing footage of taser use on alleged offenders and members of the public. The text of my motion picks up on this when it notes:

> … tasers have been used, contrary to policy, as a tool to enforce compliance with the confronting example of the unarmed, non-threatening man who was tasered thirteen times while surrounded by nine police officers for failing to comply with a strip search …

The footage contained in the report of this incident deserves to be looked at by anyone who makes public comment on tasers.

At this point I seek leave to table a document that provides the direct link to the video footage for the benefit of members who will be participating in this debate.

Leave granted.

MR RATTENBURY: I table the following paper:

> Case Studies from the 2010 Report by the Corruption and Crime Commission on the Use of Taser® Weapons by the Western Australia Police.

Boiled down to its absolute core, the argument for tasers is that it is better to use a taser on someone than to shoot them with a hand gun. On the face of it, this is a good

and seemingly logical argument. However, as I noted earlier, the statistics from Western Australia shed significant doubt on the claim, and the Greens would want serious Assembly consideration of an expansion in the use of tasers before such a step was taken.

At this point I would like to make it very clear that the Greens support the AFP officers who make up the ACT Policing arm of the Australian Federal Police. For the record, and before there is any suggestion to the contrary, we support them and the important work they do in protecting our safety. We acknowledge the challenging role they have and the dangers they often face.

Furthermore, the motion today does not reflect a lack of trust in those officers or a lack of concern for their welfare. To the absolute contrary, we believe our officers deserve to be equipped with the very best state-of-the-art de-escalation techniques and non-weapons-based training to enable them to do their job to the best of their ability and in as much safety as is possible.

But in that context I want to remind the Assembly that more police are injured in Western Australia now that all general duties police officers have tasers. So to fully support and value our police force, the Greens say: arm them with skill and training, not necessarily more and more instruments of force.

I want to spend a bit of time discussing why the Greens are concerned about the use of tasers. It comes down to the sense that there is a very real risk that confrontations will be escalated and that this will force the hand of police to use the taser. From reading the Western Australian report, that appears to be a theme that comes through in the evidence there.

It was interesting that when this was being discussed a couple of weeks ago, one former police officer who called in to Triple 6 talkback radio in the morning made the following observation. He simply said, "If a police officer has more weapons, they are more likely to resort to them," in his opinion. He said, "We should be placing greater emphasis on the old skills of talking somebody down, seeking to de-escalate the situation through human contact and the like."

I thought that was a really interesting observation from somebody who spoke from a clear point of experience. In the document I have just tabled, there is a case study on the deployment of a taser in a case where a person was resisting arrest. The Western Australian Corruption and Crime Commission investigated the incident. I am now going to quote a passage from the findings in their report:

> A police officer was on his own, on duty and in full uniform. He was in the lift of a city building. As he reached the lobby, he heard an indigenous man shouting loudly and swearing …
>
> … He believed the man was suffering from a mental health problem as a result of methamphetamine abuse or alcohol abuse …
>
> The police officer followed the man into the street. The man went into a cafe and spoke offensively to the person behind the counter.

> … The man noticed the police officer and his body language became aggressive towards the police officer.
>
> The police officer drew his Taser weapon and shouted "police, don't move". The police officer ordered the man to show his hands. The man raised his hands and shouted abuse at the police officer. The police officer ordered the man to turn around and face the wall, and then get to his knees and place his hands on his head … The police officer … radioed for priority backup.
>
> The police officer took hold of one of the man's hands to place handcuffs on him … The man pulled his arm from his head and twisted in an attempt to stand up.
>
> The police officer deployed his Taser weapon into the man's upper right shoulder … and the police officer supported him as he dropped sideways to the ground.

This is a factual account from the inquiry and a practical demonstration, I believe, of the escalating effect a taser can have. I think this is an interesting case study. We had an unarmed man, who was, from the report, conducting himself in an offensive manner, but it is interesting to see how quickly the situation escalated to the use of a taser device.

In further highlighting why this is an issue that I believe warrants Assembly debate, I would also like to quote from an article in the *Australian* on 6 October which was titled "Shock tactics on deadly display". The article reads:

> WRITHING and roaring in agony, the unarmed man is shot unrelentingly at close range with a stun gun as nine policemen stand watching.
>
> "Stop f . . king around!" one of them commands, as the Aboriginal man—who had objected to a strip-search in the foyer of a Perth watchhouse—is stunned 13 times with a police-issue Taser.
>
> "Do you want to go again?" an officer yells before sending a 50,000-volt shock through the man's contorted body.
>
> "Wanna go again?"

This is an incident that has received national media exposure in recent weeks. I think it is one that most members of this place, and most members of the public, would find incredibly distasteful, but it is an incident that has highlighted the potentially overzealous use of these devices.

There was another incident reported in that same article, and I will again quote the article:

> In what Queensland's Crime and Misconduct Commission decried as "poor policing", a 16-year-old girl was held down and stunned by police in an inner-city Brisbane park last year after she defied an order to "move on". She had been waiting for an ambulance to treat her sick friend.

These are simply some incidents. They are obviously incidents at the more concerning end of the spectrum. The reason I bring them up is not to suggest that this is how ACT Policing officers are conducting themselves—just to be clear. But they highlight why a debate in the Assembly is a matter that is important.

I would like to reflect on the proper role of the Assembly and what is and is not worthy of debate in the chamber, given some of the comments that members have been reported as making in the media in the last couple of days.

Given the examples that I have highlighted, the Greens do believe that taser use is worthy of debate. One aspect of the debate would be the thresholds at which police are authorised to use force. Again, the Western Australian Crime Commission report highlights—and has a very illustrative table in its report—the different thresholds that are applicable across Australia for police to be allowed to threaten the use of a taser and then actually use the device. It is quite illustrative to see that those thresholds are very different across this country, ranging from what is described as a low threshold through to a high threshold. That is a matter of public policy, and it is the duty of this place to debate matters of public policy, particularly when it comes to the thresholds at which police are authorised to use force, because these thresholds are the authorisation we as a society give to police officers to use force.

If members of the Assembly believe that we do not have a responsibility to participate in that discussion, I find that very surprising. On a daily basis, we in the chamber debate the appropriate thresholds for government interventions in the lives of the community. There are few more direct interventions than a taser, and I think the Assembly has a very clear role in overseeing those thresholds.

A second aspect of the Assembly debate would be discussion of the right level for disclosure once a taser has been fired. There has been some interesting commentary of late on what the right level of disclosure is. Is it in annual reports, at one extreme, or is it online reporting within a very short period after the incident occurs, with public access to taser-cam footage? A number of the devices have an optional extra, a camera, essentially a webcam-style device, that records any incident when the taser device is used and provides an opportunity to scrutinise the use of that device. The Assembly should have a role in that debate as well. What level of disclosure do we believe is appropriate?

These are the reasons I have brought this motion forward today. This motion simply seeks to ensure that we do not just have a rollout of devices in the ACT, but that they are discussed by the elected members in the ACT, given the examples I have highlighted and the level of public disquiet about the potential impact of tasers. I have not touched on it today, but there have been a number of deaths reported linked to the use of these devices, both in Australia and overseas. I think there is a level of community disquiet.

If you are a good, law-abiding citizen, you would not have anything to be concerned about, but the example I cited of the 16-year-old being tasered in a Brisbane park because she would not move on while she waited for her friend to be treated by an

ambulance—I suspect that young woman probably considered herself to be a law-abiding citizen and certainly did not feel that her behaviour warranted being tasered. I suspect others may share that view.

I implore members of the Assembly today to look closely at the text of the motion. It simply seeks to ensure that there is information available, both to ourselves and to members of the community, so that we can have an informed debate, and it seeks to ensure that this place has an explicit conversation before these devices are rolled out for general usage in the ACT. I commend the motion to the Assembly.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.59): I thank Mr Rattenbury for moving this motion today. Contrary to his assertions, the government welcomes the debate about the use of tasers. The use of tasers is a matter of public interest. It has significant issues of concern for many in the community, and it is quite appropriate for the Assembly to debate the matter. But what Mr Rattenbury fails to put forward in his argument is that he wanted to go further than that. He did not want to just have a debate; he wanted the Assembly to be the decision maker as to whether or not tasers should be made available more broadly to police.

Quite frankly, that confuses the role of executive government and the role of a parliament. The parliament is not here to make decisions about the operational deployment of certain technologies. That is a matter for the executive and, in this case, for the Australian Federal Police. Whilst the government is quite happy to engage in a debate about the appropriateness of the use of tasers, about the framework within which taser use should occur in the territory and a range of other matters, we do not believe it is for the Assembly to decide in what circumstances tasers should be used. That is a matter for the police, and they can be held to account in the Assembly through the Assembly's processes for their decisions.

The government shares some of Mr Rattenbury's concerns regarding the use of force by police in the deployment of tasers. However, we believe that amendments should be made to the motion in order to more accurately reflect the current circumstances as they relate specifically to the ACT, and I will be moving an amendment shortly.

Currently, the Australian Federal Police—ACT Policing—only authorises the issue of electronic incapacitating devices, which include the taser product, for a very limited number of highly trained police officers. This includes ACT Policing specialist response and security tactical response teams and some specialist teams in the national AFP sphere. Tasers are but one of a number of options available to police in the use of force.

The AFP Commissioner's orders define "force" as any verbal command or physical application to gain subject control. Aside from common law, police obtain the power to use force from legislation—primarily the Crimes Act 1900, the Crimes Act 1914, the Australian Federal Police Act 1979, the Criminal Code 1995, the Customs Act 1901, the Australian road rules and a number of other ACT acts.

The threshold set by the AFP for the use of a taser is governed by commissioner's orders, which police officers must comply with under the AFP act and regulations. Ultimately though, the testing ground for the appropriateness or otherwise of applications of force by police will rest with the judiciary—the criminal and coronial courts.

There are five main points that appear to be of concern to the judiciary when reviewing the use of force by police. These are: (1) was the application of force necessary; (2) was the level of force used proportionate to the level of resistance offered; (3) were all options considered; (4) were injuries sustained consistent with the level of resistance offered; and (5) was force applied in good faith or was it applied maliciously or sadistically. There is sufficient legal precedent on these topics that I really do not need to go into them any further except to observe that there is a clear legal framework for the assessment of the appropriateness of the use of force by police.

The AFP Commissioner only authorises the use of a taser when a police officer believes on reasonable grounds that its use is reasonably necessary in order to defend themselves or others from physical injury in circumstances where protection cannot be afforded less forcefully, to arrest a suspect whom the police officer believes on reasonable grounds poses a threat of physical violence and the arrest cannot be effected less forcefully, to resolve an incident where a person is acting in a manner likely to seriously injure themselves and cannot be resolved less forcefully, or to deter attacking animals.

At this juncture I think it is important to pause and reflect for a moment that police take an oath to willingly put themselves in harm's way on behalf of our community in order to protect the community. They do so under the most stringent measures of accountability and scrutiny internally, externally and through the courts.

Like any employer, the AFP has legislated obligations to provide police with the best possible training, skills and tools with which to do their jobs effectively and safely. Tasers are but one of a range of tools available to police to employ in a dynamic continuum of force model that has at its core the fundamental notions of good communication, negotiation and the resort to a minimum amount of force reasonably necessary in a given circumstance.

A continuum of force model contrasts with the old-fashioned linear model involving the escalated hierarchy in this seriousness of use-of-force-options. The primary objectives of the continuum of force model should always be the de-escalation of a confrontational situation and reducing the risk of harm. Real world experience demonstrates that police will, from time to time, continue to be confronted by violent people and, therefore, they do require appropriate force options to deal with those circumstances.

Indeed, the underpinning purpose of the AFP Commissioner's orders on use of force is to ensure that AFP officers operate to de-escalate potential conflict situations. The AFP stresses the use of minimum force and maintains the preference at all times to

resolve incidents without force. The conflict de-escalation model is not a linear approach to options of severity of force. Instead it is a flexible model that relies upon a police officer constantly communicating, assessing and reassessing the situation directly related to the level of threat offered and the appropriate force required to counter that threat.

Each and every time a police officer in the ACT resorts to force they must file a report. That report is reviewed at multiple levels within the AFP and is subject to review by the Commonwealth Ombudsman. The AFP regularly reviews its training and governance to ensure currency and incorporation of any lessons learned. Every police officer must undergo annual recertification in their full use-of-force options, guidelines and principles. This includes firearms, batons, OC spray and physical restraint techniques as well as verbal negotiation, practical scenarios and medical assessment. It also includes, of course, tasers.

Over the last two years, ACT Policing have had cause to discharge their tasers only twice. More tellingly, they record having drawn a taser only 11 times in that same period. When one considers the number of incidents of violence police attend in the course of a single year, the fact that they have discharged the taser device only twice in two years stands as strong testimony to the professional and conservative approach adopted by the territory's police service in using force to resolve such incidents.

I will make an observation, if I may, about the incident Mr Rattenbury referred to in Western Australia. That is, on the face of it, an appalling incident, one that is an abuse of police authority and position and one that involves what is clearly abuse when it comes to the use of force. It is not condoned in any way by the government. But the observation I would make about that incident is that it did not occur here in the ACT. It occurred in another jurisdiction. When we look at the use of tasers in the ACT, we should have regard to the particular circumstances of the ACT and the record of our police in their use of those devices here in the territory rather than draw some sensational links to incidents in other places.

I would also make the observation that abuse of use of force is abuse of use of force. It is not related to a particular technological device. It can occur with a baton. It can occur with OC spray. It can occur with other forms of use of force. It is not driven by a particular device; it is not technologically determined. It is driven by the culture, the training and the capacity of police in how they deal with incidents involving violence.

We have seen abuses of use of force in other circumstances in the ACT. Most notably, we have seen it in relation to the ACT watch-house where about four years ago an officer in charge of the watch-house abused use of force when it came to the use of OC spray—capsicum foam spray. That was an abuse of use of force, and that officer faced discipline as a result of those actions.

So I think it is very important that, when we have this debate about tasers, we reflect not on the particular device but on the context in which police exercise use of force, the guidelines and the training they receive and the orders they have to comply with. When we look at it in that context, we can see very clearly that we have a strong and robust framework that detects abuses when they occur—fortunately they do not occur

very often at all; in fact, the incident in the watch-house about four years ago is the most recent to my knowledge—and we have a strong and transparent mechanism of accountability when it comes to the use of force.

The government's position in relation to tasers is this: the government is very comfortable with the existing arrangements where tasers are available to specialist police trained in their use. The government acknowledges and understands that ACT Policing will keep these matters under review and that they will analyse whether or not there is a need to expand the use of tasers to a broader range of officers.

There is a range of options open to police in that regard. For example, they may not choose to expand the use of the tasers to all general duties police, although that is a view supported by the police union. There are increments of change in between, including the availability of tasers to other more senior police officers in command of general duties police, so that the option is available should it be needed, perhaps in a more timely manner than the manner that is available through police in SRS, but not available as widely as it would be if it was distributed to all general duties officers. These are all options that the police should quite properly keep under consideration.

The government's view is that, whilst we do not rule out the expansion of the deployment of tasers to other police officers within ACT Policing, any such expansion must be justified on the grounds of public and/or police safety and must be supported by the evidence. We will wait and see what the outcome of the assessment by ACT Policing is. I have had a discussion with the Chief Police Officer and with the AFP Commissioner, and we have agreed that any decision about any potential expansion of the use of tasers will only be made after there has been consultation between the three of us—that is, the Chief Police Officer, the AFP Commissioner and me as the ACT minister for police. I think that is a constructive and sensible way to move forward in this matter.

ACT Policing have a demonstrated record of proven and responsible deployment of tasers. I would expect that that same level of caution would be applied to the consideration of any need for the wider issue of tasers to officers.

In conclusion, I simply draw to members' attention the existing procedures in relation to the use of tasers. Indeed, the government's response to the Assembly's Standing Committee on Legal Affairs in its 2008 report on police powers of crowd control noted:

> ACT Policing will continue to monitor the effectiveness of TASERs as a less-than-lethal force option, within the ACT and other jurisdictions. However, ACT Policing will retain the option of expanding the availability of TASERs if this is considered operationally appropriate. ACT Policing affirm that changes to the use of TASERs will occur only after thorough testing and consideration.

I think that is a sensible approach. That remains ACT Policing's approach, and it is an approach that is supported by the government.

A range of the proposals put forward by Mr Rattenbury are not acceptable to the government; in particular the proposal that the Assembly should be the decision

maker on whether or not tasers are deployed more widely. I do not think that is appropriate at all. Therefore, I propose an amendment to Mr Rattenbury's motion, and I move the amendment that I have circulated in my name:

> Omit all words after "That this Assembly", substitute:
>
> "(1) notes:
>
> (a) the current ACT taser deployment model which only issues tasers to members of the Specialist Response and Security Tactical Response team;
>
> (b) the occasions of use of tasers in the ACT, with a taser discharged twice in the last two years, once in 2009 and once in 2010; and
>
> (c) the high level of training provided to ACT police officers to equip them with skills and techniques to de-escalate confrontational and potentially violent situations; and
>
> (2) notes:
>
> (a) that the Government will report to the ACT Assembly on the outcome of the ACT Policing Review;
>
> (b) that the ACT Police and Emergency Services Minister, ACT Chief Police Officer and the AFP Commissioner have agreed to a process to determine whether the use of tasers should be expanded in the ACT;
>
> (c) that any expansion in the use of tasers shall only occur on the grounds of improved public and, or, police safety and be supported by evidence; and
>
> (d) that the Minister for Police and Emergency Services will report that decision to the Legislative Assembly should such a decision be made.".

MR HANSON (Molonglo) (12.14): It is a rare moment in the chamber when I agree so completely with Mr Corbell but in this case I certainly do. I support the government's approach in this matter. I essentially endorse all of the words that Mr Corbell has spoken in this place. I congratulate him on that. It probably will not happen again too soon though, Mr Corbell, so just enjoy this brief moment of sunshine.

I and the Canberra Liberals will not be supporting the Greens' motion. I will go into more detail on that later. I foreshadow that we will be supporting the government's amendments as they have been put forward and as they have been explained by Mr Corbell. The Greens have put forward—I am not sure whether it has been tabled—a further—

Mr Rattenbury: It has not yet.

MR HANSON: It has not but it will be?

Mr Rattenbury: Yes.

MR HANSON: There is a further Green amendment that is coming forward. I foreshadow we will not be supporting that amendment. I am comfortable with the government's amendment on this and the approach that has been taken. I think I understand the approach that you are trying to take with your amendments but I am satisfied that the information that is being sought will be provided to us.

It is also important to say up-front that we have every confidence in ACT Policing. I think that point has been made by all three parties here now. I am also confident that the decision that has been put forward for any recommendation by Roman Quaedvlieg, the Chief Police Officer, to the minister will be a considered one and certainly in the best interests of the ACT community.

With regard to the Greens' motion, there are aspects of it that I think explain why we will not be supporting it. Certainly, there was an incident in WA that I think is of concern to everybody. Nobody obviously supports what occurred in WA. Everyone is disturbed by it. ACT Policing certainly has the benefit of the experience of what occurred in WA and the lessons learnt from that incident. I quote Chief Police Officer Roman Quaedvlieg, who condemned the incident in WA, from the *Canberra Times* of 16 October 2010. He said:

> There's universal condemnation of the images we've seen out of Western Australia, that was … an abuse of authority.

So this is not something that we would expect to be in any way condoned if there were to be an expansion of tasers in the ACT. I think those words from the Chief Police Officer—indeed, the words from the minister, from myself and from the Greens—make it very clear that that is not acceptable and that is not what would be expected. There are recommendations that have been accepted also by the Western Australia Police Service. They have also condemned what has occurred.

It is interesting and relevant to note that the rate of injuries to police, as reported in the Western Australian report, is not as clear as the Greens have made out. I will quote the WA Police Commissioner, Karl O'Callaghan, who said in a recent *Insight* program: "The Corruption and Crime Commission report didn't say that injuries had increased but said that assaults on police had increased. We have heard from John Graves"—he is a WA police sergeant—"that injuries occur to police all the time in the difficult situation where they are grappling with people. Injuries to police have gone down, assaults on police have gone up. That is the thing the commission focused on, assaults. It did not look at the injuries."

There are a lot of positive stories, I think, that need to be told about tasers. You cannot simply focus on the negatives when it comes to looking at tasers. The report did find that the taser had been used contrary to WA police policy in this instance. In fact, there had been a few of those incidents but they have been addressed. The officers involved had been disciplined and there have been external and internal reviews of procedures.

The Greens' motion essentially also calls on the decision to be made by the Assembly rather than by the minister and the police. That requirement has been waived in the

government's amendment and we support that. It is important to note where that decision should be made.

The Greens have called for an increased use of de-escalation and non-weapons-based training. This is an important aspect of any police force. I agree with that. I am sure that the Chief Police Officer would agree with that and that the minister would. As our police have already demonstrated through the fact that they do not actually have tasers in the front-line, they obviously use those techniques before having to move to more forceful measures.

Once again, I have confidence in our police force to determine what are the appropriate de-escalation techniques, what are the methods of training, what are the best models and practices to use. I do not believe that it is the role of the Assembly to determine what those techniques should be. I think that they are operational matters that are best determined by the police force.

So we are comfortable with the debate and we are very comfortable to debate police techniques, be they the use of tasers or other measures in this place. But I do not think it is appropriate that the Assembly should be making such decisions. It would be unusual. Certainly, thinking back to my Defence Force days, for example, it is appropriate that, as we see now, there is a debate in the parliament about Afghanistan. But when it comes to who should make the decision about certain aspects of deployments and so on, it rests with the executive arm of government. But we would not be expecting the commonwealth parliament to be making decisions about, for example, the rules of engagement. They are operational matters.

I do not want to pre-empt any decision or any recommendation that comes forward from the Chief Police Officer, but it is important to note that tasers can be a very valuable tool in law enforcement. All measures, whether it be the use of force that comes from a police officer's baton, or grappling, through to the use of firearms, obviously come with some element of risk. We cannot discount that. We need to acknowledge this but that does not mean that they are necessarily appropriate tools that can be used by police.

For example, capsicum spray can be affected by the wind and the environment. It can affect innocent bystanders. I refer to what WA Police Commissioner Karl O'Callaghan said about the use of batons. He said: "Remember that most baton strikes cause very significant damage and it takes months to recover from those as they cause joint breaks, serious bruising and bone breaks. If you get sprayed with a capsicum spray it has a 40-minute to one hour recovery period."

There is no hierarchy of weapons as such and it is really for the police to determine on the ground as the situation dictates what is the appropriate use of force—from grappling, use of their voice, through to the use of a firearm. A taser simply provides the police with another tool that can be used appropriately given the circumstance. That really can only be a decision made by the police officer on the ground as a result of the correct techniques that he has been rigorously trained in.

Academics and the WA report have raised concerns that if you use tasers, essentially there may be "mission creep"—officers get used to the idea of the weapon and use it

perhaps when other procedures or tools may be more appropriate. But I think that the evidence that they have been drawn—correct me if I am wrong, minister—11 times and only used two times certainly indicates that within ACT Policing the use of tasers has been prudent. It has been restricted and it demonstrates, I think, that the techniques and training used by ACT Policing in the use of tasers is very effective. That is proved essentially by their very limited use here in the ACT.

I would like to refer now to the use of tasers on people with mental illness. Sadly, that is an event that occurs quite regularly. In fact, in 85 per cent of cases where the Victorian critical incident response team activated tasers it was on people with a mental illness. The point is, though, that when people are suffering from a mental illness and are having an episode, de-escalation techniques may not be able to be used. You cannot deal necessarily with somebody who is suffering from a mental illness by use of non-lethal force, by grappling and so on.

There have been some sad incidents when people who are suffering with a mental illness, because police have not had the necessary tools available to them, such as tasers, have had to resort to lethal force. As a result, people suffering from a mental illness have actually been shot and either killed or very seriously injured. I believe that this was an issue that was discussed at the Labor Party conference this year. There was an example from an individual who had experienced this.

The same situation applies in respect of the use of weapons, including tasers, on children. Increasingly, police are confronted by children. There is a sad case reported in the *Canberra Times* today of a 15-year-old in Melbourne who was shot by police. I think it is a well-documented story. I am not going to assert that the use of or the availability of tasers necessarily would have prevented that, but I think that you could look at cases like that where if the front-line officers had had access to tasers, perhaps—I emphasise "perhaps"—a tragedy of that sort could certainly be avoided.

I was recently given the opportunity to join our local police force and the Chief Police Officer. I thank the minister for allowing me, Mr Seselja and Meredith Hunter to go out with the police force at night to experience what it is that the police have to deal with. It is a very difficult situation that they have to deal with. I think it is becoming well understood within the community that as the night goes on, our police force is confronted by people who are behaving extraordinarily violently. These are people who are often working in groups.

Police are confronted by males, and increasingly females, who are affected by drugs and alcohol, often in a cocktail that means that these people are actually almost impossible to deal with. Obviously, at the moment our police force have to deal with that with measures that basically are either non-lethal—by use of their batons, by capsicum spray or by grappling—or, the next measure they can use, by lethal force.

I think that all of us can envisage scenarios where our police force would be confronted by violent offenders, in Civic as an example, who are affected by drugs and/or alcohol and where the use of a taser could be highly appropriate to protect the public, to protect the individual that is conducting that behaviour and also very importantly to protect the police who are confronted by people who are behaving in that manner. I quote from Roman Quaedvlieg in the *Canberra Times* of 16 October:

> I think electro-incapacitants are a legitimate option in the use of force continuum. What we need to recognise is that it's at the upper end of the use of force and any application of that particular option needs to be commensurate with the situation.

That is the Chief Police Officer clearly articulating an understanding of where and how tasers would be used—not as a first response option, but as a measured response based on the situation. We are still waiting for the report. The Chief Police Officer has not provided, as I understand it, advice to government that he requests or is seeking an expanded role for tasers.

But if he does go to the government, provides the evidence and argues that there is a case that tasers should be deployed further to the front line—I can envisage cases where that would be appropriate—I am comfortable to leave it to the minister and to the Chief Police Officer to determine that decision.

Obviously, we would await the response from the minister that is in his own amendment that he will be reporting back to the Assembly. But we support our police. We want to give them all the tools possible. We do not think that the Assembly should be the body that is dictating to the police the exact circumstances of where and when they can use tasers or who can and cannot use them.

I think that that is an operational matter. The fact is that the threshold decision about whether tasers can be used by a police force in the ACT has been made. They can use them; that is quite clear. How they should be used becomes an important matter for the Chief Police Officer.

I do not think this is an abrogation of responsibility. It is not a matter of the Assembly ignoring the issue or not recognising the difficulties that come with it. It is about making sure that our police are empowered and that the executive arm of government is doing what the executive arm of government should do in this case.

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

Sitting suspended from 12.29 to 2 pm.

Questions without notice

Electricity—feed-in tariff

MR SESELJA: My question is to the Minister for the Environment, Climate Change and Water. Minister, the New South Wales government today slashed its solar feed-in scheme by two-thirds to 20c per kilowatt hour. The New South Wales Premier noted that "the risk in continuing the scheme in its current form would be further rises in electricity prices". Minister, does your generous scheme, which is now the most generous in the country, risk further electricity price hikes like it has in New South Wales?

MR CORBELL: The contribution of feed-in tariffs to electricity price is a very modest one. In fact, when you look at data right across the country, it is quite clear that, of the increases to electricity prices that have occurred, less than three per cent of the price increase has been as a result of the deployment of feed-in tariff type schemes.

It is very disappointing to see the New South Wales government make this announcement today. Obviously, they are heading into an election and it would appear that they are particularly sensitive to those issues. We just cannot afford in the solar industry to see this boom and bust cycle when it comes to policy making. It does not provide consistency; it does not provide the appropriate long-term policy setting that is needed to encourage the deployment of renewable energy generation.

Here in the ACT, we have adopted a considered and prudent approach to the deployment of the feed-in tariff. Members opposite should be aware, but clearly they are not, that the announcement made by the government in relation to its expansion of the feed-in tariff scheme put a cap on the amount of renewable energy eligible for the feed-in tariff payment at both the micro and the medium-scale generation level. And that cap ensures that the price of the micro and medium renewable generation schemes does not exceed that already factored in by the Australian Energy Regulator.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Yes, Mr Speaker. Minister, the New South Wales government notes that one of the reasons that the New South Wales scheme has been so heavily subscribed is that there has been a flood of cheaper panels from China and Spain. Given that this is the case, how is this scheme developing the local solar industry, a stated goal of the ACT government?

MR CORBELL: Once again the Liberal Party come out in opposition to a scheme that encourages the deployment of renewable energy. Once again they have put themselves on the record as criticising a policy that encourages the deployment of renewable energy.

Mr Seselja: On a point of order, Mr Speaker, under standing order 118, you cannot debate the question. He is also not being in any way relevant to the question. It was very specific. It was about the development of the solar industry, given the comments by the New South Wales government.

MR SPEAKER: Unfortunately I did not hear your question, Mr Seselja, as Mr Hargreaves had approached me at the time. Mr Corbell, I actually did not catch the question, as I was having a conversation with Mr Hargreaves, but I would ask that you try and focus on the question that Mr Seselja asked.

Ms Gallagher: In the first 20 seconds.

MR CORBELL: I know I was only 15 seconds into my answer, but obviously it is a touchy point for the Liberal Party that they do not support renewable energy policy. If I recall the question—

Mr Smyth: You do know the standing orders, don't you?

MR SPEAKER: Mr Smyth, thank you.

MR CORBELL: The government has put in place measures that encourage the development of industry and economic activity here in the territory as a result of the feed-in tariff. I have just challenged Mr Seselja to go out and talk to all of the installers, all of the companies that supply solar products here in the ACT. They have created jobs. They have created many, many jobs here in the ACT. In fact, almost every renewable energy supply company in the country that works at the micro or the household level has a presence here in the ACT because of the feed-in tariff.

It is the case, of course, that there is only one company that currently manufactures solar PV in Australia and that company has expanded its operations here in Australia. It has done so because of policies like the feed-in tariff. It has done so because of demand stimulated by measures such as the feed-in tariff. So we have got jobs on the ground, we have got people installing, we have got electricians and we have got the people who are selling the products. They are all employed and contributing to the local economy here in the ACT. I cannot believe the Liberal Party criticise the creation of jobs in the solar industry. *(Time expired.)*

Members interjecting—

MR SPEAKER: Order, members! Mrs Dunne, you have the call but before you proceed, members, this is the moment to ask supplementary questions, not to call across the chamber while the minister answers the question.

MRS DUNNE: Minister, Ms Keneally said today in reference to the policy shift that "it is now time to adjust the levers so that we can continue to create solar power but not drive up electricity prices". Minister, when will you follow the lead of your New South Wales colleagues and adjust the policy levers of the ACT in order to continue creating solar power without driving up electricity prices?

MR CORBELL: Mr Speaker, the Liberal Party obviously did not hear the answer to the previous question. The Labour government has capped the micro and medium generation scheme. There is no additional cost to consumers because of that decision beyond that already factored into the Australian Energy Regulator's price determination. They do not seem to understand that, Mr Speaker, but that is the fact. They do not understand it.

What is particularly disappointing is the decision of the New South Wales government to wind back a scheme in a way that does not give long-term policy certainty for the solar industry. What we need is long-term policy certainty for the solar industry. That is what we have done with the scheme and the parameters of the scheme that the government has announced. This sort of chopping and changing that we are seeing from the New South Wales government does nothing to promote long-term policy certainty and investment certainty for the renewable energy industry. It is very disappointing.

MS HUNTER: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, are you concerned that the capping of the small-scale generation at 15 megawatts will fuel boom and bust cycles in the industry, and why would the government just not decrease the premium rate payable?

MR CORBELL: As Ms Hunter should be aware, there is an annual review mechanism in relation to the premium price built into the feed-in tariff legislation.

Mr Coe: So there's not certainty.

MR CORBELL: Of course, Mr Coe's interjection belies his ignorance of how the scheme operates, because what he fails to appreciate is that, once people have entered into a pricing arrangement with their electricity retailer, that price is guaranteed for 20 years. So there is certainty for the individual purchaser.

But in relation to the industry, it is appropriate that we put a cap on micro and medium-scale generation. It is appropriate to do so because we want to encourage larger scale renewable energy generation. We want to see investment occur in larger scale renewable energy generation, and that is where the growth will be for the industry moving forward. The existing caps that the government has proposed in relation to micro and medium scale—

Mr Smyth: So what happened in Spain when they put a cap in place?

MR CORBELL: What happened in Spain, Mr Smyth, is that they did not have a cap. It was uncapped, it got out of control and they had to close it down. That is exactly what happened, Mr Smyth, and that is why we do not do that here. That is why we have a capped scheme. That is why we put in place caps for micro, medium and, indeed, large-scale generation. There is a cap of 240 megawatts, with individual category caps of 15 megawatts for micro-scale generation—but half of that is yet to be allocated—and another 15 megawatts for medium-scale generation, with the remainder for large-scale generation. Why is the remainder for large-scale generation? Because it is the most cost-effective means of delivering renewable energy through solar. That is why we are doing it.

Public housing—contractors

MS HUNTER: My question is to the minister for housing and is in regard to contractors conducting work on ACT Housing properties. Minister, a constituent complained to your office about unlicensed contractors performing electrical work at an ACT Housing property during the week of 21 May 2010, one of whom received an electric shock. Your office responded that there must have been a miscommunication and claimed that the contractors were in fact licensed.

Minister, what investigations did you, your office or the department conduct into whether the individuals who attended the property were properly licensed

electricians? Specifically, was there any information sought from the Construction Occupations Registrar as to the licensing status of the individuals who performed the work?

MS BURCH: I thank Ms Hunter for the question. Clearly I do not have that level of detail about me. I will take it on notice. Suffice it to say, though, that our repairs and maintenance are managed through our facilities contract, through Spotless. They are indeed responsible for ensuring that anyone who undertakes work meets the necessary requirements. But in regard to that incident, I will certainly get back to you with the information required.

MR SPEAKER: Ms Hunter, a supplementary?

MS HUNTER: What actions, if any, have you taken or do you intend to take to ensure that all work done by contractors on behalf of Housing ACT is performed by individuals with the appropriate licences?

MS BURCH: It is certainly my understanding that our single contract with Spotless requires that any licensed work is carried out by licensed practitioners and that there is a list of prequalified or acceptable tradespersons and organisations that undertake a range of work, which can be from licensed work to painting and general maintenance. I will certainly clarify to make sure that those systems are in place. Incidents such as this always bring to the mind, not only through my office but through the department through Spotless, that it is always good practice to remind a contractor of their obligations as well.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Thank you. Minister, has your office or your department received any other complaints from public housing tenants about Housing ACT contractors and have any actions been taken against any contractors as a result of major or repeated complaints?

MS BURCH: Through my office, I do occasionally have concerns and complaints, whether it is about the standard of work or the timeliness of work. They come to my office. I do not know if that is the absolute extent of any correspondence that comes through, over the 11½ thousand tenancies that we manage. Indeed, being the largest landlord in the ACT, it is not unreasonable to have a number of notices of dissatisfaction with work undertaken. But I am not aware of any in particular. Again, I can take that on notice.

MS LE COUTEUR: A supplementary.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Thank you. Minister, what compensation is available to Housing ACT tenants when contractors cause further damage to a property and that inconveniences the tenants?

MS BURCH: As I understand it, if a property is damaged then it is the responsibility of Housing ACT to make the repairs to a standard at which the property should be held. If there is damage to any personal items that are owned by the tenant, I would hope that we would make good on that. Again, I can come back with some policy definition about that.

Alexander Maconochie Centre—drugs

MS PORTER: My question, through you, Mr Speaker, is to the Minister for Health. Minister, can you please advise the Assembly on the commitments made in the corrections health plan to review the drug and alcohol policies in the AMC?

MS GALLAGHER: I thank Ms Porter for the question. As members would be aware, the adult corrections health services plan 2008-12 gives a commitment that a full and comprehensive evaluation of proposed drug policies and services and their subsequent effect on prisoners and staff within the Alexander Maconochie Centre will be undertaken 18 months after commissioning. If, after this evaluation, further consideration of a trial needle exchange program is warranted, ACT Health will investigate the feasibility of introducing such a trial to the Alexander Maconochie Centre.

This evaluation is well underway at this time. The evaluation will be completed by the end of December, which is 18 months after the last ACT prisoners were repatriated from New South Wales in June 2009. The evaluation is a joint initiative of ACT Corrective Services and ACT Health, and the key sources of information for the evaluation are ACT Corrective Services and ACT Health's internal data from 1 June 2009 to 31 May 2010, the 2010 ACT inmate health survey, published data and an external component implemented by the Burnet Institute, involving interviews, observations and analysis of all the data collected for consideration within the context of the final evaluation report.

Alongside the gathering of this data is a broad evaluation advisory group, the EAG, which is also informing the evaluation. The EAG has met three times and has two more meetings scheduled ahead of the government receiving the final report in late December 2010. This group is made up of a range of organisations, including union representatives from the CPSU, the Australian Nursing Federation, Prisoners Aid, the Aboriginal Justice Centre, community-based drug treatment services, Corrective Services and ACT Health.

I had the pleasure today of meeting with John Ryan, who is the chief executive officer of Anex, and his colleague from the United States Dr Sarz Maxwell. As members may be aware, Anex released yesterday a couple of discussion papers, one on the use of naloxone by non-medical staff and one on the introduction of a needle and syringe program to jails in Australia.

It is enlightening to meet with various stakeholders across the community to receive their views on differing approaches to issues, in this case with regard to the management of illicit drug use in the territory, across Australia and, indeed, the world.

Dr Maxwell has significant experience and expertise from Chicago in the prescribing of naloxone to non-medical personnel in order to reverse the effects of heroin overdoses. We discussed both that issue and a needle and syringe program in Corrective Services institutions today.

Alongside this, as the government considers the next steps in relation to the commitments made under the corrections health plan, I will be meeting with organisations, unions and other experts, which will feed in to the information considered by government prior to making a decision.

MR SPEAKER: A supplementary, Ms Porter?

MS PORTER: Thank you, Mr Speaker. Minister, what are the existing drug and alcohol programs currently operating in the AMC?

MS GALLAGHER: There is a range of drug treatment and support services currently provided to prisoners in the Alexander Maconochie Centre. These services include abstinence-based programs, a comprehensive methadone program, as well as education programs with a harm reduction focus. Services are provided by ACT Health and Corrective Services as well as a range of community organisations, including DIRECTIONS ACT, Toora Women Inc, Gugan Gulwan, the Alcohol and Drug Foundation of the ACT, the Salvation Army, Canberra Recovery Service, Canberra City Addiction Support Service and Winnunga Nimmityjah Aboriginal Health Services. Solaris, the therapeutic community operating in the AMC, is jointly managed by Corrective Services and ADFACT.

For the information of members, the process is that when prisoners are admitted to the AMC the corrections health program provides a comprehensive assessment of each prisoner. Part of this assessment is a drug and alcohol assessment. Clients of the health service who require opioid replacement are inducted or maintained on the methadone program. Clients of the health service who use other drugs—that is, alcohol or cannabis—are started on a medicated withdrawal pack.

All clients are offered blood-borne virus screening on admission. There is a dedicated blood-borne virus nurse who is rostered three days a week who carries out pre and post-test counselling and screening and facilitates medical officer feedback for the results. Clients are also offered hepatitis B vaccination as required.

There is also an Aboriginal liaison officer that visits the AMC regularly. The impact program works with pregnant women at the AMC, and a nurse liaison provides services to the OTS clients in the jail, particularly related to transitioning them back into the community. The alcohol and drug program also provides AOD training for AMC staff. I think you can see there that there is a range of measures already in place to support prisoners.

MR HARGREAVES: Mr Speaker, a supplementary question.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thank you very much, Mr Speaker. Minister, what are the issues that would need to be taken into account when you are considering the review findings?

MS GALLAGHER: We do understand that this is an issue where there are mixed views around the next steps, particularly around a needle and syringe program in the jail.

Mr Hanson: What do the corrections officers think, Katy? The people that run the jail—what do they think?

MS GALLAGHER: As I just said, there are mixed views around the possible implementation of a needle and syringe exchange program in the jail. In accordance with the national drug strategy, which is underpinned by harm minimisation, we will focus on supply reduction strategies which are designed to disrupt the production and supply of illicit drugs and to control and regulate licit substances; demand reduction strategies which are designed to prevent the uptake of harmful drug use and to provide treatment to reduce drug use; and harm reduction strategies which are designed to reduce drug-related harm to individuals and the community.

We will be looking at all of these issues as we work forward on the potential for a needle exchange program trial at the Alexander Maconochie Centre. There are mixed views, particularly between the union representing staff at the Alexander Maconochie Centre—we will need to spend time talking with those organisations—and the health sector, where there are very strongly held views about this issue. The government's job is to make sure that all of those issues are put on the table, all of those issues are heard and all of those issues are responded to in a way that allows for very solid consultation processes. But at the end of the day the government will have to take a decision around whether or not we proceed with a trial of the needle and syringe exchange program at the AMC after all those discussions are completed.

MR HANSON: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, are you aware of the levels of drug use at the AMC, and would a formal regime of mandatory random drug testing assist in gathering this data?

MR CORBELL: It is interesting, of course, that Mr Hanson raises the issue of mandatory drug testing, and I note that he has introduced legislation today that will mandate, on average, five per cent of the prison population being randomly tested every month. Of course, the embarrassing fact for Mr Hanson is that the government, on average, over the past 12 months for each month has achieved random and targeted testing of 25 per cent of the prison population.

Mr Hanson: What's the random figure, Simon? Does that include the entry drug tests?

MR SPEAKER: Order!

MR CORBELL: While Mr Hanson is beating his chest about being tough on the issue of drugs, he is proposing to mandate a level of testing which is already far below—

Mr Hanson: No, no—voluntary testing.

MR SPEAKER: Order!

Mr Hanson: Tests for rehab programs. Entry testing.

MR CORBELL: —that which is in place in the ACT prison currently. It is very embarrassing for the Liberal Party—

MR SPEAKER: Order! One moment, Mr Corbell. Mr Hanson, I have asked you a number of times during this question to stop interjecting. I expect you to comply. Mr Corbell.

MR CORBELL: It is very embarrassing for the Liberal Party that they are mandating a level of testing below that which currently occurs in the prison. I am sure it will be of much interest to members to know that, in the last 12 months, two complete whole-of-prison drug tests have been undertaken in the AMC, where every single prisoner has been tested. On average, we test about 44 prisoners every month for drugs. By comparison, Mr Hanson only wants to test 10 per cent. That is the big difference between his approach and the government's. Unfortunately, I have run out of time.

Trees—removal

MS LE COUTEUR: My question is to the acting minister for TAMS and concerns the removal of a tree at Ainslie shops, as reported in today's *Canberra Times.* Minister, why was this large, healthy and very popular tree destroyed? What attempts did the government make to solve any problems with the tree so that it could live?

MR CORBELL: I thank Ms Le Couteur for the question. There has been the removal of one tree at the Ainslie shops as a result of the current shopping centre refurbishment program. I think it is a program that Ms Le Couteur has been very supportive of—the need to refurbish and upgrade the Ainslie shops.

Unfortunately, that has involved the relocation of the public toilets at the front of the shops, landscaping, new play elements, street furniture and lighting. As a result, and unfortunately, one tree has had to be removed. That tree was removed following a detailed assessment. The tree was not part of the original planting at the shops. It was assessed in the conservation management plan for Wakefield Gardens and its removal is consistent with that plan. Nor was the removal of any concern, I am advised, to the Heritage Council when the council was consulted during the design phase of this project.

I think that the claims made by some members of the public—I think a Mr Pegrum—about lack of consultation on this issue are not correct. The TAMS project officer had

immediately followed up on Mr Pegrum's concerns when he raised them. A number of phone calls took place to explain the rationale for the removal.

Mr Speaker, this happens from time to time but obviously the overall public benefit is in a greatly enhanced, improved and modernised public area around the Ainslie shops, which will be of benefit to thousands and thousands of residents.

MR SPEAKER: Ms Le Couteur, a supplementary?

MS LE COUTEUR: Thank you, Mr Speaker. Minister, can you explain why community members and shopkeepers in Ainslie say that they were excluded from consultation on this tree, and did the consultation process meet the consultation benchmarks recently announced by the commissioner for the environment?

MR CORBELL: I do not know, in relation to the first part of Ms Le Couteur's question; you would have to ask them. In relation to the second part of the question, this tree, I am advised, was identified for removal during the design phase of the project and the design phase was subject to public consultation.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, does the government have formal criteria that it uses to determine whether a tree poses a trip hazard, and how is any trip hazard weighed against the other benefits that may be provided by the tree?

MR CORBELL: I regret to advise the Assembly that I am not familiar with the details of how the government assesses a trip hazard. I will take the question on notice and provide further advice to the member.

Business—decline

MR SMYTH: My question is to the Treasurer and Acting Minister for Business and Economic Development. Minister, the Australian Bureau of Statistics last week released details of the entry and exit of businesses in Australia. Minister, why has the ACT recorded the largest decline in the establishment of new businesses of any state in the year to 30 June 2009?

MS GALLAGHER: I have to say that I have not seen that report, Mr Smyth. I will have a look at it now that you have drawn it to my attention. In terms of the information and data that I have, it does not necessarily support that.

Mr Smyth: So the ABS is wrong?

MS GALLAGHER: No, I am not saying that. I am just saying that I will have a look at that data because the data that I have before me is that we have seen an increase in private sector employment over the last three quarters.

Mr Smyth: No, this is the number of businesses.

MS GALLAGHER: Okay; the number of businesses versus private sector employment. But the data that I have before me is that there has been growth—

Mr Smyth: They are different.

MS GALLAGHER: Yes—in this sector. So I will have to have a look at what that means and compare the different results. I certainly have not had this issue drawn to my attention by the business community either. I have been meeting with them regularly over the last few months and this has not been raised as an issue. But I will certainly have a look at the report and come back.

Decisions around the private sector and small business will be made by those that own those businesses, but the government's position in terms of support for business has been very much about creating the environment where it is a good place to do business. The feedback that we would have around the measures that we have been putting in place, both through business and economic development and through our own spending, is that we have been creating that environment. I would wonder whether some of the uncertainty around the federal election would have led into some of that data for the ABS.

Mr Smyth: No, this is to 30 June.

MS GALLAGHER: Well, everyone knows when the election is coming. If you listen to the chamber of commerce and the business council, they will draw to your attention that, in an election year, it does create uncertainty for small business in a place like Canberra. So I wonder whether that helps to explain that figure. I would say the small size of our economy would also lead to large fluctuations. But I will have a look at that detail, Mr Smyth.

MR SPEAKER: A supplementary question, Mr Smyth?

MR SMYTH: Minister, in the absence of a full range of services being provided through Canberra BusinessPoint, what action are you taking to encourage an increase in the number of business being established in the ACT?

Mr Hargreaves: Keeping the Liberals out of government!

MS GALLAGHER: Mr Hargreaves is on fire this afternoon with his humour. I have forgotten the question now, Mr Smyth.

Mr Smyth: When John Hargreaves speaks, it does have that effect on people.

MS GALLAGHER: It was around business support. As I said yesterday, the issue around BusinessPoint is around the procurement of a new service provider, and that is well underway. In the meantime, Deloittes are providing a service while the new services get up and running. As I said—

Mr Smyth interjecting—

MS GALLAGHER: Sorry?

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth, this is not a forum to debate the point with the Treasurer.

MS GALLAGHER: So I do not see the change in BusinessPoint as being a reduction in support provided to the business community. The government have had frequent roundtables with industry—with the business council, the chamber of commerce, the Housing Industry Association and with a whole range of other industry organisations—on any range of matters over the last 12 months where we have worked hard to improve our own services across government and make sure that, where we are implementing investments, they are targeted in a way that supports business across the ACT. I have not had any complaints around that. In fact, all I have had when we have held the roundtables is acknowledgment of the efforts the government is going to around its own processes to improve our support for business across the ACT.

MR SPEAKER: Mr Seselja, a supplementary question?

MR SESELJA: Minister, why did the ACT record one of the two highest rates of closing of businesses in the year to June 2009?

MS GALLAGHER: I would want to take some further advice on this data. I have a feeling it would relate to the size and the fluctuations that we sometimes see in ABS data, but I will come back to the Assembly on that. I do not think, if you look at all of the measures that this government has put in place, particularly since 2008, targeted at supporting business, and you see the performance of the economy and all the good news that is coming out around this, that it is fair to talk down the private sector in the ACT, which is what the opposition are doing.

Mr Seselja: Oh!

MR SPEAKER: A supplementary question, Mr Seselja?

Ms Gallagher: Well, you are. You have searched and searched for some bad news—

MR SESELJA: I am asking you questions that you do not know the answers to. Minister, why did the ACT have one of the two lowest rates of survival of business that were operating in June 2007?

MS GALLAGHER: I will come back to the Assembly, Mr Speaker.

Mr Smyth: She doesn't know.

MS GALLAGHER: I have not seen the report.

Childcare—costs

MRS DUNNE: My question is to the Minister for Disability, Housing and Community Services. Minister, today's CPI figures show that the cost of childcare in Canberra has risen by 6.7 per cent in the last 12 months. Minister, why has childcare risen by around three times the rate of inflation in the time that you have been minister?

MS BURCH: The fees set by the childcare sector are for them to determine. I am not quite sure how Mrs Dunne makes the connection of my ministry and the business decisions of individual childcare providers. They are business entities, whether they are community-based groups or for-profit groups, commercial-based groups. They make decisions based on their own business models, their own arrangements and their own needs for their future planning. I do not accept the premise of Mrs Dunne's question.

MR SPEAKER: A supplementary question, Mrs Dunne?

MRS DUNNE: Minister, why is childcare becoming less affordable under your stewardship, given that the CPI figures today show that Canberra childcare fees have risen by 6.7 per cent in the past 12 months?

MS BURCH: What we are doing to support the childcare sector, indeed, is to bring forward, with stewardship from my office, the national quality agenda, which is around underpinning the earlier years of childcare and child education, is around quality agenda. We have been through this discussion a number of times. I noticed in the weekend's paper there was commentary around childcare costs. So I am not—

Mr Hanson: Mr Speaker, she might be getting to it but I would ask her to be directly relevant. The question is about costs, not about quality.

MR SPEAKER: Minister Burch, focus on the question of costs.

MS BURCH: I think I will have to remember that.

Opposition members interjecting—

MS BURCH: Mr Speaker, may I?

MR SPEAKER: Order! Ms Burch has the floor.

MS BURCH: In many a conversation here they have linked the two. I did notice in the weekend paper a commentary around cost of childcare. So I am not unsurprised at the attention span of those opposite, to come from Saturday's paper into this chamber and ask a question on cost. I go back and say that the fees set by childcare centres are for those centres to determine. It is not for my office or my department to determine the cost of childcare.

MR SPEAKER: Supplementary, Mr Doszpot?

MR DOSZPOT: Thank you. Minister, what impact are these fees having on the workforce participation rate in the ACT, particularly for women?

MS BURCH: Indeed, there has been no correspondence into my office that has indicated that any of the policy—

Mr Hanson: "I am not unsurprised by that question"!

MR SPEAKER: Members, and particularly you, Mr Hanson, I have spoken about not interjecting. You are now warned, Mr Hanson, for continued interjecting.

MS BURCH: I will just give a very simple answer. I think we have the highest participation of females in the workforce.

Mr Coe: Were you unsurprised to become a minister?

MR SPEAKER: Mr Coe, you are now warned for interjecting as well.

MS BURCH: Indeed, there is no evidence to suggest that the provision of accessible, quality childcare excludes women from the workforce.

MR HARGREAVES: A supplementary question.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Thank you very much, Mr Speaker. Minister, are you aware of a scare campaign being run at the moment about the portability of long service leave et al in terms of the rising cost of childcare?

Mr Smyth: It is not a trick question. This one is straight. He is not out to get you.

Mrs Dunne: He is on your side, Joy.

Mr Smyth: Just remember he is on your side.

MS BURCH: He is and he always will be. Indeed, Mr Speaker, there have been a number of comments made in this chamber that dismiss the benefits of portable long service leave and, indeed, have linked that to increased cost of childcare. Again, there is no evidence to say that the two are linked.

I am actually looking forward over the next couple of months as portable long service leave is unfolding and the first contribution made to the authority is taking place. I know that my department has written to all organisations again reminding them of the time lines for that contribution and also of the assistance that this government has offered in that transition.

Education—Indigenous students

MR DOSZPOT: My question is to the Minister for Education and Training. In yesterday's question time with regard to cuts to the six literacy and numeracy

positions to support Aboriginal and Torres Strait Islander students, you stated that "not everything is working at the moment". Minister, how will cutting literacy and numeracy positions to help Indigenous students improve their performance in testing?

MR BARR: In isolation from all other initiatives funded in recent budgets and undertaken by the Department of Education and Training, the shadow minister might have a point, but he is in fact trying to take one element of a structural reform with the delivery of services from a central office to schools. He ignores all of the additional resources and the new strategy that is in place. The implication of his question is that it is impossible to achieve a more efficient delivery of services within the education department. I reject that utterly.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Yes, Mr Speaker. Minister, have you done research into the efficacy of the current assistance program to Indigenous students? If not, why are you considering cuts to the program and why did you claim that the program is not working? If so, will you table it in the Assembly by the close of the sitting week?

MR BARR: If the shadow minister had been paying attention, he would be aware that we had launched a new strategy to assist Aboriginal and Torres Strait Islander students. I am happy to table that for the member's benefit.

Mr Doszpot: No; I am asking for the research.

Mr Hanson: A supplementary question, Mr Speaker?

Mr Smyth: You know the difference, don't you?

MR SPEAKER: Order! Mr Hanson.

MR HANSON: Minister, in place of the six literacy and numeracy positions, I understand that teacher resources will be placed directly at schools with significant enrolments of Aboriginal and Torres Strait Islander students. What about affected students not at these schools?

MR BARR: The department will continue to provide a full range of services to assist all Aboriginal and Torres Strait Islander students.

MR SPEAKER: A supplementary, Mr Hanson?

MR HANSON: Thank you, Mr Speaker. Minister, how many Indigenous students will not receive assistance under the revised arrangements and what impact will this have on their performance in literacy and numeracy tests?

MR BARR: I repeat my answer to the previous question. The department will continue to provide a full range of services to Aboriginal and Torres Strait Islander students.

Gungahlin Drive extension—bridge collapse

MR COE: My question is to the Acting Minister for Transport and relates to the collapse of the bridge over the Barton Highway on 14 August. Minister, regarding the government's response, what reports and advice are outstanding regarding the cause of the collapse and when will reconstruction take place?

MR CORBELL: I will have to apologise to Mr Coe if I do not have all the material immediately to the front of my mind. I will take the question on notice.

MR SPEAKER: A supplementary question, Mr Coe?

MR COE: Minister, what legal advice has been sought, from whom has it been sought and what is the cost of this advice to taxpayers?

MR CORBELL: I will take the question on notice.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Thank you, Mr Speaker.

Members interjecting—

MR SPEAKER: Order! Mrs Dunne has the floor.

MRS DUNNE: Minister, do you anticipate that the cause, blame and costs of the collapse will be fought out in the courts?

Mr Hargreaves: On a point of order, Mr Speaker, that is a hypothetical question asking the minister to anticipate something. It is definitely hypothetical and I suggest that you rule it out of order.

MR SPEAKER: Mrs Dunne, can you repeat the question?

MRS DUNNE: Minister, do you anticipate that the cause, blame and costs of the collapse will be fought out in the courts? There is nothing hypothetical about that.

MR CORBELL: I think it is asking me to express an opinion.

MR SPEAKER: There is no point of order. Mr Corbell, you can answer.

MR CORBELL: To answer the question, Mr Speaker, I have no idea.

MR SPEAKER: Mrs Dunne has a supplementary.

MRS DUNNE: Minister, what changes to the systems are in place to ensure that such a problem does not occur again on a capital works project?

MR CORBELL: There has been a series of detailed investigations into the cause of and the circumstances surrounding the collapse of the formwork associated with the concrete pour for that bridge. Those reports are currently before ACT WorkSafe. WorkSafe will determine what steps need to be taken in relation to any enforcement or prosecution action.

TAMS is closely engaged with the WorkSafe process, as are the contractors and subcontractors involved. Appropriate lessons will be identified as a result of that ongoing process. I would be happy to extend to opposition members a more detailed briefing if they are genuinely interested in the circumstances so that they can understand what steps have been taken to date.

Gungahlin Drive extension—bridge collapse

MR HANSON: Mr Speaker, my question is to the Acting Minister for Transport and is related to the collapse of the bridge over the Barton Highway on 14 August. Minister, were the plans for the span of stage 2 over the Barton Highway the same as the span of stage 1, which was constructed a few years ago?

MR CORBELL: I would have to take that question on notice, Mr Speaker.

MR SPEAKER: Mr Hanson, a supplementary?

MR HANSON: Thank you, Mr Speaker. Minister, what documents from stage 1 were given to the contractors on stage 2?

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

MR SPEAKER: A supplementary question, Mr Coe?

MR COE: Minister, what bodies—for example, teams, committees or working groups—and from what agencies are tasked with dealing with the response to the bridge collapse?

MR CORBELL: WorkSafe ACT are the key investigative body from the government's perspective. WorkSafe ACT have responsibilities under the relevant occupational health and safety legislation to investigate and, if necessary, take enforcement or compliance action or prosecution action in relation to the circumstances surrounding that bridge collapse.

I know that the minister, Mr Stanhope, has previously provided advice to Mr Coe about the range of steps that are being taken. I would be happy to provide further advice to Mr Coe and to arrange for officials—

Mr Hanson: This is why you don't take leave during a sitting week, isn't it, really?

MR CORBELL: You guys are so childish.

Mr Seselja: We're not getting answers, Simon. We're not getting answers.

MR SPEAKER: Order!

MR CORBELL: I am happy to arrange for officials to provide a more detailed briefing to Mr Coe in relation to this matter.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Thank you, Mr Speaker. Minister, the contractors and subcontractors that were working on stage 2 of the bridge—what projects are they currently working on for the ACT government?

MR CORBELL: To the best of my knowledge, I do not believe that the primary contractor, at least, is engaged in other projects with the ACT government, but I will need to check that and I will provide further advice to the member.

Education—outcomes

MR HARGREAVES: My question is to the Minister for Education and Training. Will the minister please advise the Assembly of studies that he may be aware of that support the need to provide teachers with greater incentives that continue to strive for better outcomes for students?

MR BARR: I thank Mr Hargreaves for the question. Members may be aware that in May of this year Dr Ben Jensen of the Grattan Institute released a very important report entitled *What teachers want: better teacher management*. Dr Jensen in his report considered the OECD's teaching and learning international survey, or TALIS. TALIS asked a representative sample of lower secondary teachers across 23 countries about professional development, teacher evaluation and school leadership. First and foremost, the report confirmed what we in this place all know—that is, that teacher quality is the key. The report states:

> With an excellent teacher, a student can achieve in half a year what would take a full year to achieve with a less effective teacher.

The impact of this is cumulative. Research shows that students with less effective teachers are more likely to fall behind. We cannot achieve the best outcomes for students without the best teacher quality, and we cannot have outstanding teacher quality without effective recognition and reward of teachers.

It is worrying then that Dr Jensen's research found that Australian teachers think that systems that recognise and reward teachers in this country are broken. These are the views of teachers, not union executives, not academics and not bureaucrats. These are the views of teachers. Dr Jensen's report shows that 91 per cent of Australian teachers think that in their school the most effective teachers do not receive the greatest recognition.

Australia ranks fourth from the bottom of the 23 countries surveyed on this question. Sixty-three per cent of teachers report that evaluation of their work is essentially a

"tick and flick" exercise, only completed to fulfil administrative requirements. Ninety-one per cent of Australian teachers think that if they were to be more innovative in their teaching they would not receive any recognition. So there is no incentive to innovate. Ninety-two per cent think that if they improved the quality of their teaching they would not receive any recognition in their school. There are no incentives to create a culture of continuous improvement in teaching.

These results show that teachers' hard work is not being adequately recognised, and without recognition we cannot reward the best classroom teachers. Eighty-three per cent of Australian teachers think that the evaluation of their work has no impact on their career advancement. Teachers are saying there is almost no link between evaluation of their work and their salaries, no connection between the quality of their teaching and career advancement.

Where excellence is not recognised, underperformance is not reported. Boston Consulting Group research has shown that 99.85 per cent of Victorian teachers were granted "satisfactory" on their performance review, but this is despite school principals thinking that up to 30 per cent of their teachers were below average performers or significant underperformers. Furthermore, TALIS shows that 71 per cent of teachers think that in their school teachers with sustained poor performance will not be dismissed, and 93 per cent of teachers report that in their school the principal would not take steps to alter monetary rewards of a persistently underperforming teacher. As a result, 61 per cent of teachers believe that evaluation of their work has little impact on how they actually teach in the classroom.

This important research shows that teachers think that their performance management systems are broken. If the evaluation systems are broken then we are failing to improve teaching in the classroom and, in turn, failing to get the best outcomes for students.

MR SPEAKER: A supplementary, Mr Hargreaves?

MR HARGREAVES: Thank you very much, Mr Speaker. Will the minister please advise how the situation under current industrial arrangements in ACT public schools compares with these studies done?

MR BARR: As I have indicated, Dr Jensen's report shows that teachers want recognition and reward. What we can gather from this report is that, with recognition and reward, teachers will have incentives to get better outcomes for students. As I indicated yesterday, like many other jurisdictions around the country the ACT faces challenges in attracting and keeping the best teachers. We know from Sunday's *Canberra Times* that the AEU is also concerned about this.

Let me say again, Mr Speaker, that whilst ACT public schools are a great career option for the very best teachers—it does take less time for a new teacher to get to the top of the pay scale here than elsewhere; our face-to-face teaching hours are amongst the lowest in the country and the number of teaching days here is less than in New South Wales and Victoria—the problem still remains.

Teaching is not a profession that appeals to the best and brightest university students. Why is this? Because of the highly regulated industrial relations landscape in ACT public schools, pay is low compared to other professions. From the day you start work your pay increases are determined by the length of your service, not the quality of your teaching. Over the years the status of the teaching profession has been allowed to decline. There is no incentive for a keen young teacher to stick it out. Just as under the old Soviet system, there is currently no incentive to do anything more than simply turn up. There are no incentives and no rewards for hard work. Great teachers are not finding their careers rewarding and students are not getting the outcomes that they deserve.

MR SPEAKER: A supplementary question, Mr Doszpot?

MR DOSZPOT: Minister, our dedicated teachers in Canberra are very keen on self-development and professional development. How do you plan to address the fact that teachers cannot get access to professional development opportunities because there are no adequate relief teachers available to assist them?

MR BARR: I thank Mr Doszpot for the question. The government certainly supports professional development opportunities for teachers. As part of the enterprise bargaining arrangements, I think one important initiative is that there is a professional development fund both for classroom teachers and for principals.

The question of access to that fund is an interesting one because by and large those funds are utilised from year to year. There are some years in which the entirety of the amount is not expended and is then able to be rolled over into future years.

This clearly is an area of concern. The ACT Principals Association has highlighted in their submission to me, in terms of reform around school-based management and principal autonomy, that this is an area that they would further attention to. So I agree with the shadow minister that it is an important area that we must address but it is secondary to the most important issue, and that relates to the concerns that I have outlined in response to the previous questions.

MR SPEAKER: Ms Porter, a supplementary question?

MS PORTER: Thank you, Mr Speaker. Would the minister advise what the ACT government proposes in order to help great teachers have more rewarding careers and, most importantly, to get better outcomes for students?

MR BARR: I thank Ms Porter for the question. The Grattan Institute research shows that we need more flexibility in our teaching workforce to get the best outcomes for students. We need to attract and retain the best classroom teachers. The answer to this is recognising these teachers sooner, promoting them faster and paying them more. We must attract the best graduates by offering them a career path, pay and recognition that would make teaching a profession of choice again.

In short, we must be able to promote the best teachers sooner. I am determined to achieve this change for the ACT. I am determined that there will be incentives for

teachers who want to make a difference in ACT public schools and that there will be a reward for those who make a difference in classrooms.

Part of this is about working at a national level with the Australian Institute for Teaching and School Leadership on the establishment of national professional standards for classroom teachers and also next year for principals. That will enable the facilitation of some new accomplished teacher classifications within the career structure for teachers in the ACT and it will enable younger teachers who enter the profession to move faster up the pay scale as a reward for their hard work, for their creativity and for their determination to get better results for their students.

It is about a more flexible approach; it is about moving away from a 1970s industrial relations system into something more akin to the public sector that we see around us in so many other areas of public service delivery in 2010. The change is long overdue and I am going to continue to argue passionately for it.

Ms Gallagher: I ask that all further questions be placed on the notice paper.

Papers

Mr Speaker presented the following paper:

> Auditor-General Act—Auditor-General's Report No. 7/2010—Management of Feedback and Complaints, dated 27 October 2010.

Mr Corbell presented the following paper:

> Petition which does not conform with the standing orders—Hughes Shops—Maintenance—Mr Seselja (Leader of the Opposition) (109 signatures).

ACT Policing—tasers

Debate resumed.

MR HARGREAVES (Brindabella) (2.58): As discussed, ACT Policing has taken a very responsible approach to the deployment of tasers. A comparison of the circumstances of taser use in the ACT with that of other jurisdictions, whilst serving as a useful learning aid, is something that we should, however, view with caution. Reference to a few select comments of any report in isolation of the full context should be avoided.

For example, reference to the Western Australian Crime and Corruption Commission's report into taser use by Western Australian police makes an observation that, since tasers were issued to general duties police, the police use of firearms has doubled. That report, however, sheds no further light on any reasons behind the increased use of firearms or, for that matter, any association with the deployment of tasers. What is referenced in fine print is that use of a firearm simply includes being drawn, not necessarily discharged. Indeed, the Western Australian Police Commissioner, in a recent appearance on the SBS program *Insight*, revealed

that, since tasers were issued to all front-line police in that state, not one person has been shot and killed by police.

I do not seek to downplay the important function that such independent reviews of these serious matters perform. What I do seek to bring to members' attention is the fact that one must do more than scratch the surface to reveal a more complete picture. What the WACCC report does say is that the vast majority of police deployment of tasers has been appropriate, in accordance with the guidelines. Yet, there is always room for improvement.

It is also interesting to note that the Western Australian police have a lower threshold at which deployment of a taser is authorised than does the Australian Federal Police. Although the CCC reports that tasers have been used contrary to guidelines as a tool to enforce compliance, this represents a very small fraction of the instances in which tasers were deployed properly.

Since the 2008 incident of a male person being subjected to 13 taser discharges in the Perth watch-house—all its officers have been charged—some 25,000 detainees have been processed through that same Perth watch-house and since then taser has not been deployed once. Yet, 35 officers have suffered injuries in handling detainees. Clearly, consideration needs to focus on a proportionate balance between officer safety, public interest and the welfare of persons in custody. This is a point that the ACT government wishes to highlight.

I do not want to labour the point but if I can indulge members I have one last fact relating to Western Australia. In 2009, taser was the new support option most widely used in that state; yet it is recognised as the least likely to cause lasting injury or long-term effect. All other use of force options are likely to cause injury.

In May 2010, Western Australian police published its post-implementation review of the taser report. This is a particularly detailed and insightful report that I would urge all those interested to read closely in conjunction with the WACCC report. This report states that, in 2008, there were 286 complaints lodged against police officers relating to all use of force. Of these complaints, the taser was rated third behind physical force and physical restraint. In 2009, physical force, physical restraint and use of handcuffs were all subject to more complaints than taser use.

Let me make it perfectly clear that I am neither advocating for the increased deployment of taser in the ACT nor against it. This government's position has been made clear by the minister. I am, however, advocating for restraint in the selective use of comments before allowing ACT Policing to finalise its review and present its findings to the government.

Governments should always allow agencies the opportunity to assess internal practices and procedures, particularly with regard to matters of operational safety, without undue interference or pressure. In this regard, the minister has taken the right approach in calling for evidence for the need for a wider deployment of tasers in the interests of the safety of both police and the public. This is an operational matter for police; yet the government recognises it is an issue that has significant community interest and concern.

As the minister points out, police are amongst a select few who choose to place themselves in the face of harm in order to help preserve the standards of community life we hold dear. That does not, however, diminish the rule of law, the need for accountability and cautious concern about how police use force. Whilst we in the government weigh the considerations of making law, it falls to police, amongst others, to enforce those laws. We should not second-guess the split-second judgement call often required by police at a moment's notice. There are more than ample accountability measures in place to review the reasons why police respond in a given situation as they do.

This is why I support the amendment to the motion by Mr Rattenbury to reflect more accurately the situation as it specifically relates to the ACT and the undertakings already given by the minister to the Assembly and the community with regard to the review of taser use by ACT Policing.

It is often said that the use of a pistol will do permanent damage. There is no maybe about it. It will. One of my best friends has just been a subject of a police shooting and his life is completely and forever wrecked. And so it would be very easy for me to say I support the expanded use of tasers to replace the pistols on the officers' belts. But it is not, I do not believe, for me as a member of this place to dictate, without proper academic research and evidence-based decision making, the promotion or diminution of the use of tasers or any other use of force option.

It is up to us, I believe, the police as an operational expert and the minister to have a look at all of the writing on this subject and make sure at that point that what we actually do is consider that. We need to be very careful that we do not just say: "It looks like a good idea. We will do it." The streaker's defence, I am afraid, does not cut it for me. "It seemed like a good idea at the time" does not work.

We need—and I have heard this said by those on the crossbench time and time again and I actually support this position—to be a bit more all-encompassing in the evidence that we use to apply to ourselves in this decision making. And when we are talking about possibly somebody's life at stake, we need to be doubly cautious. So I support the minister's position. I support the minister's amendment and I would ask respectfully that the chamber follow suit.

Debate interrupted.

Visitors

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Members, I draw your attention to the presence of David Lamont, a former member of this Assembly, in the chamber.

ACT Policing—tasers

Debate resumed.

MR RATTENBURY (Molonglo) (3.06): Speaking to the amendment, I guess it will come as no surprise that I am a little surprised and disappointed that neither the government nor the opposition is willing to support the Greens in our call for an Assembly decision point on the issue of tasers. I cannot think of a more appropriate and necessary debate to take place in this chamber. And I would like to respond to a couple of the points that have been raised in the context of talking about this amendment.

Certainly, with regard to the Liberal Party, this is a chance to hold the government to account. And I am surprised they are passing it up, given the lines that we often hear being flung across the chamber in this place. This is a real-life, practical opportunity to do it and it is a shame it is not being taken up.

Mr Hanson has referred to this as being an operational police matter. Whilst to some extent it is, I also would argue that it is a matter of significant public interest and importance and I do not think it is one that we should simply delegate when the potential impact on the public is significant. I think I made the point in my opening remarks about the fact that there is a level of public discourse and/or concern on this and I believe it is up to members to take part in that public conversation.

I also note the comments that Mr Hanson was quoted as making in this morning's *Canberra Times* that this matter had already been debated by the Assembly. I presume he was referring to the 2007 Assembly committee inquiry into police use of force. If I am correct in understanding that, then it certainly has been inquired into and I think it is interesting to reflect on that inquiry and the makeup of the committee that looked at it and its key findings.

The committee members on that inquiry were Mr Seselja, Karin MacDonald and my colleague from the Greens, Deb Foskey. Their key recommendation, No 4 in the findings of that inquiry was:

> The Committee recommends that TASERS are deployed by tactical response group members only and should not be generally deployed by ACT Policing as standard issue gear.

That was in 2007. So it was clear that, in 2007, Mr Seselja and the Liberal Party thought it was good enough for the Assembly to take a view on whether the police should have the deployment of tasers as a general issue. But certainly they do not hold that now and I think it is a shame they have backed down from taking the responsibility they thought it was appropriate to take in 2007.

Finally, in response to Mr Hanson's comments, I would like to cast back to some earlier days in this term, in case he is uncomfortable with casting back to Mr Seselja's position in the last term. In the earlier days of this Assembly we had not one but two random drug-driving bills before the Assembly for debate, one from the government and one from Mr Hanson. Each of those bills was designed to armour police with drug swipes to test drivers for the presence of drugs in their system. Certainly, much debate was had. Assembly resources were consumed and column inches were devoted to the topic. And I think the ultimate outcome was a good one.

The question I have for Mr Hanson is: how do tasers differ from random drug swipes? Why does one warrant Assembly debate and not the other? They are both part of the police arsenal. They are both about what might be described as operational matters; yet road testing warranted an entire piece of legislation before the Assembly and tasers did not.

Of course, the obvious and technical answer to that is that we had to create legislation to allow drug-driving tests. But the point is, in effect, these are both matters about expanding the operational capabilities of the police. I think it is a shame that we are not even prepared to accept that the Assembly should be involved in the decision making around the implementation of a significant new weapon in the police arsenal.

I would like to come to a few of the comments made by the Attorney-General and would like to reflect on the importance of transparency when it comes to the use of force by the police in the ACT. My motion seeks to have the Assembly take note of this fact:

> … that increasing transparency relating to the use of force employed by police has the potential to reduce public scepticism of police and increase public confidence in law enforcement …

Put simply, the public trusts the police force and a government that are open and accountable and, conversely, the public does not trust one that is closed and secretive. That is something to be guarded against at all costs. Yet the government, by their amendment, would have the Assembly strike out the reference to transparency. It is important to note that that quote that is in my motion, and I have just quoted it again, and that the government seeks to strike out is not some random quote plucked from obscurity to add weight to the Greens' motion or is simply text that we made up. It is a quote from the 2008 government response to the use of force inquiry. It was a government response signed by the same minister for police who today will have the Assembly delete the reference from the motion that I have put before the chamber. In that case, the minister is being transparent and we can see right through him because he is believing his own words. But that is not the type of transparency that we are after.

There can be no claim of mistake about this because yesterday my office circulated to both the attorney's office and the opposition spokesperson's office the exact reference for the quote. And for the benefit of Hansard, it is page 35 of the 2008 government response to the police powers of crowd control inquiry.

Let me finally comment, on the issue of an Assembly debate, that discussion about thresholds for the use of force is important. As I said earlier, it is entirely appropriate that the Assembly debate when the threshold has escalated to the point at which an officer is entitled to use a taser. I think it is a fundamental question of policy.

Earlier in the discussion, Mr Corbell made a comment that I had spoken about a Western Australia incident. He noted that that was another jurisdiction, that he condemned it and that the police force in the ACT condemned it. He then made,

essentially, a jibe around my trying to draw a sensational link. I sought to do nothing of the type. I simply was underlying the fact that there is the potential—and it has been demonstrated—for misuse of these weapons or abuse of power, as I think the attorney went on to describe it.

I wrote myself a note: "Whilst I was not seeking to draw a sensational link, we have seen an incident of the abuse of power with capsicum spray"—or OC spray, as the minister referred to it—"in the ACT." The minister did go on to highlight that point; so I do not need to particularly draw it out again. Again, that is clearly not the accepted standard of behaviour in the ACT police force. The minister spoke about the disciplinary action that was taken in that instance. And it is, I think, a good outcome that that matter came to public light and was dealt with.

My simple observation is that these matters can happen in the ACT and in fact have happened. We are not immune, unfortunately, to these abuses of power. No matter what directions the Chief Police Officer gives, no matter what the expected standards of behaviour are, unfortunately these incidents do take place from time to time. So we simply cannot dismiss them by saying, "They only ever happen in other jurisdictions." We have the good fortune in the ACT that they are not common but that does not dismiss that we should be concerned about the worst-case scenarios.

I would like to move an amendment to Mr Corbell's amendment because the Greens do not believe that we should give up on the need for greater transparency and accountability. I accept that our call for an Assembly debate will not be agreed to. That is clear from the comments that members have already made and I think that is a shame. But my amendment would reinsert the requirement for the government to report on:

> (ii) the current level of de-escalation and non-weapons based training provided to all ACT Police;
>
> (iii) details of the taser training provided to members of the Specialist Response and Security Tactical Response team and how this compares to other jurisdictions' training requirements;
>
> (iv) the use of force continuum adopted by ACT Police; and
>
> (v) all use of force incidents involving a handgun, taser, oleoresin capsicum spray or baton;".

In moving to attempt to reinsert these requests into the final motion, I note that the government agreed in 2008 to publish the use of force continuum. That is not to be found on the ACT police website to date. I am happy to stand corrected but certainly we have not been able to find it. The 2008 response also undertook to report annually on trends in use of force but this information does not appear in the ACT Policing annual report. The remainder of our amendment calls for information relating to details of the training provided to our ACT police force. I would be surprised if the government has any problem with that information being provided.

So in the spirit of transparency, I would urge members to support this insertion so that we can have that information available to us. Whether or not the Assembly considers

that it should play a role in this decision making, I certainly think members should have access to this information. In relation to Mr Corbell's amendment, I move:

> Omit paragraph (2)(a), substitute:
>
> "(a) that the Government will report to the ACT Assembly on:
>
> (i) the outcome of the ACT Policing Review;
>
> (ii) the current level of de-escalation and non-weapons based training provided to all ACT Police;
>
> (iii) details of the taser training provided to members of the Specialist Response and Security Tactical Response team and how this compares to other jurisdictions' training requirements;
>
> (iv) the use of force continuum adopted by ACT Police; and
>
> (v) all use of force incidents involving a handgun, taser, oleoresin capsicum spray or baton;".

MR HANSON (Molonglo) (3.16): I did indicate earlier that we would not be supporting the amendment and I explained the reasons for that. I would just like to address a couple of issues that Mr Rattenbury discussed in his speech.

Mr Rattenbury made an allegation, essentially an assertion, that there is no difference between what we introduced earlier this year, which was a regime of random roadside drug testing, and the potential for ACT Policing to further expand the use of tasers. Quite clearly, the distinction is that one required an amendment to legislation, to the Road Transport (Alcohol and Drugs) Act 1977. It would have been impossible for the police to conduct the regime that they are going to conduct in due course without that legislative amendment. That is entirely different from tasers: police already have the power and the ability to use tasers in the ACT; there is no legislative requirement that exists that requires them essentially to seek further permission from the Assembly to use them.

I would also make the point that there is no consistency here from the Greens. They are not seeking that there is approval where police officers can use other pieces of equipment that they have issued to them. They have no objection, I assume, to the fact that police officers are all issued with firearms. There is no question about the issuing of firearms, which are issued to front-line police officers and which are obviously far more lethal weapons than tasers. They are not asking for debate on where batons can be used, which can cause significantly more damage than a taser. They are not asking for a change in or a debate on where capsicum is issued.

We have got to make sure that we understand also that, if we were to be involved in a debate in this place where we make the decision about where tasers could be used, we would have to ask why we would not be making a decision on and having the same debate about all the other instruments that police use as well. Should police all be issued with handcuffs, for example?

The other question I would ask is this: the amendment from Mr Rattenbury seems to be about seeking information. Has Mr Rattenbury sought a briefing from the minister? The minister may be able to answer that question. We in the opposition are readily criticised by the Greens when we ask for information in our motions. They say: "Why haven't you sought a briefing? Why didn't you ask for a briefing on this matter?" I grant leave for Mr Rattenbury to clarify for the members of the Assembly whether he has sought and received a briefing. I am sure that these are the sorts of questions that he could ask in a briefing and receive answers on from the Chief Police Officer, who, I am sure, with the ministerial staff, would be happy to oblige where appropriate. If he has not done that, I would also ask that the Greens in future desist from demanding that we seek a briefing when we call on these sorts of issues—if they want to have the same level of consistency in this place. You might want to clarify, Mr Rattenbury, if you have indeed sought and received a briefing on this issue.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.20): The government will not be supporting this amendment. I think it is appropriate that in the first instance Mr Rattenbury seek advice from the Chief Police Officer. I would be happy to facilitate such a briefing. The Chief Police Officer, I know, is always willing to provide advice and detailed explanations of how the police go about their matters, particularly in relation to this issue. I would be delighted to arrange that if Mr Rattenbury is interested in pursuing that.

The proposal that Mr Rattenbury puts does not at this stage, I believe, warrant the action that he is seeking. In the first instance, it is best addressed through a more detailed briefing from the Chief Police Officer. The Chief Police Officer may also be able to provide some further context and explanation through a range of procedures and protocols that would not be able to be provided in the context of the material Mr Rattenbury is seeking. That is why I suggest that course of action as an alternative.

I note that Mr Rattenbury is also raising his concerns about the recommendations of the Standing Committee on Legal Affairs 2007 report *Police powers of crowd control* and the government's response to the recommendations. I note his criticisms there, but I am not sure whether those criticisms are warranted. I thank him for providing these papers to me. I think you passed these to me, Mr Rattenbury, and I thank you for doing so.

First of all, in relation to recommendation 2, the recommendation was:

> … that the AFP prepare a version of the commissioner's order number 3 to release to the public.

The government did not agree to that recommendation as it contained operational strategies relating to the use of force. However, the government did agree to republish the national guidelines for incident management, conflict resolution and the use of force. My understanding is that that has occurred, although it may be the case that Mr Rattenbury's office has not been able to find it, in which instance I will ensure that that matter is rectified.

In relation to recommendation 3, "that the AFP reports in detail on use of force in its annual report, including action taken on inappropriate instances of use of force", I think the AFP in its annual report does report on instances of use of force, but cannot deal with issues around complaints, as complaints are matters that are dealt with through a separate process which is reported on by the relevant oversight agencies.

I am not sure whether there is any deficiency in relation to either of those recommendations, but as a constructive way of moving forward I suggest, Mr Rattenbury, that I arrange for the Chief Police Officer to provide you with a briefing. Obviously, if there are issues arising out of that that you feel need to be addressed, we can have a further discussion and debate in this place, but I think in the first instance that may be the most effective way of trying to address your concerns.

The government remains committed to a high level of accountability and transparency in the operations of ACT Policing. The arrangements that we have in place through the contract that we have with the Australian Federal Police for the purchase of policing services for the territory are, I consider, the best in the country. There is a very clear separation between the purchaser and the provider of the service. There is a very clear set of performance criteria that police have to meet, and that is spelt out in detail in public documents and reported on publicly at regular intervals. That is not what you could claim for every police service in the country. In fact, for most police services in the country you just do not get that level of accountability and transparency in the delivery of services.

So I think we have a good model. We have an ACT Policing leadership team that is committed to that level of transparency and openness, committed to providing detailed advice and assistance to members of the Assembly where they do have questions, queries or concerns. And of course there are the more formal processes of scrutiny of ACT Policing's delivery of its services through the relevant standing committees and select committees of this place.

That provides a very strong framework of oversight. It is an appropriate framework of oversight, one the government supports. I would be happy to arrange for a further briefing for Mr Rattenbury should he so wish.

Question put:

> That **Mr Rattenbury's** amendment to **Mr Corbell's** proposed amendment be agreed to.

The Assembly voted—

Ayes 3		Noes 10	
Ms Hunter	Mr Rattenbury	Mr Barr	Mr Hanson
Ms Le Couteur		Mr Corbell	Mr Hargreaves
		Mr Doszpot	Ms Porter
		Mrs Dunne	Mr Seselja
		Ms Gallagher	Mr Smyth

Question so resolved in the negative.

Question put:

That **Mr Corbell's** amendment be agreed to.

The Assembly voted—

Ayes 10		Noes 3	
Mr Barr	Mr Hanson	Ms Hunter	Mr Rattenbury
Mr Corbell	Mr Hargreaves	Ms Le Couteur	
Mr Doszpot	Ms Porter		
Mrs Dunne	Mr Seselja		
Ms Gallagher	Mr Smyth		

Question so resolved in the affirmative.

Amendment agreed to.

MR RATTENBURY (Molonglo) (3.22): Just briefly in closing, let me say that it is a shame that the Assembly has declined to take the opportunity to be involved in the decision making about the possibility of a general rollout of tasers in the ACT. I do not intend to reprosecute my entire case, but I think that the evidence that I provided to the Assembly this morning is indicative of the fact that this is a very substantive policy issue.

This issue is of significant concern to residents of the ACT. It is one in which evidence from other jurisdictions, both within Australia and around the world, is showing significant issues in relation to both police and public safety regarding the use of tasers and the impact that they can have on alleged offenders. I believe, and the Greens hold the view, that it is an appropriate matter for this Assembly to be involved in the decision making on and that, if we vote to bring forth some of this evidence into the public sphere, we do have the opportunity to have an informed debate in this place.

I note Mr Hargreaves's comments about not being an expert and that we should leave it to the experts. But we make decisions here every day on matters on which we are not the experts and we rely on the evidence before us. I think this matter is no different from many of those other matters which, daily, we are forced to take decisions on.

I thank the minister for his offer of a discussion with the CPO and Mr Hanson for his free advice. I will take up that discussion with the CPO. Nonetheless, my central point was that this information should be available not just to me but to members of the public. I know that there are people in this community who have a real interest in this matter. They will not all have the same access to information that I have been offered, and I think that that diminishes the quality of the public debate on this important matter.

I suspect this issue will come back for further debate in this place at another time. In the meantime I look forward to the ongoing discussion on the appropriateness of this for rollout in the ACT for general usage amongst our police officers.

Motion, as amended, agreed to.

Water—Murray-Darling Basin Authority

Debate resumed.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.33): I thank Mrs Dunne for putting this motion to the Assembly this afternoon. As always in significant matters such as water security for the ACT and for the sustainable future of the Murray-Darling Basin, the devil is in the detail of what is being proposed. Obviously, the Murray-Darling Basin Authority is concerned under its charter with the sustainability of the basin as a whole. The ACT too is concerned about that broader issue, but we also have an obligation to ensure that questions about the sustainability of the territory and its contribution to environmental flows in the basin are properly taken into account.

There is no doubt that as a country we need to ensure the sustainability of the basin as an important environmental asset, as a productive agricultural bowl for Australia and the world and as a place where over 2.1 million people live and from which a further 1.3 million draw their water. There is no dispute by the ACT that more water needs to be returned to the basin's environment. There are, however, specific ACT issues with how the guide proposes the eventual plan will be developed, the scientific basis for calculating the water use in the ACT, both as a raw figure and in comparison to other parts of the Murrumbidgee catchment and wider basin, and how we can manage our way out of the fundamental issues of over-allocation by state governments and the impending effects predicted for climate change that need to be taken into account.

For the ACT I have already, as the responsible minister, raised a significant number of issues with the Murray-Darling Basin Authority. These include the late release of supporting data to enable an assessment of the information used by the authority. This data was only released late last Friday afternoon, almost two weeks after the release of the initial basin guide. I have raised the issue of the authority's advice to the territory of the exclusion of the ACT from social-economic analysis because the ACT biased the results too much if included in the authority's model. I find this very difficult to understand. Why would the basin authority exclude the ACT from the social-economic analysis because our results biased the outcomes? It is quite extraordinary when you consider that the territory and Canberra, the national capital, the seat of government, is the largest single urban settlement in the basin.

I have also raised with the authority the territory's concerns about the proposed sustainable diversion limit targets that will only be possible with stage 3 and stage 2 temporary water restrictions. I have raised with the authority the fact that there is no recognition in their proposals of the successful water management in the ACT that sees the water savings targets proposed being exceeded by the territory. There is no consideration of the ACT's actions to limit water use, which are equal to commonwealth and state actions to buy water for return to the environment and these purchases will be recognised to alleviate reductions in catchments.

I have raised with the authority the fact that the ACT's water use represents just over seven per cent of water raised in the ACT, or 15 per cent after providing for environmental flows. This is a very important point to make. The territory has been a good water citizen and has been a prudent user of the water resources under its direct control. We have not over-allocated—in fact, quite the reverse. We have been extremely conservative in our water use.

Most importantly, I have raised with the authority and with the relevant commonwealth minister the fact that the basin plan guide makes no provision for ACT population growth, even where that growth can be reasonably expected; in fact, even where we can expect that growth to be expanded because of population shift from rural areas in the basin to the ACT as a result of changes in water allocations in the basin.

The government also has concerns over the accuracy of estimates made for the ACT's water use. The guide states that the ACT uses some 12 gigalitres per annum in forestry and farming diversions against the territory's own estimates, as agreed by the Murray-Darling Basin Authority's independent audit group, of being no more than five gigalitres. This is a real concern. The Murray-Darling Basin guide suggests that some 12 gigalitres of water per annum is used in forestry and farming activities in the territory when their own independent audit group finds that that is only five gigalitres at most. This needs to be addressed and it has not been to date.

Finally, there are a couple of other issues that have not been property taken account of by the MDBA. Firstly, there has been no recognition of additional water, estimated to be around 13 gigalitres per annum, that is returned to the basin because of Canberra's built form. Simply put, because of the many hard surfaces that exist in the built-up area of Canberra, more run-off from storm and rain events is returned to the basin than would otherwise be returned if it was simply absorbed into the soil. But there is no recognition of this in the basin guide.

Finally, and most critically, the territory is concerned that there is no provision for water for critical human needs in the territory. The MDBA make assumptions that, across the basin, 340 litres per day is required for critical human needs. Such a threshold would see the ACT have a sustainable diversion limit of 42 gigalitres per year. Yet the basin plan is only proposing 22 to 28 gigalitres per annum. So even according to the authority's own formula, their own estimate, on what the average use per day is for people living in the basin for critical human needs—that is, drinking water, bathing, food preparation and so on—they are proposing a sustainable diversion limit less than what they assume should be the average per person use. This needs to be addressed.

The proposal for the ACT to have extraction reductions of 26 to 34 per cent of current diversion limits, or rising to 34 to 45 per cent if taken from watercourse diversions, raises real concerns for the territory. In 2008, the Centre for International Economics estimated that stage 3 temporary water restrictions cost the ACT $71.8 million to $121.6 million per annum, being the median and upper-bound estimates. Actew used the upper-bound estimates in all of its analysis to assist the benefit-cost implications

of avoiding the worst outcomes for the community, rather than avoiding the median outcomes.

These figures are indicative of the costs to the ACT community if the proposed sustainable diversion limit is applied to the ACT. These real and significant costs on the ACT would only be avoided by water trading to increase the sustainable diversion limit or the current cap by the transfer of water rights. In the territory's view, water trading as proposed by the MDBA is not an economically sound solution. In the ACT's case, we can trade from the lower Murrumbidgee, but that part of the catchment is already significantly over-allocated and, in any case, it gets its water from the ACT, where sound management has ensured comparative under-utilisation of water resources. We would be effectively paying for the water that we were releasing from our dams in increased environmental flows.

If that is the outcome the MDBA want, and which the commonwealth ultimately signs up to, then the territory's view will be that it does not make a lot of sense, but if it must occur then the commonwealth should compensate the territory for those water purchases and basically allow us to purchase that water. But you have to question the logical nature of the proposal. Water that is released downstream in environmental flows then has to be purchased by the territory so that we can use it. It just does not make a lot of sense.

I welcome the authority's actions to commission new works to determine the socioeconomic impact of the proposed plan. This work is reportedly expected to be finalised in March next year. The government will be looking to make sure that that work takes into account the socioeconomic impacts on the ACT of the MDBA's proposals.

The government sees the long-term risk arising from the guide as the failure to provide for ACT population growth. The irony, of course, is that this growth can be expected to be caused at least in part by population shift from rural areas in the basin as a result of changes in allocation under the guide. This fact is reinforced by the fact that we are not recognised in the ACT itself as being a prudent water manager, setting aside water for the environment as a first action and ensuring minimal water use by the community. To give members some idea of the implications, a population of around 700,000 Canberrans would require 70 gigalitres net per annum, representing just over 15 per cent of water raised in the territory or 30 per cent after providing for environmental flows.

The guide presupposes that the sustainable diversion limit targets would be met by water trading under the commonwealth water for the future program to provide some 2,000 gigalitres of the overall target for the basin. In the Murrumbidgee catchment, only 64 gigalitres have been acquired under water purchasing, leaving a need to acquire an additional 615 to 846 gigalitres. The balance of water needed would be bridged by continued buying back of surface water entitlements. It is not clear how this would operate in the ACT's case, where its present water rights—a 40-gigalitre net cap—for potable water cannot be traded and the ACT has no substantial permanent water allocations for surplus water that the commonwealth can purchase. These are all unanswered questions.

For this reason, I have already made representations to the commonwealth minister, Mr Burke, and to the Murray-Darling Basin Authority, raising all of these concerns and asking that they be properly taken into account. In addition, my officials have been engaged in further discussion with representatives of the Murray-Basin Darling Authority so that we have a better and clearer understanding of their technical analysis and the assumptions they have brought to bear in determining their decisions as outlined in the guide.

The commonwealth has now announced that there will be a further period of public consultation. As members would be aware, the federal parliament has established a House of Representatives committee inquiry into the implications of the guide to the plan outlined by the authority. The government will be making representations and submissions to the House of Representatives inquiry and also to the ongoing MDBA consultation process.

The government has a number of concerns about some issues of language in Mrs Dunne's motion and also a number of points that we believe are pre-emptive in terms of proceeding with them at this time. For that reason, I will be proposing amendments to Mrs Dunne's motion. I thank both Mrs Dunne and Mr Rattenbury for the opportunity to discuss these matters in some detail at lunchtime. I think it was a useful discussion and it allowed for some clarification of the issues in dispute.

Essentially, my amendments propose, first of all, to recognise that returning water to the environment is a necessary action and must be done, that there are a range of issues raised by the basin guide that affect the territory, which I have outlined earlier, and that the territory will make further submissions to the authority and the commonwealth on these issues and continue to report to the Assembly on progress in this regard.

Madam Assistant Speaker, I seek leave to move the revised amendments circulated in my name. I draw members' attention to an error in my amendment No 2. It should read "omit paragraph (1)(a)".

Leave granted.

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

(1) Before paragraph (1)(a), insert (1)(aa):

"(aa) the ACT supports the thrust of the proposed policy to return water to the environment as a necessary action to ensure the sustainability of the Basin;".

(2) Omit paragraph (1)(a), substitute:

"(a) the Murray-Darling Basin Authority's *Guide to the proposed Basin Plan*, released on 8 October 2010 and the Technical Background paper was put on the Authority's website on 22 October 2010;".

(3) Omit paragraph (1)(d), substitute:

"(d) that the ACT is the largest urban centre in the Basin;".

(4) Omit paragraph (1)(e), substitute:

"(e) the ACT Government has made formal representations to the Murray-Darling Basin Authority and to the Commonwealth raising its concerns, including:

(i) the late release of supporting data necessary to enable an assessment of the information used by the Authority;

(ii) the failure to be consistent with agreement reached in 2008;

(iii) the lack of recognition of the ACT's successful water management programs that has seen the ACT exceed savings targets to deliver water savings consistent with the outcome of Commonwealth water purchases;

(iv) proposed SDL targets for the ACT that have only been achieved under Stage 3 and 2 Temporary Water Restrictions;

(v) concern about the estimates made for the ACT's water use; and

(vi) no recognition of additional water, estimated to be some 13 GL per annum, provided to the river system by Canberra's built form leading to additional run-off;".

(5) Omit paragraph (1)(f), substitute:

"(f) that both the Commonwealth Government and the Authority have indicated that additional work and analysis is necessary to assess the social and economic impact of the plan on regional communities, and that should include the impact on the ACT;".

(6) Omit paragraphs (1)(i) and (j).

(7) Omit paragraph (2), substitute:

"(2) notes that the ACT Government will make further submissions to the Authority on behalf of the ACT, seeking preservation of the ACT's current diversion limit and raising its other concerns;".

(8) Omit paragraph (3), substitute:

"(3) notes the Government will keep the Assembly and the community informed on progress on the matters raised.".

MR RATTENBURY (Molonglo) (3.48): Canberra, as a river city sitting in the Murray-Darling Basin, must be engaged in and cognisant of the proposals outlined in the Murray-Darling Basin plan. I thank Mrs Dunne for bringing on this important topic for debate. Clearly, with this week's motion about the Murray-Darling Basin, last week's motion on water restrictions and the Greens' MPI about the importance of

water efficiency measures, water is clearly a topic close to our hearts, as it should be, and will no doubt continue to be well into the future.

The Murray-Darling plan has proposed some significant cuts to the ACT's current diversion cap. In essence, today's debate is about how we respond to those proposals and how we participate in the reductions that must be made across the basin. Let me first focus on the proposed Murray-Darling plan.

The essential ingredients are a $9 billion fund available to buy back between 3,000 to 7,600 gigalitres across the entire basin and return it to the river system. This is what the best available science shows needs to be returned to the river in order to make it sustainable and viable in the long term. The guide also proposes to achieve the majority of reductions through buybacks and investing in more efficient irrigation infrastructure.

The Murray-Darling Basin Authority have been clear that, while social and economic analysis would be taken into account, sustainable diversion limits would be developed on the best available science, and that at the heart of their decision making are the principles of ecologically sustainable development—that is, if there are threats of serious or irreversible environmental damage, the lack of full scientific certainty should not be used as a reason for postponing debate.

Mrs Dunne picked up on this earlier when she picked up some public comments I made on the ABC. I am comfortable about them and absolutely stand by those comments. I am also comfortable with the fact that they are consistent with what my federal colleagues are saying. I am not too shocked or horrified that we have got some joined-up thinking going on there, but our essential response to the broader plan is that, without a sustainable river system, there will be no sustainable communities across the basin.

We also hold the view that we need to build resilience in the river system. We have been over-farming water for three generations now and, as we have discussed in this place before, the scenarios for the future are for hotter, dry conditions. The stress on the river system under those scenarios can only increase.

Certainly the water debate has played a central role in Australian history and even shaped our constitution as we see it today. It is no mistake that section 51 of the constitution does not hand the commonwealth the express power to make laws with respect to water. The founding fathers were forced to leave water rights to the states, never mind the fact that the Murray-Darling flows through four states and one territory. Likewise, section 100 of the constitution reads that the commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a state or of the residents therein to the reasonable use of waters of rivers for conservation or irrigation, something that was just overlooked. These are quite deliberate provisions that reflect the discussions of the time.

This approach of giving states the ability to regulate water has largely been accepted, despite the fact that good water management requires cohesion. That mistake—which I believe it was to end up with a segmented or fragmented system—has been

compounded decade after decade ever since by over-allocation, a culture of state-versus-state, and a simplistic battle of downstream versus upstream settlement and environment versus irrigation.

Yes, the good new is that we now have $9 billion on the table and an opportunity to return the Murray-Darling to a healthy state, and we must not squander the opportunity. Instead, we must make the most of it. In light of Mrs Dunne's earlier comments, this is the context in which the Greens made the observation that we cannot allow this plan to fail, and I stand by those comments. We cannot let this river system simply slide into a state of dysfunction because we cannot agree on a way to make it better.

To make the most of this opportunity we cannot return to the old habits of an inward-looking approach. We must literally think of the basin as a whole; we must think of the downstream users; we must think of all the stakeholders when approaching negotiations on the guide.

That leads me to our response on the Canberra component of the plan. I did hear the comments the attorney made, and I think there is quite some debate to go. But if we accept that as a general model of good negotiating practice for the ACT to take as we move forward on the basin plan as a whole then statements such as those in Mrs Dunne's motion calling on the ACT government to vigorously defend the preservation of the ACT's current diversion limit and commission the necessary expert or professional advice to support its defence of the current diversion limit must be rejected.

These statements, I believe, misunderstand the basin-wide reforms that are necessary and undermine the opportunity we are presented with to work constructively. We are part of the Murray-Darling Basin system and, therefore, we do have a role to play. I will come to this point again in a minute, but what that looks like in the end remains to be seen, and I think the attorney has highlighted areas where further work needs to be done. I do not think we can start from a place where we are saying, "Frankly, we have got our water allocation, we are keeping it, and the rest of you can go and do what you like. We're fine, thanks, Jack."

The ACT as a whole currently diverts 51 gigalitres of surface water from the Murray-Darling, according to the MDBA analysis, although I note, again, the minister's comments, and I make the observation that around 11 gigalitres of this is unable to easily be intercepted as it is consumed by the ACT's forestry plantation. That leaves around 40 gigalitres from which the ACT can make savings under the basin plan.

The ACT's current usage under the cap is around 18 gigalitres. We use around 45 to 48 gigalitres, and we return around 30 gigalitres into the system, producing that net figure of around 18 gigalitres, or a little higher. So we are currently operating well within the cap that we have been set. The guide is currently proposing that the ACT play its part by returning between 13 to 18 gigalitres. If we were to take the maximum amount of that—that is, the 18 gigalitres—then, on the current numbers, the ACT would still be operating within the new sustainable diversion limit.

While that seems eminently doable right now and into the medium term, there have been concerns raised about the impact of a diminishing cap in light of an increasing population. I note the minister has made this point publicly where he has observed that in the short and medium term this suggested diversion limit might not be a problem in the ACT but it would be in the long term. This is certainly a valid point to be raising, and one which I will come back to shortly. But before we get into the details of this, I think we need to take a good look at all the information and acknowledge the process that the MDBA have established.

One of the saddest things about the way this debate is playing out across the region is that political pressure and the loudest voices seem to have impacted on what, in many ways, was a reasonable process that the MDBA have outlined. This is the beginning of a long consultation process—it is important that the ACT consults, but let us consult in a way that we remain open to discussions and negotiations, rather than going in all guns blazing and fighting over our bit of water. For example, it is important that we recognise now that the MBDA has applied a principle of equal percentage reductions right across the basin at this early stage of consultation.

This principle is up for discussion, and future iterations of the plan are likely to have a more sophisticated response to these questions: should reductions operate on a principle of equal reductions, or should we seek some other method to calculate how the amount that we need to return to the system is shared around or allocated or retrieved from various current users. We may be able to put a case that it should not and that urban centres should have preferential treatment, but I would like to see that case laid out in a well-made argument before I would support it.

It is interesting to note that the ACT can and does purchase further water from the water market outside of the sustainable diversion cap. Actew has over the past few years moved towards purchasing 20 gigalitres of general security water licences on behalf of the people of the ACT so that we can then convert them to 10 gigalitres of high security water licences and support the Tantangara transfer option under the major water security projects. We can in the ACT afford to pay more for our water in the city, and we do thus far seem to be doing so.

It is important to acknowledge that the ACT has reduced its water consumption by around one-third over the past 10 years down to around 45 gigalitres, as I mentioned earlier. I note that the motion today makes mention that this has only been done under stage 2 and stage 3 water restrictions. That is an interesting observation in light of the debate we had last week where Mrs Dunne and Mr Corbell were advocating strongly for the removal of water restrictions. Now they are arguing the case for a higher water entitlement under the basin plan. I think this is where we really need to do some thinking about what our long-term position is going to be. But either way, the ACT has done a good job so far of improving our water efficiency.

The question of population growth and future water needs is a slightly fraught one. I note that the Assembly will be investigating this issue in the context of the ecological carrying capacity inquiry that will also investigate issues around water and food production for the ACT and surrounding regions.

But the central point that I would like to focus on here, and one that I have made in this chamber before, is that as our population grows and we build new suburbs and we create new industries, we must keep investing in being more water efficient. As I said, I have made this point on a number of occasions, and I am starting to feel a little bit like a broken record. New suburbs such as Molonglo must be developed mindful of the water constraints and the water stresses that we are likely to face in the future. We have got a real taste of that with what the MDBA has suggested in their guide is the scientifically based number that they think applies to the whole of the basin and then what the rough-cut proportion is that the ACT might be expected to take in that. We need to start making this city more water efficient. Suggestions that we can somehow keep building supply capacity to overcome these constraints are simply not realistic.

On Mrs Dunne's motion specifically, I would like to briefly comment on a few of the paragraphs. The Greens are able to support paragraphs 1(a) to (c) as being points of fact. That seems to be quite relevant to the matters at hand. I will use Mrs Dunne's numbering to start with and come to Mr Corbell's amendments in a moment. From paragraph (d) onwards, it appears that Mrs Dunne is building a case to say that the MDBA and the commonwealth have made mistakes and that the Canberra community has more of a right to water from the Murray-Darling Basin than other communities in the basin and that we should go and fight for it tooth and nail. I will not go through those paragraphs as I am running short of time, but the Greens, while agreeing with Mrs Dunne's statements of fact, do not necessarily subscribe to the case that Mrs Dunne is seeking to build, I think, in her motion. As such, we will not be supporting large chunks of Mrs Dunne's motion.

Firstly, paragraphs 1(d) to (j) seem either irrelevant to the case being made or not the case that the Greens would make. In paragraphs 2(a) to (e) we have a similar problem. Firstly, paragraph 2(a) seems at odds with what paragraph 2(c) quite substantially. In the first paragraph Mrs Dunne makes the statement that we should vigorously defend the ACT's current limit and then—and I am sure this is not quite how she meant it, but it is certainly how you could read it—she argues in paragraph (c) that the government should commission the research to justify the case that it wants to make. Now, I am sure that one can always find a consultant to get you the outcome you want, but I do not think that that is the basis on which we should be arguing for a water allocation.

Mr Corbell has moved some amendments and, as he noted, we did have a discussion over lunch. Certainly, they substantially rewrite Mrs Dunne's motion, and the Greens will be supporting quite a number of the proposals that Mr Corbell has put forward. We are still not entirely comfortable with all of them. As we come to each of them, perhaps there will be an opportunity to put our views on those, particularly if we put each question separately.

Overall I think that there is a long way to go on this debate. I think there is a lot of information still to be extricated. I am sure we will be having this discussion again. In light of the Greens taking a slightly different approach, I would now like to move the two amendments circulated in my name. The first of them inserts a new paragraph right at the beginning of Mr Corbell's amendments and simply notes the findings from

the Murray-Darling Basin Authority on the amount of water that needs to be put back. The second puts a position on the way we believe the ACT should be approaching the negotiating table, so I seek leave to move the amendments together.

Leave granted.

MR RATTENBURY: I move the amendments to Mr Corbell's amendments circulated in my name together:

(1) Before paragraph (1)(a), insert (1)(aa):

"(aa) that the Murray-Darling Basin Authority has proposed that between 3,000 GL and 7,600 GL of additional water needs to be returned to the waterways of the Murray-Darling to restore key environmental assets and key ecosystem functions across the Basin;".

(2) Omit paragraph (2), substitute:

"(2) calls on the ACT Government to engage in a constructive way with the current consultation process on the Basin Plan to assess how it might contribute to the proposed returns through a reduction in the ACT's diversion and/or improved efficiency measures in the ACT;".

MRS DUNNE (Ginninderra) (4.03): I will address both sets of amendments in my remarks. Firstly, I would like to thank Mr Rattenbury and Mr Corbell for the generous and constructive way we discussed these matters at the lunchbreak. But I think we got to a situation where there is a level of agreement and there are some things that we will have to agree to disagree on.

Mr Corbell has moved some amendments today, some of which are matters of minor detail I would agree with, others that I think are a bit of a quibble and others that I still strongly disagree with. I think it is about style and approach to issues. I am still not satisfied that the government's "softly, softly, catchee monkey" approach is entirely the right way to go. I do not think that the government has done enough to engage the community on the importance of this issue because it has had almost nothing to say.

I think it is actually quite comforting to some extent to hear the minister talk about the things that he is concerned about both during the discussions we had over lunch and in his remarks here today. It is revealing that on many of the things that I have been concerned about and Mr Corbell has been fairly silent about, we actually share the same concerns. I am concerned about the type of language and the approach that Mr Corbell is taking on this on behalf of the people of the ACT.

Part of the motivation of this motion was essentially to put some fire under the ACT government to stand up for the people of the ACT. I do not resile from a requirement for asking on behalf of the people of the ACT that the ACT government vigorously defend our water allocation. Part of the reason why we should vigorously defend our water allocation has been touched on by the minister here today.

The ACT has made substantial inroads. It has cut back its water use quite considerably. We have agreed to a cap which was much less than that which we

originally started out with in the negotiations many years ago. Even when we did all of those things, the Murray-Darling Basin Authority, through this publication, has dudded us. The minister has pointed to a number of instances in the documentation which are wrong, which are contrary to previous documentation of the Murray-Darling Basin Authority or which completely disregard the operation and the needs of the ACT.

In this discussion Mr Rattenbury spoke about the constitutional requirements in relation to water. One of the things that has not been mentioned in any of the discussion is the fact that there is commonwealth, New South Wales and ACT legislation that gives the people of the ACT paramount rights—I repeat that: paramount rights—to the waters of the upper reaches of the Murrumbidgee River and the waters of the Molonglo River.

This has not been taken into account in this equation. The fact that most of the water that comes into the ACT or falls on ACT land leaves the ACT to be used downstream and perhaps to be over-allocated downstream, is not taken into account. The minister in his comments today has made it quite clear that he has concerns about this.

My concern about the minister is that he is not being robust enough in his defence of the ACT. Mr Corbell basically says that he has a problem with the language. He does not want to vigorously defend. He thinks that we should defend our current allocation but he does not want to use the words "vigorously defend" and he seems unwilling to engage the people of the ACT in this important matter.

I made the point the other day in discussing this that this is not a matter for people down river. It is not a matter for irrigators. It is not a matter for horticulturalists. It is not a matter for the people of Adelaide. It is a matter for everybody who lives in the basin and it is a matter for the people of the ACT. Because we do not have the top-of-mind issues like large-scale irrigation and things like that, I think the people of the ACT are not yet engaged with this very important issue.

I think it is incumbent upon us here in the ACT to ensure that our citizens are engaged and understand what is going on. At this stage they should understand that they are being dudded but that the current publication stands in stark contrast to other information that is provided by the same organisation. Search the webpage and you will find contradictory information depending on which publication you look at.

These are serious matters and I am not yet satisfied that the minister is concerned enough about this. I note that he has said that he has made submissions. I would ask the minister to provide as a matter of course to the Assembly the copies of submissions that he has made both to the minister and to the Murray-Darling Basin Authority.

The substantial amendment is Mr Corbell's amendment No 7, which basically takes out all the courses of action that we have proposed and condenses that into saying that we will make submissions on behalf of the territory. I think that this is where we fall down.

The other part of my motion which has been gutted by Mr Corbell is to take out that collegiate arrangement. I think it is most important for the members of this Assembly to effectively endorse whatever submissions that the government puts forward in relation to the Murray-Darling Basin plan so that it has not just the force of "this is what the Stanhope government thinks" but "this is the collective view of the ACT Legislative Assembly", because there is a great deal of commonality between the views being expressed by the minister and the views being expressed by the Canberra Liberals in relation to this issue.

If he can garner bipartisan or tripartite support for the position that he takes to the federal government, to the minister, to the parliamentary inquiry, to the Murray-Darling Basin draft plan and final plan, we will be better off. This is the main thing. The minister, really, I think is hamstringing himself by not embracing those issues.

The principal amendment brought by Mr Rattenbury we cannot support under any circumstances because it really comes from a diametrically opposed position. We in the Canberra Liberals, along with the minister, it would seem, believe that we should defend our current water allocation. But the words of Mr Rattenbury are quite opposed to that. He said that we should not be going in all guns blazing and fighting for our little bit of water.

There is one part of that that I agree with, Mr Assistant Speaker. It is a little bit of water in the great scheme of things. It is less than one per cent of the water in the great scheme of things. That is almost part of the reason why we should be out there defending it all guns blazing. We should be defending it vigorously.

The people of the ACT, as they become more engaged in this debate, will expect us to do so and they will be asking, "What have the Stanhope government and the Greens been doing to support the people of the ACT?" The answer will be, I hope, that Minister Corbell has been a bit soft on this and the Greens on the other hand are being quite reckless in handing over our little bit of water without asking any questions why.

I thank the members for their participation in this debate. I thank the minister for some of the assurances. I encourage him to be more robust in the future in standing up for the people of the ACT.

MR ASSISTANT SPEAKER (Mr Hargreaves): Mrs Dunne, were you closing the debate?

Mrs Dunne: No, I was making my comments on the amendments.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (4:14): I thank Mr Rattenbury for his amendments. The government will not support his proposed amendments. The reason for this is as follows: firstly, his first amendment notes that the Murray-Darling Basin Authority has proposed that between 3,000 and 7,600 gigalitres of additional water needs to be

returned to restore key environmental assets and key ecosystem functions. Whilst we do not dispute that particular element, we do dispute what the implications of that may be for the territory.

The level of environmental flows proposed to come from the ACT towards that figure in our view are predicated on some errors by the MDBA. I have outlined a number of those earlier, particularly the issues around both the amount of water that they allocate to forestry and agricultural uses in the territory, which is much higher than their own audited figure, and also the figure of urban stormwater run-off back into the basin. Neither of those figures seem to have had any regard to what has been the commonly accepted figure between the territory and the MDBA to date. For that reason I am reluctant to support that proposal.

Secondly, in relation to the amendment that calls on the government to engage in a constructive way with the current consultation process, that is exactly what the government is intending to do. I think it is a bit gratuitous to suggest otherwise. I note that Mrs Dunne is critical of me for not being hairy-chested enough on this issue. But I will conduct myself in the manner that I think is the best approach—

Mr Seselja: You have improved today though, Simon. You have improved since Vicki caused you to. You look better today than you have on other days.

MR ASSISTANT SPEAKER: Order, Mr Seselja!

MR CORBELL: All I would say in response to the interjections is that I have always said from day one that the government will be making representations about the concerns that we have and that we want to see those addressed.

Mr Seselja: Vicki has put a bit of steel in your spine though.

MR CORBELL: Mrs Dunne and the opposition can say that they have put some steel in my step or whatever. But the fact is that I have never wanted to see the territory as a recalcitrant in this debate. I do not want the territory to be seen as a recalcitrant in this debate. We are talking about the health of the Murray-Darling Basin, a river system which is fundamentally threatened and fundamentally compromised at this point in time. We do need to play a constructive role in that discussion.

But at the same time we need to assert and stand by what we believe is in the best interests of the territory. So that requires a constructive approach. That requires an informed approach and that requires an approach where you maintain and build relationships with the key decision makers so that you get the best possible outcome. I can sling arrows and stones at Tony Burke and the MDBA but I do not think it is going to assist the territory's long-term interests by doing so.

Yes, I can be robust and, yes, I have always said that I will be robust in putting the territory's position. But am I going to beat my chest and sling arrows and stones for the sake of it? No, I am not, because the federal water minister and the MDBA have a devilishly tricky job on their hands. I want the territory's interests and the territory's long-term expectations about water security to be protected. But I am also going to

make sure that we maintain a good relationship so that we get the best possible outcome. I think that is what anyone in the community would expect me to do.

The government will not be supporting Mr Rattenbury's amendments. I think that the tone of the resolution is important as we move forward. It is important to have a calm and rational debate about what can become very quickly a very emotive issue. Yes, there are serious issues of concern for the territory. I have outlined those in detail in my earlier comments. I will not reiterate them now. We will advance those issues.

I have written to Minister Burke and I have written to the MDBA already signalling our concerns. There will be further opportunities to pursue these issues. The government will be making a submission to the House of Representatives inquiry. We will be engaging in the consultation process being undertaken by the MDBA. We will be raising these issues at the ministerial council meeting when it occurs later this year. There are a range of opportunities for these issues to be canvassed and discussed. I will be taking every one of those opportunities to make sure that they are.

The government's approach, I think, is an informed one and a considered one. In the discussions that have been had around the margins in relation to this motion, Mrs Dunne has raised the view that it would be desirable if there were a whole-of-Assembly position. I welcome that offer. I think it would be desirable if there were a whole-of-Assembly position.

I think we are a bit early in the process in terms of properly understanding all of the assumptions and all of the technical data that underpins the decisions that the MDBA has outlined in its guide. I have indicated to Mrs Dunne and to Mr Rattenbury that the government would welcome a further discussion about an appropriate resolution at a future point indicating what the collective view of the Assembly was on this issue. I agree that that would lend weight. I agree that that would lend weight to further representations the territory will make, and I will discuss that issue further.

I have undertaken to discuss that issue further with both the Liberal opposition and with the Greens, and I will do so. I will take up that offer, Mrs Dunne, and we will have a further discussion about a collective position at a future point once we fully understand all of the assumptions underpinning the MDBA's decision and once we have clarification on the broad range of questions which I have outlined and raised and which other members have raised as well. We simply do not have that level of definitive advice yet from the MDBA to be able to do that at this point.

I also note that Mr Rattenbury is keen to see reporting requirements. As I undertook to him during the luncheon break, I have amended my motion to have regard to that. Mr Rattenbury has pointed out that I was in error in the revised amendment that I circulated in that that other element was not included. Mr Assistant Speaker, I will need to seek the leave of the Assembly again. I seek leave to table and circulate my new revised amendments that omitted two key elements that members have since drawn to my attention. I apologise to members and seek leave to do that.

Leave granted.

MR CORBELL: I move the second set of revised amendments circulated in my name:

(1) Before paragraph (1)(a) insert (1)(aa):

"(aa) the ACT supports the thrust of the proposed policy to return water to the environment as a necessary action to ensure the sustainability of the Basin;".

(2) Omit paragraph (1)(a), substitute:

"(a) the Murray-Darling Basin Authority's *Guide to the proposed Basin Plan*, released on 8 October 2010 and the Technical Background paper, was put on the Authority's website on 22 October 2010;".

(3) Omit paragraph (1)(d), substitute:

"(d) that the ACT is the largest urban centre in the Basin;".

(4) After paragraph (1)(e), insert:

"(ee) the ACT Government has made formal representations to the Murray-Darling Basin Authority and to the Commonwealth raising its concerns, including:

(i) the late release of supporting data necessary to enable an assessment of the information used by the Authority;

(ii) the failure to be consistent with agreement reached in 2008;

(iii) the lack of recognition of the ACT's successful water management programs that has seen the ACT exceed savings targets to deliver water savings consistent with the outcome of Commonwealth water purchases;

(iv) proposed SDL targets for the ACT that have only been achieved under Stage 3 and 2 Temporary Water Restrictions;

(v) concern about the estimates made for the ACT's water use; and

(vi) no recognition of additional water, estimated to be some 13 GL per annum, provided to the river system by Canberra's built form leading to additional run-off;".

(5) Omit paragraph (1)(f), substitute:

"(f) that both the Commonwealth Government and the Authority have indicated that additional work and analysis is necessary to assess the social and economic impact of the plan on regional communities, and that should include the impact on the ACT;".

(6) Omit paragraphs (1)(i) and (j).

(7) Omit paragraph (2), substitute:

"(2) notes:

(a) that the ACT Government will make further submissions to the Authority on behalf of the ACT, seeking preservation of the ACT's current diversion limit and raising its other concerns; and

(b) the Government will commission, as necessary, expert or professional advice to support its representations about the impact on the ACT;".

(8) Omit paragraph (3), substitute:

"(3) notes the Government will keep the Assembly and the community informed on progress on the matters raised every six months until after the final plan is released.".

MR ASSISTANT SPEAKER (Mr Hargreaves): For clarification, Mr Rattenbury, you moved an amendment to Mr Corbell's original amendment.

Mr Rattenbury: I did.

MR ASSISTANT SPEAKER: Does this mean that your amendment now amends Mr Corbell's second revised amendment?

Mr Rattenbury: Yes, that is the case and I moved them together.

MR ASSISTANT SPEAKER: Thank you very much. The question then is that Mr Rattenbury's amendments to all of Mr Corbell's amendments to Mrs Dunne's motion be agreed to..

MR SESELJA (Molonglo—Leader of the Opposition) (4.22): Speaking briefly to Mr Rattenbury's amendments, I think there is a real concern—and I think Mrs Dunne addressed it very well—about the Greens' attitude to this issue. I am glad to see that, as a result of some of the urgings and the pressure put on the minister by Mrs Dunne, Minister Corbell seems to have taken a slightly different tack today in relation to the territory's important interest in this process.

I will address a couple of those issues. We need to put into context what we are dealing with here. Mr Rattenbury said in his speech that we needed to contribute and the like. The reality is that we are. I think it is arguable to say that, when it comes to the Murray-Darling Basin, we punch well above our weight in terms of our contribution to water efficiency and the use of water in the basin. We divert only around half a per cent of the total water in the basin; yet we are 17 per cent of the basin's population.

We pay far more for our water than anywhere else in the basin. We are using much less, we are paying much more, we have already agreed to what could be argued to be a very restrictive cap and now we are being told that is not enough. We have been the good citizens. We have been the good citizens for a long time on this and I think it is

reasonable for us to say on behalf of the people of the ACT, "We are doing more than our fair share, given how much we pay and how much we use."

The relevant words in the amendments from Mr Rattenbury are:

> (2) calls on the ACT Government to engage in a constructive way with the current consultation process … to assess how it might contribute to the proposed returns …

It is not about arguing the case, saying, "We do not want to be facing permanent water restrictions as a result of this process." We believe we should be arguing the case but the Greens, in these amendments, are saying, "We just need to find a way of complying with what the Murray-Darling Basin Authority has had to say." We do not believe that is good enough and that is why we will not support these amendments. That is why Mrs Dunne has rightly advocated that the government and all parties represented in the Assembly should be standing up for the people of the ACT.

This goes even broader than that. We need to look at the way the ACT is being treated. Firstly, I think this process has been very poorly handled by the authority. The ACT is just not any city. We are the nation's capital and we should have regard to that, quite aside from the fact that we have contributed much more than other communities, quite aside from the fact that we pay more for our water and that we divert less. The fact that we are the nation's capital should also come into this.

We believe that the Greens' approach to this, which is to simply accept whatever the authority puts forward and to not argue the case on behalf of the people of the ACT, is not doing the job that we are elected to do, which is to advocate on our behalf. And if the argument is "we need to do our bit, we are doing our bit. We will continue to do our bit. And we are doing more than our bit. Just because an authority says that it is a good idea does not make it a good idea. We in the ACT have contributed significantly. Let us be clear on this as well. The people of the ACT have suffered through this drought.

We had a debate last week about water restrictions and about why water restrictions should be lifted. We are very pleased that Actew has done that. It is not about forever not being able to use water, as the Greens appear to be arguing. But their position seems to be: "No matter how much you save, you should save more. You should expect that there is always going to be drought and you should be without the basic use of the water that you expect." We are not talking about what we have experienced in the last few years. We are talking about reasonable use of water.

What the Murray-Darling Basin Authority is proposing would potentially restrict Canberrans in their water use in perpetuity. We would potentially be faced with a situation where it would always be as if there were a drought, no matter how much water there was, because we would have such a small allocation to use for the purposes of ACT residents.

We do not accept that. We do not accept that argument. We do not subscribe to that argument. That is why we will not support Mr Rattenbury's amendments and that is

why I commend Mrs Dunne's motion. It sets out a sensible path. It outlines a way forward where the government and the Assembly say to the federal government and the Murray-Darling Basin Authority: "We should not be treated like this. The people of the ACT should have their fair share of water. What is currently being proposed is not fair." So I commend Mrs Dunne's motion to the Assembly.

Mr Rattenbury's amendments to **Mr Corbell's** proposed amendments negatived.

Question put:

> That **Mr Corbell's** revised amendments be agreed to.

The Assembly voted—

Ayes 8		Noes 5	
Mr Barr	Ms Hunter	Mr Doszpot	Mr Smyth
Mr Corbell	Ms Le Couteur	Mrs Dunne	
Ms Gallagher	Ms Porter	Mr Hanson	
Mr Hargreaves	Mr Rattenbury	Mr Seselja	

Question so resolved in the affirmative.

Amendments agreed to.

MRS DUNNE (Ginninderra) (4:32): This is an important issue and I want to pick up on something that the minister said. He said there are a range of issues that we need clarification on. And there is no doubt about that. One of the things that my staff and I have been doing fairly diligently since this report came out is trying to get across the documentation, to get an understanding of what is going on and to seek briefings and get an understanding of other players' views in this matter. I have sought a briefing from a range of people. We have been seeking on behalf of the Canberra Liberals to be as fully informed as possible.

At the outset I asked the minister's office for a briefing, which has not yet been forthcoming. I know that the departmental staff are still trying to get across many of these issues but I urge the minister to at least provide a preliminary briefing early in the piece. I know that people's level of understanding will change over time. These are important issues.

I thank the minister for his offer to reach out and have a multiparty approach and a multiparty agreement on this. I think that there has been some misunderstanding. This is not what we were seeking to do today but rather to set that in train. We were not going to say today that we, the Assembly, were going to draw a line in the sand and say, "This is what we will do, nothing more and nothing less." I think that is something that will have to evolve over time. Although the multiparty approach has been excluded from my motion, I do thank the minister for his offer to continue down that path because this is such an important issue and I will willingly participate in those discussions.

I think it is very unfortunate that some of the areas in my paragraph (2) have been taken out. I draw members' attention to something that I discussed in my introductory comments. Paragraph (2) asks that we commission "an independent assessment of the impact of the proposed basin plan on the net economic benefit of Actew Corporation's current major water security projects".

This is a very important issue. I think that the minister has some understanding of the importance of this. There was some recognition during the discussions we had today that this may be something that we have to address further down the track, irrespective of whether it has been thrown out today, because, if we get to a situation where we are having to go to the commonwealth and make demands in relation to compensation, this is a piece of information that we will need to know.

If the Murray-Darling Basin plan, as it currently stands, is implemented, it will change the net economic benefit of our water security. That might not be something that we want to look at and we might not be very comfortable about the result of that because we made, in this territory, decisions about water security infrastructure based on a whole lot of parameters which have been changed or are potentially changed by this plan.

The fact that the commonwealth signed up to a cap arrangement, a 40 gigalitres plus growth plus credits for what we had not used previously—and that has not been addressed today either in this debate—and have reneged on that commitment is a very serious issue. If they persist in their reneging on that commitment, it will change the value of the net economic benefit of our water infrastructure. It is something that we need to know. We need to understand, we need to be able to quantify, because somewhere along the line it will become a live element. It may become a live element in negotiations in relation to compensation if we are left out in the cold.

I do not want to get to that point. I again encourage the minister to be, in the words of the Bard, bloody, bold and resolute about this, because this is an important issue. There has been too much in the minister's utterances over time that, if anything goes really pear shaped, we will talk to the commonwealth about compensation. That becomes a self-fulfilling prophecy. We get to the stage where the minister has become so focused on compensation that he may not be out there resolutely looking after the ACT's interests. I hope, as Mr Seselja has noted, that the minister's apparent increase in resolution today is translated into his negotiations in the future.

I would encourage the minister to be open with members of the Assembly about the approaches he takes on this important issue because, even though Mr Barr thinks it is hilarious, it is an important issue. It is an important issue for the people of the ACT and I would encourage the minister—

Mr Barr interjecting—

MR ASSISTANT SPEAKER (Mr Hargreaves): Order, Mr Barr! Please do not engage.

MRS DUNNE: I would encourage the minister to provide members of this place with the copies of the representations that he has already made, those which he said he has made to Minister Burke and to the Murray-Darling Basin Authority, and then to continue to provide the Assembly with those submissions as we go ahead. He has undertaken, through his revised amendments, to report regularly to the Assembly. Part of that reporting, at least in that context, should be the submissions that have been made on this.

This will be an issue that we return to quite frequently. Those around the place who do not think that water is important had better learn or suck it in, because we will be back here time and again to deal with this issue while ever the future of the ACT is in jeopardy in the way that it currently is.

I thank members for their constructive approach to this important issue. While I am disappointed that my motion has been significantly amended, I think that the importance of the issue still shines through despite the amendments. I thank members for their contributions today.

Motion, as amended, agreed to.

Gungahlin—swimming pool

MR HANSON (Molonglo) (4:39): I move:

That this Assembly:

(1) notes that:

(a) the people of Gungahlin do not have the same access to swimming pools as is enjoyed by people living in other areas of Canberra;

(b) on 4 August 2008 Labor Member for Molonglo and Minister for Tourism, Sport and Recreation, Andrew Barr MLA, committed the ACT Labor Government to building a 50 metre pool in Gungahlin;

(c) in response to a question without notice asked on 19 October 2010, Andrew Barr MLA refused to commit the Government to honour its election promise of building a 50 metre pool; and

(d) the people of Gungahlin have raised significant concerns with Andrew Barr's refusal to commit to the Government's election promise made on 4 August 2008 to build a 50 metre pool; and

(2) calls on the:

(a) ACT Government to confirm its commitment to its election promise to build a 50 metre pool in Gungahlin; and

(b) Government to provide to the Assembly the date by which the pool will be open and available for use by the residents of Gungahlin.

I rise today to speak about the good people of Gungahlin and the swimming pool of 50 metres length that they were promised by the ACT Labor government in the lead-up to the last territory election. This is an important issue for the people of Gungahlin, who do not enjoy the same level of amenity that is enjoyed by many other people across Canberra. It is not just restricted in this case to a swimming pool; it is quite clear that they do not have the same level of sporting facilities—things like tennis courts, for example.

Mr Seselja: Their roads.

MR HANSON: I will be getting to that, Mr Seselja; do not worry. They do not have the same recreational opportunities that are enjoyed across many other parts of Canberra. Employment opportunities are significantly lacking in Gungahlin. Indeed, the intent of having a government office block there, be it federal or ACT, seems to be a mirage that we never quite achieve. There is access to health care when you look at GP numbers and the healthcare centre yet to be built. There is the road; we could wax lyrical for a long time about the road situation here in the ACT that services the people of Gungahlin. I hope that, as we are talking about swimming pools and GDEs, we do not end up with a one-lane swimming pool with the promise that it will be duplicated at a later stage.

The people of Gungahlin still lack broadband. There is no Gungahlin shopfront—again promised: another broken promise by this government. There are educational opportunities, particularly at the tertiary level, that are not enjoyed by the people of Gungahlin. Indeed, when it comes to matters of infrastructure and services, the people of Gungahlin often lack them when it comes to a comparative analysis with other people, other areas of Canberra.

There is no question that the people of Gungahlin have been missing out. But what they were expecting to be delivered to them, because they were promised this by the ACT government, and specifically by Mr Barr, was a 50-metre swimming pool. There is certainly a case for a pool. As I have said, other people in Canberra do enjoy a 50-metre pool. I note that Mr Doszpot has raised concerns about some of the amenities in Gungahlin, and I share those concerns. But there is no question that Gungahlin is a growing area. When you look at its current population of around 40,000, you see that it is an area of significant growth for Canberra, with population growth there predicted to be to around 90,000 or 100,000 in coming years. And when you look at the demographics, it comprises, in significant part, young families—the exact group of people that need access to a facility of this sort.

Whilst Katy Gallagher is talking about the need for a 400-bed hospital, potentially located in Gungahlin, we seem to be stepping backwards when it comes to the delivery of this 50-metre pool. This has been a promise or an illusion that has been put out there by the Stanhope government, by the Labor government, for quite some time. It has remained either a study or a promise.

Let me make it very clear for the *Hansard* what Mr Barr said. On 4 August, the Labor member for Molonglo, the Minister for Tourism, Sport and Recreation, Andrew Barr,

committed the ACT Labor government to building a 50-metre pool in Gungahlin. The heading of the press release that was released—this was in the lead-up to the election—was "Gungahlin residents to benefit from new 50m pool complex". The press release said:

> … Andrew Barr today announced a re-elected Stanhope Government will build a pool and indoor leisure centre for the Gungahlin community.
>
> Mr Barr said the Government is currently investigating the scope of the centre which will include a 50 metre pool, a 25 metre pool at least 1 court space, for example a netball court and associated amenities such as a cafe and gymnasium …
>
> As Gungahlin grows, the community's need for facilities grows with it …
>
> This new facility will provide a place where all members of the Gungahlin community can come to enjoy an active, healthy lifestyle all year round. It will be co-located with the Gungahlin College in the Town Centre and provide a great place for swimming training and classes for all the schools in the region."
>
> Only the Stanhope Government has the record of responsible financial management and the commitment to Gungahlin that will see this pool and leisure centre become a reality …

What we now know—and we know this from comments that Mr Barr or his spokespeople have been making in the media, and because of a response he made to a question that I asked in the Assembly last week—is that Andrew Barr has backflipped. He is now refusing to commit the government to building a 50-metre pool in Gungahlin. He acknowledged, in answering a question last week, that he had indeed made the promise, so he does not step away from the fact that this is a promise, that this is a commitment that he made. Let me quote again:

> Only the Stanhope Government has the … commitment to Gungahlin that will see this pool … become a reality …

He was prepared to say that in the lead-up to the election, but now he is refusing to commit the ACT Labor government to building a 50-metre pool complex.

You can characterise this however you want. You can call it a backflip, a broken promise or a lack of commitment. But let us be very clear about what has occurred here. Before the election they said one thing, and they are stepping away from that commitment.

There is an argument for a 50-metre pool, as I said before. The argument has been well put, and I will read through some of the comments that have been made by members of the community. But if schools are going to be able to enjoy access to a 50-metre pool for carnivals and recreational events, if Gungahlin is to be able to host swimming events, if people are to be able to do the laps that you would expect in order to stay fit and if people are to be able to conduct leisure events, they need a 50-metre pool.

The government agreed with this in 2008. Mr Barr was out there advocating this in 2008. I look forward to hearing what has changed since that time. The people of Gungahlin needed it then, but it seems that now he is stepping away from that commitment. In fact, he has stepped away from that commitment to a 50-metre pool.

The people of Gungahlin have raised significant objections. I would like to acknowledge the important role here played by Mr Alan Kerlin, the former President of the Gungahlin Community Council, who has long been a strong advocate for a 50-metre pool in Gungahlin. I will quote from the *GunSmoke* paper which is distributed by the Community Council:

> In the lead-up to the 2008 ACT election, Gungahlin was promised a $20 million aquatic centre, including 50 and 25-metre pools.
>
> This was in line with very clear campaigning over several years by GCC—

the Gungahlin Community Council—

> based on community surveying that a 50-metre pool was needed, and that people were prepared to wait rather than accept just a 25-metre pool.
>
> Well we have waited, but in recent weeks we've received an indication that the now renamed Aquatic and Leisure Centre will include many things but not a 50-metre pool! Gymnasium, sports medical services, and more have been deemed by the authorities as more "commercially viable". They have had a feasibility study done that says you can't run a 50-metre pool at a profit.
>
> But since when has a local municipality providing core community services been about profits?

It goes on further to say:

> Families would also know that the sport of swimming deserves a far higher prominence in our schools. In other parts of the country, kids train all year to get ready for summer swimming competitions that bring the school together …

And so on. He has been a strong advocate, he is in touch with the community and I think that he has made a strong case.

There have been various letters written to Mr Barr, and I know because I have been copied into a couple of them. No doubt he has received many more, but I would like to quote from what some of the residents of Gungahlin are saying in communications directed at Mr Barr. This is what one resident says:

> Dear Mr Barr,
>
> I have just read the Gun Smoke magazine article which mentions that you are not going to honour the 2008 election promise of a 50 metre swimming pool, instead building a 25 metre pool.

We are waiting for a response from the government on that. The resident continues:

> This is not good enough for a growing town centre. A pool of this size won't be big enough for the growing population in Gungahlin. I work at Parliament House and know that the 25 metre pool there is very small, even for the limited people who use it. Maybe you could save money by scrapping plans for the ridiculous Bunyip statue in the town centre. This ACT Labor Government does make some embarrassing decisions.

Mr Barr: That is Alan Kerlin's idea. I will be sure to send Alan the *Hansard* where you have just trashed his idea.

MR HANSON: I am reading from a letter that has been written to you about the priorities of this government and the need for a 50-metre pool. I will not read the name of the person that wrote that letter, but if you want to trash them, you go ahead with that.

Mr Barr: All right, and are you aware of the irony of who is the biggest advocate for the bunyip statue?

MADAM ASSISTANT SPEAKER (Mrs Dunne): Order, Mr Barr! You will get your turn.

MR HANSON: I quote from another letter that was written to you about the 50-metre pool:

> Dear Minister Barr
>
> We need a 50-metre pool in Gungahlin Aquatic and Leisure Centre! not a dingy 25-metre one.
>
> People living in Gungahlin has no high-speed broadband, the roads are narrow, digging up trees to expand the road is a routine business. There is no strategy in place to accommodate the expansion of population. Gungahlin is a excellent example to demonstrate the lack of planning by the current Government ranging from the infrastructure to the telecommunications to the pool.
>
> I am extremely disappointed at the Labour Government's performance in this area, and I don't think you deserve another chance.

Madam Assistant Speaker, I am sure that Mr Barr received numerous other letters. I have got another one; I think we have got time. This is a letter that was written to the *Canberra Times* on 11 October:

> It is well known that Canberra has for decades supported Labor in both federal and ACT elections.
>
> However, perhaps the time has come for a total rethink. In the lead-up to the 2008 ACT election Gungahlin was promised a $20 million aquatic centre which included a 25m pool and a 50m pool. It now appears that once again the Labor Government has broken that promise in line with its federal equivalents. Andrew Barr is the minister responsible for this appalling decision and should be held solely accountable for misleading the Gungahlin electorate. We need our pools as promised and it is beholden upon Chief Minister Jon Stanhope to deliver.

The *Gungahlin News* also had an article relating to this and outlined the position. It said:

> An ACT Government spokesman explained that the government was in favour of a 25-metre pool.
>
> "The government is being guided by expert opinion on the features that will be at the Gungahlin Aquatic Centre," the spokesman said.
>
> "That advice is, including advice direct to the minister from swimming ACT, that the facility will be of the greatest use to the greatest number of Canberrans with a 25-metre pool …

What you are seeing here is a clear stepping away from the 50-metre pool and the government pushing the line for the 25-metre pool. I notice that again, as with the disability issue, when there is bad news to deliver to the community it is the spokesperson who does it, not the minister. The article goes on:

> "Timing has also become an issue, with the community council president concerned about the government's ability to keep this election promise.
>
> "We are halfway through the electoral term. A pool was promised at the last election and was not delivered.
>
> "This term is starting to run away quickly. I cannot see any chance of this thing opening its doors before the next election …

In the lead-up to the last election, the Canberra Liberals also promised a 50-metre pool and aquatic centre, at $22 million. We certainly stand by our commitment. I would like to hope, and I would be very disappointed if it were otherwise, that the Canberra Liberals, if we had been elected, would be delivering a 50-metre pool to the people of Gungahlin. We stand by that commitment. We would not be backing away from it; we would not be breaking the promise.

My motion is quite clear. It is calling on the ACT government to confirm its commitment to its election promise to build a 50-metre pool in Gungahlin. People do not like broken election promises—and that is what Mr Barr has already done by stepping away from his commitment.

We may yet get a 50-metre pool if we in this place and the community band together and argue for it. There is an opportunity here for the Greens to step up to the mark. They can join with us in demanding that this government hold true to its election promise. They have got an agreement with the government. They are in cahoots with the government. They could join with the Canberra Liberals today to get a pool for Gungahlin. We could do this within the next hour. I look forward to the Greens' support for this motion to get the 50-metre pool that the people of Gungahlin richly deserve and were promised.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.54): I have circulated an amendment to Mr Hanson's motion that I will

move shortly. That amendment replaces all words after "notes that" and replaces them with:

> (a) the people of Gungahlin deserve to have access to the best quality swimming and leisure facilities possible;
>
> (b) the proposed leisure centre will form part of a 'wellbeing precinct' sharing facilities with the soon to be completed Gungahlin College, town park and the adjacent enclosed oval; and
>
> (c) the Government is preparing a feasibility study on the Gungahlin leisure centre pool options for public comment, which includes a 50m pool option and a 25m pool option; and
>
> (2) calls on the Government to:
>
> (a) ensure that the facility will cater for the broadest range of users within the available space and budget, including for uses such as learn to swim groups, aquarobics, lap swimming, waterplay, aquatots, water sports and hydrotherapy;
>
> (b) ensure it receives and disseminates the best available expert advice on what configuration of pools the leisure centre should have;
>
> (c) ensure the leisure centre includes some mix of space for equipment-based fitness programs, as well as flexible rooms to accommodate a range of programs such as aerobics, dance and yoga; and
>
> (d) report to the assembly by end February 2011 once the feasibility study is finalised.

That amendment outlines the process the government intends to follow, and it is consistent with the election commitments from our sport and recreation policy, most particularly noting that we were quite clear that financing models will be determined for the facility once the feasibility study is complete, and that the financial commitment from the territory government is up to $20 million. We will be co-locating the facility with the Gungahlin college, as I have indicated, in the town centre and it will, of course, be a valuable asset for the Gungahlin community.

It is worth noting that, in the process of the consultation around the feasibility study, a variety of different views have been put forward, including from the Royal Life Saving Society and Swimming ACT, recommending a different set of configurations for the number of pools within the facility. So there is a range of views. My view is that the options should be put on the table for community comment and then cabinet can make a final decision on the matter in due course. That decision will be made fully informed on the basis of the feasibility study.

As we indicated in our sport and recreation policy, the financing models and the delivery method for this facility will be determined once the feasibility study is complete. So until that process is complete, it is premature for those opposite to be suggesting that any commitments have been broken. The government will go through

due process in the determination of this facility. Announcements will be made in due course following a normal process.

An allocation of this level is clearly one that will be made in the budget context. There are two budgets remaining in this term of this Assembly, and the government's commitment was during the course of this four-year term to make that $20 million commitment after the feasibility study was completed. That work is not yet completed. It will be completed in due course, and the government will make its final determinations in the context of future budgets.

The facility will open depending on the timing of budget allocations. That is pretty straightforward; there is nothing unusual about that. The commitment was to deliver financing for this project within this term of this Assembly. There are two budgets to go, and the government's commitment is to deliver financing for the facility within this term of government.

The question of the configuration of the facilities will be determined after the feasibility study is complete and after the public have had their opportunity to comment on the possible configurations as determined by the feasibility study. That is not unreasonable. One of the options, as I have indicated to those opposite, will be a 50-metre pool. But that does limit the range of other facilities that can be provided. If that is the case then the facility will have a 50-metre pool and it will have less of a range of other things. That may well be the outcome; time will tell.

It is premature today to be suggesting, as the opposition's motion does, that any election commitments have been broken, because no election commitments have been broken. The government is going through a process that I have outlined in the amendment that I have moved today, and I look forward to disappointing the opposition at some point in the very near future. I formally move the amendment circulated in my name:

> Omit all words after "That this Assembly", substitute:
>
> "(1) notes that:
>
> (a) the people of Gungahlin deserve to have access to the best quality swimming and leisure facilities possible;
>
> (b) the proposed leisure centre will form part of a 'wellbeing precinct' sharing facilities with the soon to be completed Gungahlin College, town park and the adjacent enclosed oval; and
>
> (c) the Government is preparing a feasibility study on the Gungahlin leisure centre pool options for public comment, which includes a 50m pool option and a 25m pool option; and
>
> (2) calls on the Government to:
>
> (a) ensure that the facility will cater for the broadest range of users within the available space and budget, including for uses such as learn to swim groups, aquarobics, lap swimming, waterplay, aquatots, water sports and hydrotherapy;

(b) ensure it receives and disseminates the best available expert advice on what configuration of pools the leisure centre should have;

(c) ensure the leisure centre includes some mix of space for equipment-based fitness programs, as well as flexible rooms to accommodate a range of programs such as aerobics, dance and yoga; and

(d) report to the assembly by end February 2011 once the feasibility study is finalised.

MS LE COUTEUR (Molonglo) (5.01): I thank Mr Hanson for raising this issue today. The Greens are in total agreement with the need for residents of Gungahlin to have access to decent pool facilities, just as other people across Canberra do. As Gungahlin has grown, residents have been waiting for their facilities to gradually catch up with those of other areas in Canberra. Next year there will finally be a library in the town centre, which will save a trip to Belconnen or Dickson. And opening in February, hopefully, will be a college, meaning that years 11 and 12 students will finally be able to attend school locally. The college will also double as a CIT flexible learning centre which will provide a range of vocational training opportunities and local access to CIT facilities and courses.

It is interesting to note that Erindale college in Tuggeranong was established in the same way. When it was first built in the 1980s it was an exciting concept in the provision of years 11 and 12 education in the ACT. The college was unique in that it was built as a college in the community. For many years, the Erindale college complex had the only college, sports hall, theatre, squash courts, gymnasium and indoor swimming pool and pool in Tuggeranong. It also had a joint library with the ACT public library service. It was not until many years later when Tuggeranong grew bigger that another college, Lake Tuggeranong college, was built as well with another library. The 50-metre swimming pool was not built until 2008.

However, what Gungahlin residents still cannot be sure they will ever have is a government shopfront. At present, residents have to travel to Belconnen town centre or Dickson to do their ACT government-related errands. As the Greens care very much about the residents of Gungahlin having access to services, one of the items in our parliamentary agreement with the Labor Party is the provision of a government shopfront for Gungahlin. As members would know, the government is currently conducting a feasibility study to determine where such a shopfront will go and how it will work. The building of the shopfront will be a real positive outcome for the residents of Gungahlin.

In terms of the pool proposal itself and the motion today, the Greens certainly agree that Gungahlin needs a pool in the town centre. But what is less clear is exactly what type of pool facilities are needed in Gungahlin. I note that during the 2008 election, Minister Barr did—certainly to everyone outside, I believe—commit to a 50-metre pool in Gungahlin. In his announcement at the time, Mr Barr said that the government is exploring a public-private partnership as one means of delivering the project. He noted that in the 2008-09 budget, the government funded a $100,000 feasibility and design study to look at the best model for a pool and leisure centre in Gungahlin.

He said the government is also considering a range of options to ensure this project is delivered at the best value to taxpayers, including a joint venture with the private sector. This is the model that was used to establish CISAC in Belconnen to which the government committed $10 million. While the Greens do not agree that was a promise, we also have to note that just because something was promised does not necessarily always mean it is the best course of action. The Greens agree that we do need to keep our political promises, and we are not trying to support breaking promises. What we are trying to concentrate on with this motion is the best outcome for Gungahlin.

It is also quite reasonable from a political point of view that, if evidence is overwhelmingly different from the perception, your course of action can change. That is why we think it is very important to see the government's feasibility study. We are not sure why it has taken so long to be finalised, but we are glad to see that the government's amendment sets a reporting date on the study. The feasibility study is clearly the key to this project at this stage.

There certainly have been many calls from the Gungahlin community for a public pool, and, as Mr Hanson mentioned, the Gungahlin Community Council did a Gungahlin-wide survey on key areas of concern for residents in 2007. I imagine the results of this survey strongly influenced the government's promise to provide a 50-metre pool for Gungahlin, as the community response to the survey at the time showed that 83 per cent of respondents said that the council should continue to push for a 50-metre pool rather than just accept a 25-metre pool.

As an aside, I note that this was exactly the same level of support for a light rail link from Gungahlin to Civic. Many more people rated transport as a priority for Gungahlin rather than a sporting facility, but that is another debate not for today.

Back to the pool. On the face of it, this is a simple motion. It says the government promised a 50-metre pool, the community wants one, and the government should therefore hurry up and provide it. The Greens do not disagree with that. But, unfortunately, it gets more complicated than that. During the government's consultation on the pool, as Mr Barr referred to last week in question time, a new model was put forward which involves a series of specialised pools—a pool dedicated to swimming and lap swimming, a dedicated pool for learning to swim, hydrotherapy, aquarobics and a dedicated wetplay area. This is the model supported by organisations such as the Royal Life Saving Society and Swimming ACT. It relates to the need for more children to learn to swim and develop water survival skills early in life, which we all know is very important in Australia, a country where a lot of swimming happens over summer in pools, rivers and at the beach.

There has been a lot of concern from many groups, including the Greens, about the swimming ability of ACT school students compared with others around the country and the decline of student numbers in swimming programs. The Labor-Greens parliamentary agreement has an item which addresses this, and, as a result, more than $300,000 over four years was allocated to ACT primary schools for the swim and survive program in the last budget.

It also, unfortunately, turns out that the site which has been set aside for the pool is only big enough for either a 50-metre lap pool or a 25-metre pool plus a 20-metre multi-use moveable floor pool. That is a shame, because the obvious conclusion from the community consultation is that it would surely be preferable to have a swimming complex with a 50-metre lap pool as well as a 25-metre lap pool for aquarobics, aquatots, learn to swim classes, a toddlers' play area and, of course, the rest of the facilities which hopefully will form part of a wellbeing precinct—gymnasium, hydrotherapy facilities and space for dance, aerobics and yoga. It would certainly be better to have all of these at one site rather than this either/or approach.

What we need to do is to take an approach that looks at what the community of Gungahlin most needs and what would be most beneficial for the whole community. It may not be that that is a 50-metre pool at the expense of two smaller pools. It would be wrong for the Assembly to go ahead when the sort of community consultation that is really needed for this to go ahead has not been done and we impose a 50-metre pool when, in fact, a different kind of aquatic centre is going to bring a better result for the community. That may indeed be what the community says in the consultation.

As the development of the Gungahlin town centre area is not yet completely finished, it seems a shame to allow the size of one site and the apparent need for a wide range of government facilities to be co-located to hamper the development of a suitable swimming facility which caters for the broad range of swimming needs of Gungahlin residents. As a result, I have one small amendment to this motion, which calls on the government to look at whether there is another site in or adjacent to the town centre which would be appropriate and large enough to house both the two smaller pools, which could be used for a large range of purposes, as well as building a full Olympic-size pool. That way, even if the government budget does not allow for all of these pools to be built in the short term, the swimming complex is not restricted in the future by the size of the block or adjacent buildings.

Last week Mr Barr advised the Assembly that the final funding model and the possibility of a public-private partnership of the project will be determined once the feasibility studies are completed. Given this, it would be a shame to find funding in the latter stage for such a partnership only to have closed the door to the options due to the block size being set. Such a partnership of continued support from the government would mean that it would be more financially viable to run this wider use of the aquatic facilities alongside the 50-metre pool. If it is more financially viable, surely it means there will be more users, thus serving better the needs of the people of Gungahlin.

I look forward to hearing the results of the feasibility study and hearing what the community consultation on these options reveals. I hope these options, including a larger site, are part of the consultation. I now move the amendment that has been circulated in my name:

Add:

"(3) calls on the Government to identify any further suitable sites in the Gungahlin Town Centre vicinity which would be able to accommodate the

> broad range of swimming pools and aquatic facilities needed in Gungahlin in the longer term.".

Mr Speaker, the Greens will be supporting the government's amendment to the motion. Of course, I commend my additional amendment to the Assembly. In conclusion, what the Greens want is the best outcome for the people of Gungahlin. If that requires some finetuning of the election promise, then that could well be the best result.

MR COE (Ginninderra) (5.11): I am afraid it is issues like this which make so many Canberrans cynical about what happens in this place and why so many people in Canberra are cynical about why we have self-government. When it comes down to it, when you have a government that is elected on a platform to build a 50-metre swimming pool and then it hides behind consultation, feasibility studies and everything under the sun, that is why so many people think that this place is a waste of time. It is disappointing because this place could be effective. This place could concentrate on the things that matter. Instead, we get sidetracked by petty issues. The government is not willing to take a stand. It is not actually willing to stand up for what it said during an election campaign.

The government promised a 50-metre pool and they should deliver on it. If not, they should explain to the people of Gungahlin, who are already getting a raw deal, exactly why they are not getting the pool which the government promised prior to the election. Unfortunately, this is just one issue amongst many others on which the good people of Gungahlin get a raw deal. As the only resident in this place who lives in Gungahlin, I am very much aware of the issues that people in Gungahlin face—whether it be the debacle that we saw late last year and early this year over Well Station Drive or the debacle over the Gungahlin shopfront, which is still missing in action. Again, we have got feasibility studies, consultations, a design stage and forward plans. We have got everything under the sun, except the actual shopfront.

Then, of course, there are the ongoing employment issues. This government has not supported the placement of an ACT government agency out in Gungahlin. There is the Gungahlin Drive extension issue, which is very well documented in the *Hansard* of this place and which has very much scarred the people of Gungahlin for a very long time. There are the ongoing issues with public transport and the Redex service, which of course is not an express service. It is really just "red", and even then it is not that red either—this rapid transport system which rumour has it is actually going to be renamed at the next network change anyway.

We have got a lack of sporting facilities. We have got Gundaroo Road, which is a nightmare in the mornings, especially at the Barton Highway roundabout. William Slim, one of the key access roads, is also struggling. We have had the Gungahlin Drive extension bridge collapse, yet another capital works disaster of this government. We have got surging house and land prices where you are paying a fortune to get a small block with very few services around it. In addition to that, we have got the ongoing planning issue at the Gungahlin shops and the fact that we have very narrow streets. We have a lack of footpaths. We have a real lack of core urban infrastructure, not to mention deteriorating amenity as well.

I very much support Mr Hanson's motion. I think that he has very well documented the case for this motion and why it is very important that this Assembly takes a stand and actually supports the good people of Gungahlin and this motion to ensure that we get a 50-metre pool as promised by the ACT Labor Party.

MR HANSON (Molonglo) (5.14): I will just speak briefly to the amendment and will cover off on Mr Barr's amendment while I do so. I am very disappointed that the Greens will not be supporting this motion. This was an election promise, pure and simple. As Ms Le Couteur acknowledged in her speech, it is a black and white issue. All we are asking the government to do is simply follow through on their promise. I think it is very disappointing that the Greens will not actually be supporting that.

We will not be supporting Mr Barr's amendment. I am disappointed that Mr Barr came into this place and tried to use such mealy words. He has put an amendment before this place that tries to gloss over the reality, which is: will you commit to a 50-metre pool for the people of Gungahlin? Yes or no? He is refusing to answer that question. That is the question that he was asked in the Assembly last week, which he refused to answer. Again, what we see in this amendment is a refusal to answer that simple question. Will you honour your promise, Mr Barr? He will not answer that question. For that very simple reason, we will not be supporting Mr Barr's amendment.

Ms Le Couteur's amendment to **Mr Barr's** proposed amendment agreed to.

Question put:

> That **Mr Barr's** amendment, as amended, be agreed to.

The Assembly voted—

Ayes 8		Noes 5	
Mr Barr	Ms Hunter	Mr Coe	Mr Smyth
Mr Corbell	Ms Le Couteur	Mr Doszpot	
Ms Gallagher	Ms Porter	Mr Hanson	
Mr Hargreaves	Mr Rattenbury	Mr Seselja	

Question so resolved in the affirmative.

MR HANSON (Molonglo) (5.19): The government want to break an election promise. That is what they have done, because Mr Barr has refused to commit the government to what was promised—that is, to build a 50-metre pool. He has been offered a number of opportunities to commit the government and answer yes or no. If the government want to break an election promise then the Greens will allow them to do so. But they will not actually support the Liberal motion that holds the government to account and that calls on the government to honour their promises.

That is probably not a revelation. I think that by now it has been established that the Greens sometimes do not have the fortitude to hold the government to account. I am

sure that for the people of Gungahlin this will be a revelation. I think they will be disappointed that when the opportunity came to actually ensure that the government held their promise they squibbed it and did not honour their promise.

The motion that I put before this Assembly calls on the government to confirm its commitment to its election promise to build a 50-metre pool in Gungahlin. It is very simple and, I think, entirely reasonable. I am also calling on the government to provide to the Assembly the date by which the pool will be open and available for use by the residents of Gungahlin. I think it is quite clear from Mr Barr's speech that this pool is not going to be opened any time soon. It may be a re-announcement of a previous election promise. He says the promise is to put it in the budget some time.

I think that the people of Gungahlin, if they were listening to this speech today, would realise two things. One is that Mr Barr was prepared to say anything in the lead-up to the 2008 election to get their support and he is now backing away from it, refusing to commit. The other is that this pool will not be available to them any time soon, which is very disappointing.

Mr Barr talks about a process that is being conducted. He talks about engagement, consultation and a feasibility study. That is all well and good. But regardless of that process, regardless of the outcomes of the feasibility study, the promise—the pledge—was for a 50-metre pool. All of the options that are being considered should incorporate a 50-metre pool. The fact that the government is seriously considering options and a spokesman for Mr Barr has been quoted as saying that the government's preference is for a 25-metre pool should raise serious concerns.

This is a backflip, pure and simple. But I do not think that the cause is lost. Today, although we have as an Assembly, as a result of the Greens, failed to hold the government to account and guarantee the 50-metre pool for the people of Gungahlin, the Liberal opposition will continue to advocate for one. We will continue to put pressure on the government, as we have done today, as we will do through the media and as we will do by talking directly to the people of Gungahlin. We will continue to put pressure on the government so that we can force them—and that is my aim—to make sure that they do deliver a 50-metre pool for the people of Gungahlin. Although they are trying to back away as quickly as they can, we will do everything in our power, through every avenue available to us, to ensure that they actually uphold and honour an election commitment.

Motion, as amended agreed to.

Education—NAPLAN testing

MR HARGREAVES (Brindabella) (5.23): I move:

> That this Assembly:
>
> (1) notes the significant:
>
> (a) achievement of ACT students in the 2010 National Assessment Program—Literacy and Numeracy (NAPLAN) tests; and

(b) investment the ACT Government is making in literacy and numeracy to help improve student achievement; and

(2) commends the:

(a) ACT Government for its cooperative approach with the Australian Government in investing in literacy and numeracy programs; and

(b) Department of Education and Training for its commitment to improve student achievement in literacy and numeracy.

A summary report on the 2010 NAPLAN results was released in September by the Ministerial Council for Education, Early Childhood Development and Youth Affairs. The report shows that in 2010, right across the board, the ACT ranked at or near the top of all jurisdictions across Australia. The summary results for the ACT are certainly very encouraging. They show that, since the NAPLAN tests first commenced in 2008, literacy and numeracy results in the ACT have improved significantly. The ACT continues to remain at the top of the results ladder. Our students are some of the best-performing students in the country.

It is worth noting that these results are largely consistent with those of 2008 and 2009. These results hold our school system up to the light. They allow us to highlight where things are improving. Also, importantly, they help to identify the areas of underperformance which demand further attention. NAPLAN testing provides the key measures against which all parents are able to judge the performance of our schools. I understand the full national report will be released on 17 December and I, and I am sure teachers, parents and students also, look forward to its release.

I would like to expand on some of the key issues: firstly, how we work with the commonwealth government. Part of the story behind these NAPLAN results, particularly the improvement in the last two years, is the cooperative approach this government has taken with the Australian government. There has been a cooperative approach in delivering literacy and numeracy initiatives through the smarter schools national partnerships.

These national partnerships propose nationally significant reforms to enable the ACT school system to pursue high-quality schooling for all students. The national partnerships target specific reforms in addressing educational disadvantage and focus on improvement in student literacy and numeracy outcomes. And they focus on improving teacher quality.

The ACT has received almost $17 million under these national partnership agreements and, in relation to literacy and numeracy, approximately $6 million has been allocated. For public schools, this funding is being matched with ACT government funding.

As part of the literacy and numeracy smarter schools national partnership, a cross-sectoral agreement across the ACT has been created, including 12 government, seven Catholic and six independent schools. This national partnership has provided

12 literacy and numeracy field officers who are supporting teachers, parents and principals to implement the ACT literacy and numeracy strategy 2009-13 and each school's literacy and numeracy plan.

Field officers are implementing programs and practices to improve literacy and numeracy outcomes for all primary students. They are mentoring teachers and providing educational leadership. And these field officers are working collaboratively with school leadership teams, coaching and modelling effective strategies.

Literacy field officers have also been appointed to five high schools, and NAPLAN was used to identify these schools and provide additional literacy and numeracy assistance. All field officers are providing professional learning to the staff and are leading teams to strengthen the learning community within their school. Many field officers have been involved in working with teams of teachers on term planning.

I now turn to the reinforcement of our education system's success. Stories of the successful implementation of the strategies implemented by schools are celebrated in a range of ways, one of which is through the ACT smarter schools newsletter. The newsletter is a cross-sectoral celebration of school achievements sent to all ACT schools to highlight examples of best practice under the smarter schools national partnerships. These stories acknowledge that ACT schools are using national partnership funding to implement a variety of innovative strategies which will boost literacy and numeracy and raise achievement and expectations in school communities.

Literacy and numeracy field officers have already been appointed to the participating public schools. Literacy and numeracy professional development has been identified for teachers in all education sectors.

Many schools have engaged their school community through information nights, open days and parent presentations. Taylor primary school was one of these schools and in March this year held a special community evening. Teachers were keen to share with the community the different approaches and models used in the teaching of literacy. In particular, teachers shared the methods and models used to teach reading and spelling.

Over 40 parents and carers attended the evening, with teachers volunteering their time to run a kids club for the night. As it was World International Maths Day, teachers guided children through numeracy activities while adults joined in the literacy workshops. Parents were provided with a goodie bag for use at home to support their child in the development of fundamental literacy skills.

Good Shepherd primary school in Amaroo has been immersed in numeracy for the last year. Their involvement with the national partnership was a great opportunity to continue that journey and the extra Australian government funding has been greatly valued by the teachers. It has allowed grade teams to focus in on professional learning and conversations about teaching practices.

Another positive has been the opportunity to support some students in years 3 and 5 through the numeracy intervention program. This intensive program has allowed

students to have one-to-one support over 13 weeks. This program further develops their early number concepts. It has helped them to gain much-needed confidence in their approach to mathematics.

St Michael's primary school in Kaleen has been striving to align their home reading program with contemporary practice. Reading at home is an essential component of the holistic reading program at the school. It provides students with extended practice and engagement in comprehending texts they want to read. Home reading supports students' reading development and fosters a positive home-school partnership.

The entire home reading stock of the school was organised and sorted into book boxes in classrooms. Borrowing systems were established and a reading wall is used to track the borrowing of text. Children in years 4 to 6 record their home reading experience and progress online via an interactive MyWiki.

The MCEECDYA biennial educational forum was held on Friday, 15 October 2010. The forum brought together over 300 of Australia's educational leaders and practitioners from all jurisdictions and sectors for a range of highly engaging interactive presentations and discussions. It provided a platform for considering schooling for tomorrow.

The forum provided an excellent opportunity to showcase ACT literacy and numeracy national partnership schools, with two ACT schools chosen out of 18 nationally to represent best practice across Australia. These programs, Good Shepherd's numeracy program and the literacy and numeracy field officer program operating out of Macgregor primary school, give us an insight into how ACT students achieve the results they do.

In conclusion, in terms of NAPLAN results, the results speak for themselves. ACT schools are delivering education of the highest standards. And in terms of what lies behind these results, we see a rich and diverse range of strategies taken by teachers and schools across this city, delivered with great enthusiasm, to nurture, educate and inspire our students to create the foundation for learning. This has been and continues to be a tremendous effort and an opportunity for working collaboratively on a broad range of reforms to improve literacy and numeracy achievement for all ACT students. I urge the Assembly to support the motion.

MR DOSZPOT (Brindabella) (5.31): In light of the fact that the 2010 NAPLAN scores were released on 10 September, the timing of Mr Hargreaves's motion is somewhat belated. In fact, it has the feel of someone who has arrived at a party that has already long ago finished. That said, if we were to have a motion on NAPLAN, credit should go to the parents and the teachers in our territory but, more so, our students should be congratulated on their hard work and dedication to their studies. We should not be just noting their collective results, as this motion proposes.

Yet what we have here is another attempt by ACT Labor to force the Assembly to give it a pat on the back for an unearned job well done. This is gratuitous and an elder statesman of Mr Hargreaves's stature should know better than to be drawn into such cynical matters. Again, we see another ACT Labor exercise in politicising our public service through casual equivocation of terms.

Now is not the time for gratuitous self-congratulations. The past several weeks have witnessed one of the most heavy-handed cuts of school support services for our public school system for quite a while. It targeted the most vulnerable in our school community first. Though the minister has intimated that services are not all necessarily being cut and that they will be delivered in a different service model, the fact is that information is scant. Whilst students and teachers are facing outright cuts to much-needed support services, this "we'll figure it out as we go" approach is just not good enough. Nor is the enormous angst that has been created for parents and teachers, not to mention students.

Here is a case in point. Mr Hargreaves's motion wishes to note the ACT government's investments in literacy and numeracy to help improve achievement. Yet in the context of the dividend cuts, English as a second language support staff will be axed and five classroom teacher positions and one SLC position in the Aboriginal and Torres Strait Islander literacy and numeracy program will be discontinued.

If it were not for the Canberra Liberals' proactive actions in organising a community meeting to lend some exposure to their concerns, we would have also seen further cuts to support programs to students with hearing and visual impairment. Mr Speaker, can you believe that the government were naive enough to think that text-to-speech computer programs could be evermore used to teach vision-impaired students and perhaps even one day replace Braille? In essence, they were promoting illiteracy to blind students, not literacy.

Again, the most vulnerable members of our school community are getting the short end of the stick and in this case are also the first to bear the tough changes the minister spoke of. There were no consultations conducted, no future road map provided, just intimations by the minister that things will change.

Enough time has passed since the publication of this year's NAPLAN results that it would be refreshing to hear how the government intends to tackle some of the findings from the test. For example, the tests identified that 470 year 9 students did not have the most basic writing skills, not to mention the fact that there are between 0.3 per cent and 2.7 per cent fewer students passing the tests than in 2008. Equally, what will the government be doing to address the fact that year 5 students in the ACT came second to Victoria in numeracy and punctuation and third in spelling to Victoria and New South Wales?

One of the problems with motions of this sort is that they have a habit of reducing our students to mere statistics. Performance needs to be measured if meaningful improvements are to be made. This is fine if conducted in the best interests of our students' education. However, this motion takes on a self-serving purpose and does not call on the government for further constructive action.

Mr Hargreaves's motion seeks to validate ACT Labor, not how we can further improve our education system. It misses the point about schools—that is, schools are places where students are challenged, encouraged to be the best that they could be, inspired by ideas and many more. This motion's implicit myopic focus on achievement and comparative NAPLAN scores misses this point completely and, in

truth, shows that this government does not understand education but sure knows how to spend.

NAPLAN is neither a government KPI nor a balanced scorecard target and should never be used as such. The litmus test is: what is the government going to do with these test results? This motion, again, misses the point, with its emphasis on the government's investments that, it purports, led to this outcome. Mr Hargreaves is backward looking rather than forward looking. To borrow from his party's parlance, Mr Hargreaves needs to be moving forward.

In essence, this motion takes what might be considered a diagnostic tool to monitor an individual student's performance and turns it into a vacuous, high-stakes, high-pressure game of point-scoring, with jurisdictional pride and prestige at stake. The fact that there were allegations of cheating and teacher coaching leading up to the test, whether this occurred or not, shows that the intention on NAPLAN has been mutated to an unhealthy degree.

Again, Mr Hargreaves's motion serves nothing more than to throw kerosene to the flames, not to mention the fact that trying to draw a direct correlation between investing in the education system and NAPLAN results is fallacious. It does neither capture nor understand the multifarious factors that go into learning. It has been little noted that this test is significant, as it represents the first cohort of students taking the test for a second time. Year 3 students in 2008 are now year 5, year 5 are now year 7 and year 7 are now year 9 students.

I ask this question again: what will the government do with these test results? At the moment, what we have is the typical flurry of media releases by Minister Barr on the day the results were announced, a belated congratulatory motion by the minister's former boss and the government's axing of vital school support services affecting the most vulnerable students in our school system, not to mention yesterday's bagging of the teaching profession which the minister likened to the Soviet system where people got paid for doing nothing. No doubt things can be made better but the cynicism and antagonism are something that the majority of our school system should not have to put up with, especially in light of the fact that the government is in negotiations with the AEU on accelerated progression arrangements.

Simply put, there is still room for improvement in the ACT education system. And the government needs to work better with parents and school groups on NAPLAN and its corresponding My School website which might also have an added benefit of reversing its present track record of not properly consulting key stakeholders. Hence, although seemingly innocuous on the surface, this motion is laden with baggage that smacks of unfinished business on the part of the government.

Equally, in light of the ongoing dividend cuts and the belated untimely nature of this motion, we feel that this motion does not sincerely pay proper acknowledgement that students, parents and the ACT public service truly deserve. In light of the context in which this motion has been put forward, the Canberra Liberals believe that this Assembly should not use the students, parents or the public service as pawns for political gain. As such, we will not be supporting Mr Hargreaves's motion as it stands. I move:

Omit all words after "tests; and" in paragraph (1)(a), substitute:

"(b) the vital contributions from parents and teachers in ensuring that our students receive a good education;

(c) the importance of a non-politicised education system;

(d) the recent failures of the government in its:

(i) heavy-handed handling of the recent efficiency dividend cuts, diminishing support services to students with disabilities, students with English language needs and Aboriginal and Torres Strait Islander students;

(ii) inadequate consultations with stakeholders in key decisions impacting the school community;

(iii) lack of proper support for teachers and principals, which has increased workloads, decreased professional development opportunities and proactive student truancy management measures; and

(iv) insufficient transparency on how future Government plans and initiatives will affect the ACT school community; and

(2) calls on the:

(a) Government to conduct a cost-benefit study into the efficacy of the ACT's investments in literacy and numeracy;

(b) Government to establish a plan on how it will support teachers to further improve literacy and numeracy amongst ACT students;

(c) Government to provide greater details on how families and schools with be affected as a result of the dividend cuts, and develop a consultation plan with concerned families; and

(d) Minister to report on progress of the matters of action identified in this motion by the last sitting of this year.".

MR SPEAKER: Members, just for the sake of clarity, we have an amendment now moved by Mr Doszpot. We also have an amendment circulated by Ms Hunter. Because they are quite different and almost counteractive to each other, we will have to deal with one and then the other. So we will deal with Mr Doszpot's amendment first and then we will deal with Ms Hunter's amendment subsequently when she moves it. The question is that Mr Doszpot's amendment be agreed to.

Amendment negatived.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.40): I move the amendment circulated in my name:

Omit all words after "That this Assembly", substitute:

> "(1) notes the significant achievement of ACT students in the 2010 National Assessment Program—Literacy and Numeracy tests;
>
> (2) commends ACT teachers and schools for their commitment to improve student achievement in literacy and numeracy; and
>
> (3) calls on the Government to address the achievement gap and ensure that those students whose results are falling behind their peers including students from a lower socio economic background, Aboriginal and Torres Strait Islander students or students who have a language background other than English are properly supported to improve their level of educational achievement.".

We are pleased to be able to speak to this motion today and I thank Mr Hargreaves for bringing it to the attention of the Assembly. There is no doubt that, on the summary of NAPLAN test results, ACT students have performed above average in the 2010 NAPLAN tests. All students, teachers and families are to be highly commended for these results.

The ACT economy, we have heard this week, has received very positive results for its performance. We know that the key to that is qualified people, educated people, being able to pick up the jobs to keep that economy ticking over. We know that the key to pursuing, as I said, further education and training and getting a job is a good education that is provided from kindergarten until year 12.

Looking at these results, our students, with the support of their families and teachers, appear to be heading in the right direction so that we will have a very well-educated population, a population of young Canberrans who will be able to contribute to the ACT in many ways. Some of those ways will be paid; some will be unpaid. But all of them will contribute to having a strong social fabric here, a strong economy and all of the other things that underpin a healthy and happy community.

It is important to note that this is only the first stage of the NAPLAN summary report that has been released. I am anxious to see the full national report which will be released at the end of the year. This will give us a better picture of where all ACT students stand in relation to their national counterparts. This report will include detailed results by gender, Indigenous status, language background other than English status, parental occupation, parental education and location at each year level.

I say this because I raised in question time yesterday my concerns about the findings of the 2009 COAG report, released last Friday, on the NAPLAN testing. It showed that some of our students, in particular our Aboriginal and Torres Strait Islander students, have the largest gap for year 7 reading between Indigenous and non-Indigenous students. The report also states that these students, the non-Aboriginal and Torres Strait Islanders students aged up to 24 years, are half as likely as other Australians to finish year 12 and half as likely to work or study full time.

In addition, it was shown that participation rates in the ACT NAPLAN testing for all students—and Minister Barr acknowledged this—do need to improve. I think I noted

in that question yesterday that that was particularly stark for the Aboriginal and Torres Strait Islander students. I note that Mr Barr's response was that it was a very small group and there were some statistical issues involved and so forth. I just do not think we can keep falling back on that one. We need to understand that this is a group, along with some other groups that I will go into further detail on, that need that constant support, enhanced support where possible, so that they can pursue the opportunities of their peers.

This year the Standing Committee on Education, Training and Youth Affairs tabled the report from their inquiry into the educational achievement gap in the ACT. The government responded positively to the majority of the recommendations from that inquiry. In the committee report it was noted in chapter 3, when referring to ACT results from standard assessment tests in a comparative perspective, that:

> … while it is evident that the ACT performs highly in these general comparisons, it is also evident that some greater scrutiny of the data is required to examine the performance of students in the ACT education system.

This is what needs to take place once we get the detailed 2010 NAPLAN results later this year. The committee put forward 24 recommendations in this inquiry. As I said, the government responded positively to most of them. Recommendation 24, which the government only noted, summarised what the committee in its inquiry aimed to achieve. That recommendation called on the Department of Education and Training to provide a comprehensive assessment of current methods and outcomes for meeting identified need in the education system and develop a coherent strategy in which all programs can be reviewed against the objective of improving the educational engagement and achievement of disadvantaged students and, therefore, enhancing equity within the system.

Only last week in the Assembly we had the same committee, the Standing Committee on Education, Training and Youth Affairs, table a report on the level of unmet need for educational services for students with a disability, and that was in both ACT government and non-government schools. This inquiry covered, among a number of needs areas for students, the findings of the Shaddock special education review into leading international and Australian practice in curriculum and pedagogy for students with disabilities. We look forward to the government's response to the committee's report because getting the best possible educational outcome for students with a disability is part of closing the educational achievement gap as well. Just as we take pride in the results achieved in NAPLAN testing this year, we need to ensure that we are not leaving the most disadvantaged behind.

Therefore I was pleased to hear yesterday Minister Barr outline where the government was up to and what he was continuing to put in place in relation to ensuring every student has the best possible education. Our concern with the literacy and numeracy focus—and we have raised this a number of times—is that students with strengths in other areas of the school curriculum can be neglected or disadvantaged as schools focus on teaching literacy and numeracy. I guess what I am saying here is that literacy and numeracy are essential. We all know that, but we need to make sure that it does not follow what has tended to happen in other countries where teachers end up

teaching to the test rather than allowing a comprehensive, well-rounded curriculum to follow. We need to be keeping a careful eye on this to ensure that that does not happen.

The other feedback we have received in relation to the NAPLAN test process is that it represents the work of one day in the school year. There are, of course, 196 other school days, so we need to be clear that NAPLAN does give us a bit of a snapshot but it is not necessarily the be-all and end-all of testing or of being able to assess where a student is at. There are a number of other processes in place. We just need to ensure that that continues. I still believe that the My School website, with a focus on the NAPLAN testing, is not necessarily doing many schools the best favour because it does not as yet focus on a range of other programs—the wonderful programs you see in ACT schools: the environment centres, the arts programs, the music programs and so forth, which I have had the privilege of seeing. I think that we really do need to recognise that school is more than simply this one test.

Having said that, we should be pleased with the results of many of our students. They have shown that the ACT is doing well compared to the rest of the nation. I hope to see that continue. Of course, as I said, my amendment is about recognising the achievement of ACT students in these recent tests. It commends the ACT teachers and students for their commitment to improve student achievement in literacy and numeracy. But it calls on the government to address the achievement gap to ensure that Aboriginal and Torres Strait Islander students, students from lower socioeconomic backgrounds, students who have a language background other than English—those are just some of the groups who really do need that support, who do need that attention to ensure that they can reach their potential—can pursue the life opportunities, the educational opportunities and so forth that their peers enjoy.

Mr Doszpot interjecting—

MS HUNTER: Mr Doszpot has been yelling out across the chamber. I think it is important to address the amendments he put forward that were just voted down. I assure Mr Doszpot that it is not because I do not agree with a number of the points that were in Mr Doszpot's amendments. The problem is—I will put it clearly and hopefully it can be sorted from here on in—that there is no communication. There is no opportunity to sit down. We have had all day, but I have not had any phone call or any approach by Mr Doszpot's office to discuss this.

We do need to have that opportunity to be able to sit down, to be able to work through these things and give them more time. I would acknowledge that this was something that came up on my list late this afternoon. I would have liked to have had more time to do that. But it is not a criticism of Mr Doszpot. I am just saying that I think that, to get the best out of motions in the Assembly, it would not be a bad practice to sit down and work through what people are putting forward. There are some things in Mr Doszpot's motion that I do not agree with, but I cannot at this point in time pull out those things. It is just a little bit too late in the day.

I believe that our education system needs to ensure that there is equal opportunity for every student that walks through the school gate. As we said this morning, they could

be young parents. They could be young carers or young students from lower socioeconomic backgrounds who come from struggling families. They could be Aboriginal and Torres Strait Islander children or refugee and migrant children whom we welcome into the ACT. We need to ensure that they have those opportunities, that there are programs, specialist teachers and so forth that can assist them to really thrive in school and show what they can do. There is no doubt that it is important. That is why I have put forward an amendment. I thank Mr Hargreaves again for bringing forward the issue of education to the Assembly this afternoon.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.52): I thank Mr Hargreaves for raising this matter this afternoon and I thank those who contributed, some more positively than others, as is generally the case in this place.

Mrs Dunne: And you're going to give marks, are you—As, Bs, or just most improved?

MR SPEAKER: Thank you. Mr Barr has the floor.

MR BARR: Thank you, Mr Speaker. The ACT's results from the 2010 NAPLAN tests were certainly encouraging. As a number of members have observed, they were either the best or equal best amongst all jurisdictions in the country. That is something that I think we can all, hopefully, even across the political divide, be able to support this afternoon—whether that is by noting or commending various forms of words. You would like to think that it would be possible, particularly when other amendments are moved that suggest that we should have a non-politicised education system, to have agreement in these areas at least.

I am not going to quibble over the form of words. I think Ms Hunter's amendment noting the significant achievement of students is very similar to Mr Hargreaves's motion, so that is quite a reasonable thing to support. Commending teachers and schools for their commitment to improving student achievements in literacy and numeracy is a fair and reasonable statement and one that the Assembly should support. I am certainly happy to outline this afternoon and continue to address the achievement gap and the actions that the government will take in an attempt to reduce that achievement gap.

I think it is worth noting from the outset that the 2010 NAPLAN results showed that between 94 and 97 per cent of students, depending on the year level and the domain tested, were at or above the national minimum standard. With few exceptions, the mean scores of ACT students were either stand-alone the highest in the nation or equal top with New South Wales and Victoria.

The full NAPLAN results will be published in December, but these early NAPLAN results are a strong indicator of the levels of excellence demonstrated by students in our schools. In reading, the ACT mean score results for years 3, 5, 7 and 9 were the highest in Australia and significantly higher than the national mean. This is similar to results in 2008 and 2009. Across all year levels the ACT had a greater percentage of

students achieving in the top performance bands when compared with other jurisdictions. That was a very strong performance in reading.

In writing, not only were the scores again high but what was very impressive this year was that in 2010 ACT students improved across all year levels. The year 3 mean score was significantly higher than the results in 2008 and 2009. In spelling in years 3 and 9 the ACT ranked equal highest. Between 92 and 96 per cent of students achieved at or above the national minimum standard. In this area there is still room for improvement, particularly across the middle years where, as in previous years, ACT results at years 5 and 7 were less strong than for years 3 and 9.

In grammar and punctuation, ACT results across all year levels were the highest or equal highest in Australia, continuing the excellent results achieved in 2008 and 2009. Between 93 and 95 per cent of students achieved at or above the national minimum standard.

Whilst acknowledging these excellent results for ACT students overall, there is no doubting that our Indigenous students continue to perform less well than their non-Indigenous peers. This is a concern and something the government is doing something about. A core element of the national education agreement and the smarter schools national partnership is closing the gap in educational achievement for Indigenous students.

In the ACT, the 2009 NAPLAN results showed that the greatest difference between Indigenous and non-Indigenous students was in year 3—grammar and punctuation, reading and spelling. The situation improves as students move through school, with the achievement gap at its lowest by year 9. It is pleasing to note that the ACT leads the way in translating national policy into local practice.

Whilst the achievement gap in the ACT is of concern, it is worth noting also that Indigenous students in the ACT outperform their peers in all other states and territories. This is indicative of the commitment of the ACT Department of Education and Training and the federal and ACT governments to close the gap in educational achievement.

What is also noteworthy about the 2010 NAPLAN results is that the ACT's distance from the national mean increased for years 3, 5 and 7, suggesting improvement relative to other jurisdictions. Together with New South Wales and Victoria, the ACT mean scores were the highest in the country, with between 88 and 97 per cent of students achieving at or above national minimum standard. Impressively, and from an already very high starting point, the results are showing that ACT schools are continuously improving.

At the end of 2008, the ACT government committed to the Melbourne Declaration on Education Goals for Young Australians. A number of national partnership agreements, the smarter schools partnerships, were developed to achieve these goals. $107 million from the federal Labor government has gone into the ACT as part of these smarter schools partnerships. The ACT's literacy and numeracy strategy 2009-13 and the 21 additional literacy and numeracy experts we have employed in classrooms, coaching and mentoring teachers are all contributing to improve NAPLAN results.

Evidence-based programs such as the first steps and count me in too programs are central to the ACT's success. It takes a concerted effort to lift student learning outcomes enough to stand out from the crowd and it does not happen by accident. We are making sure that the ACT's teaching workforce drives this difference.

The My School website and NAPLAN testing have shined a light on our schools. Now parents and the public have access to the information that used to be held behind closed doors. In December, more information will be added to the My School website. The Australian Curriculum, Assessment and Reporting Authority, or ACARA, has been working closely with stakeholders to provide further contextual and meaningful data.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MR BARR: Just to wrap up very quickly, at the end of this year, financial data for schools will be added to the My School website. It will show government funding—at the commonwealth, state and territory level, separated—capital and infrastructure spends and contributions by parents and donors. The updated My School website will show that the ACT invests about 30 per cent more per student than the national average. This has bought us some of the best student-teacher ratios in the country. The ACT will continue to invest strongly in education, but our performance should not be seen as ahead of the pack. New South Wales and Victoria also perform very well and they are achieving these results with a significantly lower financial investment.

MR HARGREAVES (Brindabella) (6.01): I will just speak very briefly to the amendment and close the debate. I want to record that I am disappointed in both sectors of the chamber for not talking to me about their proposed amendments. I support Ms Hunter's amendment because it is substantially the same as the motion, with a little refinement in the language and making sure that the accent is on the kids and on the teachers. I understand the position that she takes. But I put this down: it will not happen again.

I actually have to record also a conversation that Ms Hunter and I just had very briefly where she expressed her regret that this had occurred. I thank her very much officially for that undertaking. I thank those members who support the motion. I express my disappointment with those who oppose the motion. Quite clearly, if we are commending the students for their achievement and we are encouraging the teachers to continue that achievement then opposition to the motion just says it all.

Amendment agreed to.

Motion, as amended, agreed to.

Health—West Belconnen Health Co-op Ltd

MRS DUNNE (Ginninderra) (6.03): I move:

That this Assembly:

(1) congratulates the West Belconnen Health Co-op Ltd for the excellent progress it is making in applying a local solution to address community health issues and general practitioner (GP) shortages in the West Belconnen area;

(2) notes that:

(a) the Co-op has attracted five doctors from outside the ACT, with a further two joining the Co-op in 2011;

(b) all GP services are bulk-billed;

(c) a number of community and allied health services are operating in cooperation with the doctors;

(d) since opening its operations in 2010, the Co-op has expanded its operations in Charnwood and opened a new centre near the Belconnen Town Centre, funded entirely by the Co-op;

(e) an additional two bulk-billing doctors will be employed at the Belconnen centre;

(f) the Co-op will appoint a Community Relationships Manager in 2011 to integrate the services of the Co-op with the services provided by the Co-op's community partners;

(g) the Co-op provides on-site medical services in six aged care facilities in Belconnen;

(h) over 5 400 people have joined the Co-op; and

(i) the Co-op has plans to establish links with the Australian National University and the University of Canberra to provide training support to the health and medical faculties at those institutions;

(3) acknowledges that:

(a) the ACT Government had committed seed funding of $200 000, subject to equal funding being provided by the Commonwealth;

(b) the Canberra Liberals supported the ACT Government's commitment, but pledged a further $200 000 in the event the Commonwealth funding did not occur; and

(c) the Canberra Liberals committed a further $100 000 for the Co-op to study the feasibility of establishing a similar practice in Tuggeranong; and

(4) calls on the ACT Government to:

(a) explore opportunities for the establishment of similar community-based models in other parts of Canberra where there are shortages of GP

> services and bulk-billing, particularly Tuggeranong and Gungahlin, including the provision of funding; and
>
> (b) report to the Assembly by the last sitting day in June 2011.

I was delighted earlier this week to receive a letter from the West Belconnen Health Co-op telling me, and perhaps other members of the Assembly, about the achievements since the cooperative started operations earlier this year. I seek leave to table the letter I received. I assure members that all the papers are there and they are all stapled together.

Leave granted.

MRS DUNNE: I table the following paper:

> West Belconnen Health Co-op—Letter from Michael Pilbrow, Chair, to Mrs Dunne, dated 24 October 2010.

The West Belconnen Health Co-op is one of those community-based stories that occurs quietly almost in the background but achieves wonderful outcomes for those communities. The co-op was five years in the making. I recall that Ms Porter and I attended the first public meeting at Charnwood during the 2004 election campaign that kicked off this wonderful initiative.

Whilst planning was a critical success factor, the perseverance of the community was the key to securing the much needed funding necessary to kick off its operations. The Canberra Liberals were very pleased to support the push of the community. Indeed, it was only after the Canberra Liberals committed funding totalling $300,000 in 2008 that the commonwealth came to the party with their share of $200,000.

This matched the funding already committed by the ACT government even though the ACT's funding was subject to a commitment from the commonwealth. In the end, with funding secured, the west Belconnen cooperative opened its doors earlier this year, and what a year it has been. The co-op now has 5,400 members. It has employed five bulk-billing doctors all drawn from outside the ACT.

I need to emphasise that the aim of the cooperative is to increase the total number of general practitioners operating in the ACT. As part of its policy, it will not poach doctors from other ACT practices. In fact, the cooperative tends to look overseas to countries like the UK where there is a doctor oversupply. There are two more doctors expected to start early next year. That will increase to seven the number of doctors working in the west Belconnen cooperative.

A second health centre has opened in Belconnen with facilities for three more doctors and the facilities at west Belconnen and Charnwood are almost completing their extensions. Another doctor, again recruited from outside the ACT, is providing on-site medical services to six aged-care facilities throughout Belconnen. The cooperative has established partnerships with other community-based health and social service organisations and even will appoint a community relationships manager next year.

This manager will integrate the services of these organisations with the co-op's services. Thus the synergies between the two groups and ultimately the service provided to the community will be enhanced. Another important link the co-op has established is with the medicine and health faculties of the ANU and the University of Canberra. This link provides training opportunities for students at those institutions, thus contributing to building future capacity in those professions.

The west Belconnen experience is not the only one, although health cooperatives of this sort are few and far between. The co-op drew some of its inspiration from a cooperative model operating in Melbourne's western suburbs. The South Kingsville health services cooperative was expanded from one GP in 1980 to over 20 staff today. It provides services which include GP care, dentistry, acupuncture and naturopathy.

The cooperative has grown to 7,600 members and provides around 25,000 consultations per year. The service has an annual turnover of around $2 million. In the ACT with 5,400 members in less than 12 months and a rapidly growing operation, the west Belconnen health cooperative is certainly well on the way to emulating the success of the community-based service that it modelled itself on in Melbourne's west. All of these achievements that I have spoken about have come to fruition in this year alone.

It shows the value and effectiveness of the co-op's good and thorough planning over the prior five years. Indeed, these achievements put the efforts of the ACT government to shame. In its nine years in office this government has not been able to ease the GP shortage in Canberra. It has not been able to achieve a higher level of bulk billing and it has allowed community health services to contract.

We even had the government saying that the west Belconnen model is not something which the government should get involved in. It is easy to see just what can be achieved when a community puts its mind to it despite and in spite of government scepticism and eventually having to drag the government kicking and screaming to the funding table. Let us not dwell on what this government might have been but rather let us dwell on what this government could do in the future.

There is without a doubt much to be learned from the model developed and established by the West Belconnen Health Co-op. My motion today calls on the government to explore the opportunities to replicate that community-based model in other parts of Canberra where GP and bulk-billing services are inadequate, particularly in Tuggeranong and in Gungahlin.

Indeed, Mr Speaker, the Canberra Liberals recognised the need for this in 2008. When we made a commitment in 2008 for an extra $300,000 funding for the west Belconnen health cooperative, $100,000 of that was to study the opportunities to establish similar models in other areas of bulk-billing shortage in Canberra and to help establish those centres.

The co-op has already established the model for that research. A steering group of the health cooperative, the Charnwood Community Health Committee, surveyed 8,000

homes in north-west Belconnen during the set-up phase. The committee found that 86 per cent of respondents had difficulties getting appointments, 75 per cent found it hard to get a GP and 63 per cent found GPs to be too expensive. These problems contributed to 18 per cent of people in the survey not having a GP and 17 per cent using Calvary hospital as a substitute for visiting a local GP.

One of the main impetuses for the setting up of the Charnwood Community Health Committee in the first place was the issues raised by Charnwood pharmacist Brian Frith when he said that he was providing essentially primary healthcare services to a range of people who would come into his pharmacy in years past because there was literally nowhere else to go and doctors were closing up surgeries across west Belconnen one after the other. He, being a pharmacist, was at the pointy end of the issue and saw the decline in people's health because there was no reliable access to primary health care in west Belconnen.

My motion here today recognises this research and its outcome and acknowledges the success of the West Belconnen Health Co-op. It recognises that the co-op model may well hold the secret to future success for community-based health services across the territory. There are considerable benefits in this approach. First and foremost, it relieves the pressure on our hospitals and emergency departments. With the ACT's waiting times amongst the longest in the country, the government should be examining every opportunity to reduce them.

A community-based health service like this gives the community ownership of that service. They will have a commitment to the service and they will be more likely to support it. It is able to establish links with other allied or synergistic community-based services. The West Belconnen Health Co-op has established a range of community partnerships that reach into the social and health issues facing youth in west Belconnen as well as refugees transitioning into community life. It brings communities together to solve problems which until now they have been captives of. The ingenuity, initiative and local vision of the west Belconnen area to establish the health cooperative exemplifies the best characteristics of our community.

These citizens have come together to redress a serious area of need—GP shortages, a lack of affordable bulk-billing services and ready access to those services. It has created opportunities for community volunteering and membership engagement. There are 5,400 people at least across the west Belconnen area who are benefiting from all of these achievements.

The experience of the West Belconnen Health Co-op should be held up as a shining light for the kinds of success that can be achieved by our community when they put their minds to it and they get a little support from the government. It should be held up as a shining light to a government that at various stages during the development of this model was asleep in the darkness of skepticism and indifference. Now that the runs are on the board, there is an opportunity for the government to embrace the model, to see how it can be applied elsewhere and to assist other groups in that aspiration.

I would like to heartily congratulate the West Belconnen Health Co-op on its amazing success and I commend their success to the Assembly. In doing so, I would like to pay

tribute to people who should be named because of their sterling success. The pioneers of this organisation included Roger Nicoll, who is the inaugural chair of the cooperative, Michael Pilbrow, who is the current chair of the cooperative, Brian Frith, who in many ways, as I said before, was the driver of this because of his experiences as the local pharmacist, Peter White, Paul Flint, Ross Maxwell, Jo Courtney, Tamara Wilson, Leni Cleaves and Dr Jenny Porteus.

I would also like to encourage members to participate and show their support, not only by voting for this motion today, but also by attending the cooperative's AGM to be held at the community health centre on 18 November this year. I commend the motion to the Assembly.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (6.14): I thank Mrs Dunne for bringing this motion on today. The Greens agree that the West Belconnen Health Co-op is proving to be a success, and we too hope to see this model one day replicated by other community groups around Canberra in those locations where there is a lack of GPs.

I would like to start my response to this motion by noting that when we consider policy responses to the increasing demand on primary healthcare services, it is important that we look to strategies that go beyond just GP recruitment and retention.

If we are to provide sustainable solutions, we must diversify the manner in which primary healthcare services are provided. A strong primary healthcare service must incorporate allied health professionals and nurses. I am pleased that these workforces have been able to be linked in with the West Belconnen Health Co-op and that other strategies, such as the nurse practitioner-run walk-in centre, are also proving successful.

The impact of our GP shortage is felt most by those people who are poor, as they cannot afford the increasing upfront fees that must be paid for GP consultations because bulk-billing is not available. Given that the private market provision of GP services in Canberra is insufficient in comparison to our needs, it is appropriate that we look to non-profit models that can be supported by government in their establishment. Once a non-profit model is up and running, it can attain self-sufficiency through alternative finance models that are based on Medicare payments and membership fees. This has been demonstrated out at west Belconnen.

It is important also that we take a moment to reflect and on and support the hard work that was undertaken by the small team that got this co-op up and running. The team begun in 2004, after the local Neighbourhood Watch and P&C Association held a public meeting, concerned about the lack of affordable GPs and health services in their area, which also happens to have a number of low income households. At the time, there was a trend towards corporatisation and centralisation of services away from fringe areas, leaving just one local GP on average per 11,000 people.

This is a trend that we have seen continue in Canberra over the last five years and one which is expected to continue. The small team who initiated the west Belconnen co-operative had little medical experience but were convinced about the social need

for the service. So collectively, using their free time, this group of people sought the expertise, support and materials to see this co-op established. If you take, for example, the medical goods needed to furnish the surgical room, some of the team went around to those GP practices that were closing down and were able to buy things like unused bandages at low cost rates.

The west Belconnen co-op has held up the Westgate Health Co-op in Victoria as a successful and best-practice model. That co-op was first established in 1980 in response to a shortage of bulk-billing GPs. Today the co-op has over 5,000 members and operates two centres. It provides not just GP services, but also dentistry, physiotherapy, acupuncture, naturopathy, audiology and psychology.

The co-op has also established an important community development role by providing other services such as voluntary transport, free counselling and a casserole bank provided to sick patients, particularly mothers. The co-op was also instrumental in developing learning for life, a community craft and learning program. Westgate health is not just a health centre, but also a great source of social capital within the local community. If we here in the ACT are to adequately respond to the closure of a number of GP practices, we must consider supporting the establishment of more company-ops into the future.

Going to the specifics of Mrs Dunne's motion, the Greens support all items contained in paragraphs (1) and (2) and have some amendments to paragraphs (3) and (4). With regard to paragraph (1), I recently received an update from the west Belconnen co-op and agree that it has made excellent progress. The achievements listed by Mrs Dunne in paragraph (2) reflect those facts that I, too, was provided with when I received the latest letter that Mrs Dunne has tabled.

Mr Speaker, at this point I move my amendments. Going to paragraph (3), the Greens do not support the original proposal, as it turns the content of the motion into what we believe is a political contest. We would prefer to focus on the community, and detail the funding that was provided by the government to the West Belconnen Health Co-op and the processes that were used to provide that funding, because that reference provides a benchmark for the manner in which the government should provide support to other community groups that might be interested in setting up a health co-op.

The Greens' amendment to paragraph (3) also proposes that the Assembly acknowledge a recommendation that was made by the health committee through its primary healthcare inquiry. The recommendation was:

> The Committee recommends that the ACT Government monitor the progress of the West Belconnen Health Cooperative and, if it proves to be successful, provide information and support to community groups interested in establishing a health cooperative, or a similar model in their local community.

The government response to this recommendation was disappointing, as it did not provide the commitment that was sought by the community. The government commented through its response that it does not routinely monitor the progress of

private organisations but will continue to work with the west Belconnen co-op to support this model. The government also noted negotiations surrounding the national health reform plan and the influence this may have on primary healthcare services.

The type of response that the Greens would rather have seen is the government being open to providing similar support to other community groups that have demonstrated the interest and potential capacity to embark on such a venture. Given that the COAG reform may take some time and may not change much, we would have hoped that the government would not put things on hold until such time as those final decisions have been made.

The Greens agree that there is a need for more primary healthcare services in both the south of Tuggeranong and in Gungahlin. We are well aware of the good work that has been undertaken by the community group doctors4tuggeranong. This small movement so far has the support of the Tuggeranong Community Council and has interest from a senior medical student. Local residents who support the venture say they do so because they do not believe they currently have adequate access to a GP with whom they can form an ongoing relationship, book appointments, and obtain access to bulk-billing.

The health committee stated in its primary healthcare report that it does not favour the model of smaller medical centres over the larger ones run by corporate bodies, mainly because there were different advantages to both models. The larger medical centres are good for acute and episodic care, but smaller medical centres can provide closer relationships and continuity of care, an important element for those people with complex and chronic health conditions.

In the case of Gungahlin, however, while we recognise that a co-op could provide great benefit to the community, it does depend a great deal on the local community getting together and setting up a team of people to further this endeavour. There is not one there yet, but let us just hope that a committed team of locals can form to push such a proposal along.

Going to paragraph (4), the Greens' amendment seeks to replicate the recommendation that was made by the health committee in that the government should provide information and support. We have proposed this amendment because we wanted to be sure that any co-op venture was based on movement within a community and was owned by the community rather than being pushed by the government. This is important because, if there is not enough social capital to sustain such a movement, any health co-op is less likely to be successful.

I understand the Canberra Liberals are keen to have a clause in paragraph (4) of the motion that requests that the government seek out community groups that could take on the challenge of setting up a co-op. I think that goes against the principle of social inertia that we wish to recognise. We can, of course, tell the doctors4tuggeranong about the conversation we have had here today and what has been passed in the chamber. We can also tell the Gungahlin Community Council about it. But I think it would be inappropriate for us to go beyond that point and try and make the government create the movement to create these groups.

I have also proposed an amendment that calls on the government to assist interested community groups in getting the funding to do a feasibility study because, while there may be some enthusiasm on the Assembly's part to see the health co-ops get up, we need the assurance that the figures are right and there is enough support for such a movement within the local community. Obviously, a good business model is important. This is what occurred for the West Belconnen Health Co-op and, as such, we believe it should occur with other groups. If community groups form and can demonstrate the capacity and the commitment, then we can have the next conversation about seed funding.

I commend my amendments to the Assembly. Again, I thank Mrs Dunne for bringing forward this motion about this incredibly successful and important organisation out there in west Belconnen. I was very privileged to go and visit the centre. Peter White and Roger Nicoll took me on a tour. It was very early days at that point, but it was such an impressive operation that had been set up. At that time they were seeking a number of engagements or MOUs with community organisations to also deliver their services out of the facility, and I know that many of those have been successful. Of course, it is so pleasing to see that they are setting up a second premises in Totterdell Street. I congratulate them on a wonderful success and the important and essential service that they are providing, not just to the people of west Belconnen but to people who live outside of the area who do need that access to GPs who bulk bill.

MR SPEAKER: Ms Hunter, did you move your amendments?

MS HUNTER: I did move my amendments, Mr Speaker.

MR SPEAKER: You need leave to move them as a group as you have three separate amendments.

MS HUNTER: I seek leave to move the amendments circulated in my name together.

Leave granted.

MS HUNTER: I move the amendments circulated in my name together.

(1) Omit paragraph (3), substitute:

"(3) acknowledges that the:

(a) ACT Government provided a $15 000 grant to the West Belconnen Health Co-op so that it could conduct an initial Feasibility Study and Business Plan with the help of a professional practice management consultant; and once that was deemed successful the ACT and Commonwealth governments each provided seed funding to the project at a value of $200 000 each; and

(b) Standing Committee on Health, Community and Social Services Report into 'Access to Primary Health Care Services' recommended that the ACT Government monitor the progress of the West

> Belconnen Health Cooperative and, if it proves to be successful, provide information and support to community groups interested in establishing a health cooperative, or a similar model in their local community;".
>
> (2) In paragraph (4)(a), omit "explore opportunities for the establishment of", substitute: "provide information and support to community groups interested in establishing".
>
> (3) Insert new paragraph (4)(aa):
>
> "(aa) explore opportunities for providing funding assistance to those community groups that are interested in establishing a co-op and wish to undertake a Feasibility Study, similar to what was undertaken by the West Belconnen Health Co-op;".

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (6.26): I thank Mrs Dunne for bringing this issue to the Assembly. I think all of us here are pleased to see the success of the West Belconnen Health Co-op and the role that the founding members of that co-op have played in the incredible success of this new model of care.

I had the opportunity to speak with West Belconnen Health Co-op members on Saturday at community cabinet where they came to speak with me around plans they have to look at expanding. I reiterated the government's willingness to work very closely with them and provide them with support should they need it.

Back in 2008, the government provided a commitment to fund a capital component of $200,000, with an agreement of matching funding to be provided by the commonwealth for the West Belconnen Health Co-op. This was after providing the financial support for the feasibility study. This funding has been well utilised and has already reaped great rewards for the west Belconnen community.

We have worked, as a government, over a number of years to assist in the attraction and retention of GPs to the region, through supporting practices in a range of ways, and will continue to do so in the future. This is despite the fact that the commonwealth government holds the primary responsibility for general practice. The ACT government has implemented a range of initiatives to seek to address GP shortage but also to support existing general practice across the ACT to deal with the workloads that they are managing.

The ACT government provided funding of $281,000 for a marketing and support position to work at the Division of General Practice to specifically target GP workforce shortage. In addition to this initial investment, funding has recently been provided to extend this role and increase its capacity. Since the officer's appointment in May 2008, 18 area of need authorisations have been approved, 150 calls of interest have been received, 23 GPs have commenced in the ACT, with one more to commence later this year, and the employment section on the Division of General Practice's website has been expanded to contain vacancies, fact sheets and other information for prospective GP applicants and employers.

In 2008, the division and ACT Health commenced a nationwide advertising campaign showcasing the lifestyle benefits of living and working in Canberra as a GP, which also included a call to action to potential applicants to investigate GP employment opportunities in Canberra. In 2009, this campaign was expanded to include a direct mail-out to some 4,000 GPs in inner Sydney and Melbourne locations and to target overseas locations, including New Zealand and the United Kingdom. 2010 has seen continued advertising nationally and internationally, including a joint partnership arrangement with the live in Canberra team to advertise in the *British Medical Journal*. GP job vacancy information will continue to be circulated at a number of national employment expos through 2010.

In addition, we have also announced our $12 million package over four years to support and grow our GP workforce. This package, which received funding on 1 July 2009, has five components: the GP scholarships, the GP teaching incentive payments, the ACT GP development fund, the ACT GP aged day service and the prevocational general practice placement program. The status of these initiatives is that, under the bonded scholarship scheme, one scholarship has been awarded to date and we are currently consulting around the criteria with the ANU Medical School to consider the finding of a survey they did around how better to target the scholarship funds.

The teaching incentive payments program has been successfully implemented, and payments to GP teachers are continuing. And this is specifically to acknowledge the role that they play when they take students into their practice. Every third appointment has to be blacked out so that they can talk through with the student doctor what had just occurred. That has a financial impact on their business in terms of the number of patients they are able to see. So the government is compensating them for that by providing that exposure for students into general practice.

In regard to the GP development fund, funding has recently been awarded for round 2. That means almost $1 million of that has been allocated. The West Belconnen Health Co-op received an additional $45,000, if my memory serves me correctly, under one of those rounds of funding.

The GP aged day service will provide assistance for people requiring acute assessment and management in the community, who are housebound or in a residential aged care facility, with a GP service when the patient's usual general practice is not able to provide care in a suitable time frame. The Division of General Practice will commence the service in the first half of 2011.

The PGPP program continues to support the three current places. This number will increase in 2011, when there will be new commonwealth-supported places allocated to the ACT.

In addition to the work just mentioned, the ACT GP task force was established and has been working to investigate options around innovations for improving access to primary healthcare and did provide a report back to the Assembly in late 2009.

The reason I have outlined that as part of this motion today is to show that the government is working very closely with key stakeholders, mainly through the

division, around how best to support general practice. The division are very clear with us that they do not want us to pick winners within the GP community or decide what service goes where. They see us more as a provider of some funding assistance and, certainly with the data that we have within Health, a provider of information to certain groups.

In that light, the government would be happy to support the Greens' amendments to Mrs Dunne's motion. We do agree with the majority of Mrs Dunne's motion. However, we do not believe it is up to the government to provide a report back about the potential for expanding the cooperative model.

We funded a feasibility study for the West Belconnen Health Co-op. There is funding around, through our infrastructure grants. It has a range of criteria, including attraction and retention, education and training and infrastructure as part of the components where, if an organisation or a collective did want to seek assistance for a feasibility study, there is a source of funding for them.

I think it is more about similar community models. If there is a decision of, say, the Tuggeranong or Gungahlin community to establish a cooperative and then seek financial support from the government, there certainly is a funding stream over the next four years as we have got an additional $3 million to allocate in support of initiatives like these. So we are very happy to support Mrs Dunne's motion, with the additions from the Greens, certainly in relation to providing information and support to community groups around establishing a new model of primary healthcare. We are very happy to do that and explore opportunities for funding assistance.

In addressing Ms Hunter's points, I do not think it is fair to say that we have not been doing very much or that we have been sitting on our hands waiting for the national reforms. That is not true at all. I hope I have outlined the areas that we have been doing a lot of work in.

The national reforms, though, will come into place. Under those reforms the commonwealth government does take 100 per cent funding responsibility for primary healthcare services. I think it is also worth noting that, if a group is looking at being established or the West Belconnen Health Co-op are looking at expanding the services they provide outside of Belconnen, approaches to the commonwealth would be a good pathway as well, considering that in the future they will be the ones with policy and funding responsibilities.

MR COE (Ginninderra) (6.35): I realise we are pressed for time; so I will speak very briefly on this motion. I do think it is important that I put on the record my admiration for all those involved at the West Belconnen Health Co-op. I think Mrs Dunne has very clearly articulated the opposition's view and our support for the work that is done there and, indeed, the potential benefits of having other similar models across Canberra.

Prior to the last election, the Canberra Liberals did take a policy of support of health co-ops and we very much remain committed to that support. We think it is part of the solution for improving access to GPs in Canberra. Whilst we are, by no means,

against traditional models of GP clinics, we do think that co-ops will be a key part of the solution going into the future. We do hope that the government does, indeed, support that model as well.

I think it is important to note that governments are not the sole repository of knowledge and not the sole repository of delivering services. I think that is one of the great things about what is happening in west Belconnen with the co-op, both in Charnwood and at the new facility on Totterdell Street. But here you have the situation whereby community members identify a problem, step up, rise to the challenge and actually make something happen. Where possible, we, as the legislature, and the government, through their agencies, should not stifle such innovation and such entrepreneurialism. So I think it is very important that we make sure we have the framework in place that does support such community activism and does support communities coming together to make these things happen.

Mrs Dunne has already acknowledged a number of the people involved. I would like to make special mention of the current chairman, Michael Pilbrow, and the inaugural chairman, Roger Nicholl. I would also like to put on the record the opposition's thanks to their families as well because, to take on a role such as this does take enormous time and does take enormous commitment and a lot of sacrifice from the families as well. So we very much support and thank the families for allowing their family members—namely, Michael and Roger—and indeed all those involved, to step up and to support the community in the way they do.

Again, I very much support Mrs Dunne and her moves to support the co-op and indeed to support other coops around Canberra.

Amendments agreed to.

MRS DUNNE (Ginninderra) (6.39): Very briefly, I want to thank members for the spirit in which they have entered into this debate today. I think this is an important motion. When people in the community act so well and with such commitment to their neighbours and it has such a fantastic result, I think that it is incumbent upon us to recognise that here. As Mr Coe says, governments are not the repository of all wisdom in this matter.

I do encourage the government to get on board and look at options for where this model might be replicated in the ACT. When you compare the amount of money that the commonwealth is proposing to spend in individual super clinics across the country, the outstanding success of this cooperative is done on a shoestring. I know that there is some interest in Tuggeranong for developing this model and I think it is incumbent upon the government to assist at least to the level that was provided to the West Belconnen Health Co-op, or in comparable 2010 dollar terms, so that that model may be replicated and that we learn from the experiences of this successful model.

I thank members for their contributions. First and foremost, I congratulate the West Belconnen Health Co-op on their astounding success.

Motion, as amended, agreed to.

Adjournment

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

That the Assembly do now adjourn.

Bosom Buddies—Annual Breast Cancer Day dinner

MR HANSON (Molonglo) (6.41): I would like to talk about an event that I attended on Monday evening at the Southern Cross Club, the Bosom Buddies Annual Breast Cancer Day dinner. Also in attendance were Senator Kate Lundy and the former member for Canberra, Annette Ellis.

Bosom Buddies is an ACT-based volunteer organisation that actively supports individuals living with breast cancer and assists their families, friends and other supporters. Their aims include supporting those newly diagnosed with breast cancer to assist them on their journey by using a buddy system; providing social activities for fun and for ongoing sharing and support for members and their guests; staying in touch through a quarterly newsletter to members; raising awareness in the community about breast cancers through presentations and through community events initiated by Bosom Buddies; advocating to improve treatment in our region and to provide a voice in the community for issues related to breast cancer—and it is important to note that Bosom Buddies is a local charity; it is very much a local organisation rather than a national one—and raising funds for community programs and projects. They do things like a hospital visiting program at Calvary hospital.

It was a great night and I met a fantastic group of men and women who are helping others on their breast cancer journey. Obviously, some of those women are still on that journey. It was great to meet ladies like Kerry Stewart, who runs the "Look good, feel better" program. That is a program that helps women who have had chemotherapy and have lost their hair, eyebrows and eyelashes to basically reclaim their face—to learn how to apply make-up to get their face back. I had not considered this as an issue before, but if you lose your eyebrows and eyelashes, you lose a lot of the aspects of your face that make you distinctive. It is a difficult thing for a woman to then go out in public and feel proud about herself. What a great program this is to help women going through such a difficult time.

I also had the privilege of meeting Sue Owen, who runs "Heads up" at Calvary. She helps women, and some men, who have lost their hair to find a hat, a turban or other headwear to wear. She helps them with selecting and fitting the right headwear. That again is about helping particular women on a very difficult journey to feel good about themselves. She related to me many stories about women who had initially come in saying, "I don't wear hats; I'm not going to do that," and who had then left with a hat on and feeling great about themselves.

Bosom Buddies also have a gift card that you can give to someone as a present. It is a donation to Bosom Buddies. It is a great gift idea, particularly if you are looking at giving something to someone—perhaps a family member or a friend who suffered

from breast cancer. I have a number of those cards in my office if anyone would like one. I acknowledge Eleanor Bates, a former candidate for the ACT election, who is a member of the board of Bosom Buddies. She was advocating to me to pass those out to the Liberal members, and I will do so in due course.

There was a hat display as part of a hat-making competition that Bosom Buddies has been running called "Hat hat hooray!" On the night, awards were given out to all the winners. There were some fantastic headpieces there. I will not list all the winners, but congratulations to Frances Chandler, who was on my table and who won a prize. I was on a great table with a great bunch of people, including Sarah Holmes. I would also like to congratulate Peter Funnell, who organised the entertainment, which was also very good. The opera-singing comedian was a particular highlight. He was genuinely very good.

I would like to also acknowledge the MC for the night, Annette Ellis. She did a fantastic job. And Senator Kate Lundy made a speech about her life story which was well received.

I had the pleasure of again meeting Kate who works in the office out at the "Shout" facility in Pearce. I met her out there the other week; she does a great job and everyone in Bosom Buddies had nothing but praise about Kate and the great work she does to support the organisation. And my congratulations to the retiring president, Sally Saunders, on the work she has done. I understand that she will continue on in a fundraising role, so it is not really a retirement.

Thanks again to Bosom Buddies for a great night of entertainment. And I thank them for the great work that they do for our community.

Order of Australia Association

MR COE (Ginninderra) (6.45): I would like this evening to highlight the work undertaken by the Order of Australia Association, particularly the branch here in the ACT. The central objective of the association is to foster love and pride in Australian citizenship and also to encourage awareness in the Australian community of Australia's history, traditions and culture. Members of the OAA strive to build strong relationships with the wider Australian community through their ongoing commitment to promote the development and maintenance of a constructive and positive sense of national unity amongst Australians.

The ACT association was formed on Australia Day in 1980, and membership consists of individuals who have been honoured with the order, including honorary award recipients. On the 19th of this month I had the pleasure of attending the inaugural Order of Australia Australian National University lecture delivered by Professor Ian Chubb. The lecture had been inaugurated to focus on the effects of the ANU, higher education and research on the Canberra business, professional, political and community sectors and in recognition of many of the Order of Australia recipients within these sectors and the university.

The ACT branch of the OAA has also recently initiated the ACT student citizenship awards, which provide an opportunity to ACT schools and students to nominate and

be nominated for awards that recognise voluntary community service and demonstration of good citizenship. There are two types of awards: awards for outstanding individual leadership and achievement by years 11 and 12 students and awards for meritorious group activity in community service and citizenship projects for students between kindergarten and year 10 who attend both government and non-government schools.

Since the inception of this project in 2009, awards have been made to Radford college, for their sustained assistance to students of Cranleigh school, and to Holy Family primary school in Gowrie for their sustained and increasing support in the local community and overseas of various charitable endeavours. I spoke in this place just last week about the special relationship that Radford and Cranleigh have and the positive impact it is having on all concerned.

I would like to acknowledge the ongoing commitment and work undertaken by the current committee members of the ACT branch. The chairman is Mr Len Goodman AO, the honorary secretary is Mr Bruce Trewartha OAM, the honorary treasurer is Mr Brian Acworth AM, and the other committee members are Trish Keller OAM, Evol McLeod OAM, Derek Robson AM, Dr Andrew Lu OAM, Dr Caroline Turner AM, Mr Ian Miekle AM, and Dr Ray Newcombe OAM.

Those in the Order of Australia Association have been acknowledged by our society for their exceptional service, and it is wonderful that even after they have been awarded and been thanked by our community they continue to serve, whether it be in business, in government, through charities, through service clubs, through school boards et cetera. I congratulate all members of the Order of Australia Association and look forward to further activities at the branch.

Children's Week

MRS DUNNE (Ginninderra) (6.48): This week, as we noted this morning, is Children's Week. I would like to pay testament to Communities @Work, one of our great community organisations for their Children's Week publication called *Just change the channel: children's views on caring, happiness and respect.* The theme of Children's Week this year is "A caring world shares", and there are many quotes from this very pretty and touching book which are all bon mots from children at various childcare centres across the community run by Communites@Work.

I will just share some of them with you, if I could, because they are cute. I should start with the one from which the title comes. Olivia, four years old:

> Sometimes the TV news is sad because bad things happen to people, you *just change the channel!*

I am not quite sure that I always agree with Olivia on this one:

> I think the ABC is good.

And then there are others. On the subject of caring, Owen, who is 3½ years old, says:

> If I was Spiderman, I would save everyone.

And four-year-old Bailey says:

> It's important not to get lost.

On the subject of happiness, four-year-old Ruby says:

> Eating all my vegetables makes me happy.

I wish I had that household. And four-year-old Lucy says:

> Being a child means to play a lot and be happy.

On the subject of respect, five-year-old Michael says:

> Respect means looking at someone really carefully.

Oscar, also five, says;

> I love massaging people, it makes everyone feel really, really good, maybe the earth needs huge hands to massage it too.

But perhaps the most insightful comment comes from five-year-old Ryan, who says:

> The best thing about learning is how to be nice.

Children's Week is a special time to acknowledge our future. It is a time to make our children feel more special than usual, because they are our future. I congratulate Communities@Work on their publication.

Question resolved in the affirmative.

The Assembly adjourned at 6.51 pm.