Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

8 DECEMBER 2010

www.hansard.act.gov.au

Wednesday, 8 December 2010

Wednesday, 8 December 2010

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.

Australian Capital Territory (Self-Government) Act 1988—proposed review

Debate resumed from 17 November 2010, on motion by **Ms Porter**:

That this Assembly supports:

(1) the notion that the people and the parliament of the ACT should have the same rights as Australians living in the States to legislate on their own behalf upon matters within their legislative jurisdiction; and

(2) a comprehensive review of the Australian Capital Territory (Self-Government) Act 1988, with a view to:

(a) allowing the ACT Legislative Assembly to determine its own size;

(b) removing provisions that allow the Commonwealth to overturn any ACT law through the exercise of Executive fiat; and

(c) making other such amendments necessary to deliver genuine self-government to the people of the ACT, consistent with the democratic rights enjoyed by Australians living in the States.

and on the amendment moved by **Mrs Dunne**:

Omit all words after "That this Assembly", substitute:

"(1) supports the rights of people of the ACT to legislate on their own behalf upon matters within their legislative jurisdiction under the Constitution of Australia;

(2) supports the formation of a broad public consultation forum to discuss and debate changes requested to the Australian Capital Territory (Self-Government) Act 1988 as raised by the Assembly, the community and other stakeholders and develop a formalised agreed position to present to the Federal Parliament; and

(3) calls on the Government to investigate the timing and provision of a public forum on these reforms and report to the Assembly with options.".

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (10.03): I am very pleased to participate in this debate around the self-government act, a debate and a motion that are essentially about the democratic rights of the people of the ACT. In the context of this place and our responsibilities, there is no more important responsibility or role that we have and hold than to defend the democratic institutions within the territory and to defend absolutely and unambiguously the democratic rights of the people of the ACT and the rights of the people of the ACT to be accorded the same privileges and democratic rights and freedoms as the rest of Australia. As we are aware, that is not the case.

That is not the case as a result of certain aspects of our constitution—the self-government act—and it is not the case as reflected by steps that are taken and actions that are pursued from time to time by, most particularly, members of the federal parliament that diminish the operation of the self-government act and the democratic rights of the people of the ACT and treat the people of the ACT and this institution, the ACT Legislative Assembly, with a lack of respect and a lack of recognition of our right to be treated equally with all other Australians.

We are all aware of a motion very similar to this one which was passed by the Assembly on 17 June last year and which called for a review of the self-government act. That motion, members would recall, was passed on the 20th anniversary of self-government being gained within the territory. During that particular debate, each of us across the three parties emphasised the maturity of government that has been achieved within the ACT. We emphasised in our contributions to that debate the successes that have been achieved in the territory, and we concluded that a review of the self-government act in the circumstance is about achieving or ensuring the inalienable democratic rights of all Australians, most particularly those within the territory.

As I said before—I believe this in a heartfelt way—there is nothing more fundamental to a parliament than its ability to reflect the needs and values of its constituents. Indeed, that is democracy. It has to be said that ours is a progressive electorate in the territory. We know that, and we are an open community, a community that aspires to be free of discrimination and prejudice, a community that has been prepared to face up to some of the issues that confront us in our capacity to ensure that we are an open and progressive, supporting community that will not tolerate discrimination. The legislative history of this place reflects that view of this community and of this legislature. We have, over our time, shown the extent to which we want to be an inclusive, fair and open society and community.

It is in the context of that, if one were to restrict oneself just to those issues around fairness, equity and equality, that we can see what a proud record the ACT Legislative Assembly has. It is a matter of note that the ACT Legislative Assembly in 1997 recognised the injustices done to Indigenous Australians through an apology in this place, an apology to the Stolen Generation, 10 long years before a national apology was delivered.

More recently, I and the ACT government have been pursuing in correspondence with our federal colleagues our desire for the recognition of Indigenous Australians to be incorporated in a preamble to the self-government act in the way that other parliaments around Australia are now recognising Indigenous people and in the way that the Prime Minister of Australia has recently indicated she wishes them to be reflected in the preamble to our national constitution. It is ironic to reflect that the New South Wales parliament has recognised in its preamble to its constitution the traditional owners of the lands of New South Wales, that the Prime Minister of Australia wishes to do the same, but we in the ACT do not have that capacity.

It is a fact, and the progressive record of achievement of this place reveals it, that in 2002 this Assembly led the nation in the decriminalisation of abortion. The ACT was the first jurisdiction in Australia to pass a charter of human rights, a bill of rights. In 2006 we conferred equal rights under the law to gay and lesbian citizens of the ACT. These are just some of the many successes that have been achieved here within the territory.

But while acknowledging these successes, we also have to acknowledge that there are very significant constraints on this place to the detriment of our democratic structures and the democratic rights of the people of the ACT. The legislation which Senator Bob Brown has introduced goes very much to those. This is a very important issue. Senator Bob Brown seeks to remove what I believe to be a completely unacceptable inhibition on the rights of the people of the ACT, the Northern Territory and Norfolk Island in the ban on any debate in any of our legislatures on the issue of euthanasia.

The debate that should be occurring in the federal parliament now on that bill is not and should not be a debate about euthanasia; it should only be a debate about the democratic rights of the people of the ACT and the other territories. But it is not, and I think it is a matter of regret that politicians from around Australia continue to believe that it is reasonable or appropriate for them to determine on behalf of the people of the ACT, people whom they do not represent, what the law on that particular issue should be in the Australian Capital Territory.

Senator Brown has a twin piece of legislation in relation to section 35 of the self-government act, the provision which was utilised most recently by the Howard government to defeat a piece of legislation in the ACT designed to remove discrimination against gay and lesbian Canberrans. That is yet to be debated to the extent that the Brown bill on euthanasia is being debated, but at its heart is the same issue.

The motion that Ms Porter has moved, of course, goes to and responds to some of those actions that are occurring federally which draw attention. I support Senator Brown in this, because they draw attention to the disabilities suffered by the legislatures within the territories as a result of attitudes that are held and acted on by some of our federal parliamentary colleagues.

In the short time available to me, I should acknowledge Mrs Dunne's amendment. I have an amendment to Mrs Dunne's amendment. To the extent that Mrs Dunne is

calling on a broad public consultation and a forum to discuss changes to the self-government act, I believe that is quite appropriate. She calls on the government to investigate the timing and provision of a public consultation forum, and we are quite relaxed about and accepting of that. That is more than reasonable. She does also, however, propose to change quite significantly the import and effect of the motion Ms Porter moved by removing the whole of the motion and replacing it with a sentiment that actually goes to the ambiguity of the constitutional arrangements that apply in the territory. I believe that undermines completely the notion that Ms Porter put around what should be unalienable democratic rights.

The amendment goes to the ambiguity inherent in our national constitution in relation to the plenary powers of the commonwealth and the power inherent in that plenary power to overturn all ACT legislation which denies the effect and the implications of self-government and of our demographic rights. I move my amendment to Mrs Dunne's amendment:

> Omit all words after "That this Assembly", substitute:
>
> "(1) supports the notion that the people and the Parliament of the ACT should have the same rights as Australians living in the States to legislate on their own behalf upon matters within their legislative jurisdiction;
>
> (2) supports a comprehensive review of the *Australian Capital Territory (Self-Government) Act 1988*, with a view to:
>
> (a) allowing the ACT Legislative Assembly to determine its own size;
>
> (b) removing provisions that allow the Commonwealth to overturn any ACT law through the exercise of Executive fiat;
>
> (c) making other such amendments necessary to deliver genuine self-government to the people of the ACT, consistent with the democratic rights enjoyed by Australians living in the States; and
>
> (d) the formation of a broad public consultation forum to discuss and debate changes requested to the *Australian Capital Territory (Self-Government) Act 1988* as raised by the Assembly, the community and other stakeholders and develop a formalised agreed position to present to the Federal Parliament; and
>
> (3) calls on the Government to investigate the timing and provision of a public forum on these reforms and report to the Assembly with options.".

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (10.13): The Greens will not be supporting Mrs Dunne's amendment. The problems with them are many and varied. It is particularly disappointing that the Liberals reject the notion that we should have the same rights as state parliaments. It begs the question whether the Canberra Liberals should be called the no self-government party. Evident in the amendment is that the Canberra Liberals do not really think much of Canberra at all. In fact, they think less of this parliament than they do of every other state parliament in Australia. The obvious question is: why? Every Canberran should ask the Liberal

Party why all of their colleagues in the states are better than them and why it is that they do not want to represent Canberrans on the same range of issues that members of state parliaments represent their constituents on.

The amendment shows significant ignorance of the source of our authority to make laws and significant ignorance of our constitution, the federal system and the way the constitution distributes power within our federal system. Unlike the states, where their constitutions and powers enjoy the protection of the constitution under sections 106 and 107 and whose legislative jurisdictions are necessarily protected by a scope of matters assigned to the commonwealth parliament, the territories enjoy no equivalent status or rights. The constitution in section 122 gives a plenary power to create a government for the territories. Rather than any positive legislative jurisdiction, the commonwealth constitution only gives us a range of protections and limitations on the legislative power that can be exercised by the commonwealth and the ACT government.

The only source of our legislative authority is the ACT self-government act. The powers and structure of that act are at the discretion of the commonwealth parliament. The only limitations on the commonwealth power are limitations that would otherwise apply to any exercise of legislative power by the commonwealth parliament. As I said in my previous speech on this motion, it is only recently that this has been confirmed by the High Court and the rights of territorians are equally protected and confirmed as being the same as those in other states. Otherwise, there is no inherent limitation on the jurisdiction that can be given to the territory parliament beyond what otherwise applies to the commonwealth parliament, and to attempt to create one, as this amendment does, is simply wrong.

We are subject to the whim of the commonwealth parliament and the commonwealth executive. The fact that the Canberra Liberals see no problem with this and are quite happy to be run roughshod over beggars belief.

I will respond to a couple of points Mrs Dunne made in her speech. She said:

> … before we commit to the momentous changes in our system of governance.

This, I put to you, is not a momentous change. What we are saying is we want the same capacity as state parliaments and that we should review the self-government act. What is momentous about that?

Mrs Dunne also made the point about getting the checks and balances right. We all agree that we need checks and balances. Our government is built on the notion that power needs to be dispersed and subject to oversight to guard against its misuse. To say that the commonwealth parliament offers us an effective check and balance is nonsense. Real checks and balances operate every day to protect us on every issue. They are integrity agencies, the distribution of functions between the arms of government, the availability of judicial review and the effective rule of law. They are also mechanisms like the Human Rights Acts that actually protect the rights of Canberrans every day. They are not the political whim of the commonwealth government.

We need to do more work on the operation of our integrity agencies and oversight institutions. We need to be ever vigilant about the powers this Assembly gives to the executive and the way that power is exercised. We should require the highest standards of accountability for executive action. This means subjecting the action to independent review. It means properly resourcing our integrity agencies. It does not mean allowing people who are not even elected by the people that decisions affect to overrule those who are elected to make those decisions.

The final statement of Mrs Dunne's that I would like to address is:

> We have struggled with motions such as this one because they are too limited in scope, too isolated in consideration and too lacking in detail. They propose solutions when the problems have not been isolated or even properly defined.

If the Canberra Liberals have additional concerns, I would welcome them to move an amendment to that effect and we can debate the addition of particular problems. The motion identifies the three major issues that need to be addressed. I am not quite sure how it could possibly be argued that these issues are not properly defined. I am also not quite sure how a comprehensive review could be too limited in scope or too isolated in consideration.

Mrs Dunne also referred to the terms of the conflict of interest provisions in the self-government act and the criticism by the ethics adviser. The ACT Greens agree that it would be desirable to clarify this provision, but surely this issue would be covered in the comprehensive review proposed. The fact that it is not drawn out as a major issue is irrelevant. The most pressing issues for the Assembly are articulated in Ms Porter's motion, and the fact that there will, of course, be ancillary issues that the review should consider does not really have any bearing on the overall merit of the motion. If the Canberra Liberals want to highlight the issue of the conflict of interest and the Governor-General's ability to dissolve the parliament they could move an amendment to that effect.

A review of the act is the first step. Let us be realistic: the commonwealth is not going to listen to an Assembly committee report. We need them to run their own process, and it is vital that the ACT parliament agitates for this. We cannot make it happen by ourselves, but we have an obligation to do what we can to get the commonwealth to respond to the concerns.

We do not need a consultation forum. We know the views of the people of the ACT are that we should be the ones who decide the laws of the territory. The Canberra Liberals might not like it, but we are a progressive jurisdiction, and it is simply inappropriate that people who have no connection whatsoever with the territory can override the views of the majority of the territory's elected representatives.

The fact that the commonwealth parliament does not really seem to be at all interested in the ACT most of the time, that they do not appear to want a review and have not done anything to ensure the best outcomes for the territory is a good argument in and of itself as to why we should not be happy to subject ourselves to their arbitrary interference in our rights as a parliament and as a body politic.

As I have said, the ACT Greens support the notion that we should have the same legislative capacity as the states. We believe the ACT is a mature and stable democracy capable of representing the best interests of the people of Canberra. Unlike the Canberra Liberals, we think we are as good as other state parliaments, and that is why we do not support the amendment put forward by Mrs Dunne.

We have some support for Mr Stanhope's amendment, which has just appeared, but we do think the review is sufficient at this stage. We really have to look more closely at the amendment put forward by Mr Stanhope to understand how it interacts with Ms Porter's motion. We will take a look at that amendment before we can provide support at this stage.

MR SESELJA (Molonglo—Leader of the Opposition) (10.22): I have only just seen this amendment, Mr Speaker, so I might just speak to it briefly. We are just working through the amendment as we go. There are elements of it that pick up some of what Mrs Dunne has put in her amendment, so there are obviously parts of it that we support. There is some language that I would amend, and I think we would potentially be in a position to support it with some amended language. But we have not really had an opportunity to negotiate this yet.

If we have a few minutes, there is the possibility that we may get to a point where we can agree on something. So I just say to the Chief Minister that, if we can have a few moments to discuss this, we might be able to come up with some words that we agree on. I do not know if that is the approach the Chief Minister wants to take on this.

For instance, we have said on a number of occasions that we believe the Assembly should be able to determine its own size, but we believe that should not be done through a simple majority. We believe there should be a special majority for that in order to avoid one party being able to impose its will in terms of the size of the Assembly. We would want to add some words to paragraph 2(a) such as "with appropriate safeguards" or "with a special majority".

We support the intent of paragraph 2(b) but with all of these things we have said there needs to be some checks and balances on the power of any majority within the ACT Assembly. We are not in a position to support the amendment in its current form. With some time, I think we would make some minor amendments which would allow us to support it. It is really over to the government as to whether they want to negotiate on this. As it is, we are not able to support it.

Debate (on motion by **Ms Bresnan**) adjourned to a later hour.

Bimberi Youth Justice Centre—proposed inquiry

MRS DUNNE (Ginninderra) (10.27): I move:

> That this Assembly:
>
> (1) notes:

(a) the incidents of violence and security breaches at Bimberi Youth Detention Centre;

(b) the staff shortages and high turnover of staff; and

(c) high levels of staff dissatisfaction;

(2) expresses its concern for the safety and security of residents and staff at Bimberi Youth Detention Centre; and

(3) calls on the Executive to:

(a) appoint a board of inquiry, in accordance with the Inquiries Act 1991, to inquire and report, by 30 June 2011, into the operation of the Bimberi Youth Detention Centre including:

(i) staff levels, training and retention;

(ii) security;

(iii) programs for training and rehabilitation; and

(iv) any other matters; and

(b) relieve the Minister for Children and Young People of responsibility for youth justice services for the duration of the inquiry.

The motion I am proposing today to establish an inquiry into the Bimberi Youth Justice Centre under the Inquiries Act is an extremely grave step. We in the Canberra Liberals believe that this is a step which is above politics.

I am moving this motion in the Assembly because we have a moral duty—a moral duty—to guarantee the safety and security of some of the most vulnerable and most at risk in our community and those who care for them, the residents and staff of the Bimberi Youth Justice Centre.

As we know, Mr Speaker, Bimberi Youth Justice Centre accepted its first intake of residents in early 2009. According to the DHCS website, Bimberi:

> … provides a state of the art youth detention facility which is the first in Australia to comply with the Human Rights requirements, as well as being designed to meet Human Rights standards.

Yet, Mr Speaker, in its short history Bimberi has been riddled with a wide range of problems and very concerning actual and potential outcomes for both the staff and the residents. There are chronic shortages of staff with staff feeling overworked and unsafe because of the lack of backup and support. This has led to a high staff turnover.

Staff shortages have led to frequent lockdowns with residents locked in their rooms for long periods of time. Staff shortages have been so chronic that the government has had to engage a private security firm to supply security personnel who are not properly trained in the supervision of young residents in a youth detention centre and the security of a youth detention facility.

There have been numerous documented incidents of self-harm by residents, including an attempted suicide, assaults by staff on residents, violence shown by residents against staff, security breaches involving misuse of medication and escapes. There are staff who have been injured either physically or psychologically but who have not received adequate follow-up treatment or support—

MR SPEAKER: Mrs Dunne, one moment. Order, members! There is a large amount of noise in the chamber.

MRS DUNNE: It is like talking on Pitt Street.

MR SPEAKER: If we could have some quiet for Mrs Dunne, please, I would appreciate it.

MRS DUNNE: Thank you, Mr Speaker. There are staff who have taken stress leave or who are on other forms of extended leave. We are aware of a management and workplace culture in which staff are not valued, encouraged or respected. We have heard stories of bullying and racist behaviour from management. We are aware of an environment in which the residents are not treated with dignity.

But it does not end here, Mr Speaker. We are also aware of the underutilisation of the education facilities. Some of them, Mr Speaker, have not been used at all. Now we have heard about reduced in-class security for teachers in the education programs, leaving those teachers fearing for their safety and leaving students themselves exposed to personal safety risks.

Out of concern for the effect of that weight of evidence and the very real potential for an escalation in the seriousness of some of these issues, my colleague Alistair Coe and I, on 19 November, wrote a joint letter of concern to the Minister for Children and Young People. In response, and to her credit, the minister visited Bimberi to attend a meeting of staff, teachers, union delegates and others to hear the concerns of workers.

But the reports that came back to me from people who attended the meeting have resulted in this motion today. I believe that the minister's performance at that meeting, according to the reports, was lacking in professionalism and did not address the real concerns that were brought to her by the staff.

It was reported to me that the minister claimed her attendance at Bimberi that day was only "to protect her backside". It was reported to me that the minister covered her ears and said, "La, la, la, la," so that she could not hear the gravity of the situation being told to her by those workers. It was reported to me that the minister called Bimberi residents variously "little buggers", "silly little buggers" and "naughty little buggers". It has been reported to me that the minister told those present that she had no idea what was going on at Bimberi.

Mr Speaker, that sets the scene for this proposed inquiry under the Inquiries Act. It is a sad scene and I am sure that all members here would agree. But you do not have to take my word for it. Listen to the stories that have been told to me by present and former staff. I am going to quote now from an email that was sent not just to me but to

the minister after the meeting she attended at Bimberi. The teacher—he was a recently arrived teacher—wrote:

> I have sensed a great deal of anguish and disappointment amongst the teaching staff.

He goes on to say:

> … although I did try hard not to become involved there are too many issues that are impeaching on the future of so many young residents and health and safety issues, poor class room group designs and the many issues that teachers are battling with on a daily basis. In fact I am appealing to you—

he is saying this to the minister—

> and your office to really think hard about changing the way that teachers have to battle over, what often seem to be trivial matters …

Mr Speaker, another email I received from another staff member who attended the meeting made the following kinds of comments:

> She—

the Minister—

> stated that she had no idea what was happening at Bimberi.

My correspondent went on:

> The main issues raised were lack of staff, retaining staff, bullying mentality of management, attitude of racism from management toward the islander staff members, lack of Programs for young detainees, 12 hour shifts … among a few other issues. The Minister appears out of her depth.

This worker also made this observation:

> One of the islander staff, tearfully, raised the issue of a past islander staff member getting sacked … for an alleged simple assault on a young detainee and another white staff member being given a promotion after strangling a young detainee and leaving his handprints of bruises around his neck and breaking his capillaries in his eyes.

The worker continued:

> Myself and another white staff member also highlighted the undercurrent of racism towards staff giving examples, such as the islanders being called gorillas by management and the islanders being overlooked for promotion. Joy Burch covered her ears and said, "La, la, la." I was absolutely horrified that she did that. She also called the young detainees "little buggers" throughout the meeting.

Also of concern was the comment made by this worker:

> Throughout the meeting that was supposed to be arranged for staff to air their concerns, the minister interrupted us and spoke over us. While the Union Delegate was reading out the list of staff concerns she totally cut him off and he never got to finish reading it.

As to management practices, the worker commented:

> The problem, as I see it, is at Management level within Bimberi. On one hand the Minister is saying she wants Youth Workers in Bimberi, not guards (that is also the sentiment of 100% of YDOs)—

youth detention officers—

> but then you have Management telling us that Bimberi is a para-military organisation and if we don't like it, suck it up or leave.

This worker summed up the meeting as follows:

> Most of the staff left the meeting frustrated, saying that the whole thing was a publicity stunt and as Joy Burch stated she was "covering her backside".

These are just a small summary of the comments that I have received following that meeting and only a small summary of the comments that the members of the opposition have received over many months about the problems at Bimberi. My colleague Mr Coe will dwell more on those.

After the meeting I received a call from another person who said that they were horrified at Minister Burch's behaviour, confirming the actions and words of the minister that were earlier outlined in the email that I read out. The caller told me of attacks by staff on detainees. In one case a powerful former adult corrections officer hit a young, very small detainee with arrested development and intellectual disabilities. It seems that this matter has not been dealt with.

In another story reported to me, a youth detention officer strangled a detainee, causing excessive bruising and laceration. Since this incident it appears that the same youth detention officer has been promoted to a team leader position but it seems, according to what I have been told by the staff, that the assault has not been addressed. I have been told that some staff, out of desperation, have approached authorities—I have been variously told either the Ombudsman or the human rights commissioner—about these actions.

But what this shows, Mr Speaker, is that the staff are frightened, frustrated and scared. They are frustrated because they cannot deliver the services that they are employed to deliver and they are not being given support by their own management. The fact that they feel they are not being supported by their own management and going outside the organisation to speak to the opposition, to speak to the human rights commissioner, to speak to the Ombudsman shows the level of concern.

Mr Speaker, I have to put on the record that in the nearly 10 years I have been a member of this place and in the years before when I worked as a staffer in this place, I have never encountered a situation where so many people independently have come

essentially to blow the whistle on what is going on there. I think that we have to honour the people who have done that, who will put their jobs in jeopardy because of the concerns that they have. It is not one or two people. It is not a couple of troublemakers. It is up to 10 people who have come to the opposition over the period of the operation of Bimberi to talk to us about these concerns. These concerns are growing and growing.

There are a whole lot of other issues but a lot of it boils down to the fact that at Bimberi for some reason—I do not know what it is and I am not making judgements about what the cause of these problems are—we cannot retain staff. We have intakes of new trainees—six, eight, nine, 10 at a time. They have had their nine weeks training and we are finding that after they have been on the floor for less than three months there might be two or three of those staff members left. They have all left. It was recounted to me that someone who had worked in youth detention in New South Wales came to the ACT, did the nine-week course and lasted three weeks before they left, saying that they had never worked in a worse place.

All of this, Mr Speaker, goes to the heart of the problem. It goes to the failure of the government to address the issues. It is not good enough to build a building and put up on the website that you have a human rights compliant facility. It is what goes on inside the facility that ensures whether it is human rights compliant. The complaints that I have received from staff, youth detention workers and teachers are that they are not able to do the things that they are supposed to do because they are so understaffed. Because they are so understaffed, we have an increase in violence and we have an increase in serious violence.

We should not accept that residents of a youth detention facility should assault staff on a regular basis. In question time in the last sitting I read out about 12 incidents that we know of of assaults ranging from what the minister has dismissed as minor spitting incidents all the way up to a serious assault by multiple inmates on one staff member. That happened nearly five months ago, Mr Speaker, and that staff member has not returned to work. I have spoken to him on a number of occasions and he is in no way mentally fit to return to work.

These are ongoing issues. It should not be the case that staff are left by themselves in a vulnerable situation. That staff member was left by himself to supervise a large number of detainees and residents on a playing field. They were so short staffed that one of the other staff had to leave and when he was left by himself he was savagely assaulted. This should not happen in Canberra in 2010 in a human rights compliant detention facility. This is the problem that we are facing.

Mr Speaker, we have thought about this very seriously in the Canberra Liberals. We believe that an inquiry under the Inquiries Act, which is a very serious step to take, is the only way that we can address this issue. It ticks all the boxes. It is independent of the government. It is not funded by the department and it cannot be interfered with by the department. It is an independent inquiry. It has the power to compel witnesses. It protects witnesses. It means that witnesses give evidence under privilege. These are important issues that we need to embrace to ensure that we have a proper, thorough inquiry.

I note that the minister has taken some steps yesterday to address some concerns and I think that process can go on while we are continuing with the inquiry. But the inquiry itself needs to be high level, professional, of a judicial nature and very serious. It needs to send a message. *(Extension of time granted.)*

I thank the Assembly because this is a very serious matter. The only way to acknowledge the seriousness of the situation and the threat that this seriousness poses to the staff at Bimberi is to take the step that I have outlined to be completely removed from government and administrative processes and influence and to be truly and fully independent.

It is the only way that we will find the real path to follow. It is the only way that the government will know the truth. It is the only way that action will be able to be taken to ensure and guarantee staff and residents that they will be safe, that they will be secure, that they will be respected and treated with dignity, that they will enjoy proper levels of communication, that the full facilities at Bimberi will be put to good and effective use and, most important of all, that the people of Canberra can be confident that the Bimberi Youth Justice Centre can live up to the claim of being a state of the art youth detention facility which truly is the first in Australia to comply with human rights requirements as well as being designed to meet human rights standards.

We have very high aspirations for Bimberi but in the nearly two years of its operation we have failed to meet those aspirations. The Canberra Liberals believe that it is time to find a way to meet those aspirations. I need to reinforce, Mr Speaker, that I believe it is incumbent upon all of the members in this place to join together. We have a moral responsibility to protect the people who live and work at Bimberi. I can find no other way to address their concerns. I commend the motion to the Assembly.

MR COE (Ginninderra) (10.44): As an MLA, as the shadow minister for youth but also as someone who has a personal responsibility to raise the issues which have been raised with the opposition, I of course very sincerely support this motion on the table today. The issues which have been raised through Mrs Dunne, me, the human rights commissioner, the Ombudsman, the media, the minister and others in this place are of such a serious nature that I think it would be remiss of us to not give adequate attention and adequate air time to them.

What might happen if we do not look into this issue as a matter of urgency and if we do not look into this issue with full disclosure and full protection for those involved concerns me. And it is to that end that I think it is absolutely vital that we arrange for the undertaking of an inquiry as per the Inquiries Act 1991.

I am concerned about the welfare of the staff at Bimberi and for the residents of Bimberi if we do not take action immediately. I am very concerned that, in spite of how horrific the events that have already taken place at Bimberi are, something even more horrific might well take place if we do not give and do not facilitate an appropriate forum whereby those with information can come forward and tell people in authority what is actually happening at Bimberi so that an appropriate strategy can be enacted to make sure that the situation does not deteriorate and does in fact improve.

Mrs Dunne read out a list of known issues to us. It is really just a snapshot. It is really just indicative of wider problems that are taking place at Bimberi. Mrs Dunne referred to the minister referring to the young detainees as little buggers. Mrs Dunne also said that she had heard that the minister said she was just covering her backside and it was a publicity stunt.

We also heard about a staff member of islander heritage being pressured to resign after an alleged simple assault on a young detainee. Meanwhile, another staff member was given a promotion after strangling a young detainee and leaving a handprint and bruises around his neck and breaking the capillaries in his eyes. These are pretty horrific stories.

The fact that so many people have raised these issues with us does indicate that there is real concern for what is taking place at Bimberi. I think it is absolutely vital that all members of this place do absolutely everything they can to curb this kind of behaviour and to tell those that may be involved that such behaviour is totally unacceptable. I do not know how any of us in this place would sleep at night if something serious, something extremely serious, were to happen at Bimberi and we could have given those that know about the severity of the situation the opportunity to air their views so that a strategy might be enacted to fix the problems.

If we do not undertake something as serious as an inquiry under the Inquiries Act, I am concerned that there will not be a forum whereby the full extent of the problems at Bimberi can be disclosed. Therefore, without a diagnosis it will be very hard to actually treat the problem. It is absolutely vital that we in this place do support Mrs Dunne's motion which will give everyone involved the best possible opportunity to understand exactly what is happening and Bimberi and how to fix the problems there.

As Mrs Dunne said, for members of the public, public servants and former public servants to come to the opposition with concerns is a very big step. It is very rare for members of the public service or former public servants to come to the opposition or to any member of parliament to complain about circumstances within the public service. Yet that is what has happened. In addition, we have had people contact radio stations. We have had people contact other media outlets, in addition to the Ombudsman and the human rights commissioner.

Nobody takes these actions lightly and to have nearly 10 people take this kind of step does indicate just how serious this situation is. That is why it is absolutely vital that we in this place do everything we can to ensure that we can truly comprehend the enormity of the problems at Bimberi so that the relevant authorities can take action, because at the moment it does not appear like much is being done at all.

When you have a minister who, so we are told, called the young detainees little buggers throughout a meeting with Bimberi staff members and who apparently stated that she was meeting there just to cover her backside and when you have managers apparently calling staff members gorillas, I think this does show that there are major cultural problems out there and that the cultural problems are leading towards serious safety problems as well.

Unless we curb it, unless we do everything which is in our power to stop this, I am extremely concerned that something more serious than what has already happened at Bimberi could well take place in the near future. How do we expect to retain quality staff in the public service and retain quality staff at Bimberi if we have this kind of culture and these kinds of threats and pressures in the workplace?

Just last week, I saw in the paper an advertisement for a position at Bimberi. I think it was a youth worker position. I am pretty sure it paid $48,000 to $52,000 a year. That is a reasonable income, in anyone's language. There are a lot of people in Canberra who are earning $48,000 to $52,000 a year, a lot of people in the public service who are earning about $50,000 a year. But how many people are earning $50,000 a year under the physical threat of violence and with the cultural problems which are taking place at Bimberi?

The staff at Bimberi really do earn their money. They do their roles because of a sense of duty and with a tremendous commitment to the territory and to the future of the territory by supporting young people that obviously do have problems. They obviously have come from troubled circumstances and obviously do need support. But how can we possibly support the young people at Bimberi when we have a toxic culture there which is causing so many problems at so many different levels?

I urge the crossbench and I urge the government to take this situation very seriously and support Mrs Dunne's motion to ensure that we do everything we can to try to get an adequate solution to what is a very real problem. There is evidence mounting about just how serious the situation is. Yet it seems to me that there is concern that this Assembly may not pass this motion today. It is absolutely vital we do everything we can and I urge all in this place to support Mrs Dunne's motion.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (10.53): The government will not be supporting Mrs Dunne's motion to establish a board of inquiry into the operations of Bimberi youth detention centre. I will come to the reasons for that in a moment but we do need, first, to remind ourselves how it was that Bimberi came about.

A human rights audit at the old Quamby Youth Detention Centre by the ACT human rights commissioner identified a number of areas of improvement in the administration of youth justice in the ACT. Quamby was an ageing facility, designed for a different age, when different philosophies around youth detention pertained. It needed to be replaced by a modern centre, adequately equipped to meet the needs of some of the most excluded, the most vulnerable and the most complex and highest risk young people in our community. What better way to do this than to build the nation's first human rights compliant youth detention centre? Bimberi was designed and built and it operates under human rights legislation.

No-one ever said success would come easily. Operating a justice system on the premise that every participant in that system has basic human rights adds a layer of complexity to everything from the physical design of a place to the culture that

pervades its structures. And we need to be plain about this. The area of youth justice and rehabilitation is one of the most challenging that any government confronts. The young people involved in the youth justice system have some of the most complex and multiple needs and the most complex behavioural responses of any group in our society.

The safety and security of staff working at Bimberi, including those from the non-government sector, are of paramount importance to the government. But so too are the young Canberrans whom we are trying to help towards better lives. We must, as a community, ensure as great a degree of normalcy as possible for young people in care. That is a genuine challenge at every step. How does one make a security facility seem as much like the outside world as possible?

One way is by continuing those aspects of life that are part of the common experience of all young people. Education is one of those things and keeping young people in care engaged with the educational system is obviously a priority. It is pleasing that 100 per cent of young people in detention in the ACT were involved in an accredited educational training program, from our most recent statistics, as were 100 per cent of those older than school age.

It is perhaps timely, after two years of operation, to examine how well Bimberi is going. But Mrs Dunne proposes a board of inquiry under the Inquiries Act 1991 and we, in the government, do not believe that that is the best way to proceed. It is a needlessly adversarial and intimidating quasi-judicial response to what may turn out to be organisational issues.

You could argue that the openness and frankness that will be needed to identify the real issues that have led to recent complaints are less likely to be obtained in a coercive setting like a board of inquiry. It would look at Bimberi in isolation when Bimberi and its operations are quite clearly just part of a continuum. It is most likely that hearings would be public and that confidentiality protection for witnesses would be extremely limited, again hardly conducive to openness and frankness. The mere process of satisfying all the legislative requirements, identifying suitable appointees, agreeing on remuneration and making the necessary administrative arrangements to support the work of a board of inquiry would almost certainly take months.

The alternative inquiry proposed by, as I understand it, the Greens convenor overcomes many of these problems. It recognises that Bimberi is part of a youth justice continuum. It is more proportionate to the scale of the problem. It can be up and running quickly and, importantly, it can run concurrently with the work that the minister, Ms Burch, is already doing to address the concerns raised by staff and young people.

To remind the chamber, the work that has already been initiated by the minister includes, most particularly, the appointment of Mr Daniel O'Neill to work intimately with management, staff and young people at Bimberi to tease out some of the cultural and organisational issues that have arisen and given concerns in recent times. Mr O'Neill will work closely with the residents and staff at Bimberi to identify and recommend to the minister, and to the government, opportunities for improving how we do things at Bimberi.

But we are not just looking at Bimberi in isolation as a community. We do need to do more and we can do more to divert young people from the justice system, wherever possible and whenever it is appropriate to do so. Institutional care should be a last resort. Indeed, in the ACT the majority of juvenile offenders are already supervised in community-based services rather than in detention centres. The ACT has the second highest proportion of juvenile offenders in community-based supervision, at 89 per cent, as at 30 June 2009, with a national figure of 85.

The government has recently embarked on some detailed policy work into youth justice at the systemic level, with a particular focus on the needs of young Aboriginal and Torres Strait Islander Canberrans. Conversations have begun across government on how the connections and transitions between parts of the system, including connections and transitions to the adult corrections system, can be improved to reduce recidivism and to improve rehabilitation.

I believe that much of the work that is set out in the amendments that I understand Ms Hunter proposes is already in train through actions initiated and instigated by the minister, Joy Burch. I think it is unfortunate but, in the circumstance of Mrs Dunne's motion, it cannot be helped. I am sure that, as we refine the terms of reference of any fresh inquiry, we can ensure that it takes account of the many things that the government is already doing in this space so that we can maximise our efforts and resources rather than duplicate work already underway.

The government is acutely aware and conscious of issues that have arisen at Bimberi and with its management. The government's determination is to ensure that young people in our care receive all the care, attention, attempts at rehabilitation and opportunities that we would like and expect that all children in our society have and receive. I find it remarkable that members of this place would think or suggest that the ACT government is not striving with all its will, with all its might, through the minister, through management, through staff at Bimberi, to ensure and to put front and centre of all of our considerations the welfare of the people that we care for at Bimberi.

That is a challenge and it is a massive and major challenge. I think we all know in this place, through our experience, that there is no more difficult, confronting, problematic issue for governments and communities to deal with than issues relating to the protection of children. And we do have, in relation to those children that we detain at Bimberi, a group of children with the most complex and challenging needs and behaviours. They represent a significant challenge. The government is doing all within its power, within a human rights framework, to meet those challenges.

It is for that reason that we certainly support an inquiry. We believe it is appropriate and timely. We believe it will allow an opportunity for the issues that are being aired to be thoroughly investigated. I think it is not appropriate that we rely on some of the third-hand statements, some of the hearsay, some of the allegations that those that have had the allegations posed against them have not had an opportunity to respond to or to seek to rebut. It is not an environment in which considered or objective conclusions or decisions can be made or reached and appropriate actions pursued.

So we are accepting of an inquiry. The minister has already responded. We are aware of, of course, and sensitive to the interest of members of this place to ensure that it will be open, objective and transparent and we will support an inquiry. The government does not believe, however, that a board of inquiry, essentially a royal commission, is necessary. And a case has not been made for a royal commission. Essentially what the opposition is proposing here is a royal commission into the management of Bimberi and I do not believe a case for that dramatic legislative, quasi-legal inquiry into Bimberi has been made.

Indeed, as I have indicated in the comments I made, I believe it would be counterproductive and would not achieve the outcomes that members of this place seek to achieve, outcomes that could be better achieved through an inquiry, indeed, of the sort and of the order in the terms of reference that have been proposed by amendments which I understand the Greens propose to move.

MR HARGREAVES (Brindabella) (11.03): Madam Deputy Speaker, I have to express my regret that the mover of this motion and her supporting speaker have not had the courtesy, given the seriousness and the gravity of this particular thing—

Mr Smyth: Did the minister—

Mr Hanson: Joy Burch was not even here when it started, John. Give it a break.

MR HARGREAVES: I am not talking to you gentlemen—and I use that word particularly loosely. They did not have the courtesy to be in the chamber. Rather, they have tried to coerce a position out of the crossbench. That is a bit sad.

Madam Deputy Speaker, I want to address my remarks, through you, to Ms Hunter. In particular, I want to acknowledge that, of all of the members in this place, the person who has the most recent, relevant experience in dealing on a day-to-day basis with young people, particularly young people in difficulty, either through the judicial system or through homelessness et cetera, is Ms Hunter. If anybody here is having a problem internally with this whole process, it would be Ms Hunter. We need to respect that particular position that she finds herself in. I do not envy her that position at all.

What we do need to understand, though, in respect of this issue around Bimberi, is that this is a judicial issue, if you like, in transition. The Quamby Youth Detention Centre was closed and Bimberi was opened, and it was not opened that long ago. What we need to understand is that there is always going to be a culture shift when you go from one institution to the other. I remind members that that same culture shift occurred when we went from the Goulburn experience into the AMC experience.

But we need to understand that in this culture shift is also an attitudinal shift on the part of the people working in this sector. We need to understand that where we are dealing with children and trying to look at their behaviours, we can actually change their direction because their norms have not been fully established yet. They are off the rails but they have not crashed. Adult corrections means desocialisation and resocialisation; it means actually recreating a human being. Such is not the case in the juvenile justice system.

What we need to do when we are talking about this motion is say, "Where does the integrity to actually facilitate change lie? Is this just a witch-hunt? If it is just a witch-hunt, let it be exposed for that. If it is not a witch-hunt, if this is a genuine attempt to make things better in an institution crying out for change, we will support it."

Members on this side of the house are supporting an inquiry, a forensic look into it, with all of the protections, the freedoms and the confidential briefings—in camera briefings, if necessary—that accompany that. You do not need to have an inquiry under the Inquiries Act to achieve that. An Inquiries Act inquiry will not do any more than the inquiry being initiated by the minister here.

We also need to understand that the services for people in the Bimberi centre are about saving people. We need to be able to go out into the community and say, "That is what Bimberi is all about. It is all about saving kids. You cannot save these kids in an atmosphere of lack of confidence. We know that; we have accepted that. We are not going to exploit that for political gain."

The inquiry that this minister has put together is about looking not only at the structures, procedures and practices but at what underpins all of that. What is the culture all about? That needs looking at as well. We recognise that. A judicial inquiry will merely look into whether a law has been broken and what action should be taken; it will not look into the structures and the cultures behind it, the root cause of the problem.

I would argue that when the officers were recruited for the AMC they were recruited with a certain degree of greenfield. Some of those people brought in a culture from elsewhere, and it was the wrong one. We need to look at that. What we really need to do is make sure that we are not having a political and public execution for its own sake. I know that Ms Hunter has an incredible degree of angst around this, and I share it. I would like to see the cultural shift in Bimberi go in the same direction as the cultural shift at the AMC.

Mr Hanson: Oh, that is poor.

MR HARGREAVES: I would like to see Mr Hanson—

Mr Hanson: That would be a success, Johnno.

MR HARGREAVES: I would like to see Mr Hanson out of the argument altogether; he is just not helpful to it—not helpful to it at all.

At the end of the day, when this is all done and dusted, we have to go home and sleep and try and ask ourselves some questions. Did we do the right thing for these kids? Did we do this for some selfish motivation to get somebody else in the frame or did we do this in a genuine attempt to make things right for these kids? I suggest, members, that the inquiry put forward by the minister is an attempt to do that. I suggest, members, that—given the intention, the integrity and the commitment of this minister to achieving that—it is worth while for us to support it. I suggest that the call for an inquiry under the Inquiries Act is a mere piece of political opportunism here. It

saddens me that there could not have been a tripartisan approach to a problem which will affect us all.

Let me tell you this. If I want to have confidence in an institution, it either has that confidence straight up or I am going to have a bit more confidence if I can see some forensic investigation into it with the right intent behind that investigation. If I see that there is a witch-hunt on or a quasi royal commission, I am not going to have any confidence in that institution at all. When we try to marshal the resources of people that go into that institution, to assist officers who have the interests of the kids at heart, we have to beg them to do it with the right amount of commitment for the outcome for those kids. We have got to be careful not to risk diminishing that confidence in people.

We have got to be very careful about the institution called Bimberi. It is a new institution; it is not Quamby. As I said, it is in a state of change. What we have to do here is to organise that attitudinal change, that cultural change, in a considered way—not take a shotgun approach, which is what a judicial inquiry will do. We need to facilitate that change, organise that change and allow that change to occur as quickly as we can—but not too violently and not too abruptly, because it will not work: I guarantee you now; it will not work. I had a lot of studies into the change in culture at officer level at the AMC, and I can see exactly the same thing happening now.

Let me tell you, members, that if we go down the track of having a quasi royal commission, it will help the issue not one jot—not one jot. And it will not help rescue and save one of those kids in there. I do not know how many people have had very close friends in there. I have. And I can see the change starting. It is changing. In Bimberi is not happening fast enough for me, but it is happening.

I just want to say this to members here: please support the way in which this minister is trying to do the thing and assist her. We should have a tripartisan approach to helping these kids, not an adversarial one—which is what I am seeing coming out of Mrs Dunne's motion.

MS BRESNAN (Brindabella) (11.13): I will admit that this issue is something that the Greens are very conflicted on. We absolutely take into account everything that Mrs Dunne has said, and there are significant concerns there. I know that Ms Hunter has listened to those concerns quite intently, and with concern. We do have some concerns. We do not want to see the young people and the families who are associated with Bimberi, the young people in Bimberi and their families, demonised through a public process—or the staff who are working there who are very good staff and are trying to do the right thing by young people and also by the institution of Bimberi. Again, our concerns are about the actual institution of Bimberi and what may happen in terms of this being brought out in a public process.

I am concerned that we have not heard from the minister yet today. We need to hear from the minister today about this issue. Concerns have come about through questions that were raised in question time yesterday. We do have some concerns with that and what came out of that process yesterday. We do need to hear from the minister today. The minister should get up and speak. I am concerned that she has not yet got up and spoken here in this place about these issues today. We want to hear from the minister—hear her say how we can guarantee that, if we did have an independent

inquiry, this indeed would be independent: that information would come forward and that we would not have staff at Bimberi who do have concerns just not listened to. That is going to be a key part of what happens through this whole process. We do want to hear from the minister. I hope that she gets up and speaks after I have sat down, after I have finished here.

Again I will say that we are conflicted on this issue. It is very complex. There are a lot of issues to consider here. We want to make sure, primarily, that we do the right thing by not just the staff—we need to do the right thing by the staff at Bimberi—but also the young people and the families who are associated with Bimberi.

I hope that the minister gets up and speaks after I have sat down. We do need to hear from her today. This is her portfolio; this is her department. There have been concerns raised and they need to be addressed.

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) (11.16): I will say at the outset that in all work I do I have the young folk at Bimberi at the forefront—providing opportunities for them and providing an environment for them that is safe and that has a benefit to them in the short and indeed the longer term.

As you know, I released some work yesterday. I have instructed DHCS to undertake some reforms around its operations at Bimberi to address the concerns that I have heard, either directly or indirectly, through the media and through my Assembly colleagues. Some of that work has already commenced. Again, today, we have heard a number of concerns raised at Bimberi.

I need to put on record that I am not immune to those concerns. I hear them and they do affect me. I have concerns for the young residents at Bimberi, for their families, for the workers and indeed for the facility itself. I am concerned to ensure that we create an environment there that is operating in the best interests of the children but is also a safe, secure and supportive environment for the workers there.

Yesterday I announced the appointment of an expert in youth services to conduct a review of Bimberi. Mr O'Neill is the director of youth services with Richmond Fellowship. He will work with both staff and young people during the period to review the quality of services and to identify opportunities for improvement. The review will commence in January and will be accompanied by a range of immediate changes to communication practices between management, staff and young people—and government agencies and the community services that come in and support the young residents of Bimberi.

In addition to that, implementation of a number of measures has already commenced to address immediate concerns raised by staff and young people, including the recruitment of nine youth workers, who have undergone training and will commence duties at Bimberi next week. This will bring the staffing numbers amongst youth workers at Bimberi to the full contingent, which will considerably ease staffing pressures. In addition, the department will undertake regular recruitment campaigns to ensure that we over-recruit to minimise disruptions during unplanned and planned staff absences.

I acknowledge absolutely that there are issues at Bimberi. Two weeks ago I went out to Bimberi and met with staff and young people, who were frank in their discussions with me about improvements and changes that they wanted to see. These meetings should be seen as a genuine effort to hear first hand the concerns of youth workers, teachers and young people at Bimberi in the absence of the centre's management—during which I asked them to be frank and fearless and talk to me about their concerns. Those conversations have informed the work that my department has been doing and will continue to do; the work of Mr O'Neill is part of that.

If it is the will of the Assembly that an inquiry be held, we have to accept that. In fact, I will more than accept that, given the concerns raised today. I will welcome an inquiry in addition to the work that I have already initiated. Concerns have been raised. We here as an Assembly, responsible for our vulnerable young people, need to know what we need to do so that we can put in place systems and structures that afford them the security and benefit that they rightly deserve—and similarly for the staff there.

I will welcome an inquiry. But I do, at the outset, reject Mrs Dunne's suggestion that we need a royal commission. Our preference is for an independent inquiry. It is my intention that the inquiry be absolutely and entirely independent, and will allow staff and stakeholders to have input into the inquiry with absolute confidence that they will not be victimised for anything they say or any of their input. I will make these two things explicit and absolute to whoever is appointed to undertake this work, and I will instruct DHCS to respect those undertakings.

Let me be very clear that an inquiry is welcomed. I will do absolutely whatever I can to make sure that the appointment is sound, that the terms of reference are sound, that anything that needs to be looked at and considered is included in the work and that anyone coming forward will be offered absolute security and confidence that they can come without fear of retribution or consequences from them coming forward. As I have said, we need to hear of the concerns for all those involved.

I am as interested as Ms Hunter to see that the concerns have been raised. Some very serious allegations have recently come to my attention. I want to see those addressed as seriously and as quickly as possible. In part, this is why Mr O'Neill will be on the ground, working with the team there, with the young people there and with the stakeholders that visit Bimberi. I do not believe that the equivalent of a royal commission will deliver timely outcomes as well. The benefit of having Mr O'Neill actually walk through a day at Bimberi will give us profound insight into some cultural practices that need to be reviewed, considered and changed.

On the matter of royal commissions, there have been only three previous inquiries under the Inquiries Act since self-government. The most recent one was almost a decade ago and followed the deaths of three clients in government-run residential services for persons with a disability. As I said, that was 10 years ago. That inquiry lasted more than a year, and it took a further nine months before the ACT government presented its response to the recommendations of the inquiry. The three previous inquiries under this act have all lasted at least six months—at least a year once you factor in the government response to the recommendations. Such a process is complex, costly and lengthy. I do not think that it will deliver the outcomes that we want to see.

I want to see cultural change now. I want outcomes and understanding now, and I want these delivered soon.

I would like to note that one of the concerns that has been raised has been staff shortages amongst youth workers that have been experienced at Bimberi from time to time. This was acted on some months ago through a significant recruitment campaign, which resulted in the recruitment of nine youth workers, who are on the verge of starting work, as I have said. The new recruits will commence on Monday, 13 December. I am advised that this will end the need to engage private security guards on night shifts when Bimberi is understaffed, which was one of the concerns brought to my attention and which I agree is undesirable. In recognition of the ongoing high numbers of young people in Bimberi, an additional recruitment campaign has commenced. I anticipate that the new recruits will commence their training in January.

In addition to the work that I announced yesterday and in relation to this inquiry—I welcome a broader inquiry into youth justice—I have also asked the department to look at youth justice and diversion options. Next week I am hoping to be able to release a discussion paper calling for comments. This will provide worthwhile information about how we provide a solid and responsive youth justice system.

For some weeks and months now, I have been talking to the department about how we best progress identifying and coming to the bottom of some underlying causes of concerns being raised. That work has been ongoing, in my mind, for some time. It has resulted in the work that I put forward yesterday and the recruitment of Mr O'Neill to do that work; I have recognised that there are some policies and practices that need to be reviewed, enhanced and reconsidered.

Bimberi should be a place that affords the young residents there opportunity for rehabilitation and restoration. We need to look at the teaching and learning environments and we need to look at the programs that are delivered there—all of that. But we also need to know how we work with the youth workers there and how they are provided with a safe, supported work environment.

I dismiss the need for a royal commission of inquiry under the Inquiries Act. I will not oppose any recommendation; in fact, I would welcome a recommendation for an independent review. I will give absolute assurance that that will be independent and that anyone participating in that review will be provided with all the confidence and security that they require. *(Time expired.)*

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

Gaming Machine (Problem Gambling Assistance) Amendment Bill 2010

Clause 1.

Debate resumed from 17 November 2010.

MR HARGREAVES (Brindabella) (11.26): I move:

> That order of the day No. 2, Private Members' business, relating to the Gaming Machine (Problem Gambling Assistance) Amendment Bill 2010, be postponed until a later hour this day

This adjournment is to allow time for the minister to be here for the conduct of that debate.

Question resolved in the affirmative.

Canberra Hospital—obstetrics unit

MR HANSON (Molonglo) (11.27): I move:

> That this Assembly:
>
> (1) notes that:
>
> (a) in February 2010 current and former staff of the Women and Children's Obstetrics and Gynaecology Unit at The Canberra Hospital (TCH) made serious complaints regarding the workplace culture of the unit;
>
> (b) nine doctors resigned from the unit prior to February 2010 and another doctor has since resigned;
>
> (c) the Minister and ACT Health officials initially denied that any complaints had been made;
>
> (d) the Minister for Health then dismissed the complaints as "doctor politics" and "mud slinging";
>
> (e) the Minister claimed that there had been a "ten year war in obstetrics";
>
> (f) the Minister made threats to review 10 years of Medical Board outcomes in an attempt to intimidate doctors who had made complaints;
>
> (g) the Canberra Liberals called for an open public inquiry into these complaints;
>
> (h) the Review of Service Delivery and Clinical Outcomes at Public Maternity Units in the ACT stated "The review panel identified an apparent systematic and long-standing reticence by management to address disruptive or inappropriate behaviour by certain medical staff";
>
> (i) the Minister deliberately chose to establish the inquiry into bullying and harassment claims in such a way that they could be covered up;
>
> (j) the Minister for Health is avoiding any responsibility for the findings of the report by shifting the burden of decision making to public servants; and
>
> (k) the Minister for Health has failed to provide outcomes for the staff members involved and further eroded confidence in TCH; and

(2) calls on the Minister for Health to:

(a) table in the Assembly the findings of the inquiry into bullying and harassment complaints in the Women and Children's Obstetrics and Gynaecology Unit at TCH; and

(b) provide copies of the findings of the inquiry to the people who made submissions.

We have discussed this issue before in this place quite extensively, but it is important that we go back and look at the history of what has occurred here to explain why we need to find out what has actually occurred at the Canberra Hospital. In February this year it was revealed that a series of complaints had been made by doctors at the women's and children's gynaecology and obstetrics unit by staff that were there and former staff. Some of the quotes that arose at that time were that staff were being "victimised and ruined by this toxic work environment" and "the toxic culture of the workplace at TCH in women's and children's health is responsible for this exodus of staff".

It became clear that over the period preceding the complaints being aired on the ABC, over 15 months, nine doctors, including four registrars, had left the unit. It is important to note that four were registrars. If you are at a point of walking away from receiving a qualification—essentially walking away from your career—it really highlights how severe things had become at the obstetrics unit.

The first response from the minister and from the department was to deny that any complaints had been made. This is where the cover-up on this issue actually started—right at the outset, when the minister denied it and said, on ABC radio, "Well, what issues, Ross? This is the frustration I have." She tried to give the illusion that no complaints had been made, but we know that Dr Elizabeth Gallagher and numerous others had actually been making complaints repeatedly through the hospital system. But the minister and the then Acting Chief Executive of ACT Health denied that any complaints had been made.

It is important to note what a complaint is in this context. On radio 666 on 18 February, Peggy Brown said, "There are a number of ways that they can raise their concerns. They can raise them through the management of the Canberra Hospital." She said that was the way it could be done. That is exactly what the obstetricians did. They repeatedly raised their concerns through the Canberra Hospital and through the acting chief executive, but the acting chief executive denied that any complaints had been made.

On radio on 17 February Peggy Brown said that the department had not received any formal complaints. This is from ABC online:

> "No complaints, specific complaints, have been brought to the attention of ACT Health …

That has been proved to be false. I quote further from ABC online:

> Dr Brown said she would be happy to investigate any concerns.
>
> "We have an open approach and if there are concerns clearly we want to address them," she said.
>
> "But we can't address them in the absence of information about what the concerns are."

Again, that was not true. Further:

> Dr Brown says they have spoken to staff currently working in the unit and no issues were raised.
>
> "I don't believe that all of the people who have left in the last 15-18 months are disgruntled with the system," she said.

ABC online stated that ACT Health Acting Chief Executive Peggy Brown said the obstetricians left for personal reasons. I cannot vouch for all of those nine that left, or the one that left subsequently—that they left because of the bullying—but certainly it is quite clear that many of them did not leave for personal reasons. They left because they were being harassed and bullied.

So those statements by the acting chief executive were not true. They were clearly not the truth. It is quite clear that the exodus of staff was in large part due to what was happening at the centre. Perhaps Peggy Brown did not know what was going on—she should have known what was going on—she was lied to or she was not being fully open herself. It is quite clear that when she got on the public record and said that no complaints had been made, that was not true.

I am willing to believe that she simply did not know what was going on, that she had been misled either intentionally or inadvertently. I still assert she should have known. But you have got to remember that it is Peggy Brown who has made the decision not to release this information. This is a process where quite clearly something has gone very badly wrong. It has been bungled. You have got the chief executive saying no complaints have been made, that they left for personal reasons, when it has been demonstrated not to be the truth. In fact, we know it is not because the clinical review said:

> There is evidence of a systemic reticence to address staff performance issues in the maternity unit at the Canberra Hospital, particularly issues of inappropriate behaviour by certain medical staff.

It is very unfortunate that someone who might be involved in the bungling that has occurred in this process, or indeed trying to get to the bottom of what might have been wilful cover-ups—and that is what was identified in the clinical review—is the person who is then making the decision about whether to release information which may be quite damaging to senior bureaucrats and to herself in that department. It is very disturbing that no information is going to be released when we know that that information could be quite damaging. The people who are making the decision not to release information may be those who have the most to lose from the release of that information.

The next tactic, after denying that any complaints had been made, was then to dismiss those complaints and attack the doctors. The minister said that this was just a war that had been occurring in obstetrics for 10 years—"a 10-year war", she said. If she knew that these problems were occurring—the minister knew this—then why did she say earlier that there had been no complaints? Why did she fail to take substantive action on this?

She tried to pass this off. She described these complaints as "doctor politics" and "mud-slinging". But, as we know from the clinical review, that simply was not the case. There were real issues. We know there were real issues because of the words, "I'm sure you've seen the results of this Public Interest Disclosure Act review and it will be fully laid bare saying, 'There was nothing to see here. Look, Jeremy got it wrong. The doctors got it wrong'." But because she is not releasing the Public Interest Disclosure Act review I think the only conclusion you can make is that there were substantive issues.

What the government then did—what the minister and the Chief Minister did—was to try to intimidate the doctors. They tried to threaten them. I will quote from what Mr Stanhope said:

> … it probably would be reasonable in this context for the external expert reviewer to also perhaps do an audit of all complaints to the medical boards current and say over the past 10 years that involve obstetricians …

What a disgraceful thing to do—to try and dig up dirt, to have a witch-hunt on these doctors who have been bullied, who have resigned, who have bravely come forward. The Chief Minister and the health minister threatened to dig up dirt on them over the last 10 years. That is why the AMA and the national royal college of obstetricians describe this as a witch-hunt, as bullying and as a thinly veiled threat—because that is exactly what it was.

It is quite clear that this was not just doctor politics. These were real concerns that doctors came forward about. It was not just about their own concerns that they had had their careers disrupted—and, in the case of the registrars, severely disrupted. It was about their concerns about the clinical safety of the unit, that it could lead to a dysfunctional workplace where serious injury or, worse, death could occur.

At the time we called for an open inquiry under the Inquiries Act, and for very clear reasons. We wanted to make sure that this was not buried, that we found out what was going on, that we dealt with the cultural aspects and that we allowed witnesses to come forward. The Greens have asserted, and I think the Labor Party as well, that you did not want this because it would demand that people were called forward and subpoenaed to give evidence.

I think that there were enough people, based on the number of doctors I have spoken to, who said that they had put in reviews to the Public Interest Disclosure Act. In fact, that was never going to be a problem. They wanted to tell their story. A number of them were told that they could not appear because of the time lines on the review that was conducted, that it only looked at information after a certain number of years.

People that had been at the hospital earlier wanted to make complaints but could not. But the point is it would have compelled those people who were alleged to have been doing the bullying to make their submissions and to appear. We would be in a position now to know the truth and to deal with these cultural issues.

However, Katy Gallagher decided that secrecy and cover-up was the more important aspect to this. That is why she set this up under the Public Interest Disclosure Act. She is trying to pretend that she has got nothing to do with it now, that it is all at arm's length: "I can't be briefed on it. I can't be told what's in the report." Well, she set it up so that she could not. It really begs the question: why? What is it that is in that report that she knew would be in that report that the minister wants to hide? I think that it is a very important question to ask. I assure you that we will continue to ask that and we will continue to fight to get to the truth of what it is that is in that report that the minister is so fearful of getting out. What is it that she is trying to hide?

When we made these concerns back in February we said, "Look, this is clearly going to be buried. This is a cover-up. The minister is going to bury this as far as she can." She was pretending that was not the case. At the time she said—and this is in the *Hansard*:

> … at the end of it, there will be an outcome. It is at that point that further information will be made public.

Where is it? I can provide you with that quote if you would like it, minister. That is what you said in *Hansard*: "At the end of it that further information will be made public." Where is that information? It has not been made public, has it, Madam Deputy Speaker? So that was not true. When the minister said in the *Hansard* that further information would be made public, was that true? No, it was not. It was not true at all, and she knew that. She deliberately set this up to hide the truth because she does have something to hide. She clearly has something to hide.

Madam Deputy Speaker, let us see what some of the people are saying in the community about what has occurred. Is it just Jeremy Hanson saying this? I think that if you listen to Ross Solly's interview with the minister, the scepticism in his voice was pretty clear. If you listen to some of the commentary, it is pretty clear that most people in the community smell a rat. As Andrew Foote said, it creates the perception of a cover-up, and it certainly does.

The minister is trying to pretend that she does not have any responsibility here, that it is a public servant that is doing this, but the minister is accountable. This is a Westminster system of government. I think what people are having real problems getting their head around is why it is that the minister is saying, "I'm not even allowed to know." When there are so many serious allegations that bullying occurred and the minister says she is not allowed to know, it is quite unbelievable.

Let me say also that there are health professionals, union members and numerous others raising concerns. Let me talk about what the Health Services Union have said. They have said that there is a broader problem with the way bullying claims are handled. I quote:

> "It just seems to be endemic and also the process is so lacking in transparency and information," said union spokeswoman Bev Turello.
>
> But Ms Turello says in the union's experience, staff are often kept in the dark.
>
> "They need to know if action has been taken, if appropriate action has been taken, if they're going to be safe in their workplaces."

The problem is that they do not. Andrew Foote said in the same article:

> "I've spoken to a number of people at the hospital and there is a real dread, and fear and sense of helplessness".

Let me say that again: "a real dread, and fear and sense of helplessness." The article continues:

> "It sends the message, what's the point in complaining about bullying because nothing will get done."

That is exactly what it does. Jon Stanhope was quoted in the media, because Katy Gallagher stayed under her rock, as saying that the inquiry would be followed up. I quote:

> "I can give an absolute assurance that any of the findings will be taken absolutely seriously and if there were recommendations or implications they will be taken seriously and there's no reason for people not to believe that," he said.

This is Sir Joh Bjelke-Petersen: "Don't you worry about that. Don't you worry about that." How on earth can Jon Stanhope give that assurance if even his own minister is not allowed to see the results of the review? He cannot give the assurance. He does not know what the recommendations are. He does not know what the findings are. He has not looked at the submissions. He has not looked at the inquiry and the detail and the full report. He has seen nothing and he is giving the assurance that it is all being dealt with Sir Joh Bjelke-Petersen style.

So not only is the minister saying, "I can't see this; it's at all at arm's length," but also the person that said, "No, we cannot see the review," the chief executive, has been part of the process of dealing with this. It went so very badly wrong that now the Chief Minister is coming out and saying, "Don't you worry about that. Don't you worry about that"—even though he, as the minister will say, under the act, is not allowed to look at any of the recommendations or the findings or any of the information.

What you are seeing here is not Jon Stanhope or the minister dealing with the facts. They are not. What they are dealing with is their great desire to cover up this information. Then they will say to the public, "Don't you worry about that. We've got it all in hand." But the reality is that there is a sense of dread and fear. What doctor, what nurse, will now come forward and say, "I have been harassed or I have been bullied," if they are going to be ignored, then threatened and have it all covered up?

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (11.42): The government will not be supporting this motion today, and I will go through the reasons why in my address. The investigation into the allegations of bullying and harassment in the women's and children's obstetrics and gynaecology unit at the Canberra Hospital was carried out under the provisions of the Public Interest Disclosure Act. The Public Interest Disclosure Act provides an avenue for persons to make public interest disclosures without fear or reprisals. Accordingly, it provides, on the one hand, protection to encourage persons to make public interest disclosures and, on the other hand, penalties for those who engage in reprisals.

Section 33 of that act prohibits a public official from disclosing to another person confidential information gained through the administration of the act. Confidential information includes information about the identity, occupation or whereabouts of a person who has made a public interest disclosure or against whom a public interest disclosure has been made; information contained in the public interest disclosure; information concerning an individual's personal affairs; and information, if disclosed, that may cause detriment to a person.

The only parties who can be advised as to the outcomes of any investigation that has been conducted under the act are ACT Health and the persons who have made the public interest disclosures. Any public official employed by ACT Health, who has been involved in the investigation, is precluded by the operation of section 33 of the act from disclosing to another person confidential information that has been gained through that official's involvement in the investigation.

Accordingly, health officials who were involved in the investigation of this matter are not permitted to disclose any information about the matters under investigation or the conclusions reached in the investigation to any third parties, and that includes the minister. A general summary statement that does not contain any confidential information has been provided to me and to those who were directly involved with the investigation. The investigation report itself will not be provided to any third party.

ACT Health at all times observed the provisions of the Public Interest Disclosure Act and provided appropriate information about the finalisation of the investigations to all persons who make public interest disclosures. This would be the first public interest disclosure that I am aware of where a media release would have been issued to say that a process has been completed. I cannot think of any other public interest disclosure where information of that sort has been made available to the community.

In terms of the advice I can provide the Assembly, it is essentially a summary statement. This information can be provided. The investigation into the allegations of bullying and harassment within the O&G department is now complete. The terms of reference of the investigation were for the investigation to identify any incidences of conduct that could be considered as bullying and harassment in the O&G unit at the Canberra Hospital between 2006 and 2010, and, if these existed, to further identify their circumstances including possible causes.

The investigation was carried out under the provisions of the Public Interest Disclosure Act, and this act, in particular section 33, prohibits a public official

without any reasonable excuse from making a record of or wilfully disclosing to another person confidential information gained through the administration of the act. Confidential information includes information about the identity, occupation or whereabouts of a person who has made a public interest disclosure or against whom a public interest disclosure has been made; information contained in the public disclosure; information concerning an individual's personal affairs; and information, if disclosed, that may cause detriment to a person. Accordingly, details about the particular matters explored and the specific conclusions reached in the investigation cannot be publicly released.

However, ACT Health can advise that the investigation did identify a number of unresolved workplace issues within the O&G department at the hospital for the relevant time period and the very complex context in which those issues occurred. Some of the issues concerned the conduct of individual staff members, while others were of a broader organisational nature.

ACT Health will undertake a range of actions arising from this investigation, including providing feedback to identified individuals in relation to the findings of the investigation and taking further action as deemed appropriate, taking into account the findings of the investigation; providing training for managers and staff in relation to adult learning principles, conflict and problem solving skills, bullying and harassment and complaints procedures; reviewing a range of internal processes including meeting procedures and complaint resolution procedures; reviewing matters relating to staffing, for example, roles in position descriptions and staffing levels; continuing to support the planning processes for the new women's and children's hospital; and focusing on best-practice provision of maternity services in the ACT.

Action has already commenced on some of the above, and a plan will be developed in relation to the remaining actions to ensure that all necessary measures are implemented. Of particular note is the action already underway in relation to the recommendations from the clinical services review of maternity services in the ACT, which provide an excellent basis for enhancing the existing high standard of maternity services in the ACT and ensuring that a best-practice networked maternity service across the ACT is achieved. The work from the clinical services review is being overseen by a broad multidisciplinary steering committee, which has demonstrated a strong commitment to constructively moving forward in achieving their goals.

ACT Health sincerely regrets any distress that has resulted from the complex circumstances and events that were part of this investigation and offers an unreserved apology to all affected persons. We are also very concerned to provide a safe working environment for all employees and will continue to closely monitor all services with a view to ensuring that the workplace environment is one where respect, equity and diversity is actively promoted and achieved.

Without the public interest disclosure process, ACT Health would not have been able to access the breadth of information gained and would not have been in a position to establish the solutions to the issues raised in the investigation. Indeed, whilst the opposition will say that I designed this process in order to ensure nothing was ever released, we discussed this process about the best way forward at length with staff and non-staff, including the private obstetricians.

My recollections of the end of those discussions, including with Dr Andrew Foote, are that there was agreement around a safe, secure process. I talked at length with them around the public interest disclosure process. Indeed, Dr Foote told me that, unless there were protections in place, people would not come forward. That sounds like it is a little different to the information that has been provided to Mr Hanson, but that was the information provided to me by Dr Foote and other doctors whom I met with over the course of this discussion.

The public interest disclosure process was as a result of advice from the Government Solicitor and feedback from others who wanted to participate in the review. It was not something I chose, Mr Hanson, because I have no role in this. At that time it was agreed across a broad range of people that that was the best way forward.

Mr Hanson: You're the minister. You decide what action is taken.

MS GALLAGHER: I commissioned the clinical review. Mr Hanson claims he is interested in the systemic issues facing the obstetrics and gynaecology unit rather than a witch-hunt against particular individuals. Whilst he accuses me of witch-hunts, what he is after by asking for the release of the public interest disclosure—which was essentially a fact-finding mission of establishing what has occurred over four years—is to identify individuals and—

Mr Hanson: No.

MS GALLAGHER: That is exactly what you are after.

Mr Hanson: We do not need individuals.

MS GALLAGHER: That is exactly what you are after, Mr Hanson, and you know it. You have got to stand up and say that is what you are after, because—

Mr Hanson: That is not what I am saying.

MS GALLAGHER: The clinical services review identified systemic issues in the O&G department. That review is completely public. The recommendations are public. We are dealing with the review. That gives you an idea of those issues that you, as shadow minister for health, should be interested in. But, no, you are not happy to stop there. You want to get involved and find out who did what to whom, when, how and what is the punishment for that?

Mr Smyth: No, we want to fix the problem.

Ms Gallagher: That is exactly what you are after. Just be honest about it, because if it is not about that, what is it about? Is it about finding what the systemic issues are? I have released all that information, Mr Hanson.

Mr Hanson: No, you haven't; not about bullying.

MS GALLAGHER: That information is public.

Mr Hanson: You said there was a reticence to deal with it.

MS GALLAGHER: That information is public.

Mr Hanson: You said there was a reticence to deal with it.

MS GALLAGHER: Yes. So, the system issue, Mr Hanson, is that there was a reticence to deal with workplace issues when they should have been dealt with. That is the system issue, and that is what needs to be responded to. Why do you need to know who did what to whom and whether they got punished for it?

Mr Hanson: I don't. I'm not asking for that.

MADAM DEPUTY SPEAKER: Mr Hanson!

MS GALLAGHER: That is what you are asking for, Mr Hanson, and you know that. You know it, and you are sitting there pretending that that is not what you are after.

Mr Hanson: Cover-up, Katy.

MS GALLAGHER: The cover-up. We hear it again. You have the clinical services review. That looked at the systems issues. If that is what you are after, you have got that report. It is released in its entirety. It is there for everybody to see, and work is being done to address all those recommendations. But it is not good enough for Mr Hanson, because he wants the name or names of the individual or individuals related to this public interest disclosure. This was a very specific public interest disclosure about bullying and harassment in the workplace. That is what people have provided their submissions on, as I understand it.

If they wanted to make a disclosure, they will be making disclosures. Those will inevitably name individuals. That is what this report is about. I can tell you that I know that things have changed in that workplace. I would not say that all of the issues have been addressed. I think they are so complex that they will take time to address. I call on all obstetricians to work together to deliver the best maternity service that we can in the ACT for people across the ACT.

We have formed the steering committee, which is oversighting all of this. The steering committee is larger than I would have liked, but everybody had to be on it. So we have got the Chief Executive of ACT Health, the Deputy Chief Executive of ACT Health, the Chief Executive of Calvary Public Hospital, the General Manager of Canberra Hospital, the Chief Executive of Calvary John James, the Director of Clinical Services of Calvary Private Hospital, the director of the maternity unit at Canberra Hospital, the director of the maternity unit of Calvary Public Hospital, the clinical director of the maternity unit of Calvary John James, the senior midwife of Calvary Public Hospital maternity unit, the senior midwife from Canberra Hospital, the Associate Dean of Obstetrics and Gynaecology, the clinical director of the Canberra Hospital NICU, a representative of the AMA, a representative of the Salaried Medical Officers Association, a representative of the ANF, a representative of the Health Care Consumers Association, a representative of the Royal College of

Obstetricians and Gynaecologists, a representative of the Australian College of Midwives and a representative of the Division of General Practitioners.

That is the group that has been pulled together to implement and oversight the recommendations of the clinical services review and to build a territory-wide maternity service. The issues that have been identified in the clinical services review are there for everybody to see. There is work going on to address them. We have put extra staff in, $2 million extra, to deal with the clinical load that is coming in to the Canberra Hospital. An action plan has been developed.

I know that Dr Brown, before she went on sick leave, had a number of meetings with individuals involved in the public interest disclosure, including groups of individuals, to provide them individually with feedback around the disclosures they have made. Letters have gone out to people who were involved in the public interest disclosure process. Subsequent actions have been taken.

This motion today is essentially the Liberal Party wanting people named and any subsequent disciplinary action that may or may not have been taken being put in the public arena. I do not think that is information that the opposition needs to know. It is not information that I need to know. What I need to know is to make sure that the maternity service is being reformed, that the issues that have been identified in the clinical services review have been addressed and that recommendations to build a territory-wide maternity service are underway. That is the information that politicians need to know, and I can assure you that all of that work is being done.

I have no interest in keeping information out of the public arena. I know Mr Hanson likes to paint me as the conspiracy theory, as thick and as dark as he possibly can, but the approach I take in all parts of my portfolios is to make available whatever information I can make available, especially if it is in the public interest. But I will not stand here and let Mr Hanson get away with putting his hand on his heart and saying, "This is all about the best maternity service and ensuring staff are protected." That is not what this is about at all. This is about Mr Hanson getting a headline and getting individuals named and shamed. Mr Hanson should be appalled at himself for taking that particular view.

The issues are being addressed. I am happy to continue to report to the Assembly about this and make sure that it is all clear and transparent. These issues are not being swept under the carpet.

MS BRESNAN (Brindabella) (11.57): I do acknowledge Mr Hanson for bringing on this motion today but I will be moving amendments to this motion later. Workplace conflict and allegations of bullying are highly concerning matters and must be dealt with sensitively. While it is incredibly important that systemic concerns are addressed and discussed in the public sphere, it is also vital that people who raise their concerns can receive the privacy and protection they require, for, if they cannot, others will be afraid to come forward in the future.

It is for these reasons that, in 1994, Mrs Carnell, the then leader of the Canberra Liberals and the opposition, tabled the Public Interest Disclosure Bill. Mrs Carnell did this in recognition that the ACT government was about to have its own public service

and, as such, there should be laws in place that would provide for appropriate processes for public servants to raise systemic concerns while receiving protection. To quote her speech directly:

> If there is something happening in your workplace that you know is not right, then you can do something about it and not be afraid of the consequences.

The Greens have treated this matter very cautiously and have wanted to see the systemic concerns able to be discussed publicly. That is why we supported an independent inquiry being conducted into the state of health services being delivered and governance arrangements in that area. The findings in the first report that was delivered mid this year were stark and there are a number of recommendations that we must follow up and ensure they have been implemented adequately.

For example, it has become clear that, although there are policies and procedures in place about bullying in ACT Health, these policies were not being well implemented and a number of staff were unaware of the proper channels they could use to make complaints and know that they were being heard. This is partly because, as stated in the original motion, there was a reticence by management to address disruptive and inappropriate behaviour by certain medical staff.

It was also concerning that staff were not having annual work performance assessments that cover their professional as well as medical performance. One would think that such assessments are the bricks and mortar to ensure a robust workplace and for this practice not to be occurring in a sector of the public service is surprising and is something that must be addressed and fixed.

Mr Hanson is trying today to make public the findings of an investigation into workplace conflict and allegations of bullying in the obstetrics unit. My concern is that if further details regarding the workplace conflict are made public we will be disregarding the privacy that the complainants wanted in the first place and expected, I would add, from the public interest disclosure process which they took part in.

We need to recognise that, when dealing with allegations of bullying, harassment and intimidation in the workplace, in order to not risk further psychological harm, we need to take the privacy requirements of the victims into account when deciding upon an appropriate process for resolving problems. In many instances the public disclosure allegations outside of the people immediately affected can cause severe repercussions in the workplace.

The appropriate manner for dealing with an allegation of bullying is to ask the victim what they wish to do to pursue their complaint and inform them of their rights and the rights of the person or persons they seek to make a complaint against. Where an individual chooses to make a formal complaint against a colleague or manager, a clear and accountable process should be pursued.

According to the guide to dealing with workplace bullying developed by WorkSafe ACT, bullying complaint procedures should be written in plain English and, if necessary, other languages, be fair and equitable, ensure the principles of natural justice are upheld and the alleged bully has an opportunity to respond to the

allegations, ensure privacy and confidentiality and aim to resolve complaints quickly. The guide also states that formal investigation processes should address confidentiality so that everyone involved is responsible for treating information in strict confidence to prevent the matter escalating and avoid potential defamation in case the matter is not proven.

It is very concerning that at every juncture Mr Hanson has sought to ignore the need for confidentiality and has done his very best to ensure that matters escalate. And it is for this reason I will be moving the amendment that I have put forward today so that we can ensure that these instances of bullying and harassment are dealt with according to best practice measures that protect the people involved.

The public interest disclosure investigation into the allegations of bullying and harassment at the obstetrics unit at the Canberra Hospital related to a certain number of people. As such, it is reasonable to expect that it will be clear, from any recommendations and findings made by the public interest disclosure process, whose testimony led to the recommendation. And whilst the findings might not name names, it is highly likely that it would be still enough to label individuals in the workplace either as alleged bullies or alleged whistleblowers, neither of which are desirable outcomes.

Moreover, one of the reasons that the ACT Greens supported the Public Interest Disclosure Act provisions being used in the first place was that the guarantee of complete confidentiality provided by the process meant that people who felt that public allegations would lead to workplace and health repercussions could bring forward private concerns, with the understanding that they would not be named. Violating this guarantee, even by releasing findings that do not relate to individual cases, is a breach of trust that undermines the very point of public interest disclosure processes and can do major harm. The only people who should be able to view results of a public interest disclosure process are the people involved, as per the act. This gives the individuals affected an assurance that actions are being taken without causing them undue stress regarding the accusations playing out through the media.

The worst possible outcome from this investigation, from the viewpoint of victims, is to have the results of the public interest disclosure process flashed across the front page of the *Canberra Times*. And it is instructive to recall that in the initial call for an inquiry into the allegations of bullying, Mr Hanson and his colleagues were willing to have the victims of bullying subpoenaed to compel them to appear. Not only would this have caused victims to publicise their ordeal against their wishes, it would have led to criminal sanctions should they have refused. This goes against every principle of the appropriate manner for dealing with workplace bullying that I have outlined earlier.

As I have stated publicly, my own interest in this matter is ensuring that the individuals who have been affected by this ordeal have their rights, privacy and safety protected. It is for this reason that the ACT Greens supported the use of public interest disclosure and that we continue to do so in the interests of people working in the obstetrics unit at the Canberra Hospital. And as I have said publicly before, I do not care about the needs of the health minister, frankly, or the needs of Mr Hanson. I care about the needs of the people who have come forward through public interest

disclosure. What Mr Hanson is proposing threatens to undermine the whole public interest disclosure process.

I would note that we should be considering all staff in the unit, not just the doctors that have come forward, and this includes the midwives and nurses that work there. And while some of the doctors may have said they were fine about having these details made public, I am sure there are other staff who would not have wanted this to happen, which is why they have come forward through public interest disclosure in the first place. I imagine if these details were made public and they were under the understanding this would not have happened, they would not be particularly happy about this process. I am quite concerned about the damage it could cause to staff in the unit.

I have gone to the text of the motion. I would like to address the points Mr Hanson raised and outline my amendment. I move:

> Omit all words after "That this Assembly", substitute:
>
> "(1) notes that:
>
> (a) in early February 2010, the Minister for Health denied that she had received any serious complaints from current and former staff of the Women and Children's Obstetrics and Gynaecology Unit at The Canberra Hospital (TCH) about the workplace culture of the unit;
>
> (b) the Minister for Health then described the complaints as 'doctor politics' and 'mud-slinging';
>
> (c) the Minister claimed that there had been a 'ten year war in obstetrics';
>
> (d) in late February 2010, current and former staff of the Unit provided further information to the Minister about their complaints;
>
> (e) the Canberra Liberals called for a board of inquiry pursuant to the *Inquiries Act 1991*, that would have required victims of bullying to be forcefully subpoenaed to testify against their will, which is a grossly inappropriate manner of dealing with bullying and workplace conflict;
>
> (f) the Review of Service Delivery and Clinical Outcomes at Public Maternity Units in the ACT stated: 'The review panel identified an apparent systematic and long-standing reticence by management to address disruptive and inappropriate behaviour by certain medical staff';
>
> (g) respecting the confidentiality and wishes of bullying victims to have proceedings conducted in private is the most important factor to be considered when responding to allegations of bullying in the workplace; and
>
> (h) the Public Interest Disclosure Act 1994, as instigated by Mrs Kate Carnell MLA, then Leader of the Liberals, provides the appropriate process for public servants in the ACT Government to have their concerns about workplace conflict and allegations of bullying investigated;

(2) calls on Members of the Assembly to:

(a) respect the Public Interest Disclosure Act 1994 and those victims of workplace bullying that do not wish to have their workplace matters made public; and

(b) recognise that, if the investigation into a public interest disclosure is concluded, under clause 24(3)(d) of the Public Interest Disclosure Act 1994, the people who made the public interest disclosure can ask for a progress report which shall include the authority's findings and any action it has taken or proposes to take as a result of its findings; and

(3) calls on the Government to provide to the Assembly details of any changes to bullying policies or procedures, as well as any changes in the manner in which bullying policies or procedures have been implemented, in ACT Health since February 2010.".

I would like to address the amendments which I have put forward. Going to paragraphs (1)(a) to (1)(e), it seems that there is still some misunderstanding about when the complaints were first raised and when their substance was provided. The comments that have been attributed to the minister are correct. Ms Gallagher did say at first that the complaints were a part of doctor politics and mud-slinging and that there had been a 10-year war in obstetrics. They are facts of the matter.

Going to paragraph (1)(b), it seems inappropriate for us to say that a number of doctors have moved on due to workplace conflict, because we do not know if that is true. We simply do not know the circumstances around each doctor's departure; to write about the departures in our public *Hansard* in the way that Mr Hanson has suggested is an inappropriate way to place their employment status on the public record.

Going to (1)(f), Mr Hanson asserts that the minister made threats to review 10 years of Medical Board outcomes in an attempt to intimidate doctors who made complaints. Most of us here know that doctors are quite capable of lobbying and advocating for their needs. They would not put up with any threats and are quite capable of saying no. Yet in this case the obstetricians willingly provided their statistics to the clinical outcomes review. I find it hard to agree to (1)(f), as what Mr Hanson asserts does not seem to be the case at all.

Going to (1)(g), it is true that the Canberra Liberals called for an open, public inquiry into the complaints. To be specific, however, the Liberals called for a board of inquiry pursuant to the Inquiries Act 1991 that would have seen victims forcefully subpoenaed and would have been a grossly inappropriate way of dealing with concerns about bullying and workplace conflict.

I do agree with item (1)(h) in Mr Hanson's motion, which notes:

> … the *Review of Service Delivery and Clinical Outcomes at Public Maternity Units in the ACT* stated 'The review panel identified an apparent systematic and long-standing reticence by management to address disruptive or inappropriate behaviour by certain medical staff' …

The minister addressed this in her speech today.

I do not agree with the thrust of (1)(i) and (1)(j). Paragraph (1)(i) states:

> … the Minister deliberately chose to establish the inquiry into bullying and harassment claims in such a way that they could be covered up …

Paragraph (1)(j) states:

> … the Minister for Health is avoiding any responsibility for the findings of the report by shifting the burden of decision making to public servants …

Mr Hanson claims to have some knowledge of health policy. He clearly has no knowledge of industrial relations policy. It was your predecessor, as already outlined, Mrs Carnell, who set up the public interest disclosure process that is to be used in situations like this. Privacy must be provided to complainants who do not wish to have their names known and their circumstances further discussed publicly.

Clause (2)(a) of Mr Hanson's motion is completely inappropriate. It goes against the very spirit of whistleblower protections that were established in the public interest disclosure process. I fear that the steps taken by Mr Hanson are threatening whistleblower protections that took many years to put in place. There is a process established through annual reports where we are provided with the repercussions of each public interest disclosure, and I think this is the way we should continue. I propose an amendment to the motion that states that all members of this Assembly respect the Public Interest Disclosure Act 1994 and also respect those victims of workplace conflict that do not wish to have their workplace matters made public.

In paragraph (2)(b), Mr Hanson requests that the Minister for Health provide copies of the public interest disclosure findings of the inquiry to the people who made submissions. If Mr Hanson had read the public interest disclosure legislation, he would know that, quite clearly, under subsection 23(3)(d), the complainants can ask for what is called a progress report. If the investigation has been completed, the progress report has to include the findings of the investigation and any actions that have been taken or are proposed to be taken as a result of the findings. My amendments propose that the Assembly pay respect to those already established processes.

Finally, my amendments propose that the minister provide an update on what changes have been made to the bullying policies and procedures for ACT Health as well as how those policies are implemented. I am not completely assured through the first clinical review that the work has been undertaken, and yet it is at the core of the problem that has occurred. We do not want to see such an event occurring again in the future. Anti-bullying policies must be implemented to ensure that workplace conflict does not escalate to this kind of scale. We want healthy workplaces for our workers. I hope that members of this place can respect what is considered to be best practice when dealing with workplace conflict.

I note again that the whole point of public interest disclosure is to remove ministerial involvement and ensure that undue political interference does not occur. I am very

concerned that not just the minister but other members could become involved in a process that has been formulated to prevent this from occurring, a process which people became involved in with the understanding that that would not occur.

I am very concerned that we could undermine this whole process—that people may be frightened to come forward again if this sort of thing occurs or if public interest disclosure is used again—if we are going to have members trying to get results of that made public when that is not what public interest disclosure is for. It has been put in place to protect people so that they come forward and have their confidentiality protected. We should not be trying to undermine that at all.

MR HANSON (Molonglo) (12.11): What a surprise that the Greens are complicit in making sure that information is withheld and scrutiny is denied! What a surprise!

Mr Stanhope: I think they think we should comply with the law.

MR HANSON: I will go through the amendments before getting to some more—

Mr Stanhope: It is called the rule of law. You obey the law.

MR HANSON: Thank you, Mr Stanhope, for your useful interjections.

Mr Stanhope: It is about obeying the law.

MR HANSON: It is not about covering up then, is it, Jon?

Mr Stanhope: No, it is about obeying the law.

MR HANSON: If we look at the Greens' amendments and what they are removing from my motion, we see that the first point they are removing is that "nine doctors resigned from the unit prior to February 2010 and another doctor has since resigned". There is no mention in there about why they actually resigned, as Ms Bresnan incorrectly asserted. But it is quite clear, and it is a matter of record—in fact, Ms Gallagher has said it in this place—that in fact nine doctors did resign. It is a bit unclear to me why we would remove that. That is an important part of this, to make it very clear that there have been problems in the obstetrics unit, and that has led to the resignation of a number of doctors.

Ms Bresnan also removed the part that said:

> … the Minister and ACT Health officials initially denied that any complaints had been made …

I went through this in my initial speech. Quite clearly, both Peggy Brown, the acting chief executive at that point, and the minister initially denied that any complaints had been made to them. They did so categorically. The minister said so on ABC 666 and the chief executive was quoted on ABC online. I am not sure why we are removing what is a matter of record.

The next point the Greens are removing from my motion is:

> … the Minister made threats to review 10 years of Medical Board outcomes in an attempt to intimidate doctors who had made complaints …

It is quite clearly a matter of record that that threat was made by both the Chief Minister and Katy Gallagher—to go through and dredge up 10 years of Medical Board reviews. I quoted from where Mr Stanhope had said that in the media. The fact that this was a clear attempt to intimidate the doctors is agreed to by the AMA and by the national college of obstetricians and gynaecologists, which described the actions of the Chief Minister and Katy Gallagher as thinly veiled threats, witch-hunts and bullying.

The next point Ms Bresnan has removed is something that I do accept is in some regards a point that could be disputed but is something that I hold very closely, having observed what has occurred over the last number of months:

> … the Minister deliberately chose to establish the inquiry into bullying and harassment claims in such a way that they could be covered up …

It is quite clear and beyond refute that that has been the consequence. I assert that that was her rationale. Others may dispute that rationale, but what is quite clear is that my prediction that that would be the result has proved true. And when you go to motive, the motive is quite clear: the minister did not want this to come to the light of day.

The next element that has been removed by the Greens is:

> … the Minister for Health is avoiding any responsibility for the findings of the report by shifting the burden of decision making to public servants …

That has occurred. She is now being viewed by many in the community as the minister not responsible for health, with this bizarre dissociation that she has from any of the results of the findings of the review that has been conducted.

The last element that has been removed by the Greens is:

> … the Minister for Health has failed to provide outcomes for the staff members involved and further eroded confidence in TCH …

That is quite clear. I have spoken to a number of the doctors who made the complaints, and they have not been spoken to. They were quite unaware that this was being pushed out on Friday afternoon, last Friday. After the media had done their normal rounds, this was sort of pushed out late and in the middle of the floods: "Let us get this one out." I think "taking out the trash" is the quote from *West Wing*. Quite clearly, this was taking out the trash.

The number of times I find myself on a Friday, late in the day, dealing with health issues as the minister takes out the trash is quite remarkable. Unfortunately, this stinking piece of trash has got such a smell about it that not only did it run very strongly in the media because they smelled the rat but also it was played out on the Monday and continued throughout the week.

If the Minister for Health thinks that she has provided the outcome for those staff, why were they not informed? Why have they not been informed? Why is the president of the royal college of obstetricians and gynaecologists saying that the staff he has spoken to at the Canberra Hospital are describing a sense of dread and fear at the Canberra Hospital if this is all something that has been dealt with so well by the minister?

The Greens make another couple of calls. They describe this as inappropriate and they call on the government to provide the Assembly with details of changes to bullying policies or procedures. Now they want to know what all the changes in the policies and procedures are. These are the same Greens who, when I wanted to know what the staff culture survey results were and have a look at that, did not want a bar of that: "No; we do not need to know what the government is doing behind closed doors." Remember this open government that Mr Stanhope talked of in 2001? It seems that the Greens rhetorically support this, but when it comes to the reality they do not.

Let us have a look at a now very famous—I would consider infamous—individual, Julian Assange. Let us see what Bob Brown is saying about him and about the release of information, shall we? He put out a media release entitled "Assange's rights should be upheld". You can hear it now, can't you, from Bob Brown? What he says, in part, in his defence of Julian Assange, is:

> It is important that we know what drives governments to make decisions.

Isn't that remarkable? Bob Brown, in defence of Julian Assange, says that we should have information that allows governments to make decisions. But what happens when it comes to the opposition wanting to know the very same thing? We might want to know about a staff culture survey. What about the Costello review? What was that one called, Mr Smyth?

Mr Smyth: The functional review.

MR HANSON: The functional review. What about that? Would that not fit in the category, I ask any of the Greens members, of it being important that we know "what drives governments to make decisions"? It is okay that Mr Assange can spread everything to do with a sensitive national security matter across the media. He can leak that as he likes: that is fine and the Greens support that. They defend it. They put out a press release saying, "Good on you, Julian, for doing that." But when we want to know why this government made decisions—where are they? Where are they on that?

Let us look at some of the other things. Last October I wanted to put Calvary and what was going on with Calvary to the Auditor-General, because I thought that was an issue that we needed to get all the relevant information about. Did the Greens support that? No. Clearly, that was not something that Julian Assange wanted.

How about when Ms Gallagher came forward with the Calvary change in accounting standards? I had a motion in this place in August last year that called on the minister to table all accounting advice she had been provided in full. That sounds pretty reasonable. That sounds pretty consistent with Bob Brown in his defence of Julian

Assange—that "it is important that we know what drives governments to make decisions".

The Greens will support Julian Assange, but they will not support the Canberra Liberals, who wanted some simple accounting advice. That would fit into the category of knowledge that drives governments to make decisions about Calvary. Clearly, it does.

Ms Gallagher: Come on; you are scrambling now, Jeremy. Back on the subject.

MR HANSON: Do you think I am struggling? I do not think I am. I have got plenty more quotes of where the Greens have fallen in step, lock, stock and barrel, in support of this government. It could be on censure motions, as we saw yesterday. There might be clearly contradictory evidence given by a minister about prisoner numbers. He was saying that this was going to be a prison with a current bed configuration that would do us for 25 years. We ask him in question time, "Is that true?" He says, "Yes." In answer to the very next question, he is explaining why he is retrofitting bed bunks into a prison. No, they do not want any further discussion on that; they closed down a possible motion to discuss that. But when it comes to Julian Assange, they want all that information.

Quite clearly, the Canberra Liberals will not be supporting the Greens' amendment. As we have said consistently in this place, again and again, it is yet another attempt by the Greens. When the Canberra Liberals, the opposition here, is the only party that has continued to demand information, to hold this government to account, the Greens are refusing to allow us to produce it.

MS BRESNAN (Brindabella): Mr Speaker, I rise under standing order 47. I have been misquoted in Mr Hanson's speech; I seek leave to clear that up.

MR SPEAKER: You have leave, Ms Bresnan.

MS BRESNAN: Thank you. Mr Hanson stated that I had removed from his motion that the minister denied that complaints had been made. In fact, it is in my amendment. It actually states at (1)(a):

> … in early February 2010, the Minister for Health denied that she had received any serious complaints …

So that is actually in the motion.

Mr Hanson: I seek leave to speak again on the motion.

Leave not granted.

MR SMYTH (Brindabella) (12.22): It is clear that hypocrisy is alive and well in this place.

MR SPEAKER: Mr Smyth!

MR SMYTH: One standard for one, one standard for another. Mr Speaker, a large amount of the reliance of those who would oppose this motion today seems to be on interpretation of the law. It is interesting—

Ms Gallagher: Are here we going to get your learned opinion? I can't wait.

Mr Stanhope: Brendan Smyth QC.

Ms Gallagher: Your honour.

MR SPEAKER: Order! Let us hear Mr Smyth.

MR SMYTH: I do thank Ms Bresnan for reminding me that public interest disclosure was instigated by Kate Carnell, a Liberal member of this place. Initially, it was opposed by the then Labor Attorney-General who did not believe that the ACT needed public interest disclosure. It is interesting that we now have a process in place. Indeed, Mrs Carnell in her tabling speech said that the reason she was doing some of this was also to ensure that snow jobs do not occur—snow jobs. We do not want cover-ups here, Mr Speaker. That is what we do not want. We actually want to get to the basis of this. As part of this, what Mrs Carnell did was to say that departments actually had to report on what they did annually in regard to public interest disclosure.

Let me read section 11(3):

> The annual report shall include particulars of remedial action taken by the government agency in relation to—
>
> (a) each public interest disclosure that was substantiated on investigation by the government agency; …

What the annual report of the department has to include is what action has been taken on things that have been substantiated by the investigation. For remedial action to be listed in the annual report, you need to know what the recommendation was. You just cannot say, "We took action." It is interesting if you actually go back through the health department annual reports. The current 2009 report has a section C.3 on page 210. It does partly comply with the act. This might be something we need to look at in all public interest disclosures in all annual reports under this government to ascertain what remedial action was taken.

It says that in this case two referred to conduct and one was lacking in substance. It also says:

> The three remaining disclosures were referred for investigation, two external and one internal. These investigations are yet to conclude.

But there is no listing of the remedial action, as required by the law, which the Chief Minister is such a strong advocate of. I am sure that he would hate to see his departments breaking the law. The whole point of the act was to get it into the open. The whole point of the act was to actually say, "These are the findings. This is what we have done. This is the remedial action that we have taken." I refer Ms Bresnan to that part of the act, because that is what it says, Ms Bresnan.

It says that the annual report shall include particulars of remedial action taken by government agencies. It refers to the actual remedial action. To know whether you have taken remedial action, you actually need to know what the recommendations were. The intention of the act was to protect the individuals who came forward, protect their identity and to make sure that they did not suffer for being good citizens. But at the same time, as Mrs Carnell says, it is not to allow snow jobs, because you have got to detail what action you took.

We will never know if this motion is defeated what action the government takes. Maybe when the annual reports come around on 30 September next year, we might actually see what remedial action was listed, but somehow I doubt it. I do doubt that we will ever get to that.

It is interesting that Ms Gallagher relied on section 33 of the act when she referred to confidentiality. She said that you cannot release detail. We agree. Those who come forward, those who have the courage, should be protected. But Ms Gallagher did not read the whole act because part 1 of section 33 says:

> A public official shall not, without reasonable excuse, make a record of, or wilfully disclose to another person, confidential information gained through the public official's involvement in the administration of this Act.

What does "confidential information" mean? This is the important part. The act states:

> ***confidential information*** means—
>
> (a) information about the identity, occupation or whereabouts of a person who has made a public interest disclosure or against whom a public interest disclosure has been made; or
>
> (b) information contained in a public interest disclosure; or
>
> (c) information concerning an individual's personal affairs; or
>
> (d) information that, if disclosed, may cause detriment to a person.

The minister says, "It is all in my speech." That is right; it is all in your speech. But where does it say that you cannot release the recommendations, minister? Where does it say that you cannot release the findings? No-one has said, "We want individual findings ticked off against individuals so that there can be a witch-hunt." That is your supposition. That is the straw man that you create—that Mr Hanson is after individuals. No, he is not. He is after the findings so that we can know that you have done your job, to ensure that your department is functioning perfectly.

Go back and read Mrs Carnell's speech. That is where she says, "No snow jobs here." That is why she put in the allowance that individuals can go back and ask for progress reports, which the act allows and at the conclusion, when the report is written, they can get updates on what has happened. No snow jobs here. That is also why the act says that you have to report on what remedial action you have taken. So, minister, we will give you leave to speak again if you wish to tell us what remedial action is being taken. What is actually being actioned inside—

Ms Gallagher: You did not listen.

MR SMYTH: I did listen.

Ms Gallagher: No, you did not. You were talking when I did.

MR SMYTH: No, no, no, I did listen. I have gone and checked the act because we cannot trust you when you read out parts of the act. And again—

Ms Gallagher: Did you find an error?

MR SPEAKER: Thank you, members.

MR SMYTH: Again, I have. I have found the errors.

Ms Gallagher: You did not.

MR SMYTH: Point to the part of the act, minister—through you, Mr Speaker—that says you cannot release the conclusions. Indeed, you said in this place on 17 March this year:

> There is an investigation under the Public Interest Disclosure Act. This creates the environment for everyone to participate in. It protects everybody who participates in it. It provides natural justice to those who may be complained about. And at the end of it, there will be an outcome. It is at that point that further information will be made public.

Mr Hanson: Where is it?

MR SMYTH: What further information has been public? Where is the information? You have not told us anything new. There is nothing in what you have said that reveals whether or not the inquiry was effective, whether it was efficient, whether it actually addresses the questions that were raised, what outcomes will be taken, how can we have an assurance that it will never happen again? We are no more knowledgeable at the end of this debate than we were at the start of the debate, because you simply will not tell us. This is a snow job.

The Greens, as always, have moved an amendment. They are running cover for the government, as they do so well. But I guess that that is what you do when you are in alliance with the government. You run cover for your alliance partners. Ms Bresnan actually calls on members of the Assembly to recognise under clause 24(3)(d) that people who make public interest disclosures can ask for a progress report. I am not sure what Ms Bresnan is referring to in section 24(3)(d), because it does not actually exist. There is a section 24. It has parts (a), (b) and (c), but clause 24(3)(d) is inaccurate.

Perhaps you might like to check the act. You will have to move an amendment to your amendment to clarify the amendment, because I would hate for this place to pass something that was as inaccurate as—

Ms Gallagher: This is why you have lost elections, Brendan. It is your charm and—

MR SMYTH: Well, it is inaccurate. You will vote for something that is not correct. That is fine. We know that you vote for things that are not correct all the time because this is the government of cover-ups and it continues.

Mr Speaker, at the end of the day the public is no clearer here. There are clouds over those involved, as Mr Hanson pointed out. That includes people in senior roles in the department—indeed, the head of the department. It may leave a cloud over the minister herself because if the minister is one of the people referred to in this, we will never know. Any action that might be taken to improve the minister and her understanding of the act or the way the department functions or how to stop bullying, we will never know about either.

The recommendations have not been disclosed. I will wait until 30 September next year. I will look at the public interest disclosure section in the health department act. I would expect to see—because we are not going to get it today; that is quite clear—the Greens covering for the government again and blocking this.

It is interesting, Mr Speaker, that the Greens on their own website as one of the things that they seek is more honest, more open, more accountable government. They were the words of the Chief Minister in opposition back in 2001. But the Greens under "governance policy" on their website state that they want open, accessible and transparent government with strong parliamentary oversight of executive powers—except when it calls into account their coalition partners.

They are glib words, easy words, good words to sell to the public. "They will swallow this because, you know, we are the Greens. People know that we stand for these things." But, when push comes to shove, in every instance in this place the Greens have not held this government to account and they should stand up and honour their policy today. *(Time expired.)*

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 12.32 to 2 pm.

Questions without notice

Bimberi Youth Justice Centre—proposed inquiry

MR SESELJA: My question is to the Minister for Children and Young People. Minister, in the Assembly this morning you said that you would welcome an inquiry into Bimberi youth detention centre. You said that you would do everything to ensure that the inquiry was at arm's length and that all protection would be given to people who would come forward. Minister, how will you ensure that the inquiry is at arm's length and that protections are given to witnesses?

MS BURCH: I did make those statements and I stand by them. I have offered some options to Meredith Hunter about how that could be pursued—

Opposition members interjecting—

MR SPEAKER: Order! Let us hear from the minister.

MS BURCH: That option included an investigation by the commissioner for children and young people. I think that would provide an independent review. It is up to the Assembly to indeed consider that. But that is how I am considering progressing this.

Mr Seselja: A point of order, Mr Speaker. It is on relevance. The question was very specific and it was how the minister will ensure that it is at arm's length and that protections are given to witnesses. She has not addressed those and I ask you to ask her to come to the point of the question.

MR SPEAKER: Minister, do you wish to add any other points?

Ms Burch: No, I don't.

MR SPEAKER: A supplementary, Mr Seselja?

MR SESELJA: Thank you. Minister, how will you ensure that witnesses are protected, and doesn't an inquiry under the Inquiries Act provide the protections that you say you want?

MS BURCH: I have given a commitment here that I will offer all the protections that I can.

Mr Hanson: How? What are they?

MS BURCH: I am confident that this inquiry will be independent—

Mr Hanson: What are the protections?

Mr Coe: You also gave a commitment that you would run Bimberi properly, but that is not happening.

MS BURCH: will be thorough and will provide this government with the information it needs to have in its hands to afford effective change—

Mr Hanson: How, Joy? Answer the question.

MS BURCH: and to ensure that those residents of Bimberi and the staff at Bimberi—

Mr Seselja: Why won't you answer the question?

MR SPEAKER: One moment, Ms Burch. Members, constantly interjecting is not acceptable behaviour in question time. We are only in the second question of the day. Let's tone it down.

MS BURCH: And that I will ensure that the scope and the framework of the review and the inquiry do provide those securities and confidence to those who want to participate in the inquiry.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, why are you afraid of an inquiry under the Inquiries Act?

MS BURCH: I might have started a piece of work that is looking at cultural change. I am welcoming of an inquiry. There have been a number of allegations, some of which I have heard for the first time today, that warrant an investigation. To go to an inquiry under the Inquiries Act, as we have said, is extreme and is not, to me, in the best interests of supporting the staff at Bimberi but supporting the residents of Bimberi and the families of those.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, do you believe that the outcome of such an inquiry may very well be diminished or in fact in jeopardy if there is an air of witch-hunt about this?

Mrs Dunne: It is a question of opinion, Mr Speaker.

MR SPEAKER: Minister Burch.

MS BURCH: Absolutely. I have—

Mr Seselja: We are allowed to ask them now. He has ruled on it. That standing order does not apply any more, apparently.

MR SPEAKER: Is there a point of order?

Ms Porter: There does not appear to be.

MR SPEAKER: Minister Burch.

MS BURCH: As I have said, I think the project that I have put in place recognises that, from a number of conversations I have had and what I have heard back from staff and members of this Assembly, the residents and the teachers there, some work needs to be done. To go through an inquiry under the Inquiries Act is, to me, a tad too far. If the outcome of this is to indeed effect change at Bimberi so that Bimberi provides the residents the best opportunities that this society and this government can offer, then that is the outcome. Their inquiry, I think, will get distracted indeed. Can I thank Mr Hargreaves for his terminology of "a witch-hunt".

At no point have those opposite sought a briefing on this. Have they raised the notion of any other opportunity to review? No, they have jumped straight to an inquiry under the Inquiries Act that will not deliver in a timely manner the depth and breadth of work that we need to have done.

Youth and family services—program

MS HUNTER: My question is to the Minister Children and Young People, and it is about the new youth services program and family services program framework. Minister, there are significant concerns from the youth sector regarding the levels of bureaucracy required under the draft service delivery framework. Can you confirm that, in order to receive service, clients—that is, young people—will need to be referred to and assessed through a centralised information intake and coordination service?

MS BURCH: The framework—as do the discussion paper and the many conversations leading to the existing framework—recognises that the sector is fragmented and often has different services being provided to individuals and to families. The notion behind an entry point is that it will provide the coordination and support and connection to the other services that are required.

I see it not as a layer of bureaucracy; it is a new way of doing practice, but it does afford an opportunity for better and enhanced coordination across a range of services that often these individuals and families require.

MR SPEAKER: Ms Hunter, a supplementary?

MS HUNTER: Minister, have concerns been raised that the centralised intake system will be a daunting and overwhelming experience for clients, particularly young people, and turn them away from accessing services that they may require, want or need, particularly those who might just want to drop into a youth centre?

MS BURCH: It is certainly not the intention of a new system to deter access to any services. There was a general understanding and feedback from the sector that clients and individuals and families are often repeating their stories across different services. This is in some way to offset that. I am quite happy to have a look, to make sure that someone wanting to access a youth centre does not need to fill out duplicate forms. That is not the intent.

This is around unifying and harmonising across the system, across the family systems, across the youth systems, to provide better access to services, not to deter access to services.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, given the draft service delivery framework notes that the intake system is partially staffed by network coordinators from each of the four service networks, who else will be used to staff the service?

MS BURCH: We are looking at it as a geographic dispersion and delivery of service but also across sectors. So that is where those local regional coordinators come into play. But it also recognises that other services are committed to providing a harmonised service across the sector, whether it be within a regional sector. A family could be accessing and coordinated through, for example, somewhere in Tuggeranong, but some of their service delivery will be accessed by services on the north side. That will be facilitated through this streamlined client-centred approach to service delivery.

MS BRESNAN: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, given that there are substantial cost increases to providing services after hours and on weekends, can you outline how funding arrangements and allocations have been adjusted to meet these new requirements of service providers?

MS BURCH: The purchasing framework will be different come July of this year, and services are asked to tender on provision of services. Within that, if some services indeed need to be offered over the weekend and after hours—and some of them will need to be—that will be captured in those procurement and tender processes. There is no reduction in the quantum of money that we are investing in youth and family services. It is about streamlining and enhancing service delivery to gain some efficiencies, perhaps, as we streamline that. Any efficiencies won will be put back into the sector and into the system.

Bimberi Youth Justice Centre—proposed inquiry

MRS DUNNE: My question is to the Minister for Children and Young People. Minister, in your speech this morning on the motion to establish an inquiry into Bimberi under the Inquiries Act 1991 you commented that the last time an approach such as this was taken was in response to three deaths. Minister, will it take a death at Bimberi, either of a member of staff or of a resident, before you commission an inquiry under the Inquiries Act?

Mr Hargreaves: I raise a point of order, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

Mr Hargreaves: In Mrs Dunne's question, she said, "Would it take a death at Bimberi?" That is a hypothetical question, Mr Speaker.

MRS DUNNE: Mr Speaker, you have given a whole range of rulings in this area and I refrained from making a point of order on this or a similar matter when Mr Hargreaves asked a question. I think this is a valid question and the minister should be given the opportunity to answer it.

MR SPEAKER: Thank you, Mrs Dunne. There is no point of order. Minister Burch, will you answer the question.

MS BURCH: I have made the comment that I believe that at this point in time an inquiry under the Inquiries Act is just a tad too far. I have also outlined yesterday a process that I will undertake and go through to effect some change and review our policies and practices. I have also articulated here my welcoming of an independent inquiry.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, why are you afraid of commissioning a board of inquiry under the Inquiries Act in the absence of a death at Bimberi?

MS BURCH: I just do not think that is the appropriate way to go.

Planning—master plans

MS LE COUTEUR: My question is to the Minister for Planning and concerns the government's master planning processes and progress in determining community priorities. Minister, noting the motion passed in the Assembly on 25 August this year, what progress has been made in developing a priority list of areas in Canberra that need master planning and has the community been involved in determining this priority list?

Opposition members interjecting—

MR SPEAKER: Order! I call Minister Barr.

MR BARR: Thank you, Mr Speaker, and I thank Ms Le Couteur for the question. Obviously—

Opposition members interjecting—

MR SPEAKER: Order! One moment, Mr Barr. Thank you, members. I have already made a request that there be no more interjecting and I will start warning members shortly.

MR BARR: Thank you, Mr Speaker. Obviously, there is a great deal of interest in the Assembly in the master planning process and there does appear to be somewhat of a political auction going on about who might be the first to touch a particular area and say, "It was me, it was me!" and get themselves on the front page of the *Chronicle*.

It is not a particularly edifying process, Mr Speaker, and it does not do the Assembly a service if every time someone brings forward a motion demanding a master plan there is no account taken of the available resources within the ACT Planning and Land Authority to undertake that work or that time frames are set that are completely unrealistic in terms of the delivery of a process.

If members—and I acknowledge Ms Le Couteur's interest in this—are interested in sound and robust master planning processes that are able to engage with stakeholders,

then the sort of time frames that are needed are 12 to 18 months for each master plan, because that would facilitate a number of consultation rounds and the development of ideas over a period of time.

Ms Le Couteur would be aware of a series of government commitments in relation to this term of the Assembly. I have recently released the Gungahlin town centre master plan for comment, and that is open until the end of February next year. The work on Dickson and Kingston master plans is nearing completion. We have a program in train that has just commenced in relation to Erindale and Tuggeranong. Pialligo is also on that list, as are Tharwa and Hall. It is a packed program for the remainder of this parliamentary term.

In the context of future master planning work, I can make some announcements in relation to the government's intentions. Firstly, I will shortly be releasing a discussion paper in relation to all group and local centres. What is clear in this discussion and, of course, the master planning work that has been undertaken to date is that, whilst there are specific issues that are relevant to each different centre within the territory, there are also many, many issues that are common. So there will be a great amount of work, time and effort saved by looking at an approach to all group centres and all local centres, and I will shortly be releasing a discussion paper raising a number of ideas in relation to how we may advance that work across all identified group and local centres in the territory.

We then equally need to look at areas that are going to be experiencing significant change. In the context of Mr Hanson's motion and the discussions we had in this place last month, I acknowledged that Cooleman Court and the Weston Creek area will be very high on the list in terms of future—

Mr Seselja: Well done, Mr Hanson.

Mr Hanson: Thank you very much, Mr Seselja. Not as high as Hawker, though.

MR SPEAKER: Order, members! Thank you.

MR BARR: in terms of future work in this area. In fact, this was identified some time ago by the government in the context of our forward planning for work in this area.

I will, in accordance with the Assembly's motions, release full details of a scoping sequence for future master plans across group centres, but importantly I will be releasing very shortly a discussion paper that deals with all of the issues that all of those centres have in common. I think that is an important and practical response to issues that all of the centres share and that a one-size-fits-all approach is appropriate in some instances.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, what criteria are used to determine if a master plan is needed—

Mr Coe interjecting—

MR SPEAKER: Order! Ms Le Couteur, one moment, thank you. Mr Coe, you are now warned. I could not even hear Ms Le Couteur's question over you. Ms Le Couteur, could you start the question again, thank you.

MS LE COUTEUR: Thank you, Mr Speaker. Minister, what criteria are used to determine if a master plan is needed in an area? Would it be things like a territory plan variation? Would it be the number of DAs or the number of complaints to DAs—or anything else you may wish to suggest?

MR BARR: That is possibly the most open-ended question in the Assembly this year. In relation to the point I was concluding on earlier, there are many things that all of the group and local centres have in common, and there are some issues that we need to consider across all centres—for example, height limits, parking ratios and the question of mixed use development as to whether it is appropriate to have residential, commercial and retail all within the one precinct. I think we need to be considering those issues. Certainly that will be a feature of the discussion paper I will bring forward shortly.

We need to address the huge demand for housing in areas close to services, and a logical place to look is, of course, in our group centres. That will also link into our transport planning and the work that has been undertaken through the transport for Canberra initiatives. It is critical that we do not just take an ad hoc approach to this. The sorts of issues that are common across group centres will be considered in this discussion paper. In addition, as I have identified, areas where we know there are going to be increased demands on infrastructure are those that are the highest priority for master planning work.

MR HANSON: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, last night why did you, along with the Greens, reject calls for a master plan of Weston Creek when you adjourned a motion in the Assembly calling for that, after claiming in June that you must wait for a list of all the master plans coming forward, only two weeks later to announce a master plan for Hawker?

MR SPEAKER: Mr Hanson, this is not a speech.

MR BARR: I am not entirely sure what Mr Hanson's question was. It just seemed to be a statement. Let me deal with the first part. No, the government did not reject a master plan for Weston. We indicated that we had an established motion from the Assembly. As Mr Smyth is so fond of saying, the will of the Assembly was clear in relation to the process we would follow for announcing future master plans. You sought, Mr Hanson, to queue-jump that process. That motion was passed by the Assembly. It was the will of the Assembly. Now we have a Hansonite queue jumper.

As I have indicated, we will respond to the Assembly motion. We have a series of master plans already in place. There is no further capacity, without a further budget

appropriation, for the Planning and Land Authority to undertake any further master planning work in this financial year. Any additional master plans will require a budget and will require a time line. If we want to do them properly, then we need at least 12 to 18 months.

MS BRESNAN: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, is there another level of local planning which could be used for resolving localised planning conflicts, and is there a type of process which is more cost effective than a full master planning process?

MR BARR: It may well be possible, in fact, to look at the technical variation process within the Planning and Development Act.

Mr Hanson: Why do you queue-jump for Hawker but not for Weston, Andrew?

MR SPEAKER: Mr Hanson!

MR BARR: I know Ms Le Couteur, in a series of amendments to a motion previously, has asked the government to consider those options, because a full-blown territory plan variation process does take time. It takes, often, 12 to 18 months, and that process for fairly straightforward amendments to the territory plan would appear to be overly cumbersome, requiring a level of engagement on relatively straightforward planning matters that may not be necessary. We are certainly happy to look at that.

The Assembly will have to make a determination in relation to what level of latitude it wants to give in the space that is available between technical amendments that are allowed under the current Planning and Development Act and a full-blown territory plan variation process, which members are aware is quite a detailed process and an ongoing process in terms of reforms to the territory plan.

In my view, there is space between those two to find a mechanism to address some of those shorter term issues. But, again, I think it is important to recognise that there are many, many issues in common and there are many issues that we must tackle as a territory-wide policy solution rather than seeking to have ad hoc decision-making processes by way of motions by private members.

Mr Hanson: So ad hoc for Weston Creek but not ad hoc for Hawker?

MR SPEAKER: Mr Hanson, you are warned for interjecting. I have asked you a number of times not to interject.

Bimberi Youth Justice Centre—staff

MR COE: My question is to the Minister for Children and Young People. Minister, in the last month have any management staff at Bimberi either given notice of their resignation or been transferred out of their positions at Bimberi? If yes, what positions did they hold and when did you first become aware of the resignations or transfers?

MS BURCH: I have got no formal advice of any formal resignation of management at Bimberi.

MR SPEAKER: Mr Coe, a supplementary question?

MR COE: Minister, what changes have been made to the qualification and experience requirements or duty statements attached to senior management positions at Bimberi and have any managers been transferred out of their current positions?

MS BURCH: I am not aware of any structural changes out at Bimberi, other than I think there is someone considering relocation to the sunny climes of Queensland. As far as getting down to the detail of job descriptions at Bimberi, I will take that on notice. I am not aware of job specs there.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, do you have any informal advice about transfers of management or resignations of management out of Bimberi?

MS BURCH: I am not aware of any resignation. As I have said, I have heard that someone is considering moving to the sunny climes of Queensland. I am also aware that there is a person out there who may have had some informal conversations with his team members, but I am waiting on formal advice from him. That is a private conversation he has had; he certainly has not shared that with me, and there is no formal advice to me.

MR SPEAKER: Mrs Dunne, a supplementary question?

MRS DUNNE: Thank you, Mr Speaker. Minister, how many other non-management staff have resigned or taken extended leave from Bimberi in the last month?

MS BURCH: I will take that number on notice, but it is my understanding that in the last financial year there were five permanent staff who resigned from Bimberi, out of 59 funded positions.

Bimberi Youth Justice Centre—self-harm incidents

MR DOSZPOT: My question is to the Minister for Children and Young People. I understand there have been a number of cases of self-harm by detainees at Bimberi and that staff and youth workers who have either discovered individual incidents or been involved subsequently have not been given a proper debrief. Minister, why have staff and youth workers not been given the opportunity for a proper debriefing, especially those first on the scene?

MS BURCH: It is my understanding that staff have been afforded support and debriefing. There are a number of incidents that are currently under review or the review has been finalised and I am awaiting formal advice of that. But just recently

staff, at my instructions, have again been reminded of their rights to access the employment assistance program and other obligations that management have in support of staff there.

MR SPEAKER: A supplementary, Mr Doszpot?

MR DOSZPOT: Thank you. Minister, what standard procedures are in place for dealing with incidents of self-harm by detainees, and are those procedures followed in each and every case? If not, why not?

MS BURCH: Management has a process of how it deals with incidences, and incidences of self-harm are reviewed. There was an incident back a number of months ago. As I have said, it has had two independent reviews, so it has been looked at from two angles, and I am awaiting those final reports and I expect them certainly within the next two weeks.

MRS DUNNE: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, what counselling and ongoing support are offered to detainees who self-harm, and are those services offered in each and every case? If not, why not?

MS BURCH: I think the process at Bimberi is that they are offered to residents there. Residents are encouraged to participate in counselling and support. There is an official visitor, and there is a range of non-government organisations that regularly go to Bimberi and have connections with and give support to a number of the residents there.

MRS DUNNE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Thank you, Mr Speaker. Minister, what data is gathered as to the issues that cause detainees to self-harm? If none is gathered, why? And if data is gathered, what trends are emerging?

MS BURCH: I have already stated that each is reviewed and I am waiting for two recent reviews. I expect them within the week or so.

Waste—management

MR HARGREAVES: My question is to the Minister for the Environment, Climate Change and Water. Will the minister please advise the Assembly how the government proposes to involve the community in managing the ACT's waste over the next 15 years.

MR CORBELL: I thank Mr Hargreaves for the question. I was pleased today to launch the ACT's draft sustainable waste strategy for 2010-25 for public consultation.

The government is calling on the community to submit their views on the draft strategy, which sets new targets for resource recovery here in the territory to 80 per cent by 2015, 85 per cent by 2020 and to over 90 per cent by 2025. This would result in over 40,000 tonnes of household waste being diverted from landfill each year as well as the diversion from landfill of up to 70,000 tonnes a year of commercial waste.

This strategy focuses on four key areas in terms of achieving these outcomes. The first is less waste generated. The second is full resource recovery. The third is a cleaner Canberra. The fourth is a carbon neutral waste sector. A range of measures are identified to achieve these outcomes. They include options such as the development of a new materials recovery facility for commercial waste at the Hume resource recovery estate and the development of a mixed residual recovery facility for organic waste from households and the commercial sector. The strategy emphasises a waste management hierarchy that encourages ACT residents and businesses to reduce, reuse, recycle, recover resources such as energy and, lastly, dispose of any remaining waste safely into landfill.

The consultation period, to the end of February, will not only allow interested residents, businesses and community groups the opportunity to contribute views on the draft strategy but also provide the opportunity to learn about the complexities of dealing with waste in the territory.

The strategy also identifies options to use energy from waste technologies to produce energy from some organic waste, such as wood and contaminated paper, cardboard or food, where it cannot be recycled.

The government will be consulting with the public and will run a series of community forums and workshops in Canberra in early February next year to seek community views. Of course, it is very disappointing—

Members interjecting—

MR SPEAKER: Order! That is enough.

Mr Smyth interjecting—

MR SPEAKER: Mr Smyth, you are now warned.

MR CORBELL: This is a very important draft strategy for the Canberra community to have their say on. How we deal with waste in our community moving forward is a very important piece of public policy for our city. Waste is a significant challenge for our city. Whilst we have the highest levels of resource recovery in the country, this new strategy is designed to ensure that we achieve still greater levels of resource recovery, maintain our leadership position across the nation and do so through the delivery of a range of technologies and a range of services to capture more waste, to reuse it and to further reduce waste going to landfill.

It is very important that Canberrans have their say on this new policy. The government has, in conjunction with the release of the draft strategy, released a series of technical consultancies that underpin our thinking in relation to the draft strategy

outcomes. They identify how energy from waste technologies could potentially be utilised and they identify the relative cost-benefit analysis of a third bin versus a processing facility to recover waste through what is known as a dirty materials recovery facility. These are all now questions that Canberrans need to have their say on. They need to give us their feedback on how we are going to achieve the significant reductions that we believe are possible in reducing the amount of waste that goes to landfill. Canberrans are interested in this policy. I encourage them to have their say.

MR SPEAKER: Mr Hargreaves, a supplementary question?

MR HARGREAVES: Thank you, Mr Speaker. Would the minister advise the Assembly what are the key goals outlined in the draft waste strategy?

MR CORBELL: I thank Mr Hargreaves for the question. At the moment around 200,000 tonnes of waste per annum are still going to landfill and we need to reduce that. Around 30 per cent of that waste, or about 60,000 tonnes, comes from Canberra's households, and that is after the recycling effort that Canberrans have demonstrated such a great level of commitment to. A lot of that household waste is organic waste; it is food waste, it is the so-called wet wastes that come out of households. There are real opportunities to capture and re-use that waste, and the draft strategy outlines a range of ways in which that can occur.

There is also a very significant amount of waste that comes from the commercial sector; indeed, it is the largest part of that 200,000 tonnes that currently goes to landfill, or about 98,000 tonnes of rubbish from the commercial sector. Again, about one-third of this waste is materials that can be recycled, such as plastics, metals and glass, and another 15 per cent of that waste stream is, again, organic waste.

For these reasons the draft strategy focuses on capturing those wastes from the commercial waste sector and also capturing the organic wastes from households. If we are able to achieve that, the reduction in the amount of waste going to landfill would be about half of the current amount of waste going to landfill. That is a very significant improvement and that is why it is so important that Canberrans have their say on this new strategy.

What is also important is to highlight that for that smaller percentage of waste that cannot be recovered or reused there are opportunities to utilise that waste for energy generation, to utilise that waste for synthetic fuel generation, and these are opportunities that are also explored in the new waste strategy.

MR COE: A supplementary?

MR SPEAKER: Yes, Mr Coe.

MR COE: What base year will the 85 and 90 per cent targets be worked off? And given that waste per capita in the ACT is currently increasing, does this mean that the current waste policy is a monumental failure?

MR CORBELL: The current waste policy has actually delivered real results because, when it was commenced, of course, our resource recovery rate was only at the low 40 per cent mark. It is now at close to 75 per cent. So anyone who suggests that waste policy has not achieved results fails to have regard to the fact that the ACT has the best level of resource recovery of any state or territory in the country.

This government want to build on that further. That is why we have identified these new targets. The percentage increases are based, of course, on the extent to which we have utilised waste to date and how we have recovered waste to date. So we are talking about the total percentages achieved, based on the current level of waste going to landfill. So that is the basis on which we are operating, from this point moving forward.

Mr Coe: On a point of order—

MR SPEAKER: Stop the clocks. Mr Coe, on a point of order.

Mr Coe: It is an issue of direct relevance. I asked what was the base year. It should be quite easy to answer.

MR SPEAKER: There is no point of order.

Mrs Dunne: I think the base year should be 19-something or 2000-something.

MR SPEAKER: Order, Mrs Dunne! There is no point of order, Mr Coe, because you actually asked two questions and you left it open to the minister to spend as much time on each of them as he chose.

MR CORBELL: The base year is based on the current levels of waste going to landfill. So the current amount of waste going to landfill in the current period is the period that is being used as the base year for the further reduction.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Would the minister tell the Assembly about the range of options that the draft strategy discusses that will maintain the ACT's lead in waste management?

MR CORBELL: Indeed, the waste strategy is not just about recovering waste, although that is obviously a vital part of the strategy. I refer to Mr Coe's supplementary question earlier about waste generation. There is no doubt that waste generation in the territory is a significant challenge for us. That reflects the relative affluence of the community and the relatively high levels of consumption that occur in our community.

The draft strategy outlines a range of measures to better educate Canberrans about their levels of consumption and how they can reduce the generation of waste in their households in their day-to-day lives. That is a very important part of the strategy. It is a fact that the more affluent a community becomes, often the more waste that is

generated because of the high levels of consumption associated with relatively high levels of disposable income.

The range of strategies that have been identified involve some of the technologies I was referring to earlier: new materials recovery facilities for both waste from the commercial sector and wet wastes or organic wastes. Energy-to-waste technologies are certainly a possibility as well, and that is both anaerobic digestion technologies and pyrolysis technologies. The development, for example, of by-products such as bio-chaff are identified in the strategy. There is significant potential, we believe, to explore conversion of certain waste streams to bio-chaff for sale as an agricultural product to improve the productivity of agricultural soils.

Another option is the development of synthetic fuels that can be used and sold into the market as a replacement for fossil fuels for certain types of production processes, such as fuels for cement processing and so on. There are real opportunities identified in the strategy. I would like to commend the work of my department in putting this together, and I hope that all Canberrans have their say.

Alexander Maconochie Centre—capacity

MR HANSON: My question is to the minister for corrections. Minister, yesterday in question time you stood by your statement from the 2007 estimates hearings that, and I quote:

> The projected planning for the prison in terms of population gives us real capacity to accommodate growth into the future and certainly gives us a facility in terms of its current bedding configuration, as currently being constructed—not its potential but its current bedding configuration—to meet our needs over the next 25 years or so.

Minister, if this statement is true—as you claimed it was yesterday—why is it that you also admitted yesterday that the AMC is being retrofitted with bunk beds because of impending capacity constraints?

Ms Gallagher: They still don't get it.

MR CORBELL: They still don't get it, Mr Speaker. I refer the member to my previous answer yesterday in relation to that matter. I would also draw to the member's attention the fact that, of course, if we had Mr Hanson running the prison here in the ACT it would be full now because he would have imported hundreds of New South Wales prisoners. Indeed, I draw to Mr Hanson's attention the media statement that he issued on 25 May last year in which he said—

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

MR CORBELL: "I find it remarkable that seven months since the opening of the prison—

MR SPEAKER: Order! Minister Corbell, sit down, thank you. On a point of order, Mr Smyth.

Mr Smyth: Mr Speaker, under standing order 118(b), the minister—

Mr Stanhope: You're trying to cover up here, are you, Brendan? This is a cover-up.

MR SPEAKER: Mr Stanhope!

Mr Smyth: is not allowed to debate the subject. The question was: why are you retrofitting the AMC with bunks? You should—

Mr Hargreaves: On the point of order, Mr Speaker, the substance of the question was around the capacity and it was about statements being made in and around the committee hearings. That has widened the discussion around the capacity and statements have been made in this place around that particular subject.

MR SPEAKER: On the point of order, minister, I do not think it is necessary to go through press releases from previous occasions. I think if you can stick to the substance of the question that would be helpful.

MR CORBELL: Mr Speaker, the government, of course, ruled out utilising spare capacity at the AMC with New South Wales prisoners. This was in great contrast to the position put by the Liberal Party at the time.

Mr Smyth: On a point of order, Mr Speaker. He cannot ignore your direction and go back to that which I raised the point about. He cannot ignore you. If he does, you have no authority. You must ask him to come to the substance of the question.

MR SPEAKER: There is no point of order on this occasion. I did invite the minister to steer away from the press release—

Mr Smyth: And he ignored you.

MR SPEAKER: No. Mr Smyth!

Mr Hanson: He's holding it in his hand.

MR SPEAKER: Mr Hanson, you are on a warning already. Minister, let us just stick to answering the question, thank you.

MR CORBELL: Indeed, Mr Speaker, and I am endeavouring to do so because these are questions about capacity and decisions around how we manage capacity at the AMC. The government believes that it would be inappropriate to house anyone other than ACT prisoners and prisoners accepted as part of interstate transfers.

Mr Hanson: Mr Speaker, on a point of order, can you stop the clocks, please?

MR SPEAKER: Order! Sit down, minister.

Mr Hanson: The question was not about whether or not we are housing New South Wales prisoners. On a point of relevance, the question was directly about why, in one instance, he said that this prison had capacity under its current bed arrangements for

25 years and in the very next breath said that he was retrofitting a prison right now because it had capacity constraints. That is a question that he needs to address—not whether we should bring in prisoners from New South Wales.

MR SPEAKER: Thank you. The point of order is upheld, minister. We are not having a debate about general capacity policy. There is a specific—

Mr Hanson: When we thought it had capacity for 300.

MR CORBELL: Mr Speaker, of course it should be highlighted in this debate about the capacity of the AMC, when it comes to the existing bedding configuration, that the opposition are on the record as demanding that over 100 beds be utilised for New South Wales prisoners.

MR SPEAKER: Minister, sit down, thank you. Mr Hanson, a supplementary question?

MR HANSON: Thank you, Mr Speaker. Minister, were you misleading the estimates committee in 2007 when you claimed that this prison had capacity for 25 years under current bedding arrangements or were you misleading the Assembly yesterday?

MR CORBELL: Again, neither, Mr Speaker. I refer the member to my previous answers on this matter. There is a difference between the number of beds physically present in the facility and the number of beds that can be utilised at any particular point in time due to a range of operational reasons. It is as simple as that, Mr Speaker, and Mr Hanson clearly fails to understand that in the same way that he thought he could shunt 100 prisoners into AMC from New South Wales last year and in the same way, of course, that Mr Seselja criticised the government for having so much spare capacity which, indeed, he did criticise the government about again back in 2009.

So we have got the Liberal Party criticising the government for how it manages the facility but at the same time we have a Liberal Party that says there were too many beds in the prison and that it should be filled up with New South Wales inmates. Imagine the sort of result we would have if they had been running the facility, Mr Speaker. They have no credibility on this issue. They wanted to inject hundreds of New South Wales prisoners in. At the same time, they criticise the government for having too much spare capacity. Now they have the gall to criticise the government for managing the capacity in an appropriate and responsible way.

MR HARGREAVES: A supplementary, Mr Speaker?

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, are you aware of any other suggestions or proposals around the capacity of the AMC with respect to the next few years perhaps?

MR CORBELL: Indeed I am, and I thank Mr Hargreaves for the question. Mr Hargreaves's question allows me to outline in a bit more detail some alternative proposals that were put forward by Mr Hanson. Mr Hanson, of course, said, on 25 May 2009:

> Government should consider New South Wales prisoners at AMC.

Mr Hanson went on to say:

> There will be over 100 spare beds at the jail once all of the ACT's prisoners are returned from NSW.

Mr Hanson seemed to assume that once all the New South Wales prisoners were returned to the ACT we would not have any more prisoners—that somehow there would be no further crime in the ACT, that there would be no-one else sentenced to custodial sentences in the ACT and that there were going to be 100 beds. This was the sort of simplistic and completely misjudged policy that we see from the Liberal Party—Mr Hanson assuming that once we had all the prisoners back from places like Goulburn and Junee there would not be any more prisoners sentenced to jail in the ACT. Well, you were wrong, Mr Hanson. You were wrong then and you are wrong now.

Of course, Mr Seselja did not help matters back on 27 January this year when he also called for additional prisoners to be housed at the AMC and said that we should seek funding and support from New South Wales to have their prisoners transferred here to the ACT. So as late as this year, 27 January this year, Mr Hanson is on the record saying that we should pick up the phone and speak to New South Wales and invite New South Wales to send their prisoners here.

Mr Hanson: I believed you had a capacity of 300, Simon—silly me.

MR CORBELL: Again, Mr Hanson, if you had been the minister—

MR SPEAKER: Minister, your time has expired.

MR CORBELL: you would have no room—

MR SPEAKER: Minister, your time has expired.

MR CORBELL: for more ACT prisoners.

MR SPEAKER: Mr Corbell, sit down. Mr Seselja, a supplementary?

MR SESELJA: Minister, will you provide the Assembly with updated projections of prisoner numbers in the ACT for the next 20 years?

MR CORBELL: I will take the question on notice.

Planning—master plans

MS BRESNAN: My question is to the Minister for Land and Property Services and concerns the government's master planning processes and progress in determining community priorities. Minister, noting the motion passed in the Assembly on

25 August this year, when the decision was made last week to create a master plan for Hawker, did you consult with ACTPLA about whether it was a government priority?

MR STANHOPE: I thank Ms Bresnan for the question. Indeed, I think members in this place are very aware of the long history of consultation that there has been in relation to the Hawker shopping centre, consultation which has now extended for well over one year. It has been an extensive process. The government is aware of the range of views that have been expressed most particularly by retailers as well as residents. There is a friends of Hawker shops group, whom I met most recently. We have been engaged in consultation in public meetings and we are taking account of the strong views that have been expressed by a significant group of residents from the general geographic area. I met with them seeking a way forward that would hopefully allow us to arrive at an outcome in relation to proposals that had in their genesis the—

Ms Le Couteur: On a point of order, Mr Speaker, Ms Bresnan's question was quite precise: it asked if he had consulted with ACTPLA, not all these other organisations.

MR SPEAKER: Chief Minister, if you could come to the question.

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

MR SPEAKER: Ms Bresnan, a supplementary?

Mr Hanson: How silly are you lot!

MR SPEAKER: Mr Hanson, order!

Mr Seselja: You are treating your coalition partners with contempt.

MR SPEAKER: Mr Seselja you are now on a warning as well for interjecting. Ms Bresnan, you have a question?

MS BRESNAN: Minister, will the Kambah Village and Hawker planning processes cost the $200,000 that other master planning processes cost?

MR STANHOPE: I will take the question on notice.

MR HANSON: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Chief Minister, why is it ad hoc for Weston or queue jumping for Weston when a master plan is sought but not for Hawker?

MR STANHOPE: As I was explaining in relation to the context that I was providing to an earlier question, the government has been engaged at a number of levels for an extensive period of time with a community in relation to an upgrade of the Hawker shops. There is significant context. The negotiations, the discussions, the consultation, the engagement at Hawker have continued for probably somewhere in the order of 18 months.

There is nothing ad hoc about a process that to date has been pursued for about 18 months where there have been a significant number of community meetings, there has been a wide-scale and broad letterbox drop, there have been individual conversations and consultation with every one of the retailers and the tenants and those that actually use the Hawker shops on a daily basis. There has been extensive consultation, extensive engagement, public meetings, widespread communication of information, plans discussed in detail. After 18 months or thereabouts, having regard to the extensive consultation, the next step that has been taken is, I believe, reasonable and appropriate.

There is absolutely nothing ad hoc about moving forward a process that has been in place for somewhere in the order of 18 months, having regard to the views that have been gathered from all of the stakeholders and all of those engaged. We are in a consultative process and we are responding positively to the views that are being expressed.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Chief Minister, wouldn't it have been less ad hoc if you had not put up the for sale sign without consulting with the community, would it have been less ad hoc if you had gone to a master plan before you put up the for sale sign, and would you not have saved the ACT taxpayer a considerable amount of money?

MR STANHOPE: There is a whole range of hypothetical suggestions or suppositions there. Really, it is impossible for me to respond to them.

Tourism—events and festivals

MR SMYTH: My question is to the Minister for Sport, Tourism and Recreation. Minister, on 20 October 2010 the Assembly agreed to a motion that asked you to provide to the Assembly by February 2011 certain information and plans in relation to the tourism industry. Minister, what directions have you given to your department to prepare the information and plans that have been requested by the Assembly's motion?

MR BARR: Of course this work is whole-of-government, so it is being coordinated by the Chief Minister's Department, where Australian Capital Tourism sits. A number of elements of that work relate to the Land Development Agency and land release. So that is appropriately also within the purview of Land and Property Services. But I can advise the member that work is underway and we will report to the Assembly in the new year.

MR SPEAKER: Mr Smyth, a supplementary?

MR SMYTH: Thank you, Mr Speaker. Minister, what consultations have you or the various departments had with relevant organisations about plans for new attractions in the ACT?

MR BARR: A number of consultations. I take the opportunity as tourism minister to meet regularly with various stakeholders. In fact, I was at the Canberra Business Council's business, arts and tourism task force only yesterday morning.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, have you received unqualified support from those opposite in your attempts to bring significant tourism events to the ACT?

MR BARR: No.

MR SPEAKER: Mr Doszpot, a supplementary question?

MR DOSZPOT: Minister, what consultation have you had with relevant organisations about plans for the accommodation industry in the ACT?

MR BARR: I met only in the last seven days with the Canberra Business Council's business, arts and tourism task force and also with representatives of the National Capital Educational Tourism Project, most specifically in relation to the land release for low-cost accommodation for student groups. I think the auction for that land is next Wednesday. I continue to meet with relevant stakeholders across the tourism industry, and I look forward to continuing that engagement into the future.

Housing—affordability

MS PORTER: Mr Speaker, my question, through you, is to the Chief Minister. Chief Minister, CHC Affordable Housing has been a key player in delivering a number of government affordable housing initiatives. Can you detail the activities of CHC since its expansion in 2007?

MR STANHOPE: Thank you, Ms Porter, for the question. As members are aware, the ACT government released an affordable housing action plan in 2007.

Opposition members interjecting—

MR STANHOPE: Just to refresh my memory, Mr Speaker, has anybody been warned today, by any chance?

MR SPEAKER: Thank you, Chief Minister.

MR STANHOPE: As part of the plan, CHC Affordable Housing was required to deliver 500 dwellings for affordable sale and 500 for affordable rental over 10 years. The government elected to support CHC in this target by entering into a five-year, $50 million finance agreement and a transfer of assets to the value of $40 million. The affordable housing action plan provided a framework for CHC to increase the supply of affordable housing for sale and rent to those on low and moderate income levels and established a clear set of expectations in relation to the company's performance.

Under a 30-year loan agreement commencing in 2008, a $50 million loan facility was made to CHC, with repayment of principal required by 2018. To date, CHC has drawn down $43 million, with the remaining $7 million to be drawn down in 2010-11 and has paid $2.3 million in interest. As at 30 June 2010, CHC had delivered 101 dwellings for affordable sale and 110 for affordable rental since the loan commenced. In terms of rebates, CHC has provided approximately $4 million in rental subsidies to eligible tenants since 2007.

Consistent with its mission and its not-for-profit status, CHC provides rental housing on a concessional basis to eligible tenants. The company's tenancy composition consists of a number of models: public rebated rent; affordable housing, 74.9 per cent of market rent; and national rental affordability scheme, 74.9 per cent of market rent. The public rebated rent model is available only to tenants who had tenure at the time the ACT government transferred stock to CHC. The affordable housing model is capped at 74.9 per cent of the market rent of the property. The majority of CHC's new dwellings receive subsidies under the national rental affordability scheme.

The legislation was introduced in 2008, as members would be aware, by the commonwealth government. To support CHC's charitable status, CHC has adopted a consistent rental policy of charging 74.9 per cent of the market rent.

All new housing vacancies are offered at affordable housing rates or under commonwealth NRAS arrangements. The total rent subsidy provided by CHC to its eligible tenants in 2009-10 was $1.39 million, compared to $1.3 million in 2008-09. In this regard, the rent subsidy is comprised of $1.29 million for public rebated tenants and $100,000 for affordable housing tenants. The company has a varied housing stock portfolio, comprising detached houses, dual occupancy, group houses and apartments. Given the diversity of the portfolio, the stock count, based on property title, does not necessarily reflect the tenantable areas. As at 30 June 2010, CHC had a total of 229 tenantable areas.

MS PORTER: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Porter.

MS PORTER: Thank you. Chief Minister, what recent initiatives has CHC Affordable Housing undertaken?

MR STANHOPE: I must say CHC has a most commendable record of achievement since its establishment and I do acknowledge again the role of Ross Barrett, the chair, in its amazing record of achievement and the level of activity that it is currently delivering.

In December 2009 CHC completed development of a 19-unit development in Gozzard Street, Gungahlin. The development consists of 19 individual title residential units distributed within a single three-storey building. The accommodation composition consists of 11 one-bedroom and six two-bedroom units, with two three-bedroom top floor units. In January 2010 CHC completed its development in Holt, comprising 24

individual titled residential units distributed within two two-storey buildings. The accommodation consists of 16 one-bedroom and eight two-bedroom units.

In May CHC opened its "Grace" development at Forde. Located close to schools and shops, the development consists of 10 one-bedroom and 10 two-bedroom units distributed within a three-storey building. The development is very innovative and has very significant sustainability.

In November 2010 CHC opened its "Edge" development—and I was very pleased to be associated with that, just in the last week—in Franklin. This $27.4 million development consists of 104 units comprising a mix of single-storey, one and two-bedroom units and double-storey three-bedroom units. The development averages an energy rating of six stars across the 104 units. The purchase price on release started at $279,000 for one bedroom, up to the low $400,000s for three-bedroom, two-storey terraces. Sixty per cent, 62 of the 104 units, were sold below the affordable housing threshold. All units have been sold, including 41 to first home buyers.

MR COE: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Coe.

MR COE: Chief Minister, what impact has the centralised social housing waiting list, whether it be direct or indirect, had on the CHC?

MR STANHOPE: I am not sure that it is reasonable to suggest that it has had any effect on the CHC at this stage, though it is efficient and would have an effect in relation to efficiencies that have been achieved across the board and efficiencies that can be achieved by all of those agencies and all of those organisations within the ACT that are involved in providing public, community or social housing, however described. It certainly has contributed to far more efficient management of housing needs and housing tenants, most particularly prospective housing tenants, across the board in the ACT.

I might just add, and I thank Mr Coe for giving me the opportunity, that CHC's capacity, exhibited through the level of development, access to NRAS, the capacity for a single management capacity and the access to, I have to say, an innovative, new approach to affordability delivered most particularly here in the ACT, and only in the ACT, through land rent, have also played a significant part in enhancing the capacity of CHC to work with the government and the community to provide affordable and accessible housing for those Canberrans that do struggle to actually meet some of the costs and pressures of homeownership or indeed of housing.

It is interesting, and I am sure members would be interested to know, that CHC has been able to utilise the land rent scheme most effectively and efficiently. I think it now has somewhere in the order of 77 land rent scheme blocks that it is currently delivering or proposes to deliver housing on shortly. Land rent, combined with the NRAS scheme and CHC's mission, has been particularly useful or successful in—

MS BRESNAN: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Thank you, Mr Speaker. Chief Minister, are CHC properties affordable for people on low incomes or for one or more people on median incomes?

MR STANHOPE: I think members are aware of the hierarchy that applies in the ACT in relation to housing. For those Canberrans on low incomes that have difficulty accessing housing as a result of other pressures that they are experiencing and the cost of the private market, of course, they have access to the largest public housing infrastructure suite in the whole of Australia. The ACT—at around nine per cent, with 11½ thousand units in public housing—does twice as much as any other government in Australia in seeking to meet the needs of those within the last quintile in expenditure or income in Australia.

It should always be remembered in any discussion around issues of affordability and social housing in the ACT that we, at around nine per cent, with the stock of ACT public housing, are the largest providers of public housing in Australia by far. I understand that in Victoria, for instance, 3½ per cent of housing in Victoria is public housing. I understand in New South Wales that the figure is somewhere in the order of four per cent. In the ACT it is around nine per cent, at 11½ thousand.

So any discussion around the availability or the provision of affordable housing within the ACT has to take account of the enormous effort that this jurisdiction, under successive governments, has put into the provision of public housing. We accept that, over and above those that do not meet the threshold—and this goes to Ms Bresnan's question—that there is another large quintile of Canberrans, a significant quintile, that still are in significant housing stress. That is why we are pushing so aggressively all of the actions under the national housing action plan.

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

Supplementary answer to question without notice
Alexander Maconochie Centre—capacity

MR CORBELL: I wish to follow up on some questions asked by Ms Bresnan and taken on notice yesterday. Ms Bresnan asked me what proportion of prisoners are eventually given a non-custodial sentence and what impact this has on capacity. The answer to that question is, as recorded in the latest ABS criminal courts in Australia statistics, that 65.8 per cent of defendants coming before the court in the ACT are found guilty. Of these defendants, 85.5 per cent received non-custodial sentences. Data on the number of defendants who are remanded in custody prior to finalisation of their cases is not immediately available.

In relation to what is the breakdown of prisoner demographics, which was the other question asked of me by Ms Bresnan yesterday, I can advise the member that as of 7 December this year there were 85 remand prisoners, 77 males and eight females, and 134 sentenced prisoners, 129 males and five females. The total number of prisoners at the AMC is 219, with 206 males and 13 females.

Papers

MS LE COUTEUR (Molonglo), by leave: I present the following papers:

Animal Welfare Legislation Amendment Bill 2010—

Exposure draft.

Explanatory statement.

I seek leave to make a statement.

Leave granted.

MS LE COUTEUR: At the beginning of 2010 I spoke in the Assembly about a variety of animal welfare issues. I spoke about problems with pet stores and the commercialisation of animals, impulse buying, unscrupulous breeding, puppy farms, desexing, abandonment and euthanasia, and the advertising of animals. I concluded by saying that the Greens were looking into legislation that would address these problems.

Now, at the end of this year, I am very pleased to be able to table the exposure draft of that legislation, which I hope will go towards making a significant improvement to these problems. I am also tabling explanatory and discussion material to accompany the bill.

In developing this work, I and my office have consulted widely with groups and individuals, but we look forward to further comments from the community and from groups and individuals who are interested in this issue. The consultation period is until 22 February so I look forward to being in a position to bring this legislation forward in the first half of 2011.

The ACT has an ongoing program with overbreeding and abandonment of companion animals which results in the suffering and euthanasing of animals as well as burdening the resources of animal welfare organisations and the government.

Thousands of companion animals are abandoned each year in the ACT. During the 2009-10 financial year the ACT RSPCA alone was presented with 1,670 dogs or puppies and 2,748 cats or kittens. This means on average the RSPCA is presented with over 12 cats or dogs every day of the year. In addition, during the same year the ACT Domestic Animal Services processed 2,050 stray or abandoned dogs. The above figures do not include animals that are rescued and rehomed by other volunteers and volunteer groups in the ACT.

Of course, it is not always possible to rehome every animal accepted by animal shelters, although the rate of rehoming in the ACT is currently very good compared to other Australian jurisdictions. Every year, unfortunately, hundreds of animals have to be euthanased. In 2009-10, for example, the RSPCA had to euthanase 1,183 cats and 98 dogs.

Many animals are abandoned because they were bought on impulse, often as cute puppies or kittens in pet store windows, without the purchaser fully thinking through

or understanding the animal's needs or costs. In cases where puppies or kittens are not sold quickly enough, pet stores tend to use discounting or other marketing measures in order to ensure sales, which is a practice that is likely to encourage impulse buying.

Animal welfare laws are not adequate to protect cats and dogs and other pets from being treated as commodities, as happens in pet stores. Pet stores are part of a profit-making industry focused on creating a demand for animals and benefiting from the impulse buying of young animals.

One area of particular concern is that there is nothing to prevent pet shops from acquiring their stocks from intensive puppy-breeding facilities. These are usually called puppy farms but in fact they are areas where dogs are bred in horrible conditions solely for the purpose of sale and with little or no consideration given to their welfare. They are basically factory farms for dogs. It is yet another sad situation where animals' welfare is compromised for profit.

Pet stores have also been exposed for keeping and selling animals in poor conditions. An undercover RSPCA investigation into a pet store in Sydney this year documented frequent breaches of animal welfare codes of practice in a range of areas including welfare, selling, sourcing—that is, where the animals were bred—hygiene, neglect and nutrition. Some of the footage from this investigation was aired on a television news program recently.

The exposure draft of the bill which I table proposes a number of initiatives to deal with these problems and I will outline them briefly. I encourage all members to look at the exposure draft and the accompanying material.

Firstly, the bill proposes introducing mandatory licences for cat and dog breeders to ensure that they meet proper standards of animal welfare and to stamp out unethical breeding operations. This will be accompanied by mandatory conditions which breeders must meet that will maximise animal welfare. It also proposes a code of ethical breeding with which breeders must comply.

Secondly, the bill proposes banning the sale of cats and dogs from stores and markets, with limited exceptions for animals being sold on behalf of animal welfare organisations and shelters. As I have said, there is no reason why someone needs to buy a cat or a dog from a store or market when there are numerous welfare issues which result from the continuing commercialisation of animals through stores, and where there is, fortunately or unfortunately, an ongoing and continuing supply of cats and dogs from the RSPCA and other similar organisations.

The bill also introduces additional requirements on the selling of animals, including the mandatory provision of care information to all buyers, the banning of the display of animals in store windows and restricting the sale of animals to children. The bill restricts the advertising of animals for sale except by approved sellers. There are exceptions, however, for people who are rescuing and rehoming animals or are simply trying to sell their home pets because they are, for example, moving home.

Due to the requirement to gain approval from the registrar to advertise multiple sales of cats and dogs, this regime is expected to prevent unregulated backyard breeders from advertising animals for sale. The registrar will be able to monitor advertising by

people who are not registered breeders or sellers and it can identify and investigate suspicious sellers.

Importantly, the bill also proposes a new system of traceability by the existing cat and dog microchips. This will allow all cats and dogs to be traced back to their original breeders. It will allow, for example, investigators to target a breeder's premises because they will be able to find out who the breeder is if a large number of animals with the same problems, diseases or genetic defects, for example, come from the same breeder.

In the case of cats or dogs acquired from someone other than an authorised seller—for example, a breeder in another jurisdiction—the owner must record the details of that breeder in the microchip. They will be required to record the breeder's name and home or business address, the breeder's ABN, if any, and any details of the breeder's licence or permit that is registered with another jurisdiction. This requirement is intended to allow record keeping of animals from out of state and will also facilitate cross-jurisdictional reporting. It is likely to discourage bad breeders from other jurisdictions selling to the ACT.

The draft bill changes the existing desexing laws so that all dogs and cats must first be desexed before they may be sold. Undesexed animals are one of the key problems causing overbreeding and abandonment of cats and dogs. This proposal is expected to dramatically reduce the number of undesexed animals and significantly alleviate overbreeding and abandonment problems in the ACT.

The draft bill proposes to increase the available monetary penalties for animal cruelty offences to move the ACT from being the jurisdiction with the lowest available fines to having average fines for an Australian jurisdiction. The Greens believe that the community feels very strongly about animal cruelty offences and that laws routinely undervalue animals. The proposed increases in fines are intended to bring the law more into line with community sentiment and to offer stronger deterrents and options for penalty payments.

Lastly, the bill proposes to outlaw sow stalls and farrowing crates so that only free-range pig farming may occur in the ACT. This will ensure that the ACT allows only humane farming of pigs, if that exists. There are, of course, currently no intensive pig farms in the ACT so the changes will not impact on existing farms but will ensure that intensive pig farming does not start in the ACT in the future. It is also going to contribute towards a national push to end factory farming of animals.

In June 2010 Tasmania became the first jurisdiction in Australia to announce a ban on sow stalls. The Tasmanian government has agreed to implement a phase out of sow stalls with a total ban by 2017. Under my bill, a ban on intensive pig farming would begin straightaway. We would then be the leading jurisdiction and this would make a significant contribution towards a national ban on these methods of farming.

In summary, this bill will improve the welfare of companion animals, in particular by addressing problems of overbreeding and animal abandonment. It will help prevent animal cruelty and ensure that animal cruelty laws recognise the significance of animals as sentient creatures. It will also help to protect farm animals from the most inhumane intensive farming practices.

In my speech at the beginning of the year I also said that I looked forward to working with members of the government and the opposition on these issues and I repeat that invitation. With the tabling of this exposure draft I hope that members of the Assembly will look at the issues and become engaged and that we can pass a bill in the first half of next year that will have the approval of all parties.

Canberra Hospital—obstetrics unit

Debate resumed.

MRS DUNNE (Ginninderra) (3:16): I welcome reluctantly and I suppose with a little disappointment the fact that we have to revisit this issue today, but I congratulate Mr Hanson for his persistence and fortitude on behalf of those members of staff at the Canberra Hospital obstetrics unit who have been the victims of varying degrees of bullying. It is worth noting that Mr Hanson has been the standard bearer for a fair go for these people. It is unfortunate that we are having to debate this issue again today, because we have ended up in what is essentially a Stanhope government cover-up of the issue, which is being aided and abetted by the Greens as manifested by Ms Bresnan's amendment to Mr Hanson's motion, which we will not be supporting.

We need to put this in context. We in the ACT, by the minister's own admission, have had a war in obstetrics for more than 10 years. It has been spoken of as creating a toxic culture at TCH in the women's and children's health area. People have spoken of being victimised and ruined by this toxic culture. It is interesting that, reflecting on some of the things that we touched on this morning in the debate about the Bimberi Youth Justice Centre, the same words of toxic culture could have been used in that debate as well and possibly will be used later in the day in that debate.

It is really puzzling—I listened to the minister try to defend the indefensible on radio earlier this week when she spoke about how the Public Interest Disclosure Act works and how her hands were tied. She was pretty much defending the indefensible. Her performance was very poor indeed, and the slap that she received from the listening community by way of call-ins and text messages show just how unconvincing and how poor her performance was.

It raises the question: what has the minister got to hide when it comes to the toxic culture that has been created by, in her own words, a 10-year war in obstetrics? Is there something the minister is trying to hide? Are there some relationships that the minister thinks are too close for comfort? If the minister is not trying to hide something, she is actually helping, aiding and abetting—as are the Greens by moving this amendment today—in victimising every manager at the Canberra Hospital. Everyone is being tarred with the same brush.

Because the government cannot or will not put out there what the recommendations are and what the measures that need to be taken are, we cannot clear the air. The community and this Assembly should be able to monitor what is happening, and, if it is working, we should congratulate people for achieving results. But because none of this is open, everyone is under a cloud. That is unfair to the vast majority of people

who are innocent of bullying and innocent of contributing to the toxic culture in health and obstetrics.

Ms Porter: You do want to know who it is, then. You do want to know.

Ms Gallagher: You do want the individuals.

MRS DUNNE: I do not particularly want to know. The community needs to be satisfied about what actions are being taken and whether those actions are being carried through. What are the recommendations that have been made by this PIR? The Assembly cannot know; the community cannot know. So the Assembly and the community cannot monitor and follow it up. The minister sits there saying, "I've got nothing to hide." Well, her actions say something else. She can say, "I've got nothing to hide," but her very actions say something else.

Mr Seselja: She's going to great lengths to hide it.

Ms Gallagher: You prove that. You prove that I know. Go on.

Mr Seselja: Sorry, prove what?

Ms Gallagher: Prove that I have hidden it.

Mr Seselja: You have. You have hidden it.

Ms Gallagher: What you're saying is that I've hidden it.

Mr Seselja: You set up the inquiry.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Members! Mrs Dunne has the floor. Please stop this cross-talk.

MRS DUNNE: The minister, by her very actions in setting up this inquiry in this way—

Mr Seselja: You're going to now prove that they are not guilty, because you have hidden it. That's the problem. We don't know which of them—

Ms Gallagher: So you'd break the law, Zed?

Mr Seselja: Sorry?

Ms Gallagher: You'd break the law?

MADAM ASSISTANT SPEAKER: Members!

Ms Gallagher: That's your answer.

MADAM ASSISTANT SPEAKER: Mr Seselja, Ms Gallagher, please stop this cross-talk. Mrs Dunne, you do have the floor.

MRS DUNNE: I think I do; I am the one standing. The whole issue here is that the minister set this up. "This is the inquiry we have to have; this is the only way we can do it." She also made commitments that she would actually release as much information as possible. That suddenly becomes a big, fat zero. What we actually have is a cover-up. This is a cover-up, and you have to ask the question: what is the minister and her officials covering up? Who are they protecting? In the process of who they are protecting, who are they damaging? I would contend that they are damaging all the people who have complained in this regard and all the people who should be exonerated in this inquiry.

By the mere fact that nothing is being revealed, we besmirch everybody. This minister has presided over a monumental cover-up. She has been ineffectual. She admitted she had been ineffectual in dealing with the 10-year war in obstetrics, and she has continued to be ineffectual. It culminates today in this cover-up, aided and abetted by the Greens. The people of the ACT need to know that obstetric health in the ACT is not in safe hands, because this minister has washed her hands of it.

MR SESELJA (Molonglo—Leader of the Opposition) (3.23): I concur with the sentiments just expressed by Mrs Dunne. What has been created by the minister in seeking to cover up this process and issue is to call into question a whole class of people and their actions. If this minister has her way and she successfully continues in the cover-up of these allegations and the findings of this inquiry, we will never know who is actually to blame and who engaged in inappropriate behaviour. We will never have satisfaction for those who have made very serious claims and allegations. What the minister has now done is to say, "Well, we're going to put in place a process whereby we can never actually find out what went wrong. We can never actually know." Apparently the minister can never actually know—

Mr Hanson: Very convenient.

MR SESELJA: Convenient, yes. The minister can never actually know what went wrong. How does the minister actually fix the problems if she does not want to know what they are? I have not heard the minister answer that question. How will she fix the problems given that she has said, "Don't tell me. Don't tell me what's wrong. I don't want to know"? She set up a process whereby apparently she does not even know, where the community does not know, where the Assembly does not know, where those who complained do not even know.

Where do we go when we have got a situation where the minister does not even know what the problems are, where the minister cannot even get the details? We are left nowhere. We are left with no satisfaction. We are left where we started. Where we started, of course, was with mass resignations and with serious claims being made. From day one, this minister tried to suppress them. She claimed there was no problem. "Nothing to see here." We have heard it so many times in the media and the Assembly, "No, there are no problems." Then she admitted that there had been a 10-year war going on in obstetrics. She went from saying there were no problems, that it was just mud-slinging and doctor politics, to a position where she acknowledged that there was a 10-year war in obstetrics.

We know nine doctors left the unit. This is just not the opposition; there are voices in the community, voices representing the doctors. Let us just look at what the Health Services Union said. This is from an ABC online article entitled, appropriately, "Gallagher 'covering up' maternity unit report":

> The Health Services Union says there is a broader problem with the way bullying claims are handled.
>
> "It just seems to be endemic and also the process is so lacking in transparency and information," said union spokeswoman Bev Turello.
>
> ACT Health says it has written to the people involved in the inquiry.
>
> But the Ms Turello says in the union's experience, staff are often kept in the dark.
>
> "They need to know if action has been taken, if appropriate action has been taken, if they're going to be safe in their workplaces."

We have got the union saying that they need to know if they are going to be safe in their workplace, and we have got the minister saying, "I don't want to know." So it leads us to speculate—because we can only speculate—as to why this minister is so desperate to cover this up. I do not know. I do not know why this minister is so desperate to cover this up. But if you had nothing to hide, if the department had nothing to hide, why would you cover it up? Why would you be so desperate to cover it up?

As Andrew Foote said, it leads to the perception of a cover-up. Well, it is more than a perception of a cover-up—it is a cover-up. This information has been deliberately suppressed by this minister. It leaves us without the information and simply speculating. Who is being protected here? Who is it that has acted inappropriately and will not be called to account for their behaviour? Is it someone in the minister's office? Is it someone in the department? We do not know. We can only speculate, and it heightens our suspicion about the seriousness of these allegations.

Remember, the minister claimed there was no problems at the start, and that was clearly shown to be false, to the extent that she was forced to have a review, because it became apparent that her initial denials and her initial attempts to isolate those who were complaining were wrong. The denials were wrong; there were problems. There were issues around bullying and a toxic culture.

It is difficult to take the word of this minister, given that was her response. Her response was, "Nothing to see here." Clearly, there was. Clearly there is, to the extent that even this minister was forced into a review. It will be very difficult now to take the word of the minister when she says, "We're not trying to cover anything up. We're not trying to hide anything". She has gone and covered it up. She was not honest at the start. She claimed it was just doctor politics; she claimed there were no problems when there were. Then she set about putting in place a procedure that would deliberately suppress this information.

Of course, this works both ways. It leads us to speculate on what this minister has to hide, on what the department has to hide, on what would be found out through an inquiry. We do not know what that might be. It leads us to speculate. On the flip side, of course, it puts a cloud over a whole class of people. We know that that whole class of people would not have been involved in bullying and inappropriate behaviour. But there are enough allegations to suggest that there are some serious problems, enough that the minister was forced to have an inquiry. Now that whole class of people has had a cloud put over them. That is one of the great shames of the way this has been handled.

Mr Hanson and the Canberra Liberals will not simply accept the word of this government. There is no doubt that we see again the Greens accepting the word of this government. We see it on so many things. Ms Bresnan, in the media this week, has been the chief defender of this government, extraordinarily so. It is extraordinary that Ms Bresnan would be the one who is sent out to defend Katy Gallagher. You have got to ask yourself the question: why is it that the Greens and the Labor Party always want things to be done in secret? What is their aversion to public inquiries? What is their aversion to transparency and accountability? They always choose the secret path. They choose the cover-up.

Ms Bresnan and the Greens have backed this approach to the hilt. They have backed this approach, even to the extent of the amendment from Ms Bresnan. The Canberra Liberals will not rest. We will not just accept the word of the government. This minister and this government have shown that we should not accept their word.

Ms Gallagher: What are you going to do?

MR SESELJA: I will tell you what, we are not going to stop here. We are not going to be like the Greens and say, "Oh, well, the government has told us it's all okay. We'll all move on now." There are a lot of disaffected people as a result of this minister's actions and as a result of her department's actions. We will not stop simply because the Greens and the Labor Party combine their numbers in the Assembly. We will come back and we will continue to prosecute in this place, because this is a cover-up.

Katy Gallagher can sit there across the chamber and smugly ask, "What are you going to do? What are you going to do?" She has covered this up. We will pose the question again and we will speculate on the reasons for that. Why is she so desperate to cover it up? What do you have to hide, minister? What do you have to hide? What are you concerned about? Who are you protecting? What are you concerned would come out if there was a genuine, fair dinkum, open inquiry?

It leads a casual observer, an ordinary member of the community, to conclude that you have got something to hide. We heard it when the minister was on radio this week. She sounded weak and she sounded like she had something to hide. I thank Mr Hanson for bringing this forward. We will not rest. We will continue to push for answers, whether the government and the Greens like it or not.

MS GALLAGHER (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (3.33): I will speak to the amendment and to a few of the issues that have been raised in the debate. Other members have been saying that no information has been provided about the outcome of the investigation. That is not correct and I will go through what I said in my original address.

Individual meetings have been held with individuals and with staff involved in the disclosures. Dr Peggy Brown conducted these meetings in the week before she went on sick leave. Letters have been provided to individuals who have been involved in the disclosures. In addition, feedback has been provided to identified individuals in relation to the findings of the investigation; further action that is required, as deemed appropriate, taking into account the investigation; providing training for managers and staff in relation to adult learning principles, conflict resolution, bullying and harassment and complaints procedures; a reviewing of a range of internal processes, including meeting procedures and complaints resolution procedures; reviewing matters relating to staffing, for example, the roles and position descriptions and staffing levels.

I can see that those opposite actually are not interested in the outcomes and the actions that have been taken from the investigation, that we continue to support the planning processes for the new women's and children's hospital and that we build the best practice provision of maternity services in the ACT. If those opposite were interested, they would also be hearing that action has already commenced on some of the above and a plan will be developed in relation to remaining actions to ensure that all necessary measures are implemented. I am very happy to update the Assembly on the implementation plan of action that is taken as a result of this investigation.

There is, in addition, a whole process underway for the clinical services review but I do want to make it clear to the Assembly that I have very clear advice to me that the information contained in the investigation is considered confidential information. I have checked that advice and had further advice. I have asked whether copies of the report can be made available to members of the Assembly. I have asked whether confidential briefings can occur for members of the Assembly. I have asked all the questions I can. I have absolutely nothing to hide. I have no interest in hiding anything. But I am constrained by the legislation.

The opposition can do what they want and I look forward to seeing what that is. But I can honestly assure you that I have looked at this from every angle, whether there is any component of this information that can be made available to the public, other than what I have just gone through—which Mr Hanson and Mr Seselja did not listen to—other than what I have already said in the Assembly today. The advice is very clear. The information contained in the investigation is considered confidential information for the purposes of the Public Interest Disclosure Act.

As Mr Seselja, who came late to have his usual 10-minute spray on this motion, would have heard, the decision around the public interest disclosure process was taken not by me but by consideration from stakeholders and the department about how best

to manage what is a very complex issue. Workforce culture issues and disagreements, workplace conflict, happen in every single workplace that I can think of. Dealing with them, responding to them, ensuring people are protected through that process is a very difficult process to manage. We were given very clear advice from those who wished to participate that they would not participate unless they were afforded protections through their disclosures. And this is what has—

Mr Hanson: As they would have been under the Inquiries Act.

MS GALLAGHER: The Inquiries Act was actually a different process, a very public process, where the opposition wanted to subpoena potential victims of workplace conflict to come and present their story.

Mr Hanson: They all wanted to come forward.

MS GALLAGHER: No, they did not, Mr Hanson. You are very clearly not listening to everybody in the workplace. You are listening to some and not all. That is not correct. You have to be careful here. You can represent the needs of one group within this very complex situation but, when you involve everybody, it is across the board. It is not as clear cut as Mr Hanson would like to sit and believe. This is extremely complex. No one person was at fault, in my belief. From my looking at this, there is no one person to hang out to dry.

Mr Seselja: You do not know.

Mr Hanson: How do you know? I thought you had not been briefed. Whoops!

MS GALLAGHER: Because, Mr Seselja, the public interest disclosure process was one element of the review that was being undertaken into obstetrics and gynaecology at the Canberra Hospital. And my considered view, through meeting staff, through reading the clinical services report, through speaking with experts, is that—and I think the clinical services review pointed this out—there were a range of issues, system issues and individual workplace conflict issues. And that is the nature of the complexity of the situation we are dealing with.

The Liberals want to name and shame. They want someone on the front page of the *Canberra Times* and they will not rest until they get that. The law protects people who have provided disclosures. The advice to me is very clear about what information can be made public. I have made that information public and I have said twice here today—not that the opposition listened at any point of that—if you were genuinely concerned about the service provision and the staff in that unit, you would understand the fact that the investigation has resulted in a range of actions being taken, of which I will update the Assembly at frequent intervals.

MS BRESNAN (Brindabella) (3.40): I seek leave to move a technical minor amendment to my amendment.

Leave granted.

MS BRESNAN: Mr Smyth was correct and I do apologise to the Assembly for getting this wrong. I move:

> In paragraph (2)(b), omit "clause 24(3)(d)", substitute "clause 23(3)(d)".

That is the correct reference to the Public Interest Disclosure Act. So I do apologise to the Assembly for having that incorrect information in the amendment.

Amendment agreed to.

Question put:

> That **Ms Bresnan's** amendment, as amended, be agreed to.

The Assembly voted—

Ayes 11		Noes 6	
Mr Barr	Ms Hunter	Mr Coe	Mr Seselja
Ms Bresnan	Ms Le Couteur	Mr Doszpot	Mr Smyth
Ms Burch	Ms Porter	Mrs Dunne	
Mr Corbell	Mr Rattenbury	Mr Hanson	
Ms Gallagher	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

MR HANSON (Molonglo) (3.45): I thank members for their contribution to this. I am bitterly disappointed that again the Greens have decided to side with their coalition partners, but—I hope to have time to discuss that later—as I mentioned in my previous speech this now seems to be a very consistent pattern of behaviour.

The response of the minister was quite interesting: "Trust me. I honestly mean this. Believe me, believe me. I am telling the truth this time." But let us just remember that when this all came up we heard the same thing from Katy Gallagher then. The quote was: "What issues, Ross?"

This is the frustration I have. This is the denial: she knew nothing; she knew nothing. She said at that stage that there was nothing to hide, that nothing had occurred there. And it was not just her; this was the line that was coming out of the entire bureaucracy. We had the acting chief executive say the same. She said to the ABC: "There have been no complaints. No specific complaints have been brought to the attention of ACT Health."

That simply was not true. Both Katy Gallagher and the chief executive were wrong—were quite clearly wrong—because what we know is that a whole series of complaints had been made and nine obstetricians had left. In fact, we know this categorically because the clinical review said there was evidence of systemic reticence to address staff performance issues in the maternity unit at the Canberra Hospital, particularly issues relating to inappropriate behaviour by certain medical staff.

So Katy Gallagher wants us to believe her now. But she was caught, quite clearly, not telling the truth back then. And then she started talking about this—

Mr Stanhope: I raise a point of order, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Stanhope.

Mr Seselja: Stop the clocks, please.

MADAM ASSISTANT SPEAKER: Yes, please stop the clock.

Mr Stanhope: Madam Assistant Speaker, it is clearly unparliamentary of Mr Hanson to make those claims of untruthfulness. It is clearly unparliamentary and he should be asked to withdraw.

Mr Seselja: On the point of order, Madam Assistant Speaker, points about people saying things outside of the chamber which are not true are not unparliamentary; it is common practice in this place on all sides and I would ask you to reflect on that in your ruling. In the past, comments around people misleading the Assembly need to be part of a substantive motion. I do not believe that is what Mr Hanson was actually saying.

Mr Hargreaves: On the point of order, Madam Assistant Speaker, The question before you, I believe, is whether or not the comments from Mr Hanson are an imputation against the member. That is really what it comes down to.

MR HANSON: On the point of order, Madam Assistant Speaker—

MADAM ASSISTANT SPEAKER: Yes, but this is the last one.

MR HANSON: I stand by my comments because it is quite clear that the statements that were made were not true. And I do not think there is a point of order.

MADAM ASSISTANT SPEAKER: Okay.

MR HANSON: I stand by it—

MADAM ASSISTANT SPEAKER: Okay.

MR HANSON: If it requires a substantive motion, I will go there.

MADAM ASSISTANT SPEAKER: Mr Hanson, I think it would help the proceedings if you would withdraw those remarks. I am not clear exactly what you said, so I will review the *Hansard* afterwards. I clearly heard "untrue" and "Ms Gallagher" but exactly what I am not—

MR HANSON: Madam Assistant Speaker, I will not be withdrawing my comments. What I said—I will have to paraphrase it—is that when the—

Mr Corbell: No. The chair has asked you to withdraw.

MR HANSON: No. She suggested—she did not direct me. She suggested it.

Mr Seselja: Under what standing order is he going to withdraw?

MR HANSON: I was—

MADAM ASSISTANT SPEAKER: Mr Hanson, can you please stop at this point. I am asking you to withdraw these comments; otherwise this is a reflection on the chair. You are owed a choice but I am asking you to withdraw the comments.

MR HANSON: Madam Assistant Speaker, I am not quite sure what I am being asked to withdraw; you cannot tell me because you are not quite sure yourself. So, whatever it is that you think I said that you are now speculating on, I will withdraw, if that allows us to get on with this process.

Mr Hargreaves: Just withdraw it.

Mr Seselja: She can't point to anything. This is ridiculous.

Mr Stanhope: Withdraw the allegation.

MADAM ASSISTANT SPEAKER: Mr Hanson—

MR HANSON: What allegation?

Mr Seselja: Under what standing order? This is outrageous.

MADAM ASSISTANT SPEAKER: Mr Hanson, I am asking you to withdraw your comments about Ms Gallagher and untruth. If you could please do that, we will continue the debate.

MR HANSON: No, Madam Assistant Speaker, I will not. What I said was that she had said that there were no complaints that had been made and I said that that was not true—and I stand by the fact that that is not true. And, if you want me to move—

MADAM ASSISTANT SPEAKER: Okay, Mr Hanson. I am seeking advice from the Clerk because I believe that we need to.

Mr Hanson, I believe that under standing order 203 my next option is to name you, so therefore that is what I am doing.

Mr Corbell: Madam Assistant Speaker, I move that the member be suspended from the service of the Assembly.

Mr Seselja: This is outrageous. This is how you cover up. You can no longer say something is not true; that is the Greens ruling now. This is an outrage.

MADAM ASSISTANT SPEAKER: Members, please be quiet! Mr Corbell, the standing order has actually changed so we do not have to move that anymore. Upon naming a member, the Speaker shall forthwith put the question, with no amendment.

Question put:

> That Mr Hanson be suspended from the service of the Assembly.

The Assembly voted—

Ayes 11		Noes 6	
Mr Barr	Ms Hunter	Mr Coe	Mr Seselja
Ms Bresnan	Ms Le Couteur	Mr Doszpot	Mr Smyth
Ms Burch	Ms Porter	Mrs Dunne	
Mr Corbell	Mr Rattenbury	Mr Hanson	
Ms Gallagher	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

Mr Hanson was therefore suspended at 3.55 pm, for three sitting hours in accordance with standing order 204, and he accordingly withdrew from the chamber.

Mr Stanhope: Madam Assistant Speaker, during the interregnum, in the taking of that vote, the Leader of the Opposition repeated the same unparliamentary claim and imputation against the Deputy Chief Minister and I ask that you ask him to withdraw.

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Stanhope, that will not be in the transcript. I was not paying sufficient attention. I think that we will have to leave that at this point of time. I believe this will not be repeated.

Mr Stanhope: The Leader of the Opposition knows what he said. As a matter of just personal honour and integrity he should withdraw in the way that Mr Hanson was required to withdraw the same accusation and imputation.

Mr Seselja: I have not said anything unparliamentary, Jon—not one word. You should sit down—and you should name him.

MADAM ASSISTANT SPEAKER: Mr Stanhope, there is no point of order on this. Mr Hargreaves.

Mr Hargreaves: Thanks very much, Madam Assistant Speaker. After you had made your ruling and after the vote, Mr Seselja said: "This is disgraceful. This is disgraceful." I understand that to be another reflection on the chair and I would ask you to ask him to withdraw it or to explain himself.

MADAM ASSISTANT SPEAKER: Mr Hargreaves, I do not believe there is a point of order. It is unclear what Mr Seselja was referring to. I believe, however, we are at the point—

Mr Smyth: I have a point of order, Madam Assistant Speaker.

MADAM ASSISTANT SPEAKER: Mr Smyth?

Mr Smyth: Under standing order 73, I would like your ruling on the words of *House of Representatives Practice* on page 500:

> If there is some uncertainty as to the words complained of, for the sake of clarity, the Chair may ask exactly what words are being questioned.

I would like to know what exact words Mr Hanson said that have led to his removal from the house.

Mr Corbell: He accused the Chief Minister of being a liar.

Mr Smyth: I want the exact words.

Mr Seselja: No, he didn't.

Mr Hargreaves: His removal was for not accepting the chair's ruling.

Mr Seselja: He said what she says was untrue. How many times is that said here?

MADAM ASSISTANT SPEAKER: Mr Seselja, please be quiet. Mr Smyth, the reason for the ruling was not accepting the chair's ruling. If we are to have a reasoned debate in this Assembly, the rules are quite clear that the chair's rulings should be accepted, and I trust we can now continue our debate. We were about to have a vote.

Mr Smyth: I would like further guidance then. You said if we were to have a reasoned debate—

Mr Rattenbury: Sit down, Brendan.

Mr Seselja: You are not in the chair now, Shane. You can get in the chair.

Mr Smyth: Mr Hanson asked for exactly—

MADAM ASSISTANT SPEAKER: Mr Smyth, is this a point of order?

Mr Smyth: This is a point of order. Mr Hanson asked exactly what words—

MADAM ASSISTANT SPEAKER: What is the point of order, Mr Smyth?

Mr Smyth: The point of order is clarity. Mr Hanson asked for exactly what words he has to withdraw and I would like to know what words they were, because I have not heard such words that he was asked to withdraw. To be asked to withdraw just vague notions is not compliant with the standing orders and it is not compliant with *House of Representatives Practice*, and I seek your ruling.

MADAM ASSISTANT SPEAKER: Mr Smyth, there is no point of order. I believe that we are up to a vote.

Question resolved in the affirmative.

Motion, as amended, agreed to.

Gaming Machine (Problem Gambling Assistance) Amendment Bill 2010

Detail stage

Clause 1.

Debate resumed.

Clause 1 agreed to.

Clause 2.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (3.58): I move amendment No 1 circulated in my name *[see schedule 1 at page 6040]*.

I present a supplementary explanatory statement to the government amendments. This amendment simply changes the commencement date of the bill from 1 January 2011 to 1 July 2011.

MR SMYTH (Brindabella) (3.59): Given the lateness in the year and the earliness of the start date, it would seem appropriate for it to start on 1 July next year and we will be supporting the amendment.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.00): I move amendment No 2 circulated in my name *[see schedule 1 at page 6040]*.

This amendment changes the required percentage of gaming machine licensee contributions to the mandatory problem gambling assistance levy from 0.75 per cent to 0.6 per cent and provides that the minister may change the required percentage

through a disallowable instrument. Any change to the rate of the levy is by disallowable instrument and this will allow the Assembly the opportunity to debate and, if considered desirable, disallow any proposed change. And there is a consequential amendment, if this amendment is successful.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.01): The Greens will agree to the amendment that is being put forward by Mr Barr. We are, of course, very disappointed that the amount going to problem gambling will not be as high as we had proposed, which was 0.75 per cent. But any improvement is better than nothing. Whilst it is not what we would like, we accept that at this stage it is the most that will be agreed to.

In light of the ANU prevalence study which confirmed the seriousness of the issue of problem gambling in our community, it is disappointing that other parties in this place are moving to reduce the funding allocated. We do need the scheme. So the Greens are prepared to accept this as a necessary but unfortunate compromise in order to change and significantly improve the way we allocate money to problem gambling. I am confident that we will see successful outcomes from it and the minister will see the merit in increasing the funding to it in future to tackle this issue. I do accept that this is a compromise position.

I would also make the point, though, that it will more than double the amount of money that will be going into this transparent gambling fund that will be administered by the gambling and racing commissioner, which is a great move. It will add transparency and accountability to the process. It will meet the need situation where people need to tender for the money and I think that will provide a good outcome. It will also provide money that can be spent on support services for problem gamblers, their families, others impacted and for important areas such as research.

MR SMYTH (Brindabella) (4.03): I will make some general comments about all the amendments, including my own. We in the Liberal Party actually believe that the rate is being set too high, because what it does, as is so typical with Greens bills and then government amendments, is actually let the government off the hook.

The government are the biggest beneficiary of poker machine profits in the territory—they got $33 million in the last year—but they contribute less than the voluntary donations of the clubs to Clubcare. And I think that is unacceptable. I would personally like to see the rate set at 0.5 per cent and, although one should not hypothecate and legislate for such things, would ask that the government then match that.

If the government are serious about addressing problem gaming and problem gambling in the ACT, they should put their money where their mouth is. They get an enormous dividend from the club sector, yet they expect the club sector to carry the burden. And that is simply not fair.

I am surprised that the Greens, who are in coalition with the government, have not been pushing for this much harder. They talk about being the balance of power and the new force. They have wimped it on every significant issue, including every

significant social issue, since they have got to this place. And if they are in union with the government, as they are, they should simply make the government appoint the resources available to address this problem.

Again, as I have said already, it is quite evident that the presentation of this bill was premature. We had the release of the prevalence study prepared by researchers at the ANU. I think it actually testifies to this undue haste. The Greens, once again, have rushed into print with legislation, without waiting for the important information, information that they knew or should have known was about to be released. Now, having got the evidence, they are just full steam ahead, ignoring what is actually in the report, and certainly are not really attempting to address, except in a very heavy-handed way, the issue of problem gambling in the ACT. Where is their evidence-based approach to problem gambling? It is not in this bill, because they did not wait until the ANU's prevalence report was released.

It brings me to the amendments that I have circulated to this bill. These follow consultation that I have had with people involved in the gaming and gambling industry and in the community sector. And the amendments will attempt to provide some balance and transparency to the proposals in the Greens' bill.

The main part of my amendments proposes a gaming advisory board. The prime function is to gather evidence from experts in the industry and provide advice to the Gambling and Racing Commission and, indeed, to the minister. It is to comprise seven members from across the gambling industry and from ACTCOSS.

I am also proposing two amendments relating to the proposed new tax. The first is that the new tax should be applied at a rate of 0.5 per cent rather than 0.75 per cent. As I have said, the minister is moving it to 0.6 per cent. Secondly, I want this contribution that is intended to be mandated under this bill to be considered as part of the clubs' community contribution.

I am proposing these amendments because I believe it is imperative that the ACT government increase their contribution to dealing with problem gambling. Hence, the government, the biggest recipient, should also help carry some of the burden. They cannot say, "We will take the profit," and then say, "But we will help at a much lesser level than the clubs are doing." That is initially through the work they do in-house at addressing problem gambling, which they are very experienced and very good at, and then, outside that, by aiding the community by, in this case, providing $400,000 to Lifeline.

Hence, if the government judges that more should be done in response to problem gambling issues, surely it is incumbent on the government to provide some of the resources to prepare any response to those issues. It should not be the sole responsibility of the clubs or the broader gambling interests to be the sole source of resources to deal with problem gambling. We have got to the stage now where the clubs voluntarily contribute more direct assistance than the government does.

I also note that ACTCOSS said in their submission to the Productivity Commission that problem gambling is a public health issue. If that is the case, this strengthens the

case for the ACT government to contribute more appropriate resources to respond to problem gambling.

I repeat that I am disappointed that Ms Hunter has brought this bill on so prematurely. And I note that the minister said at the launch of the ANU prevalence study that we should not act hastily in responding to problem gambling issues. Yet this is exactly what the Greens are proposing, aided and abetted by the government. The government, I think, is afraid of being left out. Of course we all saw the minister's rushed announcement late last night and in the paper this morning. Just to prove that he is doing something, he has rushed out with a disallowable instrument.

I regret that rushed approach and propose my amendments in the hope that the response from the ACT's parliament to problem gambling is more reasoned and more appropriate. We all acknowledge that problem gambling is undesirable and that it can have adverse outcomes. And I emphasise, therefore, that my amendments are an attempt to ensure that the response of our community to problem gambling is measured, responsible and balanced. I commend my amendments to the house. We will deal with them in due course.

In terms of policy development, as I have said, Mr Barr said at the release of the prevalence report that we should not be making hasty decisions. Yet that is what we are doing today. And if you want an overall conclusion from a policy perspective, given the findings in the ANU report, it appears that the negative messages targeting gambling are succeeding and it appears that the messages about dealing with problem gambling are also working. That is not to say there is not more to do. There will always be more to do, I suspect.

But we need to look at what is contained in this report. What we have is the failure of the Greens' approach, through Ms Hunter's bill, that demonstrates a failure in policy development. The basis of the Hunter bill is to target what she says is a harm caused by machine. She then goes on to say that poker machines cause real harm. Her bill is not entirely consistent with the findings in the ANU prevalence study.

Moreover, the prevalence study emphasises that, in drafting this bill, she has acted prematurely. Members need only look at page 28 of the study, where it says:

> The considerable overlap between gambling activities means that it is not possible to separate the significance of any single activity from other activities without undertaking complex statistical analyses, and even these would be of questionable interpretation. The only group large enough to examine separately and in detail were people who gambled on lottery or scratch tickets, but who reported no other gambling activity.

This is what the report is saying. This is a complex matter and a new tax is not the simple answer. It will, I suspect, not be as effective as thought. We have the overlap of gaming activity. The quote on page 28 says that it is not possible to separate out the effects.

On page 27, we see that 79 per cent gamble on two or more activities. Indeed, only a small proportion of people gamble on gaming machines only, and that is referred to on page 26, where it says:

> … only a small proportion of gamblers (5.2%) reported gambling on EGMs alone.

That is, electronic gaming machines. The report goes on. Overall, the ANU research concluded:

> It is not possible to attach the problems reported by an individual to just one particular activity.

And members need to go to page 45 to see that. It is there in the second paragraph. But we are proceeding with this one-cap-fits-all solution and it is unfortunate that we are doing that. The ANU research also concluded:

> … it is difficult to characterise gamblers by the type of activities they report or to investigate the potential benefits or harms attributable to any particular form of gambling.

That is covered on page 104 of the report. Whom would we believe? The ANU with rigorous methodology and contemporary findings or Ms Hunter with her claims?

We then go to the question of the number of problem gamblers. You have to question some of the numbers that were used. The problem then is that we have actually changed the way in which we measure who is a problem gambler. We have gone from one method to another and we are now using the Canadian method. Ms Hunter, in her tabling speech, quoted 6,000 people with significant gambling problems. But the ANU report found that problem gamblers comprised 0.5 per cent of the adult population or, in the new method, about 1,370 gamblers. Ms Hunter was relying on data from 2001. Again, it shows the flaw of this rushed approach that we have got. The picture appears more positive in terms of the number of problem gamblers.

There are a couple of other statistics but I am going to run out of time in this part. I will simply continue this speech when we get to my amendments. But my point is—and I think it is valid, it is borne out by the report—this is ad hoc. This is rushed. This will not be the solution that people think it is and we need to approach this very cautiously, without giving the impression that somehow we have solved this problem with one great big tax. That is not the answer and it never will be.

Amendment agreed to.

MR SMYTH (Brindabella) (4.14): I move amendment No 1 circulated in my name *[see schedule 2 at page 6040]*.

This says that the commission must consult with a gaming advisory board established under the Gambling and Racing Control Act. It is very important that we actually get good advice about what is going on in the industry and it is very important that we get good advice from other sectors that support the industry in helping to deal with problem gambling to make sure that we get this right. It is in fact an approach that we have just taken to the Liquor Act where there is a Liquor Advisory Board and I think it is very sensible that the commission has this sort of access and that it is there to

advise not just the commission but the minister so that we actually do make decisions based on fact rather than perception, prejudice or simply being uninformed.

I have spoken to the kinds of people, outlined in the amendment which comes a bit later, who might form a gaming advisory board. They are all very happy to participate because many of them feel that they are not consulted enough, that they are not being heard, that in fact in many ways they are vilified when their sector of the industry is probably doing more than clearly what the government, the Greens and indeed the community know they are doing. They do not get the recognition. They are not heard. The implications of what might occur to them are not being thought through before legislation is passed and they would simply like the opportunity, on a regular basis, to be able to advise the commission and the government on what has happened.

I do not think this is an unreasonable amendment and I would ask that members consider passing the amendment; otherwise it simply sends the wrong message that a great big tax is how you fix this, that just another tax on the industry is the way to fix it. It is not the way to fix anything at all. If it was a question of resources, the government have the resources. They simply choose not to spend them in this area. They took $33 million from gaming machines last year. They take money from ACTTAB. They get money from the casino. They get money from online wagering. They get money from the racing industry. They choose simply not to spend it. That is a government priority and the government needs to be held to account for that.

This is a reasonable amendment. The commission should consult with the industry and those who look after problem gamblers, represented by the peak body, before any of these funds are disbursed.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.16): I will speak to all of Mr Smyth's amendments at this point. The government will not be supporting any of these amendments. Obviously, the particular amendment, amendment No 2, seeks to set a different rate for the problem gambling assistance levy. The Assembly has already dealt with my amendment in relation to that. So it is somewhat redundant.

The remaining amendments go to Mr Smyth's desire to establish a gaming advisory board to advise the minister on matters relating to gaming and racing. In the government's view, this is in excess of what is required to implement a problem gambling program. The industry already has access to government and the commission to voice its views on a range of industry matters and we do not need, through this bill, to establish or to institutionalise a new body.

The advisory board is very large and the coverage, for the purpose of the gambling assistance fund, is too broad and unnecessary. In the government's view, it would be more appropriate for the commission to consult and inform itself as it sees fit rather than have a mandatory committee that may have no interest in the activities, particularly online wagering operators, or, worse perhaps, a conflict of interest in relation to the allocation of the funds.

The commission is the expert body being tasked to undertake this activity, consistent with its functions under section 6 of the Gambling and Racing Control Act, and the whole purpose is to remove the conflicts faced by the industry. In the government's view, it would not be appropriate for any board providing advice on problem gambling to be primarily represented by members of the gambling industry.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.18): I will also speak to Mr Smyth's amendments in one go. First of all, I will address some issues. Really, what Mr Smyth was arguing for earlier was a do nothing approach. That is just not acceptable when we have the amount of research we do on the impacts of problem gambling. Waving around the ANU study as though it changed the situation out there is just ridiculous nonsense, Mr Smyth. That ANU study showed that there is an issue out there. It showed those who were "in risk", if you like, and then it showed an "at risk" number of people. It is a significant number. Those people who are at risk are going to have a very high chance of developing some particular issue with gambling and also seeking assistance of gambling services. So to say suddenly that this number has gone from 6,000 down to a much smaller number is simply not the case at all.

The Greens will not be supporting Mr Smyth's amendment to reduce the amount to 0.5 per cent. To further reduce the amount of money given to problem gambling, I believe, is just not acceptable. The last time we debated this, the Canberra Liberals said there was more money needed for research and information. We now have that information, as I said, in the ANU prevalence study. The study confirms the significance of the problems and highlights the importance of providing critical intervention services. Given that the most common catalyst for accessing help is serious contemplation of suicide, it is quite appalling that the Canberra Liberals would want to reduce even further the amount of money being provided for these services.

As to the gaming advisory board, the Greens do not agree with this amendment to appoint a board to advise the commissioner. Five of the six people who are proposed for this gaming advisory board are people from the gambling industry. I just do not understand what it is in the skills that they would bring along. In fact, I support Mr Barr's argument that, in fact, it could create considerable conflicts of interest.

The commissioner's existing functions include addressing gambling problems. It is the Greens' view that the ordinary procurement process, leaving the ultimate decision to the commissioner, is sufficient. I remind members that the bill includes the requirement that the commissioner, through the annual report process—that is, the annual reports that come to the Assembly—will need to account for exactly how that fund is administered and who it goes to. So it adds a higher degree of transparency and accountability into the process—something that I think is needed.

As to the inclusion of community contributions—that this amount be included in the community contributions—I strenuously disagree with this proposal. Money that comes from gaming machines and goes back to help problem gamblers and their families and loved ones is not a community contribution. It is a reparation for the harm that is being done. To seek to characterise it in any other way is disingenuous.

The harms from problem gambling are enormous not just to those suffering from those who are addicted but, as I said, families, friends, colleagues and the community generally. It is time we properly recognised this and acknowledged it clearly and openly. It is appropriate that there is a defined fund for problem gambling that sits completely outside the community contribution scheme that licence holders participate in. That is what the bill achieves and that is why the Greens will not support this amendment.

I acknowledge that the community contributions made by clubs are a very important part of the funding that goes out to support many sporting organisations, charities and so forth. Those efforts are to be applauded, but I really think in this case it should not be counted as part of that. I note that many clubs pay above the seven per cent community contribution. They may well decide to redirect to the fund that above percentage amount that they put in.

I wanted to comment on Mr Smyth's point around people using a variety of different ways to gamble. It is not just gaming machines. As he said, there is racing, online gambling and so forth. I do not think that we can hold back on moving forward to ensure that there is a proper amount of money in the fund to incorporate all of those other areas. I would very much welcome Mr Smyth coming forward in the future with further amendments that incorporate those other parts of the gaming sector.

I acknowledge that online gaming is very much of concern to us. As policy makers and legislators, it is a significant and difficult issue that we will need to face into the future. As far as the other ones that are outlined by Mr Smyth are concerned, I am happy to look at any future amendments and reforms that he would like to propose for inclusion in a scheme such as this.

MR SMYTH (Brindabella) (4.25): I am intrigued that Ms Hunter would get up and say, "Let's not hold back on moving forward." There are some sensible amendments here. There is an amendment relating to an advisory board. It is an advisory board; it is not a decision maker. It is an advisory board—for those who cannot spell "advisory" as it appears in the amendment. It is about saying, "What will the effect of things be on your particular industry?" The commission will still make the decision. Indeed, it goes beyond just advice on problem gambling. It has two functions. The first is on matters relating to problem gambling and the second is on any other matters relating to the gaming and racing industry. That is why it has the composition. We need to understand these effects.

Often there is no acknowledgment—certainly in this place in this debate—that the majority of these venues do the best they can to look after problem gamblers. In fact, they are very good at identifying these people because they deal with them face to face. Ms Hunter says, "There are a variety of ways." If there are a variety of ways then why is this new tax only limited to the clubs? Why is it not being applied to the other industries that clearly, from the ANU report, contribute to the problem?

Ms Hunter says that I stood up and waved the report around as though I was using it in some dishonest sort of way, but then she goes back and quotes the report. She says,

"Yes, there are problem gamblers." I did not deny that there were not significant numbers of problem gamblers. You should listen very closely to what I say. I acknowledged there was a change in the index. I acknowledged there was a change in the numbers. I acknowledged that it is still a problem. So I do not see why you would even make a statement like that somehow to assuage how you feel by projecting it onto me.

The problem here, Mr Assistant Speaker, is that, yet again, the Greens cover for the government. The Greens—the government's personal patsies in this place—are not holding the government to account as they promised. Again, in the last financial year the government received $33 million from poker machines and funded two programs. I think each cost about $180,000, so $360,000. That is less money than the club sector voluntarily put into problem gaming through assisting Lifeline. They do it now, voluntarily. They do more than the government.

The largest single profit group from gaming is the government. The second, of course, is the ACT Labor Party. The combined profit—and I have asked the clubs to give me a much firmer figure than the $2 million to $4 million that they have come up with as yet—from the club sector over the last year was somewhere between $2 million and $4 million. The government got—what?—eight times that and yet contributes less to dealing with problem gaming in this city.

Ms Hunter sits there now and will not hold the government to account. I cannot for the life of me understand why the Greens, who raised this issue, have not said to the government, "It's about time you did a fair share, sport." Because they are not doing their fair share. Instead, we target just the clubs and just the poker machines. No-one is saying that they do not contribute to the problem, but let us be fair about this. The Greens, the party of equity and equality and all of those good words they rattle off—words that are wearing thin with a lot of the community—are exposed here today because they will not hold their coalition partners to account. They talk about being the third force, the balance of power. They are the damp squibs when it comes to holding the government to account.

Mr Barr spoke about conflict of interest: "How dare you put people who run gaming venues or gambling venues on an advisory board? They will have a conflict of interest." Let us look at the Labor Party's conflict of interest in being the regulator, the legislator and the recipient of profits from poker machines. That is the conflict of interest. Of course, Mr Barr's policy announcement this morning—"Yes, we're taking these out of the pool"—would appear to suggest that he is taking them back from somebody. He is not taking anything back from anyone. He is just not going to issue the remaining poker machine licences under the cap. That is brave. Jeez, that is real leadership! It has not taken one active poker machine out of play in the ACT by what he has done, not one. That is just sophistry at best. If you want to talk about conflict of interest, go and look in the mirror.

Let us go back to the ANU report and see what has happened in the last nine years. On electronic gaming machines, the ANU report found that there has been a significant change in the extent of gambling between 2001 and 2009. The proportion of adults in the ACT playing gaming machines fell from 38 per cent in 2001 to

30 per cent in 2009. Overall, therefore, while total gambling participation was broadly the same in 2009 as it was in 2001, the proportion of people playing gaming machines and also instant scratch tickets has fallen markedly.

Let us look at some of the spending on gaming. The ANU's analysis of spending on gambling is also most useful. Spending peaked in the ACT in 2000-01—you go to page 40 of the report—just before spending peaked in Australia as a whole. Spending in the ACT on a per capita basis has since fallen by 21 per cent from $1,164 in 2001 to $918 in 2009. Spending on gaming machines has fallen from $856 to $670, a reduction of 22 per cent.

As to the effect of the new tax, Ms Hunter said that the financial impact of the change we are proposing is not significant. Who did you get that from? That is just fairy floss. That is just made up. If you are a struggling club, it is enormously significant. What the Greens appear to be suggesting is that because the quantum of the funds raised by the new tax at 0.75 per cent is estimated to be $1.2 million or $1.3 million, it is not an issue. I think that demonstrates the complete lack of understanding by the Greens of the commercial world in which the ACT clubs operate.

The era of the super profit from the poker machine is well and truly gone, the ANU report tells you, because fewer people are playing as a percentage and they are spending less. The profits are less. You can see it, Mr Assistant Speaker, in the balance sheets of some of our most notable club groups. One of the largest club groups in the territory did not declare a profit in the last reporting period. For instance, a club like the Vikings had a profit of $40,000. That is wiped out by liquor licensing fees and it is wiped out by this tax.

These taxes will force some of these clubs into the red at a time when we all know, because we have been told, that the clubs are not doing it as well as they used to. As the treasurer of Vikings said, the era of the super profit is over. So it does demonstrate a complete lack of understanding of the commercial world. This new tax will be a major impost for some clubs and may even jeopardise the viability of some clubs.

There have been significant changes in gambling habits between 2001 and 2009. The number of adults who gamble declined in almost all jurisdictions, and in the ACT the proportion fell from 73 per cent to 70 per cent. All jurisdictions, except Western Australia, reported declines in the proportion of adults playing electronic gaming machines, with the proportion declining in the ACT from 38 to 30 per cent. There was also a decline in the extent of frequent gambling in the ACT and a decline in the per capita spending on gambling as well.

The report is important. It does alert us to what is happening. It should be considered before we amend and then pass this bill, but clearly that is not going to happen today. If the bill is to go forward today, it is reasonable to put an advisory body in to assist the commission and assist the government. I am amazed that the Greens, aided and abetted by the Labor Party, or the Labor Party, aided and abetted by the Greens—it is hard to know who is in charge in this coalition—do not believe that an advisory body serves any purpose. It is advisory. It is not going to make the decisions. Why are you both so afraid of the commission and the minister getting some advice? Perhaps if

they got more advice before they made decisions, particularly the government, they might not make some of the bad decisions that are made. I am stunned that we are against an advisory board in this place on such an important matter.

Question put:

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

The Assembly voted—

Ayes 5		Noes 11	
Mr Coe	Mr Seselja	Mr Barr	Ms Hunter
Mr Doszpot	Mr Smyth	Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
		Mr Corbell	Mr Rattenbury
		Ms Gallagher	Mr Stanhope
		Mr Hargreaves	

Question so resolved in the negative.

Amendment negatived.

Clause 4, as amended, agreed to.

Clause 5.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (4.38): The government will be opposing this clause. It is consequential to a previous amendment that has been supported by the Assembly.

Clause 5 negatived.

Remainder of bill, by leave, taken as a whole.

MR SMYTH (Brindabella) (4.39), by leave: I move amendments Nos 3 to 5 circulated in my name together *[see schedule 2 at page 6041]*.

These amendments in the main allow for the establishment of the advisory board. As I have said previously, it is a shame that a couple of weeks ago the government thought an advisory board for the liquor industry was fine but now it finds an advisory board for gaming is not acceptable. If somebody can explain that to me in sensible terms then I would be very surprised.

At the heart of this, of course, as Mr Barr referred to, is conflict of interest. At the heart of all of this is the lack of action that we have had and the fact that clubs have waited for more than three years for the government to honour the commitment made by the Chief Minister to look at rates of taxation and other reforms to the industry so that they could reform, change and adapt to a changing environment. Instead, what do we get from the government? What we simply get is protectionism.

As I said before, Mr Barr's brave call that he will no longer be issuing poker machine licences does not take a single licence out of play. But what it does is protect the Labor club. You will need to go back before the 2007 federal election when Kevin Rudd, who is no longer Prime Minister, also said that it was time for action on gaming machines. But, of course, that action did not occur and it will now never occur under that Prime Minister.

But the problem here is that it is simply protectionism. This is the Labor Party still looking after the Labor Club Group who fund their campaigns. If there is a conflict of interest in this place, if there is protectionism going on, it is because of the Labor Party's interests, their conflicts of interest, and we all should be aware of that.

What we need is genuine reform. What we need is an across-the-board approach to problem gaming and problem gambling. But we will not get that under this government. We will not get that under this minister and we will certainly not get it as a consequence of Ms Hunter's bill.

Question put:

> That **Mr Smyth's** amendments be agreed to.

The Assembly voted—

Ayes 5		Noes 11	
Mr Coe	Mr Seselja	Mr Barr	Ms Hunter
Mr Doszpot	Mr Smyth	Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
		Mr Corbell	Mr Rattenbury
		Ms Gallagher	Mr Stanhope
		Mr Hargreaves	

Question so resolved in the negative.

Amendments negatived.

Remainder of bill as a whole, as amended, agreed to.

Bill, as amended, agreed to.

Bimberi Youth Justice Centre—proposed inquiry

Debate resumed.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (4.46): The ACT Greens have as one of their key justice principles that the safety, health and rehabilitation of victims and offenders and the reduction of recidivism and trauma should be given high priority in the justice system and that children and young people require protection in all areas of the justice system. Research on much of Australia's

juvenile justice policy is about diversion of young people from the criminal justice system, and the ACT Greens support this policy. However, we also know that young people move through a critical stage of development in the adolescent years.

There are many risk and protective factors that can influence the pathways that young people take along the way to adulthood. It is unfortunate, and yet a reality of society, that a small group of young people commit offences that see them incarcerated as a principle of last resort. The Greens take the rehabilitation and restoration of young people back to the community very seriously and realise the broad-ranging negative impacts that affect children, young people, families and the community at large when this goes wrong.

I will move an amendment to the motion that was moved by Mrs Dunne. With reference to paragraph 1(a) of the motion, we acknowledge the important role that those who work in youth detention environments play in managing and maintaining safe environments for both themselves and detainees and enhancing the rehabilitative activities for young people within Bimberi. We believe those working in this type of environment, like all workers in the community, have a right to safe working conditions.

We also agree with paragraph 1(b) of Mrs Dunne's motion that staff shortage and high turnover or churn rates of staff are possibly symptomatic of broader challenges for the Bimberi facility and youth justice services in general. We understand that, although staff may leave Bimberi or community youth justice, they are often retained in the ACT public service. Therefore, staff turnover rates are not necessarily truly reflected in the turnover figures.

In relation to paragraph 1(c), which refers to high levels of staff dissatisfaction, it is important that we take the time to listen to the needs of staff, young people, their families and community, and youth sector providers and value the contributions they have to the change agenda within youth justice services. However, we also need to make sure that these contributions are recorded in such a way as to provide an increased level of accountability and transparency so that change can be driven forward in a positive way.

In relation to paragraph 1(d), two years ago the Children and Young People Act was enacted. Along the way we had the opportunities to make changes to parts of that act to ensure that the legislation operated efficiently. A large part of this legislation is about the administration of the Bimberi Youth Justice Centre.

During this time we also had a substantial move from the Quamby Youth Detention Centre to the much needed new facility—the Bimberi Youth Justice Centre. This is a state-of-the-art facility that has been heavily invested in by the Canberra community. This is supposed to be a human rights compliant detention centre, but what does this all mean if those who operate in this system are unhappy with conditions, are not able to provide quality services, or cannot access services as required and poor outcomes result? The risk we run when we have any type of closed community where confidentiality and privacy are primary concerns is that a culture can develop that lacks transparency and, therefore, accountability. This type of culture leads to poorer outcomes for the young people detained inside.

In relation to paragraph (2) of Mrs Dunne's motion, the impact of unsafe or threatening workplaces is a costly and long-lasting legacy for the workers impacted and also for the general community. WorkCover reports that unsafe workplaces cost more in the long run, as they lead to higher compensation payouts and falling morale. We cannot underestimate the impact this has on individual workers and their lives in general, and our work environments make up a large part of our lives. We need to ensure that optimal safety is achieved for all employees. Of course, we need to also ensure optimal safety for young people accessing youth justice services.

I move the amendments circulated in my name:

(1) Insert new paragraph (1)(d):

"(d) generally poor outcomes for children and young people in contact with the youth justice system;".

(2) Omit paragraph (3), substitute:

"(3) calls on the Minister to direct the Children and Young People's Commissioner to undertake an inquiry into the youth justice system in the ACT, including Bimberi Youth Justice Centre and Community Youth Justice, and report to the Assembly by 30 June 2011. The inquiry is to report on:

(a) staff levels, training and retention;

(b) security;

(c) the use of segregation and restraints on detainees;

(d) programs for education and training, health and wellbeing and rehabilitation;

(e) early intervention services;

(f) the effectiveness of diversionary strategies and the ongoing monitoring of recidivism particularly for detainees held in remand;

(g) throughcare and aftercare services provided to detainees and Community Youth Justice clients; and

(h) any other matter; and

(4) calls on the Minister to direct the Human Rights Commissioner to undertake a comprehensive human rights audit into conditions of detention in Bimberi Youth Justice Centre and report to the Assembly by 30 June 2011.".

I am putting forward these amendments to broaden the original motion and to ensure that we can get a clear picture of how young people fare in the youth justice system in the ACT. I have broadened it so that it is not just about the Bimberi centre itself; it is

also about the whole community youth justice system. It also broadens the matters to be inquired into, so we look at the use of segregation and restraints on detainees, programs for education and training, health and wellbeing and rehabilitation, early intervention services, the effectiveness of diversionary strategies and the ongoing monitoring of recidivism, particularly for detainees held in remand. Through-care and after-care services provided to detainees and community youth justice clients were added in, because I felt that it was important that we ensure a whole range of issues are looked at if there is going to be an inquiry.

The other thing I have put into these amendments is that the inquiry is to be conducted by the Children and Young People Commissioner, who would be looking into the youth justice system, taking in the Bimberi Youth Justice Centre and community youth justice. It also calls on the minister responsible, who is the Attorney-General under the Human Rights Act, to direct the human rights commissioner to undertake a comprehensive human rights audit into conditions of detention in the Bimberi Youth Justice Centre. Both of these inquiries—that by the Children and Young People Commissioner and the human rights commissioner—are to report back to this Assembly by 30 June 2011.

I note the recent announcement by the minister to employ Daniel O'Neill to work on developing the internal support systems for young people within Bimberi. This measure is about the further professional development of staff. It is a welcome move and is complementary to the inquiry I have outlined in the amendments to Mrs Dunne's motion.

We need to ensure that theory and practice come together and provide opportunities for reflection, because a reflective practice allows for constant quality improvement. That is what we really need to have in a place that is a closed community. It is important that we ensure that the best possible practice is being employed by workers at Bimberi and, in fact, right across the community youth justice system.

I have been quite alarmed and very concerned about the allegations that we heard in Mrs Dunne's speech this morning, and I have received them myself. I am also concerned that we have heard about an alleged assault done by a worker at Bimberi on a young detainee. It concerns me, obviously, that this even took place, but what also concerns me is that all people who work within Bimberi are mandatory reporters under the Children and Young People Act. The teachers, the administrative staff and all workers are mandatory reporters. It appears that a number of other people who work in that facility were aware of this situation. That certainly seems to be part of the allegation. I find it very, very disturbing that nobody understood their obligations under the Children and Young People Act to mandatorily report an assault on a young person. So there are a number of things that need to be looked into in this inquiry.

I know that there were some concerns from Mrs Dunne about the nature of the Children and Young People Commissioner undertaking this under the Human Rights Act. I believe this is a good way to go to start the investigations into all of this. Under that act, there will be protection for those people who want to come forward. I know from people who have spoken to me that that has been a primary concern. Those workers, or whoever they are, who want to come forward and to share their

experience, to put what they know on the table, want to know that they are protected. The Human Rights Act gives that protection. I believe the commissioner is the right person to do it and, along with the human rights commissioner, will provide us a comprehensive inquiry.

MRS DUNNE (Ginninderra) (4.56): This is a very fraught issue, and I want to address the amendments put forward by Ms Hunter. In doing so, I need to put a little bit of context around them. On Monday I discussed with Ms Hunter the possibility of this motion. Yesterday I received Ms Hunter's thoughts on amendments that she might circulate. I read the amendments and I said, "Look, I'm quite happy with those. I'd be quite happy to incorporate those into my motion and essentially have a jointly sponsored motion." But Ms Hunter said no; she would prefer to move these amendments herself. It was interesting that, as of 11 o'clock yesterday, Ms Hunter was still in favour of a board of inquiry in accordance with the Inquiries Act 1991.

But then this morning, Ms Hunter came to me and said, "Look, I'm not quite sure whether we should raise the bar that high. Perhaps we just need to establish an independent inquiry." So we went through the mental processes of what would be the mechanism for establishing an independent inquiry. The options for an inquiry are an inquiry in this place; a complaint under the Public Interest Disclosure Act, and we all realise what a disaster that would be; an inquiry under the Inquiries Act; and the other alternative, which has been brought forward by Ms Hunter today—or Ms Burch, I am not sure which because both seem to have claimed that the idea is their own—is an inquiry by the Children and Young People Commissioner.

We actually worked through the mechanisms of saying that if we ask the minister to establish an independent inquiry at arm's length that gives people protections, what are the mechanisms, and there are not any. The mechanisms exist in the Inquiries Act, and that is why the opposition went to the Inquiries Act, because that provides the legislative framework for people to operate. It provides protections and the like.

Just for a little bit of history, back in 2003, after the Canberra bushfires, the Liberal Party at the time under Mr Stefaniak moved for an inquiry under the Inquiries Act. The ACT government said, "No, we have already appointed the McLeod inquiry and that's fine. We'll do it that way." We actually found that the witnesses before the McLeod inquiry did not have protections, because there was no legislative framework. Mr Stefaniak went through the process of introducing a bill that specifically gave protections to witnesses at the bushfire inquiry. Before that, there were no protections, so that the people who made assertions did not have the same privileges they would have had in a court.

The problem, of course, is that Ms Hunter has come up with her third option, which is to go down the path of asking the Commissioner for Children and Young People to do this. Ms Hunter came to me and said, "I have spoken to the commissioner and he thinks that he has the power to do this." I challenged Ms Hunter and her staff to point me to the directions where the powers existed, and I have subsequently had a discussion with the Children and Young People Commissioner about the existence of those powers.

When I asked the commissioner about whether he felt that he had the right powers if there was a ministerial direction to conduct an inquiry, he said to me, "Mrs Dunne, I don't honestly know." I have subsequently received correspondence from the commissioner that says, "We've gone away and thought about it and, yes, we think we do have the power." If you read enough of the provisions of the Human Rights Commission Act together, you probably find those powers. But what you are doing is asking the commissioner to review a systemic level failure through a mechanism which is usually referred to for particular failings in particular cases. We are shoehorning a very big inquiry into something which is usually not a very big inquiry.

When you look at all the mechanisms together, we still do not have complete satisfaction that the powers are there for the commissioner. I said to the commissioner, "I don't have a problem with you being the inquirer." It is probably not for the Assembly to tell the executive who they should appoint, especially under the Inquiries Act. But I would not have a problem with the commissioner undertaking those inquiries. "But I want to ensure, whether it is you or somebody else, that you have all the powers that you need." And he said to me, "Mrs Dunne, so would I."

Everyone is on the same page here. We are all saying that we need an inquiry. Only the Canberra Liberals are saying that we should have an inquiry where we are sure, we are guaranteed, that there are protections for people who give evidence and that there are enough powers to compel people. The commissioner himself is still in doubt and has not satisfied me. The advice I have received from my legal advisers does not satisfy me that the commissioner conducting a system-wide review would fit easily and comfortably inside his remit under the Human Rights Commission Act.

There are a whole lot of problems here about statutory protections for witnesses about which we are not satisfied. I therefore propose to move the amendment circulated in my name to Ms Hunter's amendment, which keeps all of the other stuff that is in Ms Hunter's amendment. I think that is good. There is no concern about a human rights commission audit, and her extension of the terms of reference enhances the inquiry. The only thing we are working on is whether we will have a good inquiry that has all the powers it needs or whether we do not. There is doubt over the path proposed by Ms Hunter. The challenge is: do we want a good inquiry or do we have to come back here later and extend the powers of the inquirer because he does not have the powers?

Ms Hunter said that she does not want to demonise Bimberi. If we have to drag this out because the commissioner, the inquirer, does not have enough powers, we will demonise Bimberi. The best way we can do this is to resolve it quickly, but not so quickly as to gloss over it.

The minister said that most of the inquiries under the Inquiries Act had taken something like six months and, in one case, a year. That delay was because of action by the Stanhope government that delayed the bringing down of that report and substantially increased the reporting time. My original motion gives the inquirer six months, and that is a reasonable time. No inquiry that would do a proper job and do justice to the young people and the people who work there would be done in anything

less than six months. We have to be realistic. This is not a quick fix, no matter which way we do it. Even with the Children and Young People Commissioner, we are still with a six-month reporting date.

The other problem with Ms Hunter's amendment as it is currently drawn is that it does not imply and reflect the law as it currently stands. It is unclear which minister she is referring to. You have to make it clear that it is the attorney, not the Minister for Children and Young People, who would be directing the commissioner to make this inquiry. The commissioner does not have the power to report to this Assembly. The commissioner can only report back to the Attorney-General. Read section 17 of the legislation. There would need to be direction to ensure that the minister responsible reports back to the Assembly.

I know people have contacted Ms Hunter and spoken about this, and I know what they have asked for, because I have got feedback. They have asked for steps to ensure that people are absolutely protected and that there is a clear path of transparency. There is only one way, and that is to have an inquiry under the Inquiries Act.

The minister seems to want to raise the bar so that we have inquiries under the Inquiries Act when people die. I think that we should be using inquiries under the Inquiries Act before people die. The message is out there. This is not a safe place for residents or the staff. Does Ms Burch want to brush everything under the carpet until somebody dies? I do not; the Canberra Liberals do not. We are not prepared to wait for people to die at Bimberi. We want a proper inquiry, and we want that proper inquiry now. We do not want to have to come back and fix it up later. As things stand today, we will have to do just that. Therefore, I move:

> In proposed paragraph (3), omit "Minister to direct the Children and Young People's Commissioner", substitute "Executive to appoint a board of inquiry, in accordance with the *Inquiries Act 1991*,".

MS BURCH (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (5.06): I say at the outset that I will not be supporting Mrs Dunne's amendment, but I and the government will be supporting Ms Hunter's amendments. We feel that they will provide for a robust and independent inquiry into the broader youth justice issues, including reviewing Bimberi and undertaking a look at our policies and practices there, and including a human rights audit. The work will parallel the work I announced yesterday that will also happen out at Bimberi. I believe that this is a sensible approach to what is clearly a call for issues and concerns to be explored and for ways forward to be identified. I can give assurance that DHCS is proactive and open in supporting this review and inquiry.

I would also take the opportunity to note that today was the first time that a number of matters raised here today have been brought to my attention. Now that they have, though, I do not hesitate to support an open and independent inquiry, one that provides opportunities to enhance and improve our processes and practices at Bimberi and across our youth justice system.

I can also give assurance that the appropriate minister, the Attorney-General, can include in his request for the commissioner to undertake this work that he does report back to the Assembly and that we will afford absolute assurance around protection, confidence and transparency in this review.

It is certainly a challenging environment. Youth justice is tough work. It is tough work for the workers. It is a complex environment. But that said, we as a society and a government should do all we can to give all assurances that the young people within the system are protected and have good outcomes and those that work within the system are afforded a safe and secure work environment.

The government commits to supporting Ms Hunter's amendments.

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (5.09): I will speak to Mrs Dunne's amendment. I have been speaking with Mrs Dunne over the last couple of days around this motion. It did start with an inquiry being held under the Inquiries Act. I had my office do some further investigation into this; I felt that that was not necessarily the right way to go and started to investigate other ways that could be explored to still ensure an independent inquiry.

I do understand the concerns that Mrs Dunne has expressed in this chamber. I share those concerns. This has been very fraught and difficult. It is a very vexed issue. I have spent quite a lot of time going over this particular point, particularly in the last 24 hours; it has not been easy, I can assure you.

At the end of the day, I believe that the Children and Young People Commissioner is an appropriate person to conduct this inquiry under the Human Rights Act. What I did to add another aspect to this inquiry was to have a human rights audit of Bimberi as well. The Children and Young People Commissioner has a very long history here in the ACT, working with young people in youth services and as the youth advocate or through the Public Advocate's office over many years. He understands the systems; I believe he is a very important person to be able to undertake this particular inquiry.

I am pleased to note the minister's comments that the Department of Disability, Housing and Community Services will fully cooperate with the inquiry. One of the issues that have been raised is that under the Inquiries Act there are powers to compel people to provide evidence or information. This is not available under the Human Rights Act, although in discussions my office had with the human rights commissioner—as we know, the human rights commissioner has undertaken an audit of the Belconnen Remand Centre and has undertaken an audit of the Quamby Youth Detention Centre—to date there has been cooperation in the audits that have been undertaken.

I reiterate again that although my amendments to the motion talk about the minister, it is quite clear that this is under the Human Rights Act, and the minister under the Human Rights Act is the Attorney-General. I again take the word of the Minister for Children and Young People that the attorney will be reporting back to this Assembly. Along the way, I will be following this extremely carefully. I will be watching this

extremely carefully, and if there is any suggestion at all that there are some issues around people not—

Mr Seselja: I'm sure they will be fearing your scrutiny there, Meredith.

MS HUNTER: If there are some fears, Mr Seselja, that people are not cooperating with the inquiry or people are feeling unsafe, that certainly will be taken up. And the other point is that if there is any suggestion that the final human rights audit or the final inquiry report from the Children and Young People Commissioner has been censored or messed with in some way, that also will become a major issue.

This does need to be transparent. We do need to get it done. At the end of the day, what we want in the ACT is the best juvenile justice system that we could possibly have. It does need to be human rights compliant, because at the end of the day we need to go back to who this is about. This is about young people who find themselves part of the community justice system—the youth community justice unit or detained in Bimberi.

We need to ensure that we are providing a system that has opportunities to rehabilitate, opportunities to learn new skills and opportunities around different ways of living—healthy, productive and satisfying ways of being able to conduct lives that involve new skills that will be able to allow the person to go for further education or get employment. It is about the families of these young people, many of whom do need extra support in order to be able to move forward. And it is also about the workers. This is why I do not want this to be blown up into a circus: it should not be about demonising—

Mr Seselja: That is what the Inquiries Act is—

MS HUNTER: Mr Seselja, it should not be about demonising the young people who are in the youth justice system or their families—or the workers, who are dedicated to working within that system, to supporting young people, to ensuring that there are good outcomes at the end of the day.

We need to have a process that will properly inquire, will properly follow up the allegations and will also look into what sort of education programs we are providing, what sort of opportunities we are giving, what sort of diversionary strategies are in place and whether they are working or not working and how we can improve it. We need to be looking at the range of things that have been detailed in Mrs Dunne's motion and my amendments to ensure that at the end of the day we are going to have not only a human rights compliant youth justice system but also a youth justice system that very much puts those young people at the heart of it and that puts rehabilitation at the heart of it as well.

That is the important thing to remember here. That is why today I believe that my amendments to Mrs Dunne's motion around a human rights audit and also the inquiry by the Children and Young People Commissioner, with these extended terms of reference, is the way to go. I believe that that will provide good outcomes. It certainly will be around a transparent pathway, a pathway where, at the end of the day, we will end up with a vastly improved juvenile justice system here in the ACT.

MR SMYTH (Brindabella) (5.16): The Greens should read their own website. Under "Governance", at line 7, it says that they want "open, accessible and transparent government with strong parliamentary oversight of executive powers". I think the oversight has gone, and any indication that this is a strong move is just a joke. This is a damp squib of an amendment.

The Greens took the government at their word when Ms Gallagher set up the bullying review. We do not know what happened in the bullying review. We do not know what any of the recommendations are. It is a snow job. We have been told some of the process of implementing something that might have happened but we just do not know. That is not strong oversight of the executive.

What we are having today is again the Greens squibbing it, performing their role as trained patsies for the government, because they do not have the courage to stand up and say, "This is such a serious issue that we will do something about it."

Ms Burch put it into a nice perspective during question time when she said, "The last time we had an inquiry, it was the result of a death." Is that the standard that we now set ourselves for having an independent inquiry of this nature—that somebody has to die before we as an Assembly act? That is on the heads of the Greens and that is on the heads of the Labor Party—that the only way you get a judicial inquiry from here on in, the new standard, is a death. It will be a very sad day if that is the catalyst for the next judicial inquiry. Independent inquiries of this nature should be there to stop things like a death in custody or the death of a staff member.

Ms Hunter says enough words about bureaucracy—the bureaucratese: we need this; we need that; we need a path forward. And on it goes. But when she is held to account, as a salve to her conscience she uses the words "don't blow it up into a circus". By all accounts, Bimberi is a very sad circus. It has a litany of failures. There have been a string of assaults. We heard from the minister today: "It has never been brought to my attention." Minister, why don't you ask? What goes on in your organisations?

One of the rules I had as minister for transport was that whenever there was a fatality I got a phone call. I said, "I do not care what time it is, day or night, I want a phone call." That is because, as a consequence of a motor vehicle crash, one of my officers would go out and view the site. They would see the dead person in situ so that they could determine the factors that led to their death. I said: "If one of my staff has seen that, I want to know, and I want to know that that person is being cared for, because they are my staff as the minister. I am responsible in this place for those staff."

What we do today by not having a fully independent inquiry under the Inquiries Act is betray those staff who have spoken up, who have sent emails to many of us—government and opposition; I assume the crossbench got them as well—talking about racism, bullying and assaults. They are not the words of a circus, Ms Hunter. You might want to salve your own conscience by saying, "Oh, you're just blowing it up into a circus," but when people approach us we take our job seriously. When you hear that a staff member had his hands on the throat of a resident at Bimberi, and left marks there and broke capillaries in his eyes, that is a serious thing. When allegations

are raised that a certain segment of the staff are discriminated against because of their race, that is a serious allegation.

Ms Burch said, "I will give you a full assurance of our full support, that DHCS is right behind it." DHCS has been in charge of it. I heard Mr Hargreaves say, or I think he said, "It is not quite a train wreck; it is off the rails." If it is off the rails, minister, it is off the rails under your watch. We hear, "We will now make it happen." We heard Ms Burch in question time say, "We need to change the culture." Well, minister, it is your culture. The place is 20 months old. It has been open for 20 months, and here we are, 20 months after the opening of a brand-new institution, and the government is now questioning the culture that it let establish itself in that place.

This needs to be an independent inquiry. It needs to be such that it does not happen again. If, as Ms Burch said, the new standard is that you have to have a death—the seriousness of it seems to be "let's have a death before we have this sort of inquiry"—then I am very concerned about the minister's approach to this and the seriousness with which she is taking it.

Yesterday we asked questions about "did you call them little buggers?"—of various degrees. We asked, "Did you cover your ears and say, 'La, la, la'?" We asked, "Were you there simply to cover your backside because you did not know about Bimberi?" Chief Minister, what it shows is a minister who is not in control and pays no attention to a very important part of her portfolio—which your government rightly has put money into, to establish a new facility because the old facilities were inadequate. To set it up to fail in this way and then not have due regard to a process to fix it is just ridiculous.

Ms Hunter says, "This is a better way." I do not think she gave us a reason as to why it is a better way. I did not hear a single word that said that the youth advocate had more power, more staff, more resources, more ability, more protection or anything that would sell that position as the position that would do this job any better. The real question then is this: does the commissioner have the power? I know Mrs Dunne has spoken to him. She can relay that conversation. What is at the heart of this is the ability to do the job properly. The only way is to do this job properly so that there is not a death. If there is a death in custody in Bimberi, it will be on the head of the Greens and the Labor Party for not taking the appropriate steps today—taking the appropriate steps today and saying, "This is a truly serious issue."

This is about young people that we have incarcerated; it is about the vulnerable. But it is also about the staff and it is also about all of their families, who expect one day to have the young ones come home and, at the end of the shift, have the workers come home—not damaged, not stressed, not beaten, not spat upon, not abused, not discriminated against.

That is why this should be independent. That is why, if we are truly going to change the culture, the only way to do that is not to have it run through the system but to have it run totally and absolutely independently. That is why we will not be supporting Ms Hunter's amendments. We will be supporting Mrs Dunne's amendment. It is appropriate to do this through a board of inquiry in accordance with the Inquiries Act 1991. It is appropriate that we get it right.

It is to this government's absolute shame that we are having this debate here today 20 months after the opening of this facility. Again, it is their urge to open things just to say, "Look, haven't we done a good job?" It is about the input model. It is always about the inputs: "We spent more; therefore it must be better." You should have taken a bit more time and thought these processes out and set it up properly. Perhaps, Chief Minister, given that you are having a review of the administrative arrangements, you might even consider shifting the portfolio to somebody more competent.

We had a minister say in this place today: "I am hearing things I have only just heard today. I am shocked." Why didn't you ask the question? This is not something that popped up yesterday. This is something that has been bubbling along from the start in terms of making sure that shifts are fully staffed, making sure that the facility is used to its best advantage. Ms Hunter, I think we all agree that we should make sure we give those that get incarcerated there the opportunity to return to society and be useful members of the society. But right from the start there were no teachers; we were not using the facilities. There were a whole range of things that were put in place at great expense to the community that were never used—never used.

The minister had excuse after excuse. That is all we get from this minister—excuse after excuse. I would urge you to look at what you are doing here and take this one seriously. We do find, in places where people are incarcerated, that there is extra pressure, there is additional pressure. And they are pressures that sometimes are expressed as violence or self-harm. We all need to take this incredibly seriously. The outcome that is Ms Burch's new standard—that you need to have a death for a judicial inquiry—is a very sad outcome. If we have a death, perhaps then we might get a judicial inquiry, and that would be even worse. Prevention is better than cure and there should be a judicial inquiry established today. *(Time expired.)*

MR SESELJA (Molonglo—Leader of the Opposition) (5.26): I thank Mrs Dunne for bringing this motion forward today and I thank her for the significant amount of work that she has done in listening to the serious concerns of many people associated with Bimberi. Mrs Dunne has taken the time to speak to anyone who has concerns, to listen to those concerns and to bring those concerns to the attention of the Assembly. It is to her great credit that she has chosen to bring this forward and that she has prosecuted it in such a comprehensive way.

There is no doubt that Mrs Dunne and others have made such a strong case that there appears to be agreement, even tacit agreement from the government, that the management of Bimberi at the moment is not up to scratch. One thing we appear to have established as part of this debate today is that there are serious problems at Bimberi. It is a very poor reflection on this government and this minister that things have got so out of control in such a short space of time.

The government spent a lot of money on this new facility. They spend a lot of money on managing it day to day, but I do not recall there being these kinds of serious and systematic concerns raised about the previous facility. We agreed that that facility was inadequate, that the building was inadequate and that there were problems with it.

But in just such a short space of time, for us to be in a position where it appears that all parties in the Assembly agree that things are not well, that there are serious cultural issues, that the serious allegations that have been raised by so many people cannot be written off as just one or two disgruntled employees, is a serious thing. I again commend Mrs Dunne for actually being the one to prosecute that case and to bring this to the attention of the community and the Assembly, not just today but most particularly today as we debate it.

Given that we have agreed on that, it does reflect on this minister's ability to do it and we have real concerns about what this minister will do from here on in. The reports that the minister has not denied, the reports that the minister has refused to deny, about her behaviour when meeting with staff are very concerning. They are not befitting a minister in the ACT. They are not the standard of behaviour that we would hope for and expect from someone in that very important position.

We would expect that a minister who goes and meets with staff and meets with union delegates would be interested in listening to their concerns, would be interested in getting to the bottom of their concerns and would be hell-bent on fixing these problems. Instead, she blocks her ears. This minister blocks her ears.

That is part of the reason why Mrs Dunne has had to bring this to the Assembly today. The minister blocked her ears. The minister turned away and said: "I am just here to cover my backside. I do not really want to hear what the concerns are because that might cause me some problems. If I know about the problems, then I might be held accountable for them. There might be some political embarrassment for me. There might be some political problems." In the meantime, we have matters that have been brought to the attention of the minister and members of this place, and now to the Assembly, that should be of concern to all Canberrans—the issues around racism, the issues around bullying, the issues around assaults, these systemic issues.

So what we have is an opportunity to actually do something about it, as Mr Smyth said, before we have a death, not waiting for something more serious to happen than has already happened, not waiting for something more serious than the serious assaults we have had, the self-harm, the bullying. We should get in in front of this.

Instead, we see it again today. We saw it before in the health debate. The Labor Party and the Greens have said, "Let us not have a proper inquiry." And the Greens in particular have said, "Let us find a way of making it a less effective inquiry, one that does not have the full powers, one that cannot get the job done." That is what we have again.

We had it last time. We had it with health. We had the opportunity to have a full inquiry, to have some openness and transparency, and the government and the Greens said, "No, we do not need to know about that." Now we are in the dark. And the Greens and the Labor Party have again chosen to do that today.

It was only yesterday that Ms Hunter thought that an inquiry under the Inquiries Act was a good idea. It was only yesterday that Ms Hunter was going to move an amendment that would support and apparently enhance—

Mrs Dunne: Extend the terms of reference.

MR SESELJA: and extend the terms of reference for an inquiry under the Inquiries Act. But something between yesterday and today happened, and we are not quite sure what that was. But we do see this often. The Greens retreat. They retreat from serious scrutiny.

So what they are proposing instead is again about the visuals. It is about pretending to do something when there is not a genuine scrutiny. It sounds familiar, because we had it some months ago with the health minister. The health minister said, "No, there are no problems." It is the same thing as with this minister. Then the health minister was forced to acknowledge that yes, there were problems and we were going to have an inquiry. Should we have an open inquiry under the Inquiries Act? "No, we do not need to do that; we have got another way of doing the inquiry," a secret way, a way that covers it up.

That is exactly what we are getting here. It is not as secret but what we are getting is the less effective inquiry, the less transparent inquiry, the inquiry that does not have the same ability to get to the root causes so that we can fix them. That is what we are being asked to support today here by the Greens.

But make no mistake about this. We had acknowledgement of serious issues. I had the CPSU in my office recently. The number one thing they raised with me was the problems at Bimberi. It was the number one thing. And they have issues across the board with the ACT government on a number of fronts but this was the number one thing they raised with me.

So we have these acknowledged serious issues and instead of saying, "Yes, there are serious problems; yes, we want to do a thorough investigation," what the Greens and the Labor Party are proposing is that we find a less effective way. It is about the charade. It is about saying, "It is off for an inquiry." You have got to question the motivation.

We heard it again from Ms Hunter when she said, "We will take the word of the minister." We hear that a lot from the Greens. We hear it on so many things. And ministers generally—and certainly from this government we have seen this—are not that interested in having their departments and their actions put under scrutiny. That is generally the way it goes. They would prefer not to be heavily scrutinised. So we need to take what they say with a grain of salt. We need to pursue these things.

If the new standard, as accepted now apparently by the Greens, that is put forward by the minister, is that you only do inquiries under the Inquiries Act when there is a death, if that is the new standard, then we have set a new low for accountability, that we will only pursue true accountability after someone dies, not before.

We believe the problems are significant enough. This is not something that Mrs Dunne has manufactured. I think it has been accepted by all in this Assembly today that there are serious issues. The question is: are you serious in your response?

The Greens have said they are not serious. What they have said is, as usual, they will find the way that is most favourable to the government, that is least likely to put genuine scrutiny on the government.

They have chosen a path where the person doing the inquiry is not even sure of the extent of the powers that they have. There is a sure-fire way, and it is in Mrs Dunne's amendment. I commend Mrs Dunne's amendment and her motion to the Assembly.

Question put:

That **Mrs Dunne's** amendment to **Ms Hunter's** proposed amendment be agreed to.

The Assembly voted—

Ayes 5		Noes 11	
Mr Coe	Mr Seselja	Mr Barr	Ms Hunter
Mr Doszpot	Mr Smyth	Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
		Mr Corbell	Mr Rattenbury
		Ms Gallagher	Mr Stanhope
		Mr Hargreaves	

Question so resolved in the negative.

Amendment negatived.

Question put:

That **Ms Hunter's** amendment be agreed to.

The Assembly voted—

Ayes 11		Noes 5	
Mr Barr	Ms Hunter	Mr Coe	Mr Seselja
Ms Bresnan	Ms Le Couteur	Mr Doszpot	Mr Smyth
Ms Burch	Ms Porter	Mrs Dunne	
Mr Corbell	Mr Rattenbury		
Ms Gallagher	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

Amendment agreed to.

MRS DUNNE (Ginninderra) (5.41): To close the debate, it is a very disappointing outcome for the staff and the residents at Bimberi that we have got a less than perfect inquiry as a result of this. Ms Hunter said that her proposal to have the young people commissioner inquire into this is a good way. It is a fair, average-quality way but it is not the best way. I will tell you why it is not the best way. I have just recently, in the

last half-hour or so, received an email from the Children and Young People Commissioner who said a number of things, but this is the bit that I will quote:

> … I am reasonably sure that if I were to undertake a Commission initiated consideration (following a direction from the Minister …) … I would have close to the same powers as would someone appointed under the Inquiries Act.

That is a really ringing endorsement of the person that they want to do this inquiry, without a doubt an extraordinarily qualified person to do this inquiry, and he has said to me on two occasions today, "I am not convinced that I have the powers that I need to undertake this inquiry."

Mr Corbell: That is not what he said, actually.

MRS DUNNE: He said, "I am reasonably sure that I would have close to the same powers." I said that if he undertook this inquiry I would want him to have all the powers he needed and he said to me, "Mrs Dunne, so would I."

But the Labor Party and the Greens have conspired here today to ensure that this inquiry may not have the powers necessary. And if we have to come back here in the new year and fix up the powers so that the commissioner who is undertaking this inquiry can undertake this inquiry properly, it will be down to Meredith Hunter and Joy Burch for their collusion over this matter.

This is a serious matter. There is no-one in this place today who has gainsaid any of the accusations made today by the staff, through me and through Mr Coe. Mr Hargreaves in his usual way said, "It is a bit of a witch-hunt." It is his favourite word. If this were a witch-hunt, the Canberra Liberals would have gone to the media with it. We have enough information to make any tabloid journalist salivate at the prospect, and we did not do it. We did not make it a media circus. We brought it here because it is so serious.

We believe—and I will say it again—that we have a moral obligation to do everything we can to ensure that we address the culture at Bimberi. And the minister says, "We need to address the culture at Bimberi." There was going to be a new organisation, a new facility, a new structure where there was going to be a new broom, where we were going to be human rights compliant. And less than two years down the track, we are here debating this because there is a problem with the culture, a culture where management call islander staff gorillas. That is not acceptable.

But much worse than that, we have a culture where staff are assaulted because they are left by themselves, a culture where staff assault inmates and not enough is done about it. This is the culture, a culture where we have empty facilities that have not been used, except for one or two media stunts by this minister who, from the very outset, has been protecting her backside. That is what the staff are telling us. And we saw it with her bricks and blocks and her little garden foray. The only time she goes there, for the most part, is when there is the media in tow so that she can tell a good story.

The good stories have come to an end. Bimberi is in a mess. There is no-one in this place who gainsays any of the information that we have provided here today, but you are prepared to have the second-best inquiry. The Canberra Liberals will not support the second-best inquiry. The Canberra Liberals believe that we should have the best possible inquiry, with the most powers available and the best possible inquirer.

There is, I think, a high level of agreement that the Children and Young People Commissioner may be the best possible inquirer, but he does not have the powers. By his own admission, he is not sure that his own legislation delivers him the powers. And the people of the ACT deserve the best. The young people who live in Bimberi deserve the best. The people whose lives are on the line in Bimberi deserve the best. The myriad people who are on sick leave, stress leave and extended leave, who talk to me on the phone, in tears, deserve better than this.

The people have said to me: "I cannot go back to work. I want to work for these young people and I do not have the facilities to do it. I do not have the management support to do it. There are not enough of us to work with these young people. We have practices that we are not being able to follow through because we do not have the staff." The people who suffer are those few staff, and the people who suffer more are the young people who do not reap those benefits that could be available to them.

Ms Hunter heard today from someone who rang her, and that somebody rang me as well, and told us of a resident who has been there for five years. He is now an adult and will be soon leaving Bimberi. He has been there for five years. He is functionally illiterate and he does not have a year 10 certificate, despite being a compliant resident for five years. That is a failure of the system. That is just one of the failures of the system. What is going to happen to that young person when he leaves Bimberi without the capacity to get a job because he is functionally illiterate?

Why, after two years in a new facility, are we in a situation where staff member after staff member, teachers, youth detention officers, are telling us, are crying to us, begging us to do something to make this better and these people, the Labor Party and the Greens in their coalition, have coalesced and colluded to give us the less-best option? The people of the ACT, the staff of Bimberi, the residents of Bimberi, have been let down today.

We have a Chief Minister who has sat here, dumb, all through this. And I have to ask the question of the Chief Minister: what has the Chief Minister done to address the entirely unprofessional behaviour of his minister? What has he done? Has he done anything to satisfy himself that his minister, Ms Burch, is complying with the ministerial code of conduct? It does not matter how broadly you read the ministerial code of conduct, when somebody is telling you that there is a problem and you go, "La, la, la, la, la," with your hands over your ears, that is not professional behaviour. That is not how you treat people, according to this ministerial code of conduct.

What has he done about it? Has he faced the minister and said, "Tell me what happened at that meeting. Did you really call the residents of Bimberi Youth Detention Centre, the people who are in our care, little buggers, naughty little buggers,

silly little buggers? That is not professional. And have you spent your time doing media stunts, talking about barista courses, having the media out there from time to time to have a look at the garden and, at the same time, done nothing about the fact that there was not a sport and rec officer for months at a time and that most of the sport and rec facilities could not be used"?

These kids are bored. They are bored because they do not have decent education facilities. Although they have outstanding recreational facilities, they cannot use them because there is no sport and rec officer or there has not been for months. And when they are bored, they get locked up. They get more bored and they cause trouble and they beat people up because there are not enough staff there to ensure that they do not get beaten up.

The Labor Party and the Greens have colluded today to ensure that we do not get the best inquiry for these people and that we will not get the best outcome. It is a shame on them. They all say they are interested in the outcomes of the young people but they have let them down today.

Question put:

> That **Mrs Dunne's** motion, as amended, be agreed to.

Ayes 11		Noes 5	
Mr Barr	Ms Hunter	Mr Coe	Mr Seselja
Ms Bresnan	Ms Le Couteur	Mr Doszpot	Mr Smyth
Ms Burch	Ms Porter	Mrs Dunne	
Mr Corbell	Mr Rattenbury		
Ms Gallagher	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

Motion, as amended, agreed to.

At 6 pm, in accordance with standing order 34, the motion for the adjournment of the Assembly was put and negatived.

Sitting suspended from 5.56 to 7.30 pm.

Planning—south Tralee

MR RATTENBURY (Molonglo) (7.30): I seek leave to amend my motion by deleting the words "with concern" in paragraph 1.

Leave granted.

MR RATTENBURY: I move:

> That this Assembly:

(1) notes:

(a) the recent decision by Queanbeyan City Council to submit the Queanbeyan Local Environmental Plan (south Tralee) 2010 to the NSW Director-General of the Department of Planning, and request the Minister make the plan;

(b) that south Tralee is in the Canberra Airport high noise corridor and under Canberra Airport flight paths;

(c) that Canberra Airport currently receives complaints and is subject to calls for a curfew from residents under the flight paths twice the distance from the airport than south Tralee;

(d) the potential for noise sharing which will adversely affect the residents of southern Canberra;

(e) the incompatibility of residential development at south Tralee with existing and future industrial operations at Hume, and the lack of evidence regarding the adequacy of the proposed buffer adjacent to Hume;

(f) that no consultation has taken place with the ACT with regard to a proposed sewage treatment plant related to south Tralee;

(g) that the infrastructure, road links and public transport planning for the proposed development are still largely to be determined and finalised;

(h) that south Tralee is opposed by the Federal Government, the Federal Coalition, Airservices Australia, airlines including Qantas, Virgin, Brindabella Airlines, Tiger Airways, Emirates and United Airlines, freight operators and community councils such as Tuggeranong and Weston Creek;

(i) that the Federal Government is seeking to develop a national land use planning regime around airports, and the south Tralee development prejudices the development of this regime as it would apply to Canberra and Canberra Airport; and

(j) the plans for Canberra Airport to become a 24 hour freight hub;

(2) strongly opposes the proposed residential development at south Tralee;

(3) supports the call from many residents for a night time curfew from 11 pm until 6 am for the airport; and

(4) calls:

(a) on the Chief Minister and Minister for Planning to write to the:

(i) NSW Premier and Opposition Leader, and the NSW Planning Minister and Shadow Planning Minister, strongly opposing the development and noting the motion of this Assembly to oppose the development; and

(ii) Commonwealth Minister for Transport confirming the ACT's strong opposition to the development; and

(b) for the establishment of a commission, with membership drawn from the ACT, NSW and the Commonwealth, to review planning, development, infrastructure links, transport options, settlement patterns, environmental impacts and sustainability in the ACT/Queanbeyan border region to ensure that cross-border planning is undertaken in an integrated and co-operative manner.

This motion today calls on the Assembly to communicate to the New South Wales and federal governments our clear opposition to the proposed residential development at south Tralee. The Greens have moved this motion today because we believe that building Tralee has the potential for significant detrimental impacts on the ACT and because we believe that not proceeding with the development at Tralee will avoid a number of problems in the future.

Firstly, residents at Tralee are likely to complain about aircraft noise as the development is under Canberra airport flight paths. Secondly, as authorities seek to deal with those concerns we believe there will be increased political pressure to share aircraft noise across Tuggeranong and southern Canberra. Thirdly, a residential development right next door to the industrial zone at Hume we believe does not seem a particularly prudent thing to pursue.

We know that there has been a long history of concerns raised about this project and that a range of organisations have put that case to the developers, to the Queanbeyan City Council and to the state government—everyone from the Tuggeranong Community Council to the federal government. We think that this Assembly should strongly add their voice to these organisations.

I should acknowledge that there are community groups who are in favour of the development proceeding. For example, the Jerrabomberra Residents Association are keen to see Tralee develop, as a way to build a case for better infrastructure for the residents of Jerrabomberra: more people, better infrastructure for everyone. We do not disagree with their case for better community infrastructure. We just do not believe that building a suburb in a high aircraft noise zone is the way to go about it.

Indeed, the Jerrabomberra Residents Association was one of a number of community groups who are part of the Curfew for Canberra group calling for an 11 pm to 6 am curfew at Canberra airport, so I think we can assume that they are not that enamoured of the idea of having aircraft noise over either themselves or the prospective residents of south Tralee.

So it is time for the New South Wales government to take the concerns of the ACT and ACT residents seriously but, just as importantly, to consider the needs of the future residents of Tralee, who should not be seduced into buying into this development with promises that it will all be okay, that aircraft noise is exaggerated, or with empty promises that it can all be changed in the future.

Construction of the development of residential suburbs in south Tralee will, we believe, be placing residents in an area of unacceptable aircraft noise. I appreciate there has been some disagreement over technical aspects of exactly how much people will be affected. But noise contour maps indicate that noise will be unacceptable. When you look at the maps, common sense tells you that noise will be unacceptable, but it is probably better to rely on the science.

Let us for a moment focus on the people who will move into south Tralee. We can say that they are not our problem; that they will be New South Wales residents and we should not worry. But we know that many of them will work in the ACT, their children may attend ACT schools and they may well attend ACT hospitals. They will have friends and networks in the ACT. They will, in many ways, effectively be members of our community. I am not sure that I can with good conscience expect people to move into their new houses at south Tralee and then suddenly realise that the aircraft noise is not so easily switched off.

In fact, aircraft noise has been associated with interrupted sleep and reduced health outcomes. Canberra—and I imagine even south Tralee—has quite low background noise, particularly at night time where it sits at about 30 decibels. Ironically, this is likely to make the impact of aircraft noise more likely to be felt as the greater the difference between the background ambient noise and the disturbance the more likely it is that the disturbance is noticed. The World Health Organisation says that for a good night's sleep noise events over 45 decibels should be avoided. Most people wake up at 45 decibels. But if you are living in the quiet ACT, this is even more obvious.

It is probably fair to say that there should be more work on long-term health impacts. However, a study in 2008 in the *European Heart Journal* concluded that its sleeping subjects had a clear increase in blood pressure when exposed to aircraft noise, starting at 35 decibels. This occurred even when the subjects of this study did not wake up. So your health can be affected and you may not even be aware of it.

This makes it a quality of life issue. Having to live with aircraft noise simply reduces quality of life. Ameliorating noise impacts may effectively mean needing to insulate houses against noise. Unfortunately, this can mean needing to close windows, especially at night time—something that only leads to people using even more air conditioning than they already do. It will discourage families from spending time outside and it will spoil the ambience that we should aspire to in our suburbs. People want to be able to move into a new home and know that they can spend time outside and have barbecues and that their children can play in the backyard without having to yell to be heard as a plane goes over.

The point has been made to me that the development at south Tralee will meet the Australian standard AS2021 and I acknowledge the work that has been done to achieve that. But AS2021 is a building standard. All it does is specify how buildings are to be constructed to insulate against aircraft noise. That might be a valid thing to do if you already had a house under a flight path. But let us be clear: you cannot use this standard to insulate your back garden. This standard is not a replacement for proper planning to avoid the impacts of aircraft noise in the first place.

That is really what this motion is about. It is about saying: let us not take a decision now that is going to lead to significant problems in the future that are going to be extremely difficult to address and certainly impossible to reverse.

There is a shared understanding from Airservices Australia and the commonwealth government that the standard AS2021 is not working in other parts of Australia in terms of alleviating people's concerns about airport noise. That is why the federal aviation white paper says that the federal government and states and territories will work towards developing a national land use planning regime. The white paper also recommends that the ANEF system needs refining—a further indication that it is currently not effective in managing expectations around aircraft noise for the community.

I also know that some people may say that aircraft noise in Sydney is far worse and that people will just get used to it; after all, we are a small town with a relatively small airport. However, I would say to you, firstly, that Sydney airport does have a night time curfew—something that decision makers here do not seem to think is of value to the people of the ACT and Jerrabomberra. But why on earth would we create this kind of problem, especially when we know that the airport has plans for expansion and that Canberra airport has so far failed to secure a curfew for its residents? Why would we want to do this when we know what the ramifications of aircraft noise are on the community? It is just bad planning to encourage people to live under flight paths when we know better.

And so we come to the impacts on the people of the ACT. Make no mistake: building south Tralee under a flight path will see residents put in a situation where they will start to agitate for change. There are suggestions that they will be asked to sign documents when they move in, acknowledging that they are moving in under a flight path, and I am sure residents will sign that. But human nature says that, once people move there and they realise the nature of the problem, they will start to complain and agitate as they seek to get a better life for themselves. Anybody would do it. This will result in political pressure.

We know that Tralee is in the seat of Eden-Monaro, one of the most marginal federal seats in Australia. The federal member for Eden-Monaro and prospective candidates for that seat will start to agitate on behalf of their constituents, as they rightly would, and you can just watch that series of events build and build, that political pressure build, until there are calls for noise sharing—and ultimately this will result in noise sharing, which will impact on the residents across Tuggeranong and southern Canberra. And, unless any members in this place can turn around and tell me why that is a good thing, they should be supporting this motion.

Already the community have voiced clearly their interest in having a curfew at Canberra airport. But, as I indicated, that battle has been lost for another day. But if this development does go ahead I think that the debate about a curfew will be back on the agenda more quickly than anyone expected.

Aside from aircraft noise issues, a range of planning issues has not been dealt with effectively in regard to this development. Road links, public transport and key

infrastructure such as sewerage works are yet to be effectively dealt with. I am concerned that the artificial border between the ACT and Queanbeyan is leading to a poor outcome which will be bad for all residents on both sides of the border.

As I indicated earlier, Queanbeyan residents are part of our community and in that regard we should be starting to think about better regional planning with better engagement for all stakeholders, rather than pitching New South Wales residents against ACT residents. We share too much for this to become the paradigm in which we operate.

It is for this reason that I have proposed in the motion the establishment of a commission that would work to ensure cross-border planning is undertaken in an integrated and cooperative manner. This is a positive suggestion to try and ensure, short, medium and long term, that we operate as effectively as we can with our colleagues across the border to get the best possible outcome for all the citizens in this region. We will over the years ahead be sharing more with Queanbeyan residents rather than less as our residential and industrial areas start to meet and as our shared transport objectives are developed.

I understand that the current government has sought to engage with the New South Wales government and the Queanbeyan council on a number of different issues over time and I welcome that. But perhaps it is time for a more formal mechanism to take the regional planning process to a new level of cooperation and engagement.

When it comes to the discussion about south Tralee in particular, it is worth noting, as I have in the motion, that there is significant opposition to this development, and it is for a range of different reasons, some of which I agree with vehemently; others I am not so sure about. But at the end of the day there are clearly a number of significant problems with this proposed development. And those views have been expressed by the federal government, the federal coalition, Airservices Australia and a number of airlines as well as various community councils, which I have noted in the motion, including Tuggeranong and Weston Creek.

I think it is also important to note, because this is what might be described as a controversial issue, that this motion is about protecting residents and not about protecting the airport. Anybody who has listened to some of the comments I have made over time knows that the Greens do not necessarily support unending expansion of the airport and that we have reservations about building future industries off the back of the growth of the airport.

We have been clear in our criticisms of the airport developing new office facilities at the airport site, not because the buildings are not of a high quality—in fact, they absolutely are—but, rather, we have been concerned about the construction of an office precinct away from where people live and that this development has prevented that office development happening in other parts of Canberra where it is desperately needed, in particular, Gungahlin.

We have also taken issue with some of the predictions that Canberra airport are making about their expansion of services: more international flights, flights that

would otherwise go into Sydney, and the development of a 24-hour freight hub. It is clear that both these options are attractive to international freight companies and airlines because Canberra does not have a curfew. These are flights that would otherwise go into Sydney, so it is important we all understand that the intention of Canberra airport is to bring more night time flights into the ACT—something that I imagine, again, will increase the pressure for a curfew as well, as Canberrans and people in Queanbeyan fight for their quality of life.

At the end of the day, that is what this motion is about. It is about quality of life. I think the prospective development at south Tralee is, if I might paraphrase, a wicked dilemma. There is a clear need to have new spaces for new residential developments in this region. There is a need to ensure we have affordable housing. But at what price? I do not think it is just to say: "Yes, we will give you an affordable house. But to get an affordable house you have to live under a flight path." It is simply not fair, it is not just and it is not decent.

We have to be mindful of those prospective future residents of Tralee. We want them to have a good quality of life, and the best way we can do that is by ensuring that we do not build their houses in a high noise zone. We also need to be acting for the residents of Tuggeranong and south Canberra, who face the very real prospect of noise sharing down the line.

It is not going to happen in the next 12 months, probably not in the next couple of years; but if this development goes ahead it will happen over time. I am not sure how long it will take but it is something that we should not be wishing on future residents of the ACT, nor future members of this Assembly who will have to deal with that.

So they are the reasons why we are putting this motion forward today. It is designed to be, hopefully, a motion that all parties in this place can support. It is intended to be a clear statement from the ACT saying that, whilst we have no formal power to intervene in the development of south Tralee, we have strong reservations and we implore those that do have the formal power to think again about this decision, to think wisely and to take a decision today to not go ahead with south Tralee so that we avoid the potential, very significant problems and adverse impacts on the ACT that will come down the line from proceeding with this development.

I commend the motion to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (7.46): The Canberra Liberals will not be supporting this motion. I circulate an amendment which I will move in a moment. There are a number of issues to look at here. I would like to go to some of what the Canberra Liberals had to say on this issue recently, which I think is very important, and it is the approach that we will be taking.

Firstly, I think it is fair to say that we believe, unlike the Greens, that there should not be a curfew. We do not believe that imposing a curfew on Canberra airport is responsible. We do not believe that it is prudent and we do not believe that it is in the long-term interests of the ACT. We acknowledge the important role that Canberra airport plays both in the ACT economy and in the economy of the wider region.

Having a vibrant airport in Canberra and having competitive advantages in Canberra, I think, is a plus.

It is also important to recognise that the way Canberra is structured and the location of our airport provide a lot of opportunities as well as some challenges. That is why we have called for a couple of things, and these are included in my amendment. We have publicly called for them in the past few weeks. This is about a couple of things. First, it is about acknowledging that the noise abatement zones at the moment do not protect all Canberrans. Unfortunately, parts of Canberra are not covered by the noise abatement zone. If you look at flight path records and the data that shows where the flights go, you will find that it is potentially and increasingly becoming a problem for the growing areas of Gungahlin and a small part of the inner north which are not covered by the noise abatement zone.

Effectively, aircraft are currently able to cut across. Instead of staying on the runway centre line when they are heading north for that extra half a kilometre or so, they are turning early. They are allowed to do this under the current noise abatement zones. What that means is that parts of Gungahlin now have no protection. They have no protection through noise abatement zones. We believe that that is not good enough. In addition, Watson is not totally covered by the noise abatement zone.

We believe that all parts of Canberra should be covered by the noise abatement zone. I think that this is critically important. I have written to the federal minister in those terms and my amendment goes to these issues. It is surprising that we have not heard more from the Labor Party and the Greens on this in terms of going in to bat for the people of Gungahlin and the inner north who, at the moment, are not afforded the same protection from flights over their properties as other parts of Canberra. It is really important that we get a unified approach in the Assembly so that the commonwealth hears that and we actually get some movement on it.

Secondly, and I think this is a really important point—this is where I partially agree with some of what Mr Rattenbury had to say—the fact of our geography means that we actually need something more. The second part of my amendment goes to this. Noise abatement zones at the moment are not enshrined in legislation. They are subject to change without going through a parliamentary process. Theoretically, these could be changed now without the tick-off of the federal parliament. That is of concern to me. I know that it is of concern to Tuggeranong residents and other residents in Canberra. Because we are an island in New South Wales, down the track decisions outside our control could potentially lead to a situation where noise abatement zones are amended. At the moment they do not go far enough, so that needs to be addressed.

Also, we need some greater protection going forward. It is critically important that the commonwealth enshrines that in legislation. It is important that we make a strong statement that we want to see it enshrined in legislation so that we do not just cover those parts of Canberra that are not covered at the moment—parts of Gungahlin and the inner north. We must also say that, because of the situation we are in in the ACT where those decisions can be taken, the commonwealth needs to afford us some protection.

If the rhetoric from the federal ministers is to be believed—that they are genuinely concerned with these issues—then they will have no trouble in legislating this at all. This is something they actually can do. This is something they can do right now. It may or may not be something they do in other parts of the country, but the ACT is in a unique position because of where its airport is located and because of the fact that we are an island in New South Wales. We can make a strong statement to the commonwealth that we want to see action right now.

I have some background in this area, having worked in part of the then Department of Transport and Regional Services which dealt with some of these aircraft noise issues. At that time—and I believe still now—there was a great challenge for the commonwealth in legislating for land use planning around airports. One of the challenges they had around Badgerys Creek was in restricting the amount of development that goes on around Badgerys Creek.

I happen to believe that Badgerys Creek was a good site to pursue for a second Sydney airport. I think it should have been pursued. But various commonwealth governments got skittish and it has now been ruled out. Partly I think it was because the land use planning did not match what it needed to do. They relied on local councils and their area plans to have policies which restricted development around the proposed site of Badgerys Creek. There was no commonwealth power, or no easy commonwealth power—nothing that would not have been subject probably to High Court challenge—that the commonwealth could use to protect those areas so that they could in future build Badgerys Creek. I think various commonwealth governments would have spent the best part of 20-plus years working on legislating and looking at various ways of examining that site, doing the environmental studies and the like. The opportunity they missed there, I think, leaves it open as to what will happen there.

What the commonwealth can do in this case—and this is why this is important—is legislate to protect Canberrans. They can actually present legislation very soon in the commonwealth parliament that says, "We're going to enshrine in legislation these noise abatement zones in the ACT." If Minister Albanese is to be believed—that he actually does want to see these airports thrive but he also wants to see residents protected—then this is something he can absolutely do for the people of the ACT.

In relation to the other aspects of Mr Rattenbury's motion, the proposal for a curfew raises some serious questions. There seemed to be a bit of logic at cross-purposes in Mr Rattenbury's speech. He seemed to be saying that we needed to protect against development so that there would not be a curfew but at the same time he called for a curfew. So it seemed a little bit confused in logic. We put it on the record that we will not be supporting the calls for a curfew by the Greens. That is not a policy that we endorse. That is not a policy that we will be supporting today. Therefore, it is not a motion that we will be supporting. I now move the amendment circulated in my name:

> Omit all words after "That this Assembly", substitute:
>
> "(1) notes that:

(a) the Canberra Airport is a key piece of infrastructure for the ACT that supports economic growth of Canberra and the region; and

(b) aircraft noise is an issue of concern for many Canberrans, including residents in Gungahlin and North Canberra who do not live in an aircraft noise abatement zone; and

(2) calls on the Federal Government to:

(a) adjust the noise abatement zone to include all homes in Canberra, including those in Gungahlin and the inner north; and

(b) ensure that Canberrans are protected by legislating noise abatement zones that would provide a new level of security and certainty to Canberrans across the Territory.".

I commend the amendment to the Assembly. The amendment makes the statement that there are no second-class citizens in the ACT when it comes to aircraft noise, that people in the growing parts of Gungahlin are not second-class citizens anymore, and calls on the commonwealth to fix that anomaly. Much further than that, we do not want to be subject to the vagaries in future of administrative change that could potentially see these noise abatement zones changed. They should be changed in order to cover the whole of the ACT. All of the residential areas of Canberra should be covered, but they should also be legislated. I commend my amendment to the Assembly and I look forward to the support of other members.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (7.56): The motion today raised by Mr Rattenbury gives me an opportunity, which I appreciate, to provide an update on the proposed residential development in south Tralee, the related issues of the Canberra international airport and aircraft noise and the capacity for the ACT to influence what is a New South Wales decision.

The ACT government, as members know, has no control over whether or not residential development will occur in the south Tralee area. This is rightly a matter for the Queanbeyan City Council and ultimately the New South Wales government. However, while the ACT government expects and has at all times acknowledged our respect for Queanbeyan's right to grow and to prosper, we have over many years been a strong opponent of Tralee rezoning.

Many in this place may not be aware that the development of Tralee has been active since the late 1990s and that over that time a multitude of statutory planning processes have occurred, including an independent inquiry in 2006, commissioned by the New South Wales planning minister. It also needs to be recognised that the south Tralee rezoning is the first stage of a 25-year land release strategy prepared by the Queanbeyan City Council for development in the south Jerrabomberra corridor—a strategy approved by the New South Wales government on 12 December 2008,

despite considerable protests from the ACT government and indeed from other key stakeholders.

In relation to south Tralee, the Chief Minister's Department has coordinated a whole-of-government agency submission to the most recent process, the Queanbeyan City Council's public exhibition of the *Draft Queanbeyan local environmental plan (South Tralee) 2010*, which closed on 2 November 2010.

This latest ACT submission reiterated our longstanding opposition to the rezoning, highlighting a range of issues, including the incompatibility of land uses with existing and future industrial operations at Hume; the likely concern from future residents in the proposed development regarding the operations of the Canberra airport, which will create pressure for a curfew on the airport's operations or lead to calls for noise sharing by existing Queanbeyan and Canberra residents; the lack of evidence regarding the adequacy of the proposed buffer adjacent to Hume, particularly given the range of facilities already in place in Hume that may give rise to concerns from future residents in the area; and the lack of agreed funding arrangements in place to adequately compensate the ACT for the infrastructure and services required to support these developments.

Despite these concerns, Queanbeyan City Council, at its meeting on 17 November 2010, gave approval for the south Tralee development project, which has now been referred to the New South Wales government for final approval. I understand that the Queanbeyan City Council received some 2,000 submissions on the south Tralee plan, with a reported 65 per cent being in favour and 35 per cent against. I am also advised that the Canberra airport and airlines that operate out of Canberra airport—Virgin Blue, Qantas, Brindabella Airlines and Tiger Airways—all provided submissions raising aircraft flight path and aircraft noise concerns, as did the federal Department of Infrastructure and Transport and Airservices Australia.

Importantly, the ACT government has not just let this matter rest. Following the approval by Queanbeyan City Council, I wrote to the New South Wales Premier, Kristina Keneally, on 29 November 2010, detailing the ACT government's key concerns with the proposed residential development of south Tralee.

This brings me to the second important matter which is part of Mr Rattenbury's motion, the operation of the Canberra airport and issues of aircraft flight paths and aircraft noise. It is the Australian government that has principal responsibility for all federally leased airports, which includes Canberra airport. The commonwealth Airports Act 1996 establishes a comprehensive framework for the regulation of the 22 federally leased airports.

As I have previously stated, the ACT government acknowledges the economic importance of Canberra airport to the ACT and to our regional economy. The airport provides significant employment through the businesses that are based there and through the large amount of construction activity that has occurred in recent years. It also offers key national transport connections, a business park, general aviation facilities and important defence and security facilities.

The airport also plays a key role in the Canberra community as a major gateway into the capital region. The opening of the new airport terminal will reinvigorate the aerial gateway into the ACT region and will continue to play an important role in ensuring that Canberra remains an attractive place for business investment and tourism.

The ACT government has been a very interested and active participant in relation to the operation of the Canberra airport and related aviation policy matters. The government has over the last few years raised with both airport management and the commonwealth minister a range of concerns regarding the Canberra airport and its growth.

The airport master plans, for instance, are an issue in relation to which the ACT government has consistently been involved. The airport master plans are a requirement of the commonwealth Airports Act and set out the strategic planning framework for a 20-year period. Master plans must be updated every five years—or earlier if requested. The ACT government provided submissions to the Canberra airport's latest master planning processes in both 2008 and 2009.

The ACT government has also provided submissions to the development of the commonwealth's national aviation policy statement white paper. The white paper, released by the federal minister on 16 December 2009, is a comprehensive, forward-looking framework to guide future aviation growth. It contains more than 130 policy initiatives.

The ACT government expressed a range of views as part of its submissions to the early phases of the development of the white paper. We provided a submission to the national aviation policy issues paper in June 2008 and a submission to the national aviation green paper in February 2009.

This brings me to the issue of aircraft noise. On 21 November 2010 the Leader of the Opposition announced: "Liberals to step up for Canberrans on aircraft noise." In my view, it is too little a step and much too late. What needs to be recognised is that the current noise abatement requirements protect the vast majority of ACT and Queanbeyan residents from noisy aircraft overflights. Aircraft noise is generally restricted to a high noise corridor—in the main, Majura valley to the north and Tralee and Environa to the south.

Notwithstanding these current arrangements, over the years there has been a range of aircraft noise concerns raised by the community. The ACT government, of course, takes these concerns very seriously. In response, the ACT government has been lobbying the Australian government for a number of years to undertake a review of noise abatement for Canberra airport to ensure that, as new suburbs in Gungahlin come on line, they are afforded adequate protection from aircraft noise. Of course, that is also true for all other developments within the territory.

I was very pleased that the federal minister, in announcing his approval of the Canberra airport 2009 master plan, recognised the concern within the Canberra community about aircraft noise. The minister requested that Airservices Australia

review ways to minimise the impact of aircraft noise. Indeed, he instructed Airservices Australia to conduct a review of noise abatement for Canberra airport during 2010.

The first stage of the Airservices review into aircraft noise emanating at Canberra airport, an investigation of the current situation, is underway. I am advised that a report will be submitted to the federal minister by the end of this month. These issues are being addressed. The federal minister has responded. Airservices Australia, I am advised, are currently finalising a report to the minister on the very issue.

The next part of the process will be to look at how effective the current system is and what steps need to be taken to make improvements. I understand that this will include public consultation in 2011.

In response to aircraft noise concerns raised by the community, the ACT government engaged an independent noise expert from the University of New South Wales to undertake a review of six months of data produced as part of an Airservices Australia aircraft noise monitoring study in Hackett. It was to provide an independent analysis, a second voice—an outside, objective point of reference for residents who had concerns about the Airservices Australia monitoring. The report was released in July 2010. I am sure that members of this place who have an interest in this issue have studied that report and will acknowledge the findings by an eminent, acknowledged expert from the University of New South Wales—that, while a major concern of the residents is sleep disturbance, aircraft noise over north Canberra is significantly below guidance on night time aircraft noise.

In addition, the Canberra airport is very active in relation to addressing aircraft noise issues and convenes the Canberra airport consultative forum on a quarterly basis to discuss issues related to the airport's operations, including aircraft noise. The forum includes representatives from industry, community and government. The ACT government and Queanbeyan City Council are represented on the forum, as are the various ACT and Queanbeyan community councils.

The ACT government will continue to monitor the impact of aircraft noise on residents through our active involvement in the Canberra airport community aviation consultation group. The ACT government will also take an active role in the Airservices Australia review of the noise abatement for Canberra airport as that work progresses.

That brings me to the considerable work that the ACT government and its officials undertake to develop and sustain good relationships with our local government neighbours and the New South Wales and Australian governments. It is these relationships which are critical in the development of good policy and outcomes for the ACT community and our region.

The ACT government has a long history of regular engagement with local governments throughout the capital region. The most notable example of this is the Regional Leaders Forum co-chaired by the New South Wales minister for regional development and me. The Regional Leaders Forum meets twice each year and brings

together the mayors and the general managers of the 17 local councils in the capital region, state and federal members of parliament with seats in the region and representatives of the Regional Development Australia boards in the region.

I also meet regularly with the Mayor of Queanbeyan to discuss issues affecting Canberra and Queanbeyan. These meetings provide an excellent opportunity to discuss specific issues. My last meeting with the mayor was last Wednesday. And, of course, I am available to meet the mayors of other local councils in the region on matters of mutual interest, although most issues to date have progressed through the regular Regional Leaders Forum meetings. At that meeting last week, the first and most significant agenda item of discussion was a presentation by me to the mayor, again, on the reasons why the ACT does not support the development of south Tralee, a position which I have put to the Mayor of Queanbeyan, I think, at every single meeting that I have had with him.

Notwithstanding our opposition, the ACT government has been working constructively with Queanbeyan City Council for a number of years on the necessary road infrastructure and connections arising for the proposed Tralee development, including traffic studies and modelling.

This work is now being progressed through the urban development working group of the eastern regional transport task force. The establishment of the task force was agreed in principle on 26 March 2010 by the New South Wales minister for primary industries, the Hon Steve Whan; the Queanbeyan Mayor, Tim Overall; and me.

These arrangements are just a few of the myriad cooperative arrangements that the ACT government has in place across our portfolio areas. We have similar arrangements in all major policy areas of government.

In concluding, in the context of Mr Rattenbury's motion—much of which the ACT government and the Labor Party are happy to agree to and support—I would like to confirm that the ACT government has for many years been opposed to residential development at south Tralee and has repeated that position consistently. However, ultimately, approval will be a matter for the New South Wales government. I can confirm that the ACT government recognises the benefits that Canberra airport brings to the local community and economy. I can confirm that the ACT government will continue to be actively involved in relation to the operation of the Canberra airport and issues of aircraft flight paths and aircraft noise. These matters are principally the responsibility of the Australian government, but the ACT government has never missed an opportunity to be involved in the planning and approval regimes that apply to the Canberra airport. And I can confirm that the ACT government will remain active to ensure that the ACT community is afforded adequate protection from aircraft noise.

I did want to put on the record, in the context of Mr Rattenbury's motion, the fact that the ACT government has been incredibly active and consistent in relation to the issues that Mr Rattenbury raises as issues of concern. It is in that context that the government has no real difficulty in the sentiment. We support it; it is a position that we put consistently. We are very pleased to join with Mr Rattenbury in seeking

tripartisan support in relation to the issues around the development of south Tralee and some of the consequences which we have now all alluded to in relation to this.

The government have also, through the work that we have done with the airport and the commonwealth in relation to noise and noise abatement, taken the position that we will not support the imposition of a curfew. We believe that there is no objective evidence that suggests that that is necessary or appropriate. We will not support a curfew.

An issue of some concern to me in the motion was Mr Rattenbury's proposal that the government should move to establish a commission. I believe that there is greater opportunity for coordination in relation to cross-border issues. I am more than happy to investigate that and to report back to the Assembly. At that this stage, I believe that it would be premature to commit to a commission, but it is work that I would be prepared and happy to scope. To that extent, I have circulated amendments around the issue of the curfew and the issue of a commission, and I will later seek leave to move those.

MR SMYTH (Brindabella) (8.12): For a long time I have advocated that there is absolutely no need for noise sharing that will affect the people of Brindabella and, more particularly, the people of Tuggeranong. It is not there now; there is no need for it ever to be even considered to be shared with the people of Canberra. It is about time, instead of just talking about it, that something occurred that actually stopped it. The best way to stop the noise sharing that will inevitably occur is to enshrine it in legislation.

As Mr Seselja pointed out, it is not just the people of Tuggeranong. I know people in Campbell, in Downer and in the inner north who are concerned are about the noise. I know people in Gungahlin who are concerned about the noise. The approach put forward by the Leader of the Opposition today is the only approach that will be effective in stopping the sharing of noise. If we do not legislate for it, if we do not make sure that we do it before anything is built anywhere inside the existing noise corridor, then ultimately the people of Canberra will carry some of this burden, and there is absolutely no reason for that occur.

I live in Chisholm. I am quite close to the flight path. I am right on the eastern side of Tuggeranong, as are many thousands of residents in Theodore, in Calwell, in Richardson, in Gowrie, in Gilmore, in Macarthur and in Fadden. The only noise any of us actually enjoy hearing—I quite enjoy hearing it—is SouthCare, because I know they are carrying out an essential service, a very fulfilling service, and they should continue to do so out of their airbase. But that is the only aircraft noise that we need over southern Canberra.

This has been talked about for some years, as the Chief Minister said. Indeed, let us give credit where credit is due: the Chief Minister has tried for several years, and the Chief Minister has failed. You can add it to his litany of writing letters and dealing with the commonwealth on Constitution Avenue, writing letters to the commonwealth on the Beijing torch relay, writing letters and dealing with the commonwealth in seeking funding for things like the convention centre or the scenery of Canberra.

Sorry, Chief Minister, it is time for much stronger action, and it is time the Assembly supports the amendment of the Leader of the Opposition to call for legislation to guarantee these protections so that, if any construction happens south of Queanbeyan or north of Queanbeyan, even to the east of Queanbeyan in Googong, nothing that happens across the border affects the people of the ACT. That is what should happen. That is what is right, and that is what the amendment of the Leader of the Opposition seeks to do.

When you look at the flight patterns and the noise exclusion zone, as Mr Seselja said, it does not extend to the people of Gungahlin, in particular the new suburbs—places like Throsby. It is important that they are protected, and it is important that people know that, when they build there, they will always be protected. The time for writing letters is probably gone. It is quite clear what the intent of the Queanbeyan City Council is. As Mr Rattenbury points out, it is quite an impressive list of people who are against this happening. Through 15, 16, 17 years of attendance at the Tuggeranong community council, it is quite clear from all involved that the people of Tuggeranong will have no truck with sharing noise over Tuggeranong, particularly when we do not have to and particularly when we should not need to.

These are important issues. The time for letter writing is over. You have to question the effectiveness of what the Chief Minister does and how much relevance he has with his federal colleagues. For the last three years, we have not been able to get much out of federal Labor. I think the time has long gone for letter writing and talking.

It is very, very important that a curfew not be put in place. Canberra's economic future is dependent on some of the developments that are going ahead at the airport. With the first half of the terminal project being completed, we can see that, as a gateway not just to Canberra but as an alternative gateway to Australia, there is enormous potential there.

There was an article last Thursday in the *Australian Financial Review* which talked about China Southern Airlines. The minister will know how dear to my heart Chinese tourism is, and there is a report out today saying that tourists from China are just flooding into Australia. Unfortunately, we abandoned that market some time ago. As a consequence of that, I rang the China Southern Airlines representative in Sydney, who said, "Look, if you had an international standard airport, then direct flights are something we would be interested in."

Mr Stanhope: When are they starting?

MR SMYTH: They are getting extra flights into Sydney and Melbourne. I am surprised you missed that article, Chief Minister. They are talking about going to Cairns. They are going to Brisbane. They are going to Adelaide.

Mr Stanhope: All down to your phone call, mate? One phone call, and Air China are on the way!

MADAM DEPUTY SPEAKER: Mr Stanhope, order!

MR SMYTH: You always twist things. Your degree of touchiness is directly proportional to the degree of spin that you put on it. What China Southern Airlines said—I will speak slowly for you, Chief Minister, so you can listen instead of interject—is that they would like a dual approach, if necessary, from both the airport and the local tourism authorities so that they know there is commitment to making things happen, that it is not done in isolation and that it is coordinated. That is something, minister, you might like to talk to the airport about. I know that they are certainly interested in it. Tourism is an enormous industry for us.

Mr Stanhope: One phone call? That's all it took?

MR SMYTH: Well, Jon, how many letters have you written, mate? Are you really that touchy? I will get you Bill's phone number. I will get you the general manager's phone number. If you are really that touchy about it, you should pay more attention. I walked past your office today and there it is, "Minister for Economic Development". This is a bit of economic development. Andrew can explain the difference between micro and macro for you. But you should pay more attention. You are very touchy—

Mr Stanhope: Strongest economy in Australia. Lowest unemployment.

MR SMYTH: Which CommSec acknowledges, yes, and said that you were an economy that was insulated from the GFC, which does not explain why we have years of deficit.

Mr Stanhope: Strongest economy in Australia.

MR SMYTH: There we are; you are so touchy.

Mr Stanhope: Lowest unemployment. Lowest inflation.

MR SMYTH: Madam Deputy Speaker, can you offer any protection here, or is this a partisan speakership?

MADAM DEPUTY SPEAKER: Mr Smyth, I have drawn Mr Stanhope's attention to his interjecting.

MR SMYTH: It is an important issue and we appreciate the touchiness of the Chief Minister. We understand his failure to get anything like Constitution Avenue paid for, the Beijing torch relay paid for, money for a new convention centre, money for the centenary or the federal government to actually take him seriously and do something effective about protecting the eastern side of all Canberra. I will stand up here for Brindabella and Tuggeranong. Mr Seselja has stood up for central Canberra and Gungahlin. You have to understand the full depth of this problem.

Mr Barr: Not for Tuggeranong as well?

MR SMYTH: I just said Tuggeranong. It is not just confined to southern Tuggeranong.

Mr Barr: Zed's a Tuggeranong boy, aren't you?

Mr Seselja: Tuggeranong boy, born and bred.

MR SMYTH: Yes, he is there. He is a Tuggeranong boy. He understands. The time for letter writing is probably past. The federal government and New South Wales governments have shown what they think of the Chief Minister's letter writing.

Mr Seselja: It's a lovely place.

Mr Barr: You're still living there, aren't you?

Mr Seselja: Did you get rejected? Did they toss you out?

MADAM DEPUTY SPEAKER: Will you stop having conversations across the floor!

MR SMYTH: It is like being at home, Madam Deputy Speaker—10 people around the table and there are about six conversations going at the same time. You just have to multi-track.

This is a huge issue. We need to secure the economic future of the ACT, and an airport without a curfew can and will be a very, very important part of that. But we also need to protect the residential amenity of all Canberrans and ensure that we get the lifestyle we are entitled to, not one affected by aircraft noise.

MS LE COUTEUR (Molonglo) (8.21): I rise to talk about some of the bigger planning issues relating to this development. The first thing to be clear about is that we are talking about locational planning issues with this development. We are not talking in any way about the specific housing that would be built there. This is not about whether they are good houses or five star or 10 star; it is about is it the right place to build the houses and the other dwellings.

There are two basic issues as far as I can see with the location of the Tralee development—firstly, the airport and, secondly, the other developments in Canberra—and I will deal with the airport first. My views on the airport, I guess, are fairly clear. I do believe that fossil fuels are coming to an end, that peak oil has probably already happened or will happen soon. So I think that there are some long-term issues about the viability of basing our economy on an expanding airport, as my colleague Mr Rattenbury has said.

However, despite my concerns about this as a Green, I must acknowledge the reality that the airport is in Canberra, it is a major part of Canberra's current economic development and it is unlikely to be going anywhere soon other than where it is. And it is unlikely that at any time very soon the planes are going to stop landing there.

Therefore the noise issues of Canberra airport are important to this discussion. And, as has been pointed out by Mr Rattenbury and Mr Stanhope, noise issues from the airport

are very, very likely to affect Tralee. There are clearly, as Mr Rattenbury dealt with, long-term health issues for any potential residents in Tralee and we should not in all conscience agree to a development where there will be these sorts of long-term health issues.

But we also need to look at the long-term issues for Canberra, and this is the area where members of the opposition have provided some useful commentary. We do not want to see airport noise being spread more onto the rest of the ACT as a result of the development in Tralee. I think this is probably the one thing that members of this Assembly are all in agreement on. We do not want more aircraft noise as a result of the development at Tralee, and obviously the simplest way to achieve that is not to have the development at Tralee.

I guess the other point I would make about the airport is that, apart from the aviation impact from the planning of Canberra, which has been quite significant, it is very arguable that had the airport not developed as it did we would have a vastly better development in Gungahlin; we would actually have employment in Gungahlin. So there are a lot of issues with the airport. But, as I said, it is not going anywhere any time soon so we must plan around the existing reality of this very important part of our infrastructure.

The second issue is a bigger issue. Tralee is right next to the ACT. I really wish in this debate that we actually had a map of Canberra here because it is really frustrating to have planning debates without a map. I just like maps I guess you could say.

Mr Barr: Spoken like a true planning nerd.

MS LE COUTEUR: Yes. If we had a map of Canberra we would see that Tralee is next to Hume, and Hume, as we all know, is one of Canberra's industrial areas. And it is a developing industrial area—and developing industrial areas are going to be developing areas that have more noise and potentially more noxious emissions. We have an industrial area for a reason: we do not want to have it next to a residential area. So it is a real pity that we have two planning authorities divided by a line—not in the sand, not even on the road—approximately where the railway is, that divides one jurisdiction from the other. Because of that, we are not planning for both at the same time.

I would like, particularly in this context, to draw the Assembly's attention to paragraph 4(b) of Mr Rattenbury's motion, which calls for the establishment of a commission with membership from the ACT, New South Wales and the commonwealth to look at planning from a cross-jurisdictional point of view. This is what we should be doing.

Canberra is a part of a region. We cannot pretend that we are an island unto ourselves. Equally, Queanbeyan is part of a region and it cannot pretend that Canberra is not next to it. We have a symbiotic relationship between the two of us and we should be planning like that.

This is of course particularly important from the point of view of transport. One of my biggest concerns, apart from the noise issues of Tralee, is transport, and particularly

public transport, because I imagine that many of the residents of Tralee are going to work in Canberra or their kids are going to go to school in Canberra or, if they unfortunately get ill, they are likely to go to hospital in Canberra. They will go out in Canberra. They will be spending a lot of their time commuting between Canberra and Tralee, and I think it is highly unlikely that they will ever see a decent public transport system there. We are having enough problems trying to create a decent public transport system just for the ACT, and the people in New South Wales have just for New South Wales. The cross-border issues are always going to make transport particularly challenging here.

Given that we are all in agreement that we want to see greenhouse gas reductions in the ACT, building a development which we know now will be one of the most car-dependent developments in the ACT and the region could hardly be consistent with the commitment that we took on recently for a 40 per cent reduction in greenhouse gas emissions. I do appreciate that the Liberal Party did not vote for that but they did propose a 30 per cent greenhouse gas reduction and I do not believe that Tralee is probably consistent even with that.

ACTPLA has just finished consultation on the eastern broadacre study. Tralee should have been part of that. We should not have had the dividing line down the middle. It should have been the whole area, not part of the area. We have known since the 1990s that residential development has been contemplated and whatever in the Tralee area. I think it is a real pity that the New South Wales authorities and the ACT authorities have not managed to sit down together and say: "Okay, we do have a border but this is an area which geographically is one area. How are we going to plan this so that whatever development is done works?"

This has not happened. Given that this has not happened, I think that Mr Rattenbury's motion about Tralee is the appropriate way to go. Tralee is not an appropriate development and it is in our best interests and in the best interests of any potential residents of Tralee to say: "No, this is not the way to go. Let's stop now."

MR DOSZPOT (Brindabella) (8.28): Ms Le Couteur's suggestion about having a map brings some other interesting options to mind. We could have audiovisual presentations in the chamber here. We could have holograms in the near future. But until then we could have a feature in the Assembly of PowerPoint presentations; that would really add some new levels to discussions we could have here with the illustration of the points that we are making.

On a serious note, I thank Mr Rattenbury for bringing this motion to the Assembly today. This is a timely topic and worthy of discussion. As such I commend and support Mr Seselja's amendments to adjust the noise abatement zone to include all homes in Canberra and to provide Canberrans with a greater level of assurance regarding this matter through legislation. This amendment is not only a vital improvement to the Greens' motion; it grounds this discussion in the belief that economic growth does not necessarily equate with a diminished quality of life for Canberrans.

In this regard, issues such as a proposed flight curfew might prove to be undermining for a busy city with economic development and diversification aspirations like ours, and can be construed as draconian.

As a member for Brindabella, it is safe to say, and I am sure my electorate counterparts in this Assembly will agree with me, that a key concern in Tuggeranong is the issue of noise sharing should developments across the border occur. Pre-1995 flight paths can be an indication of history repeating itself. Kambah, Wanniassa and Fadden were once under flight paths and Macarthur was within earshot of aircraft noise. I do not think residents in these suburbs would like to go back to those days, and I affirm Mr Seselja's position that all Canberra residents have a right to the same level of protection from aircraft noise.

In a recent survey conducted by the Tuggeranong Community Council it was identified that approximately 90 per cent of those participating in the survey felt extremely concerned or concerned at the prospects of flight noise over their communities. Ninety per cent believed that aircraft noise would be an issue should the elements like the noise abatement areas be abolished. Eighty-three per cent felt that they were not properly consulted.

In effect, what the numbers tell us here is that we would have a veritable perfect storm of community uproar should aircraft noise impede the daily lives of Tuggeranong residents. This does not need to happen and there are ways to address this. In this context, legislation bringing into effect noise abatement zones to include all homes would indeed provide certainty to all Canberrans.

I think it is safe to say that no member in this chamber would contest the idea that no Canberra resident should be subjected to aircraft noise in their community. If noise sharing were to result, this would have a negative effect on our quality of life, and my electorate would be particularly affected in this regard. I am sure it is only a small step from convening discussions on noise respite.

A concerned member of my electorate put it quite succinctly: "Do you or do you not want noise sharing?" As such, I support the Canberra Liberals' position in saying no on this issue and I affirm Mr Seselja's amendment to give Canberra residents more certain safeguards from aircraft noise.

MR BARR: (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (8.32): I will restrict my comments at this stage of the debate just to Mr Seselja's amendment, noting that there are other amendments to be moved.

Mr Seselja, in his amendment, makes a number of statements that on face value I do not disagree with. The Canberra airport is a key piece of infrastructure for the ACT and it does support economic growth for the city and for the region. And, yes, I think it is also a correct statement to identify that aircraft noise is an issue of concern for many Canberrans, including those in Gungahlin and north Canberra.

However, it is the means by which Mr Seselja seeks to knock out all other elements of Mr Rattenbury's motion that are somewhat problematic for the government. I do not disagree with either of those statements, but the way that Mr Seselja has moved them tonight would be to remove a whole range of other statements that we do not disagree with either.

Mr Seselja: What, a curfew? Do you support the curfew?

MR BARR: I will come to the matter of the curfew in due course, Mr Seselja. In relation to those specific statements, I do not disagree with those statements, but I think you are trying to be too clever by half in knocking out a whole range of other important issues that I think the Assembly should comment on and it would be timely for the Assembly to have a view on.

It was certainly interesting to hear three speeches from the Canberra Liberals—and I am not sure I heard the word "Tralee" throughout those contributions, which I think were really only looking at part of this debate. So perhaps the challenge I will lay down now to Mr Seselja is that, if he would like the Assembly to support those statements he has made, particularly the "noting" paragraphs 1(a) and 1(b), he might consider withdrawing his amendment and seeking to resubmit it by way of adding to Mr Rattenbury's motion. Then he might find that there would be support for elements of what he is seeking to achieve tonight.

I am not sure that that is really his intent. I suspect there might be just a little bit of politics here and that by moving his amendment this way and seeking to knock out all of the legitimate issues that Mr Rattenbury has raised—

Mr Seselja: Like the curfew?

MR BARR: No. As I said, I will come to the curfew in a moment. My position and the government's position on the curfew is very clear and I think in 2010 one could describe a curfew for Canberra airport as a solution looking for a problem. There is no need for a curfew at Canberra airport, and as tourism minister I will never support a curfew at Canberra airport.

My view very firmly is that for Canberra's long-term development as a tourism hub and our airport's capacity to take new direct flights it is critical that we maintain a 24-hour operation at Canberra airport. I think we have the capacity, if we make the correct planning decisions, and if Airservices Australia's review that the Chief Minister mentioned is completed and does address the issues that I acknowledge Mr Seselja and others have raised and indeed that have been raised with me in relation to those suburbs on the eastern side of Gungahlin and some areas of north Canberra, although I think the Gungahlin residents have the most legitimate concerns in that regard—

Mr Seselja: Watson is the main one in north Canberra.

MR BARR: and, I would acknowledge, parts of Watson as well. I have spoken with the airport about this and they support a change to ensure that those flights, particularly the flights to Melbourne and Adelaide, fly a little bit further north before either making their swing around to the west to head on to Adelaide or to turn south to head to Melbourne.

So the government cannot support Mr Seselja's amendment as it stands at the moment because it would have the effect of knocking off all of the important points that

Mr Rattenbury has raised in relation to south Tralee. I again put the challenge to Mr Seselja that if he would like the support of the Assembly—I think we would all agree that Canberra airport is a key piece of infrastructure—he may want to consider making some changes to his amendment in order to achieve that support. I am sure other members would be happy to accommodate that because it appears from everyone's contributions tonight to be a point on which we can all agree.

Finally, in relation to the matter of a curfew, I note that even raising that prospect today through Mr Rattenbury's motion has brought about, I think, a fairly strong reaction from the tourism industry, from the Hotels Association, from the Canberra Business Council and from a range of other tourism organisations, and I share the concerns of those organisations in relation to a curfew. I do not think it would be a good outcome for Canberra airport or for Canberra and it would be devastating in the long term for our tourism industry.

So for those reasons I could not support those elements of Mr Rattenbury's motion and I understand that the Chief Minister's amendment that he will move at the conclusion of our discussion on Mr Seselja's amendment will go to address those particular concerns.

MR HANSON (Molonglo) (8.39): I will speak very briefly to Mr Seselja's amendment. It is a very commonsense and logical amendment because the issue that we are actually discussing here, the issue that is of concern to the residents of Canberra, is noise abatement. So it is not necessarily regarding particular developments. This is about noise abatement and that is the key issue which Mr Seselja deals with. So it seems to me to be the most appropriate way of dealing with this issue for the longer term benefits of all Canberrans.

I particularly note the people of Gungahlin. At the moment there are noise abatement areas in some areas of Gungahlin, including the suburbs of Nicholls, Palmerston and Ngunnawal. But the newer areas of Gungahlin—places like Bonner, Forde, Harrison and Amaroo—are not included. So what Mr Seselja's amendment seeks to do is to make sure that we cover the residential areas of Canberra for posterity, to make sure that, regardless of what happens with developments, regardless of what happens at the Canberra airport, regardless of what happens with freight hubs or particular operations that they carry out, expansion of the airport and so on, residents in our suburban areas, residents of Gungahlin and people elsewhere in Canberra, wherever they may be, be they in Tuggeranong, be they in the inner north or the inner south—in this case I think particularly for the members of Molonglo of my constituents in Gungahlin—will be provided with the assurance that they will have the appropriate legislation that provides noise abatement to them.

So I commend Mr Seselja's amendment, which is common sense and deals with the solution to the problem rather than trying to deal with political expediency, as we have seen from Mr Rattenbury's motion.

MR RATTENBURY (Molonglo) (8.41): I want to respond quickly to Mr Seselja's amendment. The Greens will not be supporting his amendment. I want to comment briefly on the most extraordinary set of speeches we have just heard from the Liberal

Party, the most position-free set of speeches I have heard since I have come to this chamber.

I actually moved a motion today about Tralee, yet not one of the four speakers from the Liberal Party used the word "Tralee". It is a fairly simple word. It has only got six letters. But not one member on that side managed to use the word. I suspect it is because they just have not been able to take a position. They run for the hills on this one in a way that I think is very extraordinary.

But let us come to Mr Seselja's specific amendment. He has gone to extraordinary lengths to avoid talking about this specifically. He says: "Actually, we have got a much better plan. We are going to go for these noise abatement zone issues." I think it is an interesting question. I think it is an interesting question that Mr Seselja has raised and one that we would be prepared to have a talk about.

Of course, we did not get a chance to talk about it because, despite the fact that we started calling Mr Seselja's office more than 24 hours ago, they actually declined to talk to us about the motion we wanted to move. They declined to tell us what their position was going to be. They declined to tell us whether they wanted to move an amendment. Mr Seselja walked in here tonight at a quarter to eight and finally put his amendment on the table. I guess he was embarrassed by how clearly he was missing the topic for debate.

Let us come to Mr Seselja's specific suggestion. I am simply going to read a report from ABC online of 22 November:

> The Gungahlin Community Council says it is not impressed by the ACT Opposition's push for aircraft noise protection.

It goes on to say:

> The Opposition is agitating to have Canberra's noise abatement zones changed to include the Territory's newest suburbs.

Then it talks about Mr Seselja's position. I come to the key bit of the story:

> But Alan Kerlin from the Gungahlin Community Council says a campaign is already well underway and he is surprised by the timing of the Opposition's push.

Then it quotes Mr Kerlin:

> "Given these commitments are already in place and already form part of the airport's masterplan, which has been gazetted and accepted by Anthony Albanese, I really don't understand where this stance from the Liberals is coming from," he said.
>
> Mr Kerlin says the group had wanted the Opposition's support more than a year ago.
>
> "Frankly we could have done with their support a year ago when we were campaigning on this," he said.

> "It was more than a year ago the Gungahlin Community Council and Curfew for Canberra—representing a whole range of community groups concerned about aircraft noise in Canberra—extracted a commitment from the airport management, that now forms part of their airport masterplan, that the noise abatement zone lines would be moved out to encapsulate all of the north suburbs."

Mr Seselja: They have not moved. They are still there.

MR RATTENBURY: I am just quoting what Alan Kerlin said. Johnny-come-lately has finally jumped on the bandwagon. He has finally decided to give a damn about aircraft noise and has become the great champion.

Mr Seselja: Your embarrassment is reflected in this motion.

MR RATTENBURY: I am more than happy to have a conversation with Mr Seselja.

Mr Seselja: You got caught out, Shane. You are playing catch-up.

MR RATTENBURY: Do you need to interject through my whole speech, Zed, or just most of it?

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Seselja, please be quiet. Mr Rattenbury has the floor.

MR RATTENBURY: I am more than happy to talk with the Canberra Liberals about their ideas for curbing aircraft noise. I am glad that they are finally engaged on the issue. I actually searched the Liberal Party website today to look for their various positions on aircraft noise, because they were not telling us when we called them and asked them. So I went to their website instead and the only reference I could find was Mr Seselja's media release from 21 November 2010. But I am glad they finally have come on board on the issue. It is great to see.

We will not be supporting the amendment today. I would encourage Mr Seselja to actually take a position on Tralee. It is a difficult issue. There are different views on this but it is an issue that we as an Assembly should be taking a position on because it is going to affect Canberra residents.

Question put:

> That **Mr Seselja's** amendment be agreed to.

The Assembly voted—

Ayes 6		Noes 11	
Mr Coe	Mr Seselja	Mr Barr	Ms Hunter
Mr Doszpot	Mr Smyth	Ms Bresnan	Ms Le Couteur
Mrs Dunne		Ms Burch	Ms Porter
Mr Hanson		Mr Corbell	Mr Rattenbury
		Ms Gallagher	Mr Stanhope
		Mr Hargreaves	

Question so resolved in the negative.

Amendment negatived.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (8.49), by leave: I move:

> Omit paragraphs (3) and (4), substitute:
>
> "(3) notes that the ACT Government has continually and regularly made representation to the NSW and Commonwealth Governments on the proposed development at Tralee; and
>
> (4) calls on the ACT Government to:
>
> (a) give consideration to the establishment of a commission, or other mechanism, which involves the ACT, Commonwealth and NSW Governments for reviewing cross-border planning and infrastructure; and
>
> (b) report back to the Legislative Assembly on its consideration by June 2011.".

I did refer to this amendment briefly and the government's reason for introducing it. I think the most significant part of the amendment is to omit paragraph (3) of Mr Rattenbury's motion, which calls on the Assembly to oppose a curfew. Both Mr Barr and I in the debate this evening have explained the government's position in relation to a curfew. It is not something that we believe is supported objectively with evidence around an issue, and there are a range of reasons why not having a curfew is important to the operations at the airport and, indeed, to the ACT economy.

We do not believe the case has been made. We do not believe the evidence exists. To the contrary, we believe there are very good reasons, explainable reasons and very strong and valid reasons why a curfew should not, most certainly at this time, be supported. And my first amendment, the omission of paragraph (3), goes to that point.

The other part of the amendment is to note the very considerable work of the ACT government and the active role that we have taken over a number of years in relation to the issue of Tralee, in relation to the issue of noise sharing and in relation to the issue of noise abatement. And I think it is important that the records show the continuous, the regular, the repeat and the strong representations that we made and the position that we have taken on Tralee.

I endorse the comments made just now by Mr Rattenbury that it is remarkable that, on a motion directed at seeking tripartisan support around Tralee and on issues which a development of Tralee would present for Canberra, most particularly in relation to aircraft noise, not a single speaker for the opposition mentioned the word "Tralee". It

was almost as if on a motion on Tralee, seeking tripartisan support on the issue of Tralee, the development of Tralee, the word "Tralee" was not uttered once in three presentations by the Liberal Party.

In fact, the intent of Mr Seselja's amendment, as both Mr Barr and Mr Rattenbury pointed out—Mr Rattenbury quite cruelly, I thought, but very fairly—was effectively to completely negative Mr Rattenbury's concerns in relation to Tralee, the essential purpose of the motion. I think it was probably out of order. So we do that.

Lastly, my amendment goes to the suggestion around the establishment of a commission. It is a proposal that we are not adverse to but would like an opportunity to further explore. So I commend the amendment.

MR SESELJA (Molonglo—Leader of the Opposition) (8.52): We will not be supporting the amendment. Before I speak to that, Mr Stanhope is very touchy, I think, and has been throughout this, on his lobbying efforts. And it is not surprising that he has come back with what is partially just a self-congratulatory amendment about how wonderful the ACT government is because they have regularly made representations to the New South Wales and commonwealth governments on the proposed development of Tralee. How have they gone? Perhaps a more honest assessment would be that they have continually failed in their lobbying efforts, whether it was a federal coalition government or a federal Labor government.

I would note that the Labor Party and the Greens just voted against supporting the people of Gungahlin, the people of north Canberra, in having the noise abatement zone extended. They voted against legislative protection. We put forward a better path and the Labor Party and the Greens have voted against it. That is what the Labor Party and the Greens just voted on. They actually voted to say to Gungahlin residents, "Bad luck if you do not live in a noise abatement zone." The rest of Canberra can live in a noise abatement zone but apparently not half of the people of Gungahlin, and certainly the growing areas of Gungahlin.

They voted against protection for the people in the inner north. In relation to the broader community, they voted against legislative protection. So the Labor Party and the Greens have stood up in this place and have voted against legislative protection. Ms Bresnan could not even bring herself to actually speak to the issue, as a member for Brindabella. But the Labor Party and the Greens in their votes have actually voted against legislative protection.

So we will not be supporting the amendment from the government. If they were fair dinkum about it, they would actually support something the commonwealth can do right now. And what the commonwealth can do right now is legislate to protect the people of the ACT. We will push for that. And we look forward to getting support from across the chamber eventually.

MR BARR (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (8.55): I was not going to rise again in the debate but Mr Seselja, in his attempts to fiercely spin on this issue, has prompted me to rise again to observe that in

this entire debate—the central theme of it, 90 per cent of the text of Mr Rattenbury's motion and the substantive issue relate to Tralee—we hear absolutely nothing from the Liberal Party in relation to that matter. It is extraordinary but ultimately they will have to put their position on the record at some point.

In relation to Mr Stanhope's amendment, though, I think it is important to reiterate the position of the government, of the Labor Party, in relation to the matter of a curfew at Canberra airport. We do not support a curfew at Canberra airport and do not believe that such a policy is appropriate. I repeat: in 2010, it is a solution looking for a problem.

What we need for Canberra airport is the capacity to effectively manage growth. As I say, if we get it right in terms of our planning outcomes, if we get it right in terms of the flight paths and if Airservices Australia complete the work as indeed endorsed on the master planning process by Minister Albanese, we think we have the capacity to ensure that we get both economic growth and tourism growth potential through a curfew-free airport but we also have the capacity to address the concerns that have been legitimately raised by members tonight and in the community in relation to aircraft noise.

We should also note that, as new aircraft are commissioned, they are less noisy than their predecessors and that we are seeing considerable improvements in terms of aircraft noise, with the deployment of new technology. One would hope that that process would continue with the development of new aircraft engines in the decades ahead.

MR SMYTH (Brindabella) (8.57): I am slightly confused by the approach of the Labor Party. I thought the whole point about the motion was noise abatement. That is what it is about—it is about not sharing the noise. What we have said is that, as a general principle, it does not matter whether it is in Gungahlin, Brindabella, Throsby, or whatever the newer suburb will be—Kenny—that is most directly under the flight path, or whether it is Calwell. Canberrans should not take noise from the airport because of a development in New South Wales, whatever the development or wherever it is, as a general principle. I would have thought everybody would agree with that principle.

We can write as many letters through the planning minister and the Chief Minister as the Greens would like, but to date those letters have not proven very successful. I am not sure I can see a reason for the letter writing to be any more effective now. At the end of the day, all we will have is the ability to legislate for noise protection. We will be back at Mr Seselja's amendment in some time because that is all we will be left with. The Chief Minister has been totally ineffectual in his efforts. That is the point of our amendment, and we stand by that.

The Chief Minister's amendment is simply another-self congratulatory "I've written letters—aren't I good?" amendment. Let us look at the effectiveness of that letter writing. Tell us how many responses you got back from people in New South Wales saying, "Yes, we agree; we're going to change the principle," Chief Minister. Table the responses to your letters that you have written to people in New South Wales, because by all accounts this process continues, despite your efforts.

Mr Stanhope: I do concede I couldn't get Air China here with one phone call.

MR SMYTH: I acknowledge your efforts. We acknowledge his efforts.

Mr Stanhope: One phone call and Air China's flying to Canberra.

MR SMYTH: There's Jon—

Mr Seselja: He's very touchy, isn't he?

MR SMYTH: He is touchy. For those who were not here, let us catalogue the minister's letter writing skills. Let us have the catalogue. First, of course, there was the "Let's get the money back for the federal government's half of the Beijing torch relay." "We got that money. Oh no, we didn't; we didn't get that money." Then, of course, there was a deal that he had with the former Liberal government that the Burley Griffin legacy would be funded. There was money in the budget and we would be paid for the car park. We gave them the car park and signed the deed over. "Oh, we didn't get paid for that either."

Mr Seselja: We got a worse deal.

MR SMYTH: We got a worse deal. We have been asking for money for a new convention centre for about nine years now. We have not got a cent out of the federal government for the new convention centre. And there is the centenary of Canberra. Canberra exists because of the federal government, let's face it, and we have not got a single cent yet from his federal Labor mates. This is the litany of the Chief Minister's letter writing ability—all of them abject failure when he talks to his federal colleagues because they do not take him seriously. You can move as many amendments as you like patting yourself on the back, Jon—you are very good at that—but, at the end of the day, the only real thing that will occur here in the long term that will protect the people of Canberra—

Mr Stanhope interjecting—

MR SMYTH: whether it is Brindabella in the south or Gungahlin in the north, is to legislate for protection from noise. That is what we thought the debate was about.

Mr Stanhope interjecting—

MR SMYTH: But if that is all it is about, that is fine. It does not matter about—

Mr Hanson: Madam Assistant Speaker—

MR SMYTH: Or what do you think about the poplars? What do you think about Googong? What do you think about north Tralee? What do you think about any development that might cause noise sharing?

MADAM ASSISTANT SPEAKER (Ms Le Couteur): Mr Smyth, I believe Mr Hanson next to you is trying to make a point of order.

Mr Hanson: I am indeed, Madam Assistant Speaker.

Members interjecting—

MADAM ASSISTANT SPEAKER: Members, please be quiet.

Mr Hanson: Those opposite seem very keen to have me back here, Madam Assistant Speaker. I am glad that I can bring joy to their otherwise dull little lives.

MADAM ASSISTANT SPEAKER: Members, I cannot hear Mr Hanson.

MR HANSON: Madam Assistant Speaker, given the events of today, I wonder if you could apply the same consistency to Mr Stanhope's continual sniping and abuse of Mr Smyth as you would apply to those sitting on my side. If you could deal with it with a degree of consistency, it would be appreciated.

MADAM ASSISTANT SPEAKER: Thank you, Mr Hanson. Mr Smyth, you have the floor.

MR RATTENBURY (Molonglo) (9.01): Madam Assistant Speaker, given the hour of the day and the way the debate has descended, I move:

> That the question be now put.

Question put.

The Assembly voted—

Ayes 11		Noes 6	
Mr Barr	Ms Hunter	Mr Coe	Mr Seselja
Ms Bresnan	Ms Le Couteur	Mr Doszpot	Mr Smyth
Ms Burch	Ms Porter	Mrs Dunne	
Mr Corbell	Mr Rattenbury	Mr Hanson	
Ms Gallagher	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

Question put:

> That **Mr Stanhope's** amendment be agreed to.

The Assembly voted—

Ayes 11		Noes 6	
Mr Barr	Ms Hunter	Mr Coe	Mr Seselja
Ms Bresnan	Ms Le Couteur	Mr Doszpot	Mr Smyth
Ms Burch	Ms Porter	Mrs Dunne	
Mr Corbell	Mr Rattenbury	Mr Hanson	
Ms Gallagher	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

Amendment agreed to.

MR RATTENBURY (Molonglo) (9.07): Speaking very briefly in closure, I thank members and the government for their support of the motion. I think it is important that the ACT Assembly take a stand on the issue of whether Tralee be developed or not because of the implications it is going to have for Canberra. It is a real shame that the Liberal Party cannot take a position on this. It is a real shame that the opposition could not take a position on the matter being debated, but I guess that is something they will have to think about over time. I look forward to continued discussion on this.

Mrs Dunne: On a point of order. Madam Assistant Speaker, could I seek your guidance? We have just had a gag motion moved on this motion.

Mr Rattenbury: I've sat down, Vicki. Get over it. I'm finished.

Mrs Dunne: I can still seek the chair's guidance on the appropriateness of having further discussion after we have moved a gag.

MADAM ASSISTANT SPEAKER: Mrs Dunne, it was a motion that the question be put. The question has been put and we are now continuing.

Mr Smyth: No, but he's still speaking.

Mr Hanson: At the time that she stood up to make her point of order he was still speaking.

MADAM ASSISTANT SPEAKER: We are clear on the situation.

Mr Hanson: Are we clear?

MADAM ASSISTANT SPEAKER: We are clear. The motion was that the question be put. We put the question at the time, which was Mr Stanhope's amendment. We have done that and we are now proceeding onwards. We have now had Mr Rattenbury's closing remarks, so we are now voting on Mr Rattenbury's motion, as amended. The question is that Mr Rattenbury's motion, as amended, be agreed to.

Question put:

> That **Mr Rattenbury's** motion, as amended, be agreed to.

The Assembly voted—

Ayes 11		Noes 6	
Mr Barr	Ms Hunter	Mr Coe	Mr Seselja
Ms Bresnan	Ms Le Couteur	Mr Doszpot	Mr Smyth
Ms Burch	Ms Porter	Mrs Dunne	
Mr Corbell	Mr Rattenbury	Mr Hanson	
Ms Gallagher	Mr Stanhope		
Mr Hargreaves			

Question so resolved in the affirmative.

Motion, as amended, agreed to

Adjournment

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

That the Assembly do now adjourn.

Woden Seniors Christmas party
St Thomas the Apostle primary school

MR SESELJA (Molonglo—Leader of the Opposition) (9.10): On Monday I had the honour and privilege of attending and presenting a series of certificates of appreciation at the Woden Seniors Christmas party. I attended on behalf of my colleague Senator Gary Humphries, and I not only enjoyed the event but was impressed by the group and the work of the individuals who were awarded certificates of appreciation. So much so, I will make some remarks about the outstanding work done by this group and pay some special note to the winners of the certificates I had the opportunity to present.

In that light, I would like to recognise Joyleen Litherland, the musical director of the choir of the Woden Seniors singers. Joyleen was noted as a tireless leader in the performances and community venues, particularly aged-care facilities. She also makes significant contributions through her active involvement in fundraising events.

Graham Hellyer became a member of Woden Seniors through his involvement with the U3A recorder orchestra. A retired brigadier in the defence forces, Graham had outstanding capabilities and strategic planning. These skills he brought to the Woden Seniors and transformed the society in a host of positive ways. As a member of the management committee he develops policy, and he is a member of the IT committee and is a regular presenter at IT forums, an increasingly important part of many seniors' lives, as can be seen through the fortnightly newsletter Graham edits and sends via both email and hard copy.

Sue Barrett is a former teacher who seeks to enhance the wellbeing of others through her involvement in the arts, crafts and dancing activity groups. Sue also assists in an

administrative capacity to provide regular support and is a leading figure in the expansion of the club and its interests.

Margaret Kennedy was another recipient. Margaret is a former nurse and educational researcher. She has been a member of the management committee, the special events committee and a foundation member of the beading activity group. She is also a keen bridge player and has shared her skill and enjoyment with many interested members and supports the fundraising efforts with skill and enthusiasm.

I would also like to pay tribute to the President of Woden Seniors, Anne Murray AM. The fact that Anne takes such time and effort to not only act as president of this society but to make sure that others are recognised for their contributions as well is the mark of a true leader, and I would like to pass on my personal congratulations and thanks to Anne.

The Woden Seniors is a strong community organisation and has been described by many leaders in the community as a leading seniors organisation in Australia. It is a place for activity, friendship and support and an organisation the government should support on a regular basis. I congratulate all of those recognised with certificates of appreciation, and I thank the group for allowing me to attend and share for a brief moment their successes. I wish the group and all its members all success for the future.

I also had the opportunity last week to attend the opening of the new facilities at St Thomas the Apostle primary school. I was joined by Gai Brodtmann, Steve Doszpot, Amanda Bresnan and a number of others, including local parish priest Father Peter My and Father John Woods. The event was emceed by Mrs Christine Lowe and hosted by the principal, Mrs Judy Spence.

I would like to pay special tribute to St Thomas the Apostle primary school. St Thomas the Apostle is my old school, and it was a wonderful opportunity to go there and visit. The school is looking fantastic. It is a fantastic school community, and I was particularly excited to meet with my year 2 teacher, Mrs Mulheren, who is still teaching at St Thomas the Apostle. She has been there for about 30 years. Congratulations to Colleen Mulheren on her service to the school and on the contribution she made to me and so many other students who have passed through St Thomas the Apostle.

St Thomas the Apostle is a wonderful community. It makes a great contribution to education, particularly in the Tuggeranong Valley but more broadly in the ACT. I congratulate Mrs Judy Spence on a wonderful school. The children behaved beautifully at a very long ceremony. It was a credit to them, to their teachers and to their parents. I congratulate St Thomas the Apostle on its amazing contribution to Canberra.

John Curtin School of Medical Research

MR HANSON (Molonglo) (9.14): I would like tonight to talk about a function I attended at the John Curtin School of Medical Research, the "Meet the director" breakfast, on 26 November. The event was held at the school in the Vanilla Bean Cafe

and involved a talk from Professor Julio Licinio, the director of the JCSMR. He spoke about some of the groundbreaking research that is being conducted by the school and also took the opportunity to talk about Professor Frank Fenner, who, of course as we all know, sadly recently passed away.

We had the opportunity to tour the state-of-the art laboratories and the new building at the John Curtin School of Medical Research. The tour was conducted by Dr Madeline Nicol. I have been on a tour with her before, and she does it in a most informative and most engaging manner. There were a number of us that attended, and I would like to note that the Deputy Leader of the Opposition, Brendan Smyth, was in attendance.

I will just quote from the school's website:

> The John Curtin School—Australia's national medical research institute—is part of the Australian National University. It was created in 1948 as a result of the vision of Australian Nobel Laureate Howard Florey and Prime Minister John Curtin.
>
> Within 50 years its scientists have made major discoveries and contributions to world health and won two of Australia's Nobel prizes.
>
> They are Sir John Eccles in 1963 and Peter Doherty and Rolf Zinkernagel, who shared the 1996 prize. Many other international awards have been won by ANU scientists from the John Curtin school. Premier amongst the, obviously, is Professor Frank Fenner, who in his time won a number of very significant awards.

There are many people at the school who are working hard to make discoveries that will be for the benefit of mankind and make great advances in health. I would just like to note these people. These are the doctors and the scientists who go unmentioned, and I will note a number of them: Professor Tim Hirst, Dr Mario Lobigs, Professor Ian Ramshaw, Dr Charani Ranasinghe, Professor Arno Mullbacher, Professor David Tremethick, Dr Mark Hulett, Dr Gavin Huttley, Professor Jill Gready, Dr Danny Rangasamy, Professor Frances Shannon, Dr Rohan Williams, Professor Simon Easteal, Professor Chris Goodnow, Dr Dianne Webb, Professor Chris Parish, Dr Charmaine Simeonovic, Dr Craig Freeman, Dr Carola Vinuesa, Professor Chris Goodnow, Dr Ed Bertram, Dr Anselm Enders, Associate Professor Guna Karupiah, Dr Geeta Chaudhri, Dr Matthew Cook, Professor Greg Stuart, Associate Professor John Bekkers, Professor Greg Stuart, Dr Zan-Min Song. Dr Clarke Raymond, Dr Maarten Kole, Professor Bruce Walmsley, Associate Professor Christian Stricker, Professor Trevor Lamb, Professor Caryl Hill, Dr Marco Casarotto, Professor Ian Young, Dr Louise Tierney, Professor Phil Board, Dr Anneke Blackburn, Professor Angela Dulhunty, Dr Nicole Beard, Professor Klaus, Matthaei, Professor Ma-Li Wong and obviously Professor Julio Licinio, the director of the school.

I congratulate all of those very hard working scientists and doctors on the work they do as well as all of those others at the school equally who are conducting such important medical research on our behalf.

Aid/Watch Incorporated

MS HUNTER (Ginninderra—Parliamentary Convenor, ACT Greens) (9.18): Mr Hanson could take some lessons from Mr Coe on reading out lists of names, because Mr Coe is very good at it. I rise tonight to draw the Assembly's attention to a significant case that was decided by the High Court since our last sitting—Aid/Watch Incorporated v Commissioner of Taxation. The Commissioner of Taxation removed Aid/Watch's status as a charitable organisation in 2007, and the decision was reversed by the Administrative Appeals Tribunal. The case was then taken to the full Federal Court where the commissioner's original decision was upheld. Aid/Watch appealed to the High Court of Australia and was successful in arguing that it is, in fact, a charitable organisation under the common law of trusts, the Income Tax Assessment Act and other associated tax acts.

Aid/Watch is an organisation that monitors foreign aid and attempts to maximise the effectiveness of aid money and ensures that it delivers the best outcomes for the intended recipients. This often involves being critical of government aid policy and actively attempting to influence policy and change to the way things are done.

The full Federal Court found that, because the prevailing aim of Aid/Watch was to influence government, this invalidated any claim to charitable status for the purposes of the federal revenue laws. It was characterised as a political rather than charitable purpose. A key question for the High Court was: are there charitable purposes which are political?

In the majority joint judgement of Chief Justice French and Justices Gummow, Hayne, Crennan and Bell—Justices Kiefel and Heydon dissented—the court found that the generation by lawful means of public debate concerning the efficiency of foreign aid directed to the relief of poverty itself is a purpose beneficial to the community. The court also found that the system of law which applies in Australia thus postulates for its operation the very agitation for legislative and political changes. It is the operation of these constitutional processes which contributes to the public welfare.

The court found that Aid/Watch's activities are:

> … apt to contribute to the public welfare, being for a purpose beneficial to the community … whatever else be the scope today in Australia for the exclusion of 'political objects' as charitable, the purposes and activities of Aid/Watch do not fall within any area of disqualification for reasons of contrariety between the established system of government and the general public welfare.

The court also referred back to its decision in Coleman v Power and said:

> Any burden which the common law places upon communication respecting matters of government and politics must be reasonably appropriate and adapted to serve a legitimate end in a manner which is compatible with the maintenance of that system of government.

The important point to take away is the High Court has confirmed that legitimate attempts to agitate for change and to influence public policy is a charitable purpose and deserves special recognition and protection under the common law.

At the time of the commissioner's original decision there was significant concern among the not-for-profit sector, the non-government sector, about the potential for their charitable status to be questioned because they participated in the political arena and agitated for change. The decision in this case is a win for the community and guarantees that organisations need not be concerned about their legitimate campaigns for change. The decision recognises the important contribution they make to the public discourse and ensures an appropriate protection for those organisations. I am pleased to inform the Legislative Assembly of that important case that has been decided in the High Court.

Australia's Helping Hand

MR COE (Ginninderra) (9.22): In my limited time tonight I rise to talk about Australia's Helping Hand, which is a charity that aims to help the disadvantaged in Vietnam. It estimates that there are over 5.3 million people in Vietnam who are currently in need of help. In particular, it works tirelessly to support orphans, the poor and elderly and victims of Agent Orange. Last year I was fortunate enough to become a patron of this important organisation and I am pleased to be able to assist them wherever I can, albeit sometimes in a small capacity. I share the patronage with Mary Porter and former member Bill Stefaniak.

The current efforts of Australia's Helping Hand include the building of an orphanage and shelter for the most vulnerable citizens in the district of An Duong, Hai Phong, in Vietnam's north. The shelter will provide accommodation for up to 55 people and seeks to provide them with the vital skills needed to live better lives. Additionally, Australia's Helping Hand, in partnership with the Vietnamese government, provides jobs and skills training for the local residents and provides a public health clinic open to everyone in the community.

I commend their latest fundraising efforts, which include a fundraising concert held in May and another just a couple of weeks ago held at the Revival Fellowship Hall in Belconnen. I also note that they have another three or so planned for the coming year.

The driving force behind the charity is the president, Ian Collard, who lives in Belconnen. Ian would be known to a number of members in this place, and to many Canberrans, as a person of great dedication and commitment to the cause. I would like to acknowledge the president, Ian Collard; his executive, Cheryl Parsons, Jenny Baker and Glenn Parsons; and the other committee members, including Lee Pilon, Conny Elhers, Bob Winchester, Debbie Fox and Stephen Dixon-Jain.

Finally, I would like to give a plug for their new website, which I was notified about only 20 minutes ago. It is www.ahh.org.au. It is a great website which will help make the organisation known to far more people right across the world.

I commend Ian and the team for the great work they do in and around Canberra to help those in Vietnam.

Education—events

MR DOSZPOT (Brindabella) (9.24): Over the past few weeks, in my capacity as shadow education minister, I had the pleasure to attend a number of education-related events.

The first was last Thursday evening, 2 December, when I attended Blended Learning International's 2010 student graduation at the Great Hall at the Australian National University. They had around 120 students—these were vocational education students—graduating in the areas of business, project management and information technology, including diploma of business, diploma of project management and diploma of IT networking. There were a lot of mature-age students involved in this graduation ceremony.

I would also like to reiterate tonight my congratulations to Lisa Materano, director of Blended Learning International, and her company, for their commitment to providing education and training pathways from school to certificates and diplomas to university and for the provision of capstone programs to assist graduates with additional skills to enter the workforce and to assist organisations like Blended Learning International.

I would also like to congratulate Frank Sette and his organisation, the Australian Council for Private Education and Training, ACPET, which is the national peak member association for private institutions delivering education to Australian and overseas students. As I understand it, its membership includes 1,200 colleges Australia wide that deliver courses in higher education, vocational education and training and English language. Its stated mission is to enhance quality and choice in education and training and to ensure that Australian students enrolled in private colleges receive the highest quality education to meet Australia's skills and needs into the future.

On that same night, I was also a guest of Brindabella Christian College for their awards night. The principal, Mrs Elizabeth Hutton, spoke about the choice parents have to make in choosing the right school for children. She said that it is one of the most important decisions parents ever make and that to survive in today's society children need an education that teaches flexible and innovative thinking, emphasises initiative, embraces technology and promotes leadership in our community. Mrs Hutton spoke about the Brindabella Christian College education system that successfully integrates these components and also teaches children to be engaged as positive citizens. From the 600-odd people who attended the college's awards night, I was very impressed with the level of interaction between the community and the education community as well as the parents and children involved with Brindabella Christian College.

Just this morning I had the pleasure of attending St John Vianney's primary school's official blessing and opening of their refurbished facilities in Waramanga. The principal, Vicky van der Sanden, organised a very touching range of ceremonies associated with this opening. We had a welcome by Violet Sheridon, a Ngunnawal elder, and Caleb Juda, a year 5 student from St John Vianney's who played the

didgeridoo. There were addresses by Justin McLaren, the school board chair, and Marc Bakker, the P&F president. Also, the head of finance and planning services from the Catholic Education Office, John Barker, was there to represent the office and deliver a speech to the assembled guests.

Archbishop Mark Coleridge was the main guest of honour. He blessed the refurbishment carried out in the hall, classrooms and external area. While the archbishop did his official blessing duties, we were entertained by musical performances by a choir and a band of St John Vianney's. A wonderful rendition of *Snow Gum* was performed that impressed everyone.

The official opening and unveiling of a plaque was by Gai Brodtmann MP, who gave a touching and very emotional tribute to her late mother-in-law, Mary Uhlmann, who was a former teacher at St John Vianney's.

All in all, it was a very uplifting experience this morning at St John Vianney's. I would like to congratulate the school principal, Vicki van der Sanden, for such a wonderful event for the children to remember in future years.

Question resolved in the affirmative.

The Assembly adjourned at 9.30 pm.

Schedules of amendments

Schedule 1

Gaming Machine (Problem Gambling Assistance) Amendment Bill 2010

Amendments moved by the Minister for Gaming and Racing

1
Clause 2
Page 2, line 4—

omit clause 2, substitute

2 Commencement

This Act commences on 1 July 2011.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

2
Clause 4
Proposed new section 163A (2)
Page 2, line 18—

omit proposed new section 163A (2), substitute

(2) The ***required percentage*** is—

(a) 0.6%; or

(b) if the Minister determines a different percentage under subsection (2A)—that percentage.

(2A) The Minister may determine a percentage for subsection (2) (b).

(2B) A determination is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

Schedule 2

Gaming Machine (Problem Gambling Assistance) Amendment Bill 2010

Amendments moved by Mr Smyth

1
Clause 4
Proposed new section 163B (2A)
Page 3, line 18—

insert

(2A) Before making a payment out of the fund, the commission must consult with the gaming advisory board established under the *Gambling and Racing Control Act 1999*.

3
Clause 5
Proposed new section 163A (2A)
Page 4, line 17—

omit

0.75%

substitute

0.50%

4
Proposed new clause 5A
Page 4, line 21—

insert

5A New section 171A (1A)

insert

(1A) Also, a club's required community contributions for a financial year must be worked out as if the amount paid by the club to the problem gambling assistance fund for each month of that year had been contributed to an entity under section 164 (1).

5
Proposed new clause 7
Page 4, line 25—

insert

7 Gambling and Racing Control Act 1999, new part 6A

insert

Part 6A Gaming Advisory Board

50 Establishment of gaming advisory board

The gaming advisory board is established.

51 Membership of gaming advisory board

(1) The gaming advisory board is made up of—

(a) the chief executive officer; and

(b) the following members appointed by the Minister:

(i) 1 member appointed to represent Clubs ACT;

(ii) 1 member appointed to represent ACTTAB;

(iii) 1 member appointed to represent Casino Canberra;

(iv) 1 member appointed to represent the ACT racing industry;

(v) 1 member appointed to represent on-line wagering interests;

(vi) 1 member appointed to represent the ACT Council of Social Service.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

Note 3 Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

(2) The chair of the board is the chief executive officer.

52 Gaming advisory board function

The gaming advisory board has the function of advising the Minister and the commission about—

(a) matters relating to problem gambling; and

(b) any other matters relating to the gaming and racing industry.

53 Gaming advisory board procedure

(1) Meetings of the gaming advisory board are to be held when and where it decides.

(2) However—

(a) the gaming advisory board must meet at least twice each year; and

(b) the chief executive officer may, by reasonable written notice given to the other gaming advisory board members, call a meeting.

(3) The gaming advisory board may conduct its proceedings (including its meetings) as it considers appropriate.

53A Reimbursement of expenses for gaming advisory board members

(1) A member of the gaming advisory board appointed under section 51 (1) (b) is not entitled to be paid for the exercise of the member's functions.

(2) However, the member may apply to the chief executive officer for reimbursement of expenses reasonably incurred by the member for the purpose of attending a meeting of the gaming advisory board.