



# Debates

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**Wednesday, 9 March 2011**

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

## **Children and Young People (Death Review) Amendment Bill 2010**

### **Detail stage**

Debate resumed from 16 February 2011.

**MR SPEAKER:** Members, when we adjourned debate on this bill in the last sitting period the question was that the bill as a whole be agreed to. In the intervening period a number of amendments to the bill have been drafted and I am seeking the Assembly's agreement to now consider the detail stage of the bill clause by clause. Is there any objection?

**MRS DUNNE:** No objection.

Clause 1.

Clause 1 agreed to.

Clause 2.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.02): I move amendment No 1 circulated in my name [*see schedule 1 at page 681*] and I table a supplementary explanatory statement to the government amendments.

Firstly, I propose an amendment to the provisions regarding the commencement of these amendments. The bill proposes commencement three months after its notification date. The appointment of the chair and committee members and the selection of appropriate staff will take considerable time. I propose an amendment that provides for the commencement of these provisions on a day fixed by the minister by written notice. As stated in note 3 to this amendment:

If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period ...

This will ensure that the work is undertaken in a timely manner within a period where it is successfully achieved and appropriate processes are completed.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.04): The Greens agree to this amendment. However, we do strongly maintain that the committee should commence work as soon as possible, and that is no later than

1 July 2011. We understand that it does take time to identify people and to appoint them, but we hope that this work can commence as soon as possible.

**MRS DUNNE** (Ginninderra) (10.04): The Canberra Liberals will support this amendment which fixes the commencement of the legislation by the minister's written notice rather than by notification. This enables the administration to ensure that the processes are developed and in place before they have to be used. I note that the legislation will commence after six months if the minister has not done so before that time.

Amendment agreed to.

Clause 2, as amended, agreed to.

Clause 3 agreed to.

Clause 4.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.05): I move amendment No 2 circulated in my name [*see schedule 1 at page 681*].

Ms Hunter's amendment bill proposes that a function of the committee will be to undertake to review child deaths in a way that will avoid the duplication of existing resources. The bill proposes that a function of the committee will be to keep a register of child deaths. The ACT government supports this, as a register maintains a record of children and young people and assists with analysis of information. The government proposes some amendments about the register which I will address at some time.

The bill identifies several functions of the committee. Function (b) is:

... to identify patterns and trends in relation to the deaths of children and young people ...

This is supported by the government, as this is a function that is not met by current individual child death review mechanisms. Function (c) is:

... to undertake research that aims to ... prevent or reduce the likelihood of the death of children and young people ...

This is supported by government. Function (d) is:

... to identify areas requiring further research by the committee or another entity in relation to the deaths of children and young people ...

This is supported by the government, with an amendment at section 727B(d), as stated previously. This clarifies that the further research arises from identified patterns and trends in relation to the deaths of children and young people. Without the government amendment, this function in the bill could have the effect of people researching a very broad range of issues and using significant resources of the government and other

entities—resources already allocated to perform work consistent with the government priorities. Function (e) is:

... to make recommendations about legislation policies, practices and services for implementation by the Territory and non-government bodies to help prevent or reduce the likelihood of the death of children and young people ...

This is about preventing future child deaths. It is supported by the government and is consistent with a shared responsibility of government and the community for the care and protection provided to the children and young people in the territory. Function (f) is:

... to monitor the implementation of the committee's recommendations ...

This is supported by the government. Function (g) is:

... to report to the minister under the act ...

This is supported by the government. Amendments are proposed that are consistent with a three-year committee model, providing a three-year annual report and other reports as determined by the committee.

Function (h) is a broad provision that states:

... any other function given to the committee by this chapter.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.08): The Greens agree to this amendment. This brings consistency to the bill and allows the committee to work towards providing a narrative and analysis of the issues for many patterns or trends that are identified that are arising from child deaths in the territory.

Amendment agreed to.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.08): I move amendment No 1 circulated in my name [*see schedule 2 at page 687*].

I put forward this amendment today to provide clarity to the bill. In attempting to protect the privacy of families, children and young people, we have added this amendment to provide definition about the functions of the committee. The role of the committee is not to be an investigative body or replicate any of the other territory processes, including the coronial process.

To provide a clear analysis and narrative, the committee will necessarily be required to review the circumstances and context of individual deaths of children and young people. Throughout the bill amendments have been made by the ACT Greens and the government to tighten the legislation so that the privacy and rights of families, individuals and the community are protected. However, we must also understand that we are required to look at each death and pull out the contextual issues and circumstances that will allow us to understand how best to work towards the prevention of deaths into the future.

**MRS DUNNE** (Ginninderra) (10.09): The Canberra Liberals will support Ms Hunter's amendment in this area but will not support the government's amendment. A concern I have had with this bill and the roles and functions of the committee is that the family of the deceased child or young person should not be dragged through all the emotional trauma associated with that death some time after that death when the death review committee commences its work. In many ways, they have already been through all of this with the coroner and sometimes other agencies such as the police. They should not be forced to go through this unnecessarily. The government amendment goes some way to achieving that, but the Greens' amendment, although not perfect, goes even further. So I am happy to support it and give it a go. I will reserve the right to introduce an amendment at a later date if this does not work in practice.

In the meantime, I call on the government to implement an information program that gives families the opportunity to talk with the committee should they, on their own initiative, wish to do so. This could be done through flyers placed in doctors' surgeries, hospitals, childcare centres, community centres, libraries and the like. Information could even be given to prospective parents in parenting classes and such like.

The bottom line is that the committee should not be knocking on the doors of families, but families should know about the committee's work and be given the option—should they choose on their own initiative—to provide information to the committee. I note that another amendment, which will be considered later, whilst not perfect, at least adds further strength to the intent of this amendment.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.11): The ACT government believes that the government amendment is more appropriate. While every death of a child is regrettable and lessons can be learnt from each individual death, there are mechanisms for review in place to achieve this outcome at an individual level. Comments about individual deaths are not appropriate cause or circumstances. Systemic issues and trends are what the committee can contribute to new learning.

What is required is a mechanism that can review and analyse information concerning trends and patterns of all deaths of children and young people and make recommendations to achieve systemic change. It is difficult, when considering a single circumstance or small numbers, to make recommendations for systemic change. The validity of the outcomes of the analysis and recommendations made by the child death review committee must not be compromised.

In relation to proposed new section 727D put forward by Ms Hunter, on the appointment of committee members and the number of members, on the new Greens' agreement the government supports the revised amendment proposed by Ms Hunter for the number and make-up of the committee and the details of remuneration.

Amendment agreed to.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.13): I move amendment No 2 circulated in my name [*see schedule 2 at page 687*].

This is about the appointment of committee members. Following extensive discussion with both the government and the opposition about the most appropriate structure for the appointment of members, this amendment reflects the consensus position. I have adopted the model proposed by Mrs Dunne and refined it to ensure that the necessary range of skills is included on the committee.

We have worked together to find the right mix of professionals and we believe we have captured a large range of committee members that will have expertise and skills in the analysis of the data and reporting requirements for the committee. We have made amendments that provide for the minister to appoint at least eight, but no more than 10, members to the committee. A range of skills and areas of knowledge have been defined to ensure that the appointments are suitable for the committee so that the committee is able to undertake the functions that it has been charged with.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.14): The bill, at section 727E, makes provisions for the appointment of a chair to the committee, a person who is not otherwise a member of the committee—

**MR SPEAKER:** Ms Burch, I believe you are speaking to your own amendment. We are actually on Ms Hunter's amendment No 2.

**MRS DUNNE** (Ginninderra) (10.14): The Canberra Liberals will support this amendment, which replaces a very prescriptive committee membership provision which was in the original bill. Under this amendment, the minister will appoint eight to 10 members with stated expertise for no longer than three years. I might say here that, in the many discussions that I had with Ms Burch and Ms Hunter in what I have described on another occasion as the shambolic process that has brought this bill to this place, it was my understanding that we had an agreement that there would be a minimum of six members of the committee and that the minister was going to bring forward an amendment to that effect. But that has not happened today.

I note, too, that the amendment prescribed that the committee is to include a social worker and a police officer, both of whom have to have expertise or experience in dealing with children and young people and families; that the minister must be satisfied that appointees are suitable, and that is in accordance with the suitability requirements of the act; and that the conditions of appointment are the conditions stated in the appointment and are subject to determination by the Remuneration Tribunal.

Amendment agreed to.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for

Multicultural Affairs and Minister for Women) (10.16): I move amendment No 4 circulated in my name [*see schedule 1 at page 681*].

The bill, at section 727E, makes provisions for the appointment of a chair to the committee—a person who is not otherwise a member of the committee for a period stated in the appointment. The government supports the appointment of a chair by the minister at sections 727E(1) and 727E(2) and seeks amendments to sections 727E(3) and 727(4) that will strengthen the capacity of the role.

As with the proposed government amendments regarding the membership of the committee, the government seeks amendments concerning the appointment of the chair. These include the requirements that the minister be satisfied that the chair has the expertise or experience to be the chair or is otherwise suitable to be the chair, at section 727E(3); that the minister consider relevant suitability information under the provisions of section 65(1) of the Children and Young People Act 2008 when considering the appointment of a person as a chair, at section 727E(4); that the appointment of the chair be for a period not longer than three years, consistent with our proposed three-year reporting period, at section 727E(5); and that the conditions of the appointment of the chair “are the conditions stated in the appointment, subject to any determination under the Remuneration Tribunal Act 1995”, at section 727E(6).

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.18): This technical amendment provides clarity in the area of the committee chair. The new clauses provide for the minister to assess suitability through section 65 of the Children and Young People Act and also provides for the minister to ensure that the chair has the required skill set and experience to chair the committee successfully. We agree to this amendment.

Amendment agreed to.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.18): I move amendment No 5 circulated in my name [*see schedule 1 at page 682*].

The bill is silent regarding the management of conflict of interest issues. Government considers that this is an important issue that requires inclusion in legislation. The ACT is a small jurisdiction and it would be expected that, from time to time, potential or actual conflicts of interest may arise. For example, a committee member may know children who have died or may have, during the course of their work, become aware of information concerning children’s deaths.

The government does not propose to legislate the specific management of such issues but seeks to ensure that all reasonable steps are taken to avoid potential or actual conflict of interest issues. The management of these processes will be a matter for the committee to determine. The committee may agree that if such an issue arises, the committee’s decision is made on a case-by-case basis. On the other hand, the committee may administratively arrange it to work so that committee members are not exposed to any potential or actual conflict of interest.

In summary, the government proposes an amendment at section 727EA that requires the committee to take all reasonable steps to avoid being placed in a position where a conflict of interest arises during their exercise of the committee's functions.

A further amendment under amendment 5 is to clause 4 through new section 727EB regarding the appointment of advisers. The bill is silent regarding the appointment of advisers to the committee, and government considers that it is an important issue requiring inclusion in legislation. While the expertise of the committee members will be broad and of a high level, the government believes the committee members may not all have the expertise and experience required all of the time. There may be issues arising from time to time which require specific expertise—for example, cultural practices, engineering matters, car safety matters or medical expertise. Government suggests that at these points in time the minister may, at the request of the committee, appoint advisers to fill this gap and inform the committee, enabling information and decision making and strengthening the basis of the recommendations made.

The government amendment includes provisions for the appointment of advisers at section 727EB(1) and further amendments regarding the appointment of an adviser. These include amendment at section 727EB(2) requiring the minister to be satisfied the person has the expertise or experience to exercise the functions of an adviser, an amendment at section 727EB(3) stating the conditions of appointment shall be as stated in the appointment, an amendment at section 727EB(4) stating that the role of an adviser is to advise the committee in relation to its functions or in accordance with any conditions of appointment, and an amendment at section 727EB(5) stating that the minister may end an appointment if the adviser breaches a condition of appointment.

While it is not expected that advisers will be regularly requested, inclusion of provisions in the legislation enabling this to occur will facilitate the deliberations and support the outcomes of the committee. The bill proposes provisions at section 727F to enable the ending of a member's appointment, and this is supported by government and no amendments are proposed.

The bill proposes at section 727G that the committee may request the chief executive administering the Children and Young People Act 2008 to make arrangements to use public servants to assist the committee functions. Government supports reasonable requests from the committee for such staffing and notes that staff will remain subject to the provisions of the Public Sector Management Act 1994 when subject to these arrangements.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.23): New sections 727EA and 727EB regard conflict of interest and appointment of advisers. The inclusion of the section addressing conflict of interest provides a clear guideline for the committee chair, committee members and staff around the management of any possible conflict of interest. The committee may, from time to time, require or want information or advice from someone outside the committee and, therefore, the section regarding the appointment of advisers has been added.

Considering the sensitive nature of the information, the Greens agree that the minister should be satisfied that the adviser's skill set, expertise and understanding of

their responsibilities in the adviser role is appropriate. This is a valuable addition to the potential scope of the committee's work and may well be a very useful resource that provides additional qualitative analysis for the minister and the Assembly to use as we contemplate initiatives that may come about to prevent future deaths. The Greens agree to this amendment.

Amendment agreed to.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.24): I move amendment No 3 circulated in my name [*see schedule 2 at page 688*].

This amendment changes the number of meetings that must be held annually from four times to once a year. I note there is a capacity for the committee to meet more often if required, and this amendment gives more flexibility to the committee. That is why we are moving our amendment.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.24): The government will not be supporting the Greens' amendment, and I refer to amendment No 6 circulated in my name. Consistent with the government's three-yearly reporting period, the government would not support a minimum requirement of one meeting per year, irrespective of the final model agreed by the Assembly.

The amendment proposed by Ms Hunter would mean the committee would analyse the facts, reach conclusions and make decisions on the basis of a single annual meeting, and this will be on a yearly three-yearly reporting period. Such a provision would appear to suggest that the important and intricate work of the committee can be undertaken in such a manner. The intent of the original provision for a minimum of four meetings was also not supported, and the government suggests a three-year model, as in its amendment.

**MRS DUNNE** (Ginninderra) (10.25): The Canberra Liberals will support the Greens' amendment but not the foreshadowed amendment by the government. The Greens' amendment reduces the required number of meetings of the committee from four to one each financial year, but it needs to be said that this is not a maximum amount. This would seem sensible, particularly as the committee sets into a future routine and as, thankfully, there will not be a large number of deaths of children or young people in the ACT each year. It would seem a waste of resources if the committee had to meet on occasions where there was little or no business to conduct.

The government's amendment retains the four meetings but spreads them over a three-year period, which it also seeks to use as the definition of a "reporting period". Instead of reporting annually, which the Greens' amendment contemplates, the government's definition of "reporting period" would require a report from the committee only once every three years. We cannot agree to that approach. We believe there should be an annual report of the committee, but a minimum of one meeting a year is an appropriate approach. It does not prevent the committee from meeting more frequently should it need to do so, but it is better to leave the frequency to the committee rather than tie it to legislative requirements.

Amendment agreed to.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.27): I move amendment No 7 circulated in my name [*see schedule 1 at page 682*].

The bill proposes in section 727J(1) that business may be carried on at a meeting of the committee only if at least three-quarters of members other than the chair are present. Government supports the provision of a quorum but proposes amendment to section 727J(1) that the quorum of meetings be reduced to two-thirds of members. Such an amendment is necessary to ensure that the business of the committee progresses and is not hampered by meetings where a quorum has not yet been reached.

While the importance of these meetings is unlikely to make attendance an issue, the fact that attendance is an individual person who may not delegate these responsibilities to others, as stated in section 727J(2), provides restrictions that may impact on the work of the committee. Furthermore, given the number of committee members, reducing the quorum size will, in fact, only reduce the required membership by one person.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.28): The Greens agree to this technical amendment to alter the quorum figure from three-quarters to two-thirds of the membership to be present at each committee meeting. Obviously we hope that as many members as possible will be able to attend. The committee is designed as a multi-disciplinary one that brings a range of different skills and ideas together to analyse the issues. We do, however, accept that this will not always be possible, and we agree with this amendment and see it as a reasonable change.

Amendment agreed to.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.29): I move amendment No 8 circulated in my name [*see schedule 1 at page 682*].

The bill at section 727K(1) proposes that each member of the committee other than the chair has a vote and a question is decided by the majority of the members present and voting. Government supports the intention of this section and proposes an amendment at section 727K(3) that, in the case where the votes are equal, the chair has a deciding vote. The purpose of this amendment is to ensure the work of the committee is ongoing. It is not expected that this need will arise, but the inclusion of a provision that enables the management of an impasse is desirable.

The work of the child death review committee will rely on the gathering of information and the maintenance of a register of deaths of children and young people. The register will be the only record of those children who have died prior to recording relevant information in a de-identified way into a database that would enable the

analysis of the material by the committee. The register must maintain the names of children to enable other required and relevant information to be de-identified and coded. The register will be the only way of ensuring that the correct child is recorded in the correct year and that the analysis of data is correctly tabulated.

An amendment proposed by Ms Hunter to clause 4 through proposed new section 727L(3A) proposes that the register must not contain the names and addresses of children or young people who have died. While it is unclear as to the purpose of this amendment, government would consider that the register will be the only committee record of the names of the children and young people who have died, and this is crucial to the business of the committee.

This enables the research functions of the committee to be undertaken on trends and patterns when access to individual records of a sample population is required. If this were not required, there would possibly be no need for the register. This record is essential to the management of the information received. When an agency provides information of a child who has died, the register will record the death and the code whereby the data is included in the database for the purpose of analysis.

This ensures that, when other agencies provide information in accordance with the legislation about the same child, it is appropriately coded and entered into the database. Without appropriate checks and balances of this nature, recording difficulties would arise, which would impact on the reliability of the data analysed by the committee. It is on this basis that the government would not support an amendment that prevents this record to be compiled.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.32): The Greens agree to this technical amendment to give the chair of the committee the deciding vote. We believe the role of the independent chair will provide a sound voice or make a judgement based on the evidence and information provided by the committee regarding a locked decision.

It should be noted that the odds of this occurring are slim at best, and I expect the committee will be able to reach a consensus on the issues before it. In any case, there is sufficient space within the reporting process to canvas different ideas and opinions. Nevertheless, we are happy to accept that there may well come a time when this is reasonably required.

Amendment agreed to.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.33): I move amendment No 4 circulated in my name [*see schedule 2 at page 688*].

This amendment provides that the committee must include information on the register that pertains to the child or young person or a sibling of a child or a young person that has within three years prior to their death been the subject of a report that the chief executive decided under section 365 was a child protection report. This is the most appropriate point in time for us to identify this group, as it is a point at which the chief executive must take some action for vulnerable children and, therefore, the point at which we have the opportunity to intervene in these young people's lives.

The ACT Greens believe this is a critical aspect of this legislation in that we are able to record and collect more data on children or young people who have been subject to a child protection report. We see this provision as important because it allows us to ensure that our service system response is at its best and that we are able to improve our practices in this area. Again I reiterate that this is not about assigning blame; this is about recognising that a tragedy has occurred and what we can do as a community to make sure it does not happen again.

**MRS DUNNE** (Ginninderra) (10.34): The Canberra Liberals will support the Greens' amendment and will not support the amendment that is to be proposed as a counter by the government. This amendment goes to another concern that I have had about this bill and what it seeks to achieve. I consider that it will be important for the committee in gathering the data about the deaths of children and young people that it separate the data relating to children and young people as to whether or not they are in the care of the government or known to the government in some way.

The government has sought to limit this distinction to children who are under the parental responsibility of the chief executive. I do not consider this goes far enough. As it was, the act itself has yielded the framework for separating the data. Much more revealing data could be obtained if the separation extended beyond children and young people in the parental care of the chief executive to those who are the subject of, as the act describes it, a child protection report. These children and young people are identifiable, and the data revealed may well give us very valuable information.

I note too that Ms Hunter's amendment extends the separation so that if a deceased child or young person had a sibling who was the subject of a child protection report, that death should be recorded separately too. The government's amendment seeks to omit that element. For this reason, the Canberra Liberals will not be supporting the government's amendment.

I think that this is one of the most important elements in this bill. The children and young people who are most vulnerable need our attention, whether in life or death. This is a matter that may draw to the community's attention the need for reform in areas of child protection, and it is important that we look closely at these matters.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.37): The government will not be supporting Ms Hunter's amendment 4. We have circulated an amendment 9, but I can see that that will not be supported. But I will make some comments on the government's position.

The bill at section 727L(2)(d) proposes that the register must contain information as to whether the child or young person was identified under the act as being in need of care or protection within three years before his or her death or the sibling of a child or young person identified as in need or care of protection. The government has put forward an amendment that gives clarity to the definition, proposing that the register indicate the chief executive has parental responsibilities for the child or young person at the time of death and removes the reference to siblings. This provides clarity and ensures the threshold for inclusion on the register is consistent, as a court order must

be in place.

In the bill, use of the term “in need of care and protection” is not clear. The definition “subject to a child protection report”, or “a sibling was the subject of ... a child protection report” in the subsequent amendment, is also, we feel, too broad. The terms could refer to a child, where a child report has been made but the parents were seen to be acting protectively and appropriately and the report did not proceed to appraisal. This could include many hundreds or thousands of children over time and it could also refer solely to a child whom the court has, after considering all the evidence made available, declared to be a child in need of care and protection.

The amendment by Ms Hunter also asks that information be recorded if a sibling has been subject to a child protection report. This, again, may have been one report in the previous three years that, for example, was related to a parent-child conflict and not relevant to the child or young person’s death. The government believes this threshold is too broad.

That said, the government does not shy away from the fact that such criteria are important and should be considered when the facts identify there is a link between the death and the care status. The government is of the view that, in seeking to identify trends and patterns without an inherent bias, information must be collected in a broad manner and then analysed objectively to determine any emerging trend or patterns.

Amendment agreed to.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.40): I move amendment No 10 circulated in my name [*see schedule 1 at page 683*].

The bill proposes at section 727L(2)(a) that the register must include information as to the cause of death of a child or young person. While medical practitioners may provide a cause of death of the child, the coronial inquiry has its function to make a finding on the basis of all evidence before it as to the cause and manner of death of a child or a young person.

For this reason, the government proposes an amendment to section 727L(3)(a) that will ensure that the register does not include this information until a coronial inquiry or review has been completed. Other reviews may not seek to determine a cause of death, relying either on the coroner to make such a finding or on the basis of medical expertise. The government amendment seeks to ensure that records regarding the cause of death of a child that pre-empt the findings of the coronial or any other review that may consider the issue are not made.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.41): This proposed new section seeks to clarify that coronial and territory review processes should all be completed before any information is included on the register. The Greens agree with this amendment.

Amendment agreed to.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.41): I move amendment No 11 circulated in my name [*see schedule 1 at page 683*].

The bill addresses the review of child deaths from the time the provisions are enacted. It will be of value to the ACT community to maintain an ongoing record of trends and patterns of child deaths over time. ACT Health reviewed child deaths from 1992 to 2003, and the government proposes an amendment at section 727L(5) and (6) that ensures that child deaths from 2004 to the date of the commencement of the amendments being debated today will be able to be undertaken and recorded within the following six years. This seven-year period would add to the trend information concerning the death of children and young people in the ACT, would assist the committee and would inform the ACT community.

The government amendment at section 727L(6) empowers the committee to include information in the register of child deaths from 1 January 2004 and inclusion on the register of information prior to that date. The amendment proposes that the analysis and reporting of this work must be completed in the next six years, enabling the committee to undertake both current and past work concurrently.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.43): We support the work of the committee to develop the register and that includes the deaths of children and young people from 2004 to 2011. We believe this will provide the committee with information that may alert them to trends or patterns and provide a solid basis for future recommendations.

Amendment agreed to.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.43): I move amendment No 12 circulated in my name [*see schedule 1 at page 683*].

The government also proposes an amendment that ensures that relevant entities as defined at section 727LA(6) must provide the committee, within three months of the death of a child or young person, information concerning the cause of death of a child or young person and the age and sex of the child and whether the child is Aboriginal or Torres Strait Islander or, as a section 727L(a)(4) amendment states “as soon as practicable” after its information is subject to an inquest or review. Relevant entities include the Chief Police Officer, the Registrar-General, the Coroners Court, the chief executive responsible for the administration of the Children and Young People Act 2008, the chief executive responsible for the administration of the Education Act 2004, the chief executive responsible for the administration of the Health Act 1993, a licensed proprietor of a childcare service and an entity prescribed by regulation.

An additional government amendment is proposed at section 727LA(2) that ensures that a relevant entity, on written request from the committee, must provide information in relation to the child or young person that the committee considers necessary to undertake its functions. The relevant entities, as stated at section 727LA(5), are required to provide information that is within their knowledge as part of their functions, therefore limiting the scope required for compliance. These amendments ensure that information is gathered and obtained by the committee during the three-year reporting period, enabling analysis and reporting of it at its conclusion.

In addition, the government proposes an amendment at section 727LB enabling the committee to enter into agreements with entities in other states, who exercise a function under the law of a state that corresponds to the function of the committee, for the purpose of information sharing relevant to the function. Government considers that there exists the need for the committee to enter into agreements with agencies interstate to ensure information is provided to the committee. This will enable establishment of agreements of information about children from the ACT who may have died while interstate.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.46): This amendment is about obtaining information from certain entities and exchanging information with corresponding interstate entities. The Greens agree to this amendment. This provision requires certain defined entities to provide information on the death of a child or young person within three months of the death or as soon as practicable and that these entities may also be compelled to provide information to the committee that it believes is required to undertake its functions. This will improve the functioning of the committee and assist in the timely assessment and reporting on deaths.

We also agree with the amendment that allows the committee to exchange information with interstate entities who are carrying out similar functions. As I said earlier, inter-jurisdictional interaction has an essential role in identifying the most effective responses to problems as they arise.

Amendment agreed to.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.47): I move amendment No 13 circulated in my name [*see schedule 1 at page 684*].

This new note indicates that information provided to the committee under section 727M(2), including written information and other things given to the committee, is protected information.

**MRS DUNNE** (Ginninderra) (10.47): The Canberra Liberals will be supporting this amendment. It was an amendment that was brought about at my suggestion and it makes some clarity in relation to the application of protected information in the context of the child death review committee.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.48): The ACT Greens agree with the inclusion as it provides further clarification that information produced under 727M is protected information under chapter 25 of the Children and Young People Act 2008.

Amendment agreed to.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.48): I move amendment No 14 circulated in my name [*see schedule 1 at page 684*].

The bill at section 727M makes provision for the requesting of information, documents and other things by the committee. The government supports these provisions and proposes a further amendment at section 727M(2A) that ensures that the committee, consistent with their requirement not to review the death of a particular child or young person, cannot require a family member of the deceased child or young person to give information or produce a document or something in relation to a child or young person who has died.

The committee's work is to review child deaths and in some instances this may occur many years after the death has occurred. Interrupting the bereavement or healing of families is not supported. As stated, this is not compatible with the functions of the committee.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.49): It was never the ACT Greens' intention to compel family members to be part of this process and so we agree with this amendment. However, the point should be made that family members should have the right to participate should they wish. The committee may very well decide that, like the coroners office, a brochure or pamphlet should be developed that explains the role of the committee and how people may have input should they wish to. This amendment still affords family members the right to participate without compelling them to be part of the process if they do not want to be.

**MRS DUNNE** (Ginninderra) (10.50): This amendment strengthens Ms Hunter's previous amendment No 1 by preventing the committee requiring a family member of a deceased child or young person to provide information to the committee. I have already mentioned the importance of respecting the privacy and grief of families of deceased children and young people so that they are not dragged through a process that will revive that grief more than absolutely necessary. Nonetheless, it is important for the government to promote the work of the committee so that families, should they so wish, at their own initiative contribute to the work of the committee.

Amendment agreed to.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.51), by leave: I move amendments Nos 15 and 16 circulated in my name together [*see schedule 1 at page 684*].

The bill makes provision at section 727N as to who may access the register of deaths of children and young people. The provisions enable committee members, staff and a person authorised by the committee to access the register. The recent amendment to the bill proposed by Ms Hunter proposes to clarify that this would be to exercise the function of the committee. The government supports these provisions and proposes an amendment at section 727N(1)(ba) to clarify that advisers to the committee may also have access to the register if required under their functions.

A further government amendment is proposed at section 727N(3) to ensure those who access the register are informed of appropriate information-sharing requirements under chapter 25 of the Children and Young People Act 2008.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.52): We agree with amendment No 15. This is about the children and young people deaths register and who may have access. We agree that the advisers appointed under section 727E(b) should also be able to have access to the information on the deaths register. This is reasonable. It is necessary to fulfil their functions.

On amendment 16, which is again around the children and young people deaths register and who may have access, the Greens agree to this amendment as it allows consistency about how information on the register is treated, using the requirements as defined in chapter 25 of the Children and Young People Act 2008. There is a need to ensure that everyone in the committee understands the seriousness and nature of the information they are collecting for use in the register and how that information must be treated at all times.

Amendments agreed to.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.53): I move amendment No 17 circulated in my name [*see schedule 1 at page 685*].

The bill's title for this part refers to the provision of annual reports by the committee. Given the government's three-year reporting period, an amendment to the title will generalise the reporting about deaths of children and young people as proposed, enabling inclusion of the provision of other reports by the committee.

**MRS DUNNE** (Ginninderra) (10.54): The Canberra Liberals will not be supporting this or the subsequent amendment, as we have not supported the previous amendments that Ms Burch has moved that would have fed into this. The Canberra Liberals are of the view that there should be an annual reporting process. I think that is the majority view in this Assembly and I would suggest that Ms Burch not move the remainder of the amendments that relate to the three-year reporting proposal.

It is a government wish. Ms Burch uses rhetoric like "the government's three-year reporting schedule". It is the government's wish that there is only a three-year reporting process, but it is clearly not the Assembly's wish that that is the case.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.55): The Greens will not support amendment 17. It is backing up Mrs Dunne's comments around the fact that we do want annual reporting, not three-yearly reporting. There is a subsequent amendment that we also will not support as we believe that an annual report is necessary.

Amendment negatived.

**MS BURCH** (Brindabella—Minister for Disability, Housing and Community Services, Minister for Children and Young People, Minister for Ageing, Minister for Multicultural Affairs and Minister for Women) (10.55): I will pay heed to the Assembly on amendments 18 and 19. They have been circulated. I will, though, just say that this is the government's position, that we do have an alternative—

**MR SPEAKER:** Ms Burch, are you moving the amendments or not? Sorry, you just cannot have a chat. You can either move them—

**MS BURCH:** Can I move them? I seek leave to move amendments 18 and 19 together.

Leave granted.

**MS BURCH:** I move amendments 18 and 19 standing in my name together [*see schedule 1 at page 685*].

I do apologise for that. The amendments are clearly stated and have been circulated. Members of the opposition and crossbench are aware of the government's position. I will take heed of the fact that our alternative model is not supported. Whilst I am disappointed, in the essence of moving through this I will just leave it at that. Thank you, Mr Speaker.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.57): We will not be supporting these amendments, Mr Speaker. The Greens believe that this is an unnecessary amendment as it changes the reporting period from annually to three-yearly. This is an unusual move, considering that all other jurisdictions report annually. The Children and Young People's Commissioner currently attends the Australian and New Zealand Child Death Review and Prevention Group meetings as a representative of the ACT.

It was hoped that through the implementation of this legislation this committee would become part of the Australian and New Zealand Child Death Review and Prevention Group and be able to contribute to discussions related to national reform agenda issues, such as cross-border information sharing and a national collection of child death data. As there is a national forum where the ACT information will be used, the ACT Greens believe that we should remain in line with the national trend of annual reporting and, as I said, we will not support this amendment.

On amendment 19, this amendment serves to have the committee report every three years and it defines what the committee must report on. Mr Speaker, it is a cliched

comment for me to say yet again that children in care and protection are some of the most vulnerable in our community, but it is important to say it. In order to ensure their protection and best interests are at the heart of what we do, we need to ensure that we have included them in the child and young people's deaths register and the reports that flow from this register.

This amendment very narrowly defines the children in state care who must be separately reported on. As I said earlier, this simply is not good enough and I think it reflects poorly on the minister. I have moved an alternative definition that will much better reflect the nature of the community's responsibility to vulnerable children. Victoria, South Australia, Tasmania, Queensland, New South Wales and Western Australia all have death review teams that identify children and young people that have involvement with the care and protection system in some way.

In 2008 New South Wales expanded their criteria to include as vulnerable children and young people any child or a child with a sibling involved in child protection reports to the New South Wales Department of Community Services within the team's annual reporting year and the two years prior to it. The Northern Territory reports on the deaths of all children and young people and the ACT is the only jurisdiction not to have a deaths review committee.

The prevention of deaths and serious injury to children from causes that are possible to change is a significant step towards improving the health and wellbeing of children in the ACT. Opportunities for prevention can be identified through the systemic collection and analysis of morbidity and mortality data. Improvements to child-focused systems and services and changes to policies or practices can assist in the prevention of further deaths and injuries and contribute to reducing human and financial costs to the community and to government.

The majority of deaths of children are from natural causes such as diseases and infections, genetic conditions and cancer. Some of these deaths may be preventable. Deaths from external causes such as transport-related fatalities, suffocation and suicide can also offer opportunities for prevention, and the circumstances and causes of these deaths are very important for our community to consider.

The children and young people death review committee will become an important mechanism for in-depth analysis of legislation, policies, practices, systems and service delivery. This mechanism will demonstrate a commitment to openness, transparency and accountability. Where the committee makes recommendations there also needs to be a commitment to fostering a learning and development culture within the community, including government departments, in order to promote continuous improvement in practice quality.

This is a real benefit that the children and young people death review committee will provide. The nature of being a child or young person known to Care and Protection is a risk factor in itself. However, that does not automatically give way to blame or cries of wrongdoing by anyone involved in that system. The role of the committee is to very strongly provide a narrative context of the death and the circumstances surrounding that death. The role of this committee is not to attribute blame, but rather

to make recommendations about how we stop future deaths in our community. Within this context we will not be supporting this amendment.

Amendments negated.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (11.01): I move amendment No 5 circulated in my name [*see schedule 2 at page 688*].

As I have previously explained, the ACT Greens believe it is critical that children and young people who are subject to a report, and that the Chief Executive has decided under section 365 was a child protection report within the Children and Young People's Act 2008, be included in the register and therefore subsequently within the annual report from the child and young people death review committee. This group will quite possibly require a different and very distinct response and it is appropriate that they are separately reported on.

**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) (11.02): As stated previously, the government do not support Ms Hunter's amendment No 5. We have tabled our other amendments but the government will not be supporting the Greens' No 5 amendment.

Amendment agreed to.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (11.03): I move amendment No 6 circulated in my name [*see schedule 2 at page 689*].

This amendment is about tightening the legislation to accord every child, young person and family who are registered the protection of anonymity within the annual report process. We understand the serious and sensitive nature of this topic. As much as I wish we did not have a need for this bill, I am also aware of the great responsibility we all have here in this Assembly to afford all efforts to protect our citizens.

The need to ensure the identity of a child or young person who has died not to be disclosed or worked out is paramount. As a result, this is consistently made reference to throughout the bill. Additional to these explicit limitations is the fact that those who will be appointed to the committee are professionals and will be well aware of their responsibility to protect individuals' privacy.

Amendment agreed to.

**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) (11.04), by leave: I move amendments Nos 20 and 21 circulated in my name together [*see schedule 1 at page 685*].

Whilst the bill proposes at section 727O(3) that the report be prepared four months after the end of the financial year, I propose an amendment to substitute section 727O(3) of the bill consistent with the three-yearly reporting period. The government

amendment at section 727O(3) proposes the report. The bill makes provision at 727O that a requirement of the committee is to provide yearly reports. The provisions specify the nature of the information that must be included and does not preclude the committee from reporting other relevant information to their functions.

The report may include recommendations about legislation, policies, practices and services for the implementation by the territory and non-government bodies to help prevent or reduce the likelihood of child deaths and also the implementation of any previous recommendations of the committee. The committee report must be provided to the minister four months after the end of the financial year and the minister is required to table the report in the Legislative Assembly within six days after receipt.

The bill enables the minister to amend the report before presenting it to the Assembly to prevent the disclosure of the identity of a child or young person or allowing the identity of a child or young person who has died to be worked out. The government supports in principle the intent of these provisions but suggests amendments that are consistent with the privacy of children and young people and their families. New clause at 727O(3) states that the report must be provided to the minister no later than two months after the end of the reporting period.

I turn to new section 727O(5). The Greens new amendment to 727O(5) is superseded by the government's amendment to 727O(5). The intent of Ms Hunter's amendment—to move the original bill section 727O(5) to 727O(2A)—is reasonable. However, the government's amendment to this section is important and in relation to the reporting period.

Given the small number of child deaths in any given year, the government seeks to make this amendment. The government also supports further amendments to the bill which indicate the committee must not include in the report information which discloses the identity of a child or young person.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (11.07): Mr Assistant Speaker, we will not support amendments 20 and 21 as they are linked to the three-year reporting amendment which has already failed. We believe that annual reporting is optimal.

Amendments negatived.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (11.08): I move amendment No 7 circulated in my name [*see schedule 2 at page 689*].

This amendment omits section 727O(5) which provides that a minister may amend the report that may disclose or allow a child or young person to be identified. We are removing this clause because the amendments that have just passed that put the obligation on the committee to protect privacy more effectively achieve what was originally intended by this clause.

We have strengthened the committee's role and responsibility to de-identify data on the register and information within the annual report. This, we believe, is the more appropriate way of protecting confidential information.

Amendment agreed to.

**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) (11.09): I move amendment No 22 circulated in my name [*see schedule 3 at page 689*].

Other reports refer to a further government amendment at section 727P that enables the committee to prepare reports on any other matters arising in connection with the exercise of their functions during the reporting period. This enables the committee to progress issues within the reporting period.

When the committee has made such a report, the amendment proposed that the minister must, within three months, give information to the committee about any action that the minister has taken or will take in relation to the matters raised in the report. This provides for an accountability process that ensures the work of the committee is progressed.

Also, Mr Speaker, in order to address the committee report concerning child deaths from 1 January 2004 before the commencement of other amendments being debated today, I propose an amendment at section 727Q(1) that proposes the committee uses its best endeavours to report about child deaths, the age and sex of each young child who died and the pattern or trends identified in relation to the children and young people.

In relation to section 727Q(3), the government amendments also include provisions similar to the three-year reporting of the committee regarding making all recommendations and other matters considered relevant. This amendment also includes provisions at section 727Q(3) prohibiting the inclusion of any information that may identify or allow the identify of a child or young person who has died to be worked out.

The amendment includes provisions at section 727Q(4) that the committee provide a report to the minister within six years of the section commencing and at 727Q(5), the requirement that the minister present the report within six days of receiving the report. Under section 727Q(6) this allows this section to expire six years after the day it commences.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (11.12): While I agree with the inclusion of much of this clause, I am concerned with the government's omission of the need to table—

**MR ASSISTANT SPEAKER** (Mr Hargreaves): I am sorry to interrupt, Ms Hunter, but are you moving an amendment?

**MS HUNTER**: I can move it straight away. I was going to say something on—

**MR ASSISTANT SPEAKER:** Can I just remind you that I think you have a second amendment and the process would be to seek leave to move both amendments when you get to it in your speech. Thank you.

**MS HUNTER:** Yes, thank you, Mr Assistant Speaker. I was just about to come to that. While it is reasonable to say that the committee could refer to these other reports within the annual reporting process, I also think it is fair to assume that at times within that year we may want to scrutinise and be assured of a minister's response to such a report. On that basis I cannot support this amendment as it stands. I seek leave to move two amendments on the green paper which amend Ms Burch's amendment No 22.

Leave granted.

**MS HUNTER:** I move my amendments Nos 1 and 2 on the green paper, which amend Ms Burch's amendment No 22, circulated in my name [*see schedule 3 at page 689*].

The first amendment is to ensure that other reports are tabled so that we all have the opportunity to understand and respond to a particular issue of concern to the committee. The minister has raised some concerns about the need for confidentiality. Whilst I have some level of sympathy for this, there are sufficient protections to ensure that identities are not disclosed. I also make the point that the committee knows it will be a public document and so can write it accordingly with that in mind. Also, we need to remember the nature of the committee and the role it serves.

My second amendment is to again insert the requirement for identifying children and young people who have come into the care and protection system. I have spoken this morning about the importance of identifying those young people.

I also at this point want to take the opportunity to thank Mrs Dunne and Ms Burch for the work they have done and the contributions they have made to strengthening and refining this bill to meet the needs of the Canberra community.

The purpose of the Children and Young People (Death Review) Amendment Bill 2010 is to establish a committee to maintain a register of deaths of children and young people in the ACT, identify trends and patterns in relation to the deaths of children and young people, undertake research with the aim of prevention or reduction of child and young people deaths, and provide advice to the territory and non-government bodies about programs and strategies that can prevent or reduce the likelihood of child or young people deaths. The committee will be an independent, multi-disciplinary, ministerial advisory body.

This bill brings the ACT into line with other Australian jurisdictions. The death of any child or young person in the ACT is a tragedy and sometimes is not preventable. However, the purpose of a children and young people death review committee is to review all child and young people deaths, to consider the circumstances and make

recommendations to address systemic, social and environmental issues which are associated with children and young people.

The objective of the bill is to work toward prevention of child and young people deaths through recommendations that will allow the ACT to target our prevention work into the right areas and maintain a consistent approach to quality improvement within our community. I know that all within this place want to see a safe as possible Canberra community for our children and young people.

Once again, I thank Mrs Dunne, Ms Burch and their staff—Clinton White and Chris Steel—who worked with my staff—Melanie Greenhalgh and Tom Warne-Smith—and me to ensure that we could get the best possible bill out of this process. There were a lot of negotiations and discussions. I think it is a good example of where we can work together to provide good legislation for the people of the territory.

**MRS DUNNE** (Ginninderra) (11.16): I will address the three amendments that are before us at once and conclude my comments. The Canberra Liberals will support the Greens' amendments to the government's amendment. It is symbolic that the final clause that is amended is an amendment to an amendment to an amendment because I think it typifies what has gone on in this debate.

This bill was introduced in, I think, August last year. My staff and I have not spent as much time on any other bill—in all the time that I have been in the Assembly—as we have on this bill. It is interesting that I have not moved any amendments to this bill as I have been the godmother of most of the amendments to this bill that makes this piece of legislation much more workable than it was.

There has been a lot of good intention on the part of Ms Hunter and her staff to get this through, but I think it has been very poorly handled and not enough advice has been taken. Even late last week my staff were advising on ways to more efficiently deal with this today—advice, Mr Assistant Speaker, which was not taken—and we would not have taken the best part of an hour and a half to deal with this bill if the advice of my staff had been taken.

The problem is that this has been such a clunky process that I am still not satisfied—and I am still not confident—that what we have is a fully functioning, workable piece of legislation. We really will not know that until it is in and operating. That is because neither of the parties who thought that this was so important would go away and redraft from the start. I advocated from the outset that this bill be redrafted so we could see how it would operate as a whole. It is very important work. It is work that deals with tragic circumstances of our nearest and dearest. If this does not work or there are major drafting problems, it will be another tragedy and it will make the lives of the people who have lost their children that much more difficult.

I am putting on the record that, while I support the notion of this bill, I think that it has been very badly handled. I think it has been very badly handled by the minister, who promised amendments months ago. They were very late in coming. I think it has been very badly handled by the minister here today, who persisted in moving amendments, even though she knew not only that they would fail but also that they

were amendments which were dependent on other failed amendments. It has been very badly handled from the outset.

I will be watching the operation of this legislation very closely. I hope that all the bits now do sit in place, but I am not entirely confident that that will be the case. I hope that members will learn from this. If they want to have legislation which works more seamlessly, they have to be more open to admitting that perhaps the first draft was not the best draft and then going away and redrafting it.

I hope that this will be a good outcome, but the process has been appalling. There is the old adage about legislation and sausages. No-one wanted to watch the making of these sausages. I pay tribute to my staff. I pay tribute to the work that Clinton White has done on this. He has put in hours of work to make this pig's ear something like a silk purse.

**Ms Hunter's** amendments Nos 1 and 2 to **Ms Burch's** proposed amendment No 22 agreed to.

**Ms Burch's** amendment No 22, as amended, agreed to.

Clause 4, as amended, agreed to.

Clause 5 agreed to.

Title agreed to.

Bill, as amended, agreed to.

## **Attorney-General Motion of censure**

**MR HANSON** (Molonglo) (11.22): I move:

That this Assembly:

(1) notes:

- (a) that the Chief Minister and the Attorney-General have both repeatedly misled the Assembly and the public in relation to operations at the Alexander Maconochie Centre (AMC) with regard to:
  - (i) the AMC's inability to receive prisoners for six months following the official opening on the eve of the ACT election;
  - (ii) the actual capacity of 245 which was repeatedly stated as 300; and
  - (iii) the drug testing of prisoners on entry to the AMC; and
- (b) that since the fake opening of the AMC in 2008, there have been extensive failures within ACT Corrections, from the under delivery and cost

blowouts in the prison project through to the recent failure of the radio frequency identification system;

(2) calls on the Attorney-General to:

(a) explain the reasons why after repeatedly informing the public and the Assembly that the prisoner capacity of the AMC is 300, that the capacity has now been stated as 245;

(b) report to the Assembly by the last sitting day in March 2011 on:

(i) the costs of retro-fitting prisoner cells with bunk beds;

(ii) the Government's latest projections on prisoner population numbers; and

(iii) the Government's options to deal with the increase in prisoner population numbers;

(c) confirm to the Assembly by close of business today that all programs listed by the Chief Minister in the Assembly on 22 September 2010 are actually occurring at the AMC as he has stated; and

(d) apologise to the Assembly for repeatedly misleading Members with regard to operations at the AMC; and

(3) that this Assembly censures Simon Corbell MLA for mismanagement of the corrections portfolio and for repeatedly misleading the Assembly and the community with regard to operations at the AMC.

Again we are talking about the prison, but I think the prison does one singular thing: it epitomises the failure of this Labor government with regard to its incompetence, with regard to its misleads, its deception and the cover-up and with regard to the refusal by these ministers to accept responsibility.

The incompetence has been well outlined previously and I think we know the litany of failures. But since we last discussed this in the Assembly we have seen the failure of the ID system and we have seen the failure to drug test prisoners on entry to the AMC. And that is a failure that Simon Corbell described yesterday as a fundamental breakdown in administration and an intolerable breakdown in governance and procedure. But that is not the only fundamental or intolerable breakdown that has occurred under this minister. I will get to the sad litany of failures if I can, but if I do run out of time then I refer to *Hansard* for my motion in September 2010 for a more comprehensive view.

I want to focus today on the misleads that have occurred under this minister and the three issues: the fake opening of the prison in 2008, the lies about the capacity of the jail and what we have just seen about the drug testing. The fake opening is well documented and all the community know that the jail was not ready. It was a con; it was an election stunt. What those opposite should have said at the time was: "The jail is not ready to open. It is late. We have blown the budget. There are security faults. It is missing a gym, a chapel and sufficient beds and we will open when it is ready to

receive prisoners.” But they did not do that. The day before caretaker provisions came into effect, they opened this jail, and the minister responsible was Simon Corbell.

Moving to the capacity of the jail issue, I tried to censure Simon Corbell for this last year, but the Greens and Labor did not even allow the debate to occur. That has actually changed the forms of this place in that we are now doing these motions on Wednesday because of the Greens’ and Labor’s actions. And the Greens missed the point. The point is that the minister has been deliberately and wilfully misrepresenting the capacity of the jail as 300 and not as 245, and I will prove that to you today. The figure of 245 came to light—you were there, Mr Assistant Speaker Hargreaves—in the annual reports hearings last year and I questioned the figure at that time; it came after a dorothy dixer from you. Mr Corbell then said with regard to the figure:

I do not know why it is a surprise to you, Mr Hanson, because I do not think it is a surprise to anybody else.

Well, it certainly was a surprise to me and to everybody else I have spoken to, because the minister in May of last year had told me that the capacity—in fact the prisoner population that he planned—was 300. I said to him in the estimates hearings:

You planned on a prisoner population of up to 300, because that is how many beds you have got.

And Mr Corbell said:

Indeed.

So it was unequivocal. There was no talk then about operational capacity and moving people around. He said the prisoner population that was planned was 300 because that was how many beds he was going to have. He was unequivocal at that stage. No doubt I was surprised, because he had told me something completely different only a few months earlier. I have gone back and looked at what other ministers have said and what he had said previously that might have given rise to people being surprised. When he spoke to the Christians for an Ethical Society in March 2008, Corbell said:

It is built to accommodate up to 300 prisoners of all classifications ...

Well, that is not true. It can accommodate up to 245. In a media release in October 2007 he said:

... the prison has capacity for 190 sentenced prisoners, 110 remandees ...

Well, that is not true. It has got capacity for 245. A media release from the day it was opened in September 2008 said it could house up to 300 inmates. But, no, it cannot. It can house up to 245, can’t it? How about his speech at the opening of the Alexander Maconochie Centre in September 2008? He said the capacity of the centre was 300. No, the capacity is 245. How many times did they have to lie? How about ACT Labor’s election promises on their website: the capacity of the AMC is 300. Oh, no, it is not. How about the briefing that was given to me when I took over as shadow minister: “The AMC will have the capacity for 300 detainees.” No, not true. How

about the ACT Corrective Services website? Go and have a look. It is still live and it says:

Presently the capacity of the AMC is 300.

Presently: is that true? Is that true, minister? Is it currently, presently, that the capacity of the AMC is 300, or is it 245 as you said in November?

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Mr Hanson, direct your remarks through the chair, please?

**MR HANSON:** Certainly, Mr Assistant Speaker. A dictionary definition of “capacity” is the maximum amount that can be held or taken in. That is a very simple definition—and the maximum capacity is 245. It is not 300 as we were repeatedly told by Simon Corbell. He is trying to use this language now of “operational capacity”. But that was not in any of the speeches or any of the statements. By “operational capacity”, actually what they mean is “full”. Actually, what they mean is open. So by operational capacity they mean actually prisoners in it. This is like *Yes, Minister*: you have only got a capacity for 300 if it is empty; as soon as you actually put prisoners in there it no longer has a capacity for 300; it has only got a capacity for 245. It is like the hospital with no patients from *Yes, Minister*; that is exactly what it is.

So what is his motive? Why did he lie to us? I will tell you why—because it was Simon Corbell who reduced the capacity of the jail that was promised by Stanhope from 374 down to 300, and at the time when he did that, in 2007, he said:

The government chose to reduce the scale of the project, and in doing so ensured that the budgeted amount would still deliver a functional, world-class prison facility that will meet the needs of our prisoner population well into the future. Yes, it is less than was originally anticipated, but it still provides us with significant capacity into the future. The advice I have is that it gives us that capacity—certainly for the next 20 to 25 years.

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.

Well, Mr Corbell was wrong when he said that. He said that it did not matter that he had reduced the scale of this from 374 to 300 because it could still meet demand for the next 25 years based on the current bedding configuration. But that is not true, is it, because we are fitting bunk beds into the place? After two years of it being opened, we are fitting bunk beds into the place—changing the bedding configuration after two years, not for at least 25 years as he promised in 2007.

Let me go now to the smoking gun because of Mr Corbell’s own figures at the time. This was provided to the Leader of the Opposition, Mr Seselja, as shadow minister for corrections at the time. A question on notice in August 2007 states that in 2008 there were expected to be 244 prisoners and in 2009 there were expected to be 247 prisoners; those were the prisoner projections. So Mr Corbell at the time knew that the

prisoner projections for the ACT were 247 in 2009. So he knew in 2007, when he answered that question—because he has told us that we all knew and no-one should be surprised that the prisoner projections were 245—that the prison would be full the day he opened it and would be exceeding capacity within a year or two; he knew that. So that is why he has been lying. That is why he has been covering up. That is why they have been saying the capacity is 300 when it was not, because to admit earlier that the prison had a capacity for 245, whilst at the same time providing answers to Mr Seselja saying what the capacity of the jail would be in 2008 and 2009, would have proved that his saying that the capacity of the jail would meet our needs for 25 years was a lie. And it has proved to be a lie, because we now know that they are fitting bunk beds into the jail.

So he opened a jail that was imminently going to be full. He knew that when he opened it. That is why he, Mr Stanhope and others, came out and said the capacity was 300 when they knew it was not because they had provided answers that said it was not. So that is conclusive, and if anyone wants to look at those documents, I have them. Review the *Hansard*. Look at the questions on notice. I am happy to table them if anyone wants me to, or if the media are listening and they want to have a look at those documents—the proof categorically that Simon Corbell lied and has covered it up—I am very happy to show them to them.

The next issue of course is that of drug testing at the jail and that has been well documented. We know that it is not in dispute that the Chief Minister and Simon Corbell lied. This was the basis of a motion in September that we raised and at the time I said—

**Mr Corbell:** I raise a point of order, Mr Assistant Speaker.

**MR ASSISTANT SPEAKER:** Mr Hanson, please. Stop the clock.

**Mr Corbell:** I understand I am the person who is being censured here. If Mr Hanson wants to make allegations about the Chief Minister lying or misleading, he can do so only by way of substantive motion. Otherwise, you should ask him to withdraw the comment.

**MR ASSISTANT SPEAKER:** I concur with your point of order.

**MR HANSON:** On the point of order, Mr Assistant Speaker, Mr Stanhope has written to me and to all members admitting that he misled us. Given he has written a letter to us admitting that he misled the Assembly, that should give me the right to be able to say that he misled the Assembly. He is the one who told me he misled the Assembly.

*Mr Stanhope interjecting—*

**MR ASSISTANT SPEAKER:** No, no, Chief Minister. Mr Hanson, I am sorry, there is no point of order. The rules are quite clear—if you wish to use the word “liar” in respect to a member opposite, you need to do it in the context of a substantive motion. You have used that phrase with respect to Mr Corbell repeatedly and I have not called you to order because you have that right to do it in a censure motion. That is not so

with another member. I uphold Mr Corbell's point of order. Please sit down or continue your speech.

**Mr Stanhope:** He has not withdrawn, Mr Speaker.

**MR HANSON:** I will withdraw, Mr Assistant Speaker.

**MR ASSISTANT SPEAKER:** Thank you very much, and thank you very much, members.

**MR HANSON:** So in September I said:

Simon Corbell says that he is doing everything that he can to prevent drugs from entering the jail and that he is trying to prevent the prisoners from using drugs.

I said at that time:

It is difficult to believe that this is actually the case. It is difficult to believe anything that Simon Corbell says, to be honest.

I think that has proved to be true. The speech that was provided to Mr Stanhope by the minister's department then led to Mr Stanhope making a number of statements. He said that we test all prisoners on admission, and that was not true. Mr Corbell gave an answer to a JACS question on notice, and that was not true. Mr Stanhope went as far as saying:

I am satisfied—in fact, I have no doubt—that the AMC has appropriate security measures in place to limit the introduction of contraband.

Referring to the original speech—I was provided with that yesterday by Mr Corbell—the words, “I have no doubt”, were actually an ad lib from Mr Stanhope, so I am not sure how he was able to say that. On the advice provided by Mr Corbell's department, Mr Stanhope said that the RFID was working with the jail in the operation—

**MR ASSISTANT SPEAKER (Mr Hargreaves):** Stop the clock please, Clerk. Mr Hanson, the motion is about the censure of Mr Corbell; it is not about the Chief Minister. I would ask you to come to the question please.

**Mr Smyth:** On a point of order, Mr Assistant Speaker, I do note that paragraph 1(a) of the motion says that the Chief Minister and the Attorney General have both allegedly misled the Assembly. Mr Hanson is able to talk to that part, surely?

**MR ASSISTANT SPEAKER:** I agree with you, Mr Smyth. Mr Hanson.

**MR HANSON:** Thank you. Mr Stanhope then went on to say that all these things were working, and he had a long list that came out from the speech. The point I am making, and it is in my motion, is whether we have been misled about any other factors. We have got to the bottom of the drug testing, but what else was not working? Mr Stanhope in his speech said that the RFID was one of the measures in place and operational at the AMC. Well, was it? Is it? We do not know.

We asked questions about the list of measures that were being taken. We asked about the drug testing, and it turns out that that was not working. What I have asked for in my motion is for the minister to come back by close of business today and tell us whether it was actually working or not. Are those measures working as he said they were in his speech in September? Otherwise, that would mean that they are misleading on other things, and we simply do not know. Let me assure you that we will get to the bottom of it. If he does not want to uncover the truth himself, we will. If he does not come back by the end of business today to say, “No, we got it wrong about the RFID; we got it wrong about this and that as well,” then he will have no excuse.

Mr Stanhope also said in his speech on the motion in September—no doubt he will say it about this one as well—that it was a denial of reality, it was a denial of the facts, it was not constructive and it was not insightful. Well, it turns out that it was very insightful. It is just as well that the opposition raises these motions, and it is just as well that the opposition asks the hard questions. Let us see what Simon Corbell admitted on 2CC yesterday. He admitted that the only reason he actually found out about this intolerable, and what he described as a fundamental, breakdown was because of the questions being asked by the opposition. He admitted that to Mike Welsh on 2CC yesterday.

The question I have is: if we knew what question to ask to uncover what was actually going on at the jail, why did the minister not ask those questions? We knew to ask them. He has admitted that the only reason he found out was that the opposition was doing its job. You will hear from this mob opposite: “It’s just opposition for opposition’s sake. Why are you doing this? It’s not constructive,” and so on. But the Greens were misled. They thought that the drug testing was going on. Ms Bresnan actually said in her speech in September that this drug testing was occurring on entry. Mr Corbell probably believed it at the time when he said it. I am sure Mr Stanhope believed it at the time, because they were not asking the right questions. Mr Corbell admitted yesterday on air that the only reason he is finding out about these things is because the opposition is giving the direction to do so.

It is quite clear that this minister has misled on a number of issues and it is quite clear he has been incompetent on the others. If we do not censure this minister for both his gross incompetence and his serial misleading of this place and the community, then we are not doing our job in this Assembly, and that is quite clear. I call upon this Assembly to censure Simon Corbell for grossly and repeatedly misleading and for his incompetence.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (11.38): Another day, another censure motion from the Liberal Party. They have not got any new ideas when it comes to debate in this place or to advance the best interests of the people of Canberra, but—

*Opposition members interjecting—*

**MR ASSISTANT SPEAKER:** Stop the clock. Minister Corbell, resume your seat for a second, please. Members opposite, I am only going to say this once: the minister

heard you in silence, and I expect you to give him the same respect. Yesterday was an appalling example of childish behaviour, and I will not put up with it. I will give a warning, very quickly, and then there will be no repeat of the warning; it will be a naming pretty smartly thereafter. Members of the opposition are on notice. Minister.

**MR CORBELL:** Thank you, Mr Assistant Speaker. Another day, another censure motion. No imagination, no thought—simply an attempt to mount an argument which has no substance whatsoever. What did we hear from the Liberal Party today? We have just heard two arguments. The first was about prisoner capacity and the ongoing incapacity of Mr Hanson to properly understand how a prison operates on a day-to-day basis, regardless of the number of beds available within the facility. The second, of course, was the argument that somehow I, as the minister, need to be on the ground checking every day that stated policy and procedure is being implemented in the corrections environment. Of course, that is an absurd and completely irrational suggestion from Mr Hanson.

Let me deal with both of these issues in sequence. When it comes to prisoner numbers, as Mr Hanson knows from previous answers I have given in this place and in committee hearings, the bed capacity of the prison is 300. As simple as that. As I have also said in this place and elsewhere, the utilisation of those 300 beds will depend on the classification of prisoners held in the facility and their requirements for protection, strict protection or other measures to deal with their management and safe custody.

What is it about that that Mr Hanson fails to understand? It is not a difficult concept; it is not a complicated concept; it is not unusual to the ACT. Prisons have an overall capacity and then, depending on whether there is a need to separate prisoners from each other, to place them in isolation or to take other similar measures, that has an impact on the total utilisation rate of those beds. It is as simple as that, but Mr Hanson apparently just does not get it. This is the weak and completely false argument that we hear from Mr Hanson in relation to these matters.

Let me go into this issue in a bit more detail. I said on 7 December last year:

These figures will vary from time to time. It is not the case that there is a particular figure below 300 that is the absolute maximum that can be utilised. It will depend on the mix of prisoners and the requirements in terms of their accommodation and their separation, in particular their separation from other prisoners.

So I am on the record as stating that operational requirements may limit the total number of beds that can be utilised. But I am also on the record as saying there is no particular number below 300 that is the absolute maximum that can be utilised. So for Mr Hanson to suggest otherwise is simply incorrect.

I also draw to members' attention the modelling and the assessment that the government undertook before the prison was constructed that looked at forecasts for prisoner numbers over the medium to long term. The Department of Treasury undertook modelling in 2003 as part of the government's assessment of the bed capacity required at the prison. That modelling indicated that the medium forecast for 2030 was 260 beds, and that the high forecast for the same year was 274, both within the 300-bed capacity that the government ultimately determined to build. There can be

no doubt that the government made its decision about capacity at the prison based on detailed projections and modelling about overall requirements up to at least the year 2030.

Mr Hanson does not get it, but Ms Bresnan gets it. Indeed, I draw to Mr Hanson's attention again her comments in *Hansard* of 7 December where she said, quite rightly:

I find this whole thing a bit of a joke really ... It is the flimsiest basis for censure that I have seen the Liberals put up since they have been here. If Mr Hanson does not understand ... Yes, the capacity is 300, but for a variety of reasons in the prison you may not be able to have that number. That has been outlined in estimates; it has been outlined in annual reports ... There is no debate to have about this.

She was right then and I believe she is right now. He simply does not understand how operational issues affect the overall bed capacity and utilisation on a day-to-day basis.

We also heard the other argument from Mr Hanson about drug testing. There is no doubt that the advice that was provided to me by my officials in relation to the administration of testing by urinalysis of prisoners on admission to the AMC was incorrect. It was incorrect. Ministers can only operate on the basis of accurate advice about how services and programs are being delivered if they are to meet the expectations of this place and its committees and the broader community.

I did what was expected of me as a minister under the code of conduct when this problem came to my attention. It became clear to me that the advice I and my colleague the Chief Minister had provided to the Assembly was incorrect and that it was misleading. It was inadvertently misleading, but it was misleading. So I did what I am required to do in accordance with parliamentary convention, Westminster principles and the ACT ministerial code of conduct—I drew to members' attention the inadvertent misleading at the earliest possible opportunity. I put it in writing. I apologised for the error and I explained what I am doing about it to make sure it does not happen again.

That is my obligation as a minister, and I have upheld my obligation. And Mr Hanson wants to censure me for that? He wants to censure me for doing my job in the way it is expected that I do my job in those circumstances. He is suggesting it is some failing on my part. It is an absurd suggestion and it is one I reject entirely. Mr Hanson knows the circumstances that led to that advice being incorrectly provided. I have put on the record in this place the documents upon which I and the Chief Minister relied in making those statements to the Assembly. I have nothing to hide on that issue, and I have put all the relevant evidence on the public record.

Why this occurred is now the matter of an independent external investigation. I have commissioned Mr Keith Hamburger, a respected independent reviewer of correctional facilities around the country, to look at the procedures and governance practices within ACT Corrective Services to find out why this occurred, why it was assumed that that procedure was being followed when it was not, and why procedures were not in place to properly monitor the implementation of those policies and procedures. Mr Hamburger will report to me in early April, and I will be putting his report on the

public record. That is what a responsible minister should do, and that is what I have done.

There is also the issue of the 12-month review of the Alexander Maconochie Centre, a review which is close to finalisation I am advised and which I expect to receive very shortly. I have already indicated to members that I intend to table that report, and I expect to table that report in the next sittings of the Assembly. That report will provide us with a very valuable guide as to how we are going in implementing what is a challenging but important project for the territory—that is, taking responsibility for our own prisoners and for those who offend here in the territory and are facing a sentence from a court as a result.

It is a significant undertaking and it is an undertaking that is not without its challenges and risk. But I am very pleased with the efforts of ACT Corrective Services staff in bringing this project to fruition and delivering a custodial facility on the ground each and every day. It is a tough job; it is a difficult and complex job. I think it is more difficult and complex than many anticipated, even within Corrective Services. But we have not seen the serious and fundamental issues that some other correctional facilities have seen when they have been commissioned in this country. We have not seen riots. We have not seen deaths in custody as a result of failings on the part of Corrective Services personnel. We have not seen these things, and that is good for our facility and it is good for the future of the AMC.

I have no doubt that Mr Hamburger will identify areas for improvement. That is something the government will respond to positively, because it is a part of continuing to deliver a best-practice correctional environment here in the ACT, one that is focused on rehabilitation and on improving the future opportunities for those who are ultimately released from that facility. But I also have no doubt that Mr Hamburger will identify what we are doing well, where we lead the country and how we can build on our success. That is what this report should be all about.

This censure motion has no real substance. It lacks any serious claim or credibility. It is simply another attempt by the Liberal Party to criticise a project they opposed from day one. They see no votes or political advantage in shouldering the moral responsibility of managing and providing safe custody for those who offend against our laws. Their view is that we should continue to shift that problem off to someone else so that we do not have to worry about it and we do not have to think about it. In that they lack moral courage and they lack the commitment to follow through on so much of their rhetoric about community safety.

Ultimately, community safety can be measured by the extent to which we are prepared to face up to dealing with those who offend against our laws and who face a custodial sentence as a result, how we look after those people, how we work to try and rehabilitate those people, and how we try to reduce the level of crime and reoffending that occurs in our community once they are released. Have no doubt—the great majority of people who go into prison are released back into the community and they are released after relatively short periods of imprisonment.

We have an obligation to get it right. We have an obligation to run a facility effectively, and we have an obligation to continue to strive to deliver best practice.

That is what I am committed to as minister. That is what the government is committed to. There are no grounds at all for this censure today.

**MS BRESNAN** (Brindabella) (11.53): I do thank Mr Hanson for bringing the issue of corrections to the attention of the chamber today. I must say that it does have a note of *deja vu* about it, as it looks suspiciously like a motion we have seen before. Yesterday Mr Hanson brought up standing order 62, around tedious repetition, in relation to a speech from Mr Stanhope. On a number of occasions, with motions and speeches Mr Hanson has put forward in the Assembly, it has been tempting to bring up this particular standing order. I am sure that Ms Gallagher and Mr Corbell, with their portfolios of Health and corrections respectively, wait for each sitting week wondering which of them is going to be censured by Mr Hanson. I do not have a huge amount of sympathy for the ministers, I have to say, because—

*Opposition members interjecting—*

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Order! Mr Hanson! I have spoken. Ms Bresnan.

**MS BRESNAN**: Thank you, Mr Assistant Speaker. I do not have a huge amount of sympathy for the ministers, because I have both these portfolios and pretty well know each sitting week that I am going to have a censure motion from Mr Hanson awaiting me. Mr Hanson has said that the Greens are preventing him from moving censures. Mr Hanson knows that the Greens have supported debate on censures on a number of occasions—actually on many occasions—in the Assembly. It was only with the previous censure that Mr Hanson brought up in relation to Mr Corbell that we did not have that debated. And that was because Mr Hanson continues to put up half-baked repetitive censure motions.

I do not agree with the direction that Mr Hanson has taken with this motion. However, there are some issues that must be looked into, and later I will be moving an amendment that I believe captures this.

We must address whether or not corrections programs are heading in the right direction and whether the sentencing options provided are conducive to rehabilitation. In doing this, we must broaden our conversation about corrections. It is not just about the AMC and how many people we can fit in there; we must start talking about how community corrections plays a greater role in corrections policy overall.

Let me go first to the content of Mr Hanson's motion. When I do not address the content of a motion I get criticised by Mr Hanson, but when I go line by line I also get criticised. So I am just going to pre-empt. I am going to be going through each part of the motion, so you can tailor your criticism of me accordingly.

On clause 1(a)(i), while the Greens do agree that the Labor government's opening of the AMC was a well-timed event leading up to the election, this matter has been dealt with now by the Assembly and is widely acknowledged in the public domain.

For clause 1(a)(ii), we have previously dealt with how the AMC's capacity is defined, in that it depends on the make-up of the prison population and who requires

segregation. This is not a black-and-white matter, and context is important. I have been out to the AMC on three occasions now and have seen that for myself.

We have services such as the therapeutic community, which is a highly important and integral part of assisting rehabilitation for prisoners; we would not in any circumstances want to lose this service. It does use one of the cottages, which impacts on configurations and capacity and on where other inmates can be housed. And there is a well-known long-term inmate who requires segregation, which also impacts on prison configuration.

This is how all prisons around Australia and across the world in fact operate. Yes, you aim to have a certain capacity but, due to the type and level of prisoners you have, this impacts on the numbers. And, as I mentioned, services such as the therapeutic community, which are essential and forward thinking, impact on capacity, but you need those sorts of services. This is something which also fluctuates regularly. We know that a significant number of prisoners are direct release, meaning that in many circumstances they may be in the AMC for only a short time.

The concern for me with this would be about the impact this may have on some prisoners' safety. This should be the paramount concern. We should not be working to a 300 prison population just because that is the stated capacity and ignoring what impacts this would have on keeping inmates—and also staff—safe.

For clause (1)(a)(iii), and the drug testing of prisoners on entry to the AMC, I will say that I found Mr Corbell to have acted with integrity as the minister on this issue. When it became apparent that he and Mr Stanhope had been provided with the wrong advice, and that the advice had then been provided to the chamber, Mr Corbell corrected the record both outside and inside the chamber, and he has responded to the issue behind this by asking Mr Hamburger to look at it and include it as part of the review. Because of Mr Corbell's actions on this matter to date, the Greens will not be supporting the censure. The true test of the minister may, however, be ahead of him if and when he has to respond to any findings about mismanagement or disrespect within corrections management or staff.

As to the allegation by Mr Hanson that this demonstrates that the ACT government is incapable of running a needle and syringe program at the prison, I draw to Mr Hanson's attention the work of ACT Health at the prison, in that they are the ones responsible for blood testing prisoners—as compared to urine testing. The real data about the rates of blood-borne virus infections comes from that blood analysis. The Greens have proposed that if an NSP was to be introduced into the AMC, it could potentially be run through the health centre, which addresses concerns which have been raised by representatives of the corrections officers.

On clause 1(b), again this is old ground and we have had a committee inquiry look into the matter quite thoroughly. Going to clause 3(a), the minister has already explained to the chamber how the AMC operates and what this means for capacity.

On clause 3(b)(ii), I am extremely cautious about arguments Mr Hanson has put forward about having New South Wales prisoners come to the AMC and having even more prisoners held there. It should not be the goal of any party to have a full prison

just so that the cost of prisoners per day comes down; that would be false accounting. It also goes directly against the aim of the AMC, which is to aid rehabilitation and prevent reoffending. As has been said many times, we do not want to become like the New South Wales prison system where reoffending rates have continued to increase and where we have a situation where something like 70 to 80 per cent of people in the New South Wales prison system have a mental illness.

On clause 3(b)(ii) and 3(b)(iii), the Greens do agree that projections of prisoner population numbers are an issue for further examination. The ACT would not want to be in a situation where the AMC has reached maximum capacity on an ongoing basis. We also do not want to see requirements for segregation overruled because more prisoners need to be accommodated. The issue of prisoner numbers at the AMC is one that should be monitored. In 2009 there were 163 prisoners in the AMC; the number is now between 220 and 245.

That is why I will be moving amendments to Mr Hanson's motion asking the government to examine this issue and report back to the Assembly about the trends for the prison population and what this means for the future. Within this issue is a need to look at the capacity of community corrections programs to ensure that sentenced individuals are not being sent to the AMC due to a lack of places in these programs.

The Greens are not suggesting in any way by this that current sentencing practices should change. We believe in the separation of the courts and the Assembly, and sentencing is a matter for the courts to decide. However, judges should have the full range of community corrections options available to them when making a sentencing decision.

The sentencing act states under clauses 96(1)(c) and 133Q(c) that the courts cannot sentence a person to education and training or rehabilitation if the program is unavailable or full. This is why it is important for the government to look at this issue as part of further investigations into corrections' capacity to facilitate sentencing options. There will always be cases where offenders should not be sentenced to a community program because they are a risk to the community. This is covered by section 7(c) under the principles of sentencing in the sentencing act.

Greg Barns, a barrister in Tasmania and a director of the Australian Lawyers Alliance, discusses the importance of community corrections programs in the overall role of corrections. I would like to read from a piece that he put out on that:

As the Productivity Commission's latest Annual Review of Government Services, released late last week, shows in jurisdictions where early intervention and community-based corrections programs are used rather than jail, recidivism is reduced.

Take Tasmania for example. For many years this state has had one of the highest recidivism rates in Australia at around 45 to 47 per cent. In other words, the number of people who reoffend within two years of release from prison WAS almost 1 in 2. But since an aggressive push by the courts and government to steer offenders away from prison and into drug, alcohol and mental health treatment options, that rate has dropped to just below 32 per cent—in other words now

only 1 in 3 prisoners are going back inside within two years of their release because we are dealing with why they offend and removing those obstacles ... The Productivity Commission reports that across the country 72 per cent of community corrections orders were completed by those who undertook them. Having seven out of 10 individuals, some of whom have had an extensive history of reoffending and jail time, successfully complete rigorous treatment and work programs over a 12 month to two-year period is impressive.

I note this article because it is important that we remember that corrections is not just about the prison system but about how a range of community programs interact with the system and provide options for people where a non-prison-based sentence will achieve far more. I move:

Omit all words after “notes”, substitute: “concerns about the capacity of the Alexander Maconochie Centre (AMC), in terms of the configuration of prisoners and the number of remandees at any given time; and

(2) calls on the Attorney-General to report to the Assembly by the last sitting day in August 2011 on:

- (a) the trend in prisoner population numbers since the AMC opened, and projections for the coming years;
- (b) what are the best and worst case scenarios for AMC’s capacity for holding prisoners and remandees;
- (c) what are the Government’s options to deal with an increase in prisoner population numbers; and
- (d) matters concerning community corrections, including:
  - (i) whether there are sufficient sentencing options available under the *Crimes (Sentence Administration) Act 2005* for community corrections programs;
  - (ii) what is the full list of community-based correction programs that judges can sentence offenders to;
  - (iii) how many of the community corrections programs have been or are operating at near capacity;
  - (iv) if prisoners are ever sent to the AMC because community corrections programs are at capacity;
  - (v) the financial cost (including per prisoner) of each of the community corrections programs; and
  - (vi) any analysis or research that has been undertaken to assess the comparative rates of recidivism for offenders sentenced to community orders and those sentenced to imprisonment.”.

**MR HANSON** (Molonglo) (12.04): Surprise, surprise, I suppose, is the reaction I have to that. Rather than addressing the point about Simon Corbell’s prepared

misleads with regard to the jail or addressing the point about the litany of failures that we have seen at the jail and the incompetence that has come out of the minister's handling of the portfolio, we have got some distraction. In itself, I do not really have too much concern with any of the points Ms Bresnan puts forward in her amendment.

The problem I have is that she has completely removed the original motion. Rather than addressing any of the issues that are in the original motion, she has completely got rid of that and gone off on a tangent. So the Canberra Liberals will not be supporting this amendment because it is what we have seen previously from the Greens, which is a tame response to an urgent issue, to an important issue.

I think that Ms Bresnan's comment that the fake opening of the AMC, the election-stunt opening, six months prior to it being able to receive prisoners was a well-timed event is probably demonstrating quite what an apologist the Greens are.

**Ms Bresnan:** It is called sarcasm.

**MR HANSON:** Rather than being sarcastic, Ms Bresnan, and having a bit of a sarcastic dig and then ignoring the entire motion I have put forward, maybe you could deal with it. Maybe you could say that perhaps the community was somewhat outraged by virtue of the fact that the government went to an election with a big lie, with a big con, that this was a jail that was ready to be opened when we knew it was not, when it still had significant security defects, when it had a range of issues that precluded it being opened, and then, when they did put prisoners in there, they rushed them in and we saw a whole litany of problems. I will get to those problems before I conclude my speech.

But what is it, Ms Bresnan, that you and the Greens have problems with? The minister and the Chief Minister misled with regard to the jail receiving prisoners following the opening on the eve of the ACT election. So you have admitted it essentially. You called it a mistimed event. You have just said that it was sarcasm. So you are accepting then, I assume, by saying it was a sarcastic comment, that it was an election stunt. So you are not going to hold them to account on that one.

The next is the capacity of the jail being 245 when they repeatedly said it was 300. It was repeatedly said 300. Simon Corbell tried to cover it up by saying the bed capacity was 300. He never once said that. He said the prisoner population was going to be 300. He said the capacity, the number of prisoners it could hold, was going to be 300. He never said the number of beds was going to be. This was all of course following on from the fact that he had said in 2007 that this prison was going to be right for 25 years. And it was not.

So we are not going to hold him to account on that are we, Ms Bresnan? We are just going to accept that. "Do not worry; this is about operational capacity." Simon Corbell said, "We have never said it was 245." I am sorry, it was said quite categorically in the annual reports hearing by the chief executive of ACT corrections, Mr Ryan. He said that it was going to be about 240 or 250—the projected figure of, say, 245. He made it quite clear what that capacity was. I repeated it back to him and talked about it being a 245-bed capacity jail. That was the question I had: "And it now seems that we have a 245-bed jail at maximum capacity." That was when

Simon Corbell said, “I do not know why that surprised you, Mr Hanson.” For him to say that it was always about bed capacity is absolute rubbish.

Are you going to swallow that line, Ms Bresnan? I do not think that you actually do. I think that this is all part of your just wanting to basically sing the government’s tune because it is quite clear that you want a needle and syringe program in that jail and your best ally in getting it is Simon Corbell, is it not? So you do not want to be rubbishing Simon Corbell. You do not want to be explaining to the community and holding him to account in the Assembly, saying, “This bloke is incompetent. This bloke misleads us all the time. By the way, this is the bloke that is going to put a needle and syringe program in there, as we want, as we are pressuring the government to do.” Maybe just in conversations behind closed doors it happened about needle and syringe program in the jail. I would not be surprised.

They cannot even drug-test the prisoners on entry to the jail. I wonder what other testing they are not doing. As I said, Mr Stanhope in his speech came up with a long list of what is happening. Mr Corbell has often said these things are happening at the jail. The operational RFID system, we know, is not. What other testing is not occurring? You have got real concerns about the medical testing, the testing for hep C and HIV, when they enter the jail. Is that occurring, Mr Corbell? Will you stand up in this place and say that that is all occurring, as you did for the drug testing? We will see. Probably not.

Then I said in my motion that there were extensive failures in the jail. If you cannot recall them, let me remind you of a couple. We saw the protests on the roof. We admonished Simon Corbell for prejudicing a case when that happened at the BRC. We saw human rights exacerbated at the AMC because of delays, and that came from the human rights commissioner. We saw the extensive delays.

We saw the cost blow out from \$110 million to \$130 million. We already know that it was reduced in scope from 375. There is no gym. There is no transition accommodation—sorry, there are 15 beds. There were meant to be 60. There is no chapel. We have the artwork, the lovely artwork, that was unsafe. If you went out there and you touched it, you would get a cut from the artwork. There was \$100,000 on artwork, but no gym.

We have seen drugs and needles in there. We saw the security defects. I do not know whether security defect 2.6 is fixed yet. The RFID was late. Remember they gave it to the prisoners and the prisoners walked out of the jail with the RFID bracelets on. Now we are told it is not operational, although Mr Stanhope said it was.

We have seen the costs per prisoner. Mr Stanhope said that this is going to be cheaper than it was before—cheaper, remember? It was going to be half the price of sending them to New South Wales. It was \$263 when we sent them to New South Wales. What is it, about \$450? It seems to fluctuate around that. It was \$500 but it is about twice what Mr Stanhope promised.

We have seen the funding for the human rights commissioner cut so that she cannot do her job and cannot see whether the human rights compliant jail is actually human rights compliant or not. Probably some of the prisoners will suggest it is not. The

young remandee who made the allegations that he was raped by a sentenced prisoner probably does not think it is a human rights compliant prison, I would imagine.

We have the unanimous JACS report—remember that one?—that Simon Corbell said was politically motivated, even though it had Mary Porter sitting on it. But it was politically motivated.

I will go on. I intend to continue on with that in my summation but if you do not think that there have been a litany of problems at the jail and you are willing to get rid of that—and you are not naive, Ms Bresnan—you are clearly just protecting this minister.

So in the motion we have asked him to explain a number of things, including the costs of retrofitting the prisoners' cells with bunk beds—I think that is legitimate to ask—and what the projections are for prisoner numbers. We want him to confirm by the close of business that all the other things he has told us about the jail are actually occurring. I think that is reasonable. He misled us once. Why would he not have misled us again? Has he checked? Has he gone back to corrections to make sure these things are occurring?

I have asked him to apologise. I do not think that is too much. He did actually mislead us. He has admitted to misleading us. Why could he not just apologise for that and the other misleads? He should be censured and I think that it is quite clear that he should be. I think that, in any other jurisdiction in Australia that had a minority government, the minister would be censured after his repeated misleadings, after his incompetence. And the Greens' failure to do so, to support this Liberal motion, really makes a mockery of minority government. The Liberals do say that this is a government and a Greens party that are joined at the hip. I think it was Mr Seselja's quote yesterday: "Meredith Hunter says jump and Jon Stanhope says"—how did you put it—

**Mr Seselja:** How high.

**MR HANSON:** "How high?" Thank you.

**Mr Seselja:** You were not listening.

**MR HANSON:** I was. I was listening. It is a good quote. But what we are seeing now is Amanda Bresnan saying jump and Simon Corbell saying, "How high?" because she wants the needles in there and Simon is the best way to get them in there. So not censuring Simon Corbell today is going to maintain that cosy relationship.

We know where it is heading, don't we? We know where this little dance will end up, with the two of them out there saying, "Yes, we are going to bring the needles and syringes into the jail," because you are not going to censure Simon. It is probably all part of a little deal that is done behind closed doors.

**MR SMYTH (Brindabella) (12.13):** This is about a minister who has form on this issue. This is about a minister who has previously been found guilty of persistently and wilfully misleading the Assembly on a number of issues and because he was not held to account previously and has not been held to account in this Assembly to

date—and it appears that he will not be held to account again today—this is a minister who will continue to persistently and wilfully mislead the Assembly.

Why do we know this? We know it because he has got form. He does it because he knows he will get away with it and, until ministers are held to account by this place on behalf of the people of the ACT, of course they will be loose with the truth; of course they will be sloppy in their answers; and of course they will mislead.

Again today, we have had another conundrum put before the Assembly. Mr Corbell in his answer said that he had modelling from 2003 from Treasury that said by 2030 there will be something like 260 prisoners at minimum to 274 prisoners at maximum in the prison. And yet the answer to the question on notice that Mr Seselja had asked actually shows that that was wrong, because it says in print—this is a question on notice; this is an answer to the Assembly; and I hope Ms Bresnan is listening to this—that for 2014, the projected number of prisoners is 260. Is it 2014 or is it 2030? You cannot have figures that are so stark in their contradiction and not be misled on one of them.

I will read out the question. It is question on notice No 1665 by Mr Seselja to the Attorney General on 27 September 2007:

- (2) What is the projected prisoner population per year by (a) category of prisoner and (b) gender;

Mr Corbell's answer is:

- (2) a) ACT Treasury projections of prisoner populations are:

And it runs through them for 2008, 2009, 2010, 2011 and 2012. For 2014, the figure is 260. Yet we have just heard from Mr Corbell that that is the same projected range for 2030. Is there no growth in prison population between 2014 and 2030? Sixteen years! Somewhere in there, there is a mislead. One of those figures has to be wrong. Yet we have both figures from the minister and he expects us to believe both figures. One figure is incorrect. One figure is therefore a mislead. Again I refer members, in particular Ms Bresnan who is so intent on defending the minister and on defending the government, to the start of this chart.

So much for third party insurance! “We are going to stand up for the people of the ACT. Vote for us. We are third party insurance.” It is a third party insurance policy for the government. That is what it is.

If you go back to 2008, their own projection is that the total projected prisoner population would be 244, one shy of 245. This is not a prison built for 25 years. This is a prison that did not last 25 months before it reached capacity. Indeed, on their own projections on opening day, on false opening day, and even the following year, when it started to take prisoners, when it got to 247, they were already out of capacity. That is why Mr Hanson says in his motion:

- (3) that this Assembly censures Simon Corbell MLA for mismanagement of the corrections portfolio ...

This is mismanagement. The minister gets up and says, “I was talking about bed capacity. I am only talking about beds.” We know what James Ryan, the head of the department at that stage, believed. He made it quite clear in an annual reports hearing on 19 November last year when he said:

Going back to the first part of your question about what our operational capacity is, it is in the order of 240 or 250 ...

So 240 or 250 beds is the operational capacity. That is the capacity of the Alexander Maconochie Centre. But what does Mr Corbell say? Mr Corbell says in a strong litany in a number of places over a long period of time that it is 300. He constantly uses the 300 number. And whom did he tell it was 300? He never said bed capacity. He said capacity. And anyone hearing that would assume that capacity meant the number of people you could put in there. Where did he say it? He said it at estimates hearing. Mr Hanson asked this question:

You planned on a prisoner population of up to 300, because that is how many beds you have got.

Mr Corbell said:

Indeed.

Three hundred prisoners! Three hundred beds! I do not see the word “operational” and I do not see the words “bed capacity” there. At a Christians for an Ethical Society meeting he said, “It is built to accommodate up to 300 prisoners.” But we know that is not true. It cannot accommodate 300 prisoners. Mr Ryan contradicts his former minister when he says, “The operational capacity is 245”. What is not clear about that?

In a media release Mr Stanhope said that, on commissioning, the capacity was for 190 sentenced prisoners and 110 remandees. There is another contradiction, potentially another mislead. The Chief Minister said that, on commissioning, the prison had capacity for 190 sentenced prisoners and 110 remandees. On commissioning, it could not have, because we know the operational capacity is only 245 and, by their own numbers in 2008, they knew that they had already reached that number. So it goes on.

But the corker in all this is when Mr Corbell says:

The government chose to reduce the scale of the project, and in doing so ensured that the budgeted amount would still deliver a functional, world-class prison facility that will meet the needs of our prison population well into the future. Yes, it is less than originally anticipated, but it still provides us with significant capacity into the future. The advice I have is that it gives us that capacity—certainly for the next 20 to 25 years.

Even if you add 25 years onto 2010, that is 2035. Call it 2033. He has already missed out because he has just said that in 2030 it will be 260. But we also know from his other document that in 2014 it will be 260. No wonder he is not the Treasurer! He is no good with his numbers, he is no good with capacity and he is no good with

managing the prison system because he has got numbers all over the place and none of them simply add up.

The problem is this: ministers come into this place and should be able to tell us the truth. This minister does not come in and tell the truth. He continually obfuscates, he continually twists and he continually changes. And this place should hold him to account for that because that is the role of this place. This place is to hold ministers to account. I know the Greens do not want to do that. I know the Greens refuse that because they are third party insurance for the ALP. But on behalf of the people of the ACT we will continue to do that.

Mr Corbell got up in his usual way and just said, "Another day, another censure. It is a waste of time." It is not. Because of the pressure that the opposition at least is willing to put on this minister, the minister admitted on radio that yes, he had to go and ask questions because we were asking the questions that he chose not to, refused to or did not want to because at heart he knew the truth. "We built a prison that is full."

Again, the minister has got form on this. That other great project of Simon Corbell that was meant to be delivered on time and on budget, of course, was the Gungahlin Drive extension. On time, on budget! The original budget was \$55 million. On time was 2005. Instead here we are in 2010 and the project is still being built. Indeed, on the day it opened, Gungahlin Drive was at capacity. This is the minister with form. This is the minister who continually fails to administer his portfolios, which is why he has been stripped of them. He has had education, he has had planning He should now lose corrections.

**Mr Stanhope:** Your voice is getting a bit high, Brendan.

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

**Mr Stanhope:** I am just trying to be helpful. This is starting to sound a bit embarrassing.

**MR SMYTH:** It is sad that the people of the ACT end up paying for this. The people of the ACT constantly end up paying for this. Thank you for your interjections, Chief Minister. Keep going, Jon. Nobody can defend the indefensible, not even you, on this one.

It is quite clear that the numbers that this minister continues to present to the people of the ACT through this place are wrong. They are misleading. This minister lies to this Assembly. When he says there is no imagination, there is no thought, there is no substance, he is the man with no substance. He is the man who cannot stand up here and say, "I got it wrong." He is the man who will not stand up and say, "I will do the right thing and resign." So it is up to us to hold him to account.

The problem is that the Greens are not willing to hold them to account. And I am sure Mr Corbell thinks that if he says it often enough, people will take it to be true. He says we lack moral courage. Where is your moral courage, Mr Corbell? Where is your courage to do the right thing and, as Westminster demands, resign for misleading this place, resign for not running your portfolio properly? (*Time expired.*)

**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) (12.24): I think in any debate or conversation around corrections and the Alexander Maconochie Centre it is relevant to reflect on the inherent, the underlying attitude of the Liberal Party to corrections. It is relevant to reflect on what the state of corrections would be today had they won government. We all remember and we all know that the Liberal Party opposed—opposed root and branch, opposed absolutely—the construction of the Alexander Maconochie Centre.

**Mr Smyth**: On a point of order, Mr Speaker, the motion is not about the Liberal Party. The motion is about Mr Corbell. It is a censure motion and the minister should at least be relevant.

**MR STANHOPE**: On a censure motion, the context is wide.

**MR SPEAKER**: At this point there is no point of order. I think we have had a fairly broad range of discussion on the conduct of the corrections system in the ACT, but I am sure, Chief Minister, you will not spend too much of your time on this component of your speech.

**MR STANHOPE**: Thank you, Mr Speaker. The context is relevant and I think it is relevant to this debate. It is relevant to an understanding of why it is that, as Ms Bresnan in particular has said, this is a serial motion that is brought—what?—once a month. It is certainly brought on every occasion that the Assembly sits these days. It is a case of another sitting day, another censure motion. One wonders why. What is this focus? What is the depth of understanding? What is the philosophical position that the Liberal Party have to corrections and the corrections practice that is at the heart of this constant baying—

*Mr Hanson interjecting—*

**MR STANHOPE**: this constant misunderstanding, this constant misinformation and the constant misleading—

*Opposition members interjecting—*

**MR SPEAKER**: Order!

**MR STANHOPE**: in relation to the programs and the order of events that have been part and parcel of the establishment of the Alexander Maconochie Centre.

*Opposition members interjecting—*

**MR SPEAKER**: Order! Chief Minister, one moment, please. Stop the clocks, thank you. Members, the Assistant Speaker when he was in the chair made his expectations

very clear and I intend to continue that. There will be no further interjections. Chief Minister, you have the floor.

**MR STANHOPE:** Thank you, Mr Speaker. It is relevant in a conversation such as this, in a debate such as this—a serious debate seeking to censure a minister—that we have regard to some of the fundamentals, to the history, to the context. This is the first time that there has been a prison in the Australian Capital Territory. It was this government that delivered it. It was this government that funded it. It was this government that determined the philosophy that would underpin the range of services and the nature of the administration or governance of the prison.

At the outset we legislated and undertook to create the first and the only corrections facility in Australia that aspired to be human rights compliant. I cannot help but think that it is this double edge, the fact that we have built a prison. The Liberal Party at one stage under Gary Humphries were supportive of the notion of constructing a prison for the ACT—

**Mr Seselja:** On a point of order, Mr Speaker—

**MR STANHOPE:** but then they went away from it.

**MR SPEAKER:** Order! Chief Minister, one moment, please. Yes, Mr Seselja?

**Mr Seselja:** It is on relevance, Mr Speaker. You said before that you would eventually get the Chief Minister to turn his mind to the actual motion. He is now 3½ minutes in. Perhaps now we might hear him talking about the actual motion before the Assembly.

**MR SPEAKER:** There is no point of order. I believe the Chief Minister has referred to the motion.

**MR STANHOPE:** I have. It is relevant that we understand that it was us, after an initial Liberal promise, that delivered the prison, against Liberal Party objections. I remember Mr Smyth out there on the site protesting. He was protesting on the basis that it might affect the amenity of the residents of Jerrabomberra. That was actually the strength and the level of Mr Smyth's objection—or his commitment to corrections and his commitment to a human rights compliant prison within the ACT.

They were out there demonstrating and holding up placards about: "Look, this will actually affect the views of the residents of Jerrabomberra. We shouldn't be having a prison." It underlies what they thought about the prison in the first instance. They have opposed it from the outset and they have continued this campaign of opposition from day one. They do not believe that we should have our own prison. They believe in transportation. They believe in a system whereby we should be shovelling our convicted prisoners off to New South Wales, to Goulburn, to Parramatta, to wherever else. They do not want them here.

*Opposition members interjecting—*

**MR SPEAKER:** Members!

**MR STANHOPE:** They do not believe we should accept responsibility for them. We believe otherwise. We believe we should accept responsibility. It is a new prison. We accepted always that we needed some time as a jurisdiction to develop an understanding of capacity, particularly having regard to the ambitious nature of our expectation that we would deliver a truly human rights compliant prison and would pursue rehabilitation as the ultimate outcome of our attempts in the management of Alexander Maconochie.

*Mr Smyth interjecting—*

**MR STANHOPE:** And we have as a result initiated a range of structures, a system of governance, that is unique, that is world-leading—

*Mr Smyth interjecting—*

**MR SPEAKER:** Order! Chief Minister, one moment, please. Stop the clocks. Mr Smyth, you are now warned. You are lucky to get the warning, given the Assistant Speaker's earlier indication.

**MR STANHOPE:** That was our intention, and I believe it is important that we have that context and that understanding. Why this repeated and continued attack on the regime and on our management of it? This motion, I guess, notionally arises out of misleading statements—mistaken statements, wrong statements, misleading statements—that were made by the minister and I. I regret the statements that I made, just as the minister has expressed his regret. But, relying on information provided by officials, we did make statements in this place and elsewhere that were not correct around the drug testing regime upon induction into Alexander Maconochie Centre.

I do not know why they were wrong. I do not fully understand how it was that the systems failed, or why they failed, but there was significant systemic failure by officials within the minister's department, within corrections, that are unfortunate, to say the least. As a result of those statements, as a result of those mistakes, both the minister and I have inadvertently misled. I have expressed my regret, Mr Speaker, through you to every member of this place, as has the minister.

The minister has gone one step further. He has reiterated to his department his expectations of them. He has initiated, or expanded, a review by Hamburger into the circumstances around this systemic failing of responsibility by corrections officials, and of course the minister will in time receive the fruits of that particular inquiry.

It is true, as has been stated, that I did in response to a motion in this place, relying on a speech prepared within the minister's department, say that—this is what I said—Corrective Services also has a urinalysis testing regime whereby all prisoners are tested on admission to the prison. I repeated that in response to a question. I acknowledge that—I acknowledge the circumstances—and I express my regret, but I was provided with incorrect information.

It is relevant, and I think interesting, that in that very same debate, of course, Mr Hanson said exactly the same. Mr Hanson misled as well in the debate on his

motion. He said, “We know about the drug testing regime for inmates when they arrive at the jail.” Where did Mr Hanson get that information?

**Mr Hanson:** From you.

**MR STANHOPE:** Oh, so you got it. No, you said it before. You said it in moving the motion. So where did you get the information that was the basis of your misleading in this place?

**Mr Hanson:** From Mr Corbell.

**MR STANHOPE:** Have you apologised yet? Have you withdrawn? Have you apologised and expressed regret? You misled the Assembly in the same debate, relying presumably on the same information that the minister and I relied on.

**MR SPEAKER:** Chief Minister, given the number of points of order on the issue of the word “mislead”, I would invite you to withdraw that assertion about Mr Hanson.

**MR STANHOPE:** Certainly. I understand the convention and I do withdraw. But I will repeat the comment made by Mr Hanson in that debate and I can pose the question—

*Mr Doszpot interjecting—*

**MR STANHOPE:** You said that you know of the drug testing regime that is applied for prisoners being inducted. That is what you said. That is what you told the Assembly. That was the statement you made. I do not know where you got the information.

*Mr Hanson interjecting—*

**MR STANHOPE:** But you relied on the information and the basis of the information. Did you check the information? Have you withdrawn the statement that you made? Do you have a concern that the statement you made to the Assembly was not correct?

**MR SPEAKER:** Chief Minister, one moment, please. Mr Hanson, you are now warned for interjecting. Chief Minister.

**MR STANHOPE:** I raise that just to make the point that each of us in this place relies on information with which we are provided, and we rely on it on the basis that we are entitled to rely on it.

**Mr Doszpot:** Exactly, Jon; that is what Mr Hanson was saying.

**MR SPEAKER:** Mr Doszpot, you are now warned for interjecting.

**MR STANHOPE:** That is what we are saying, Steve. Thank you for supporting us in this. What both the minister and I have done is express our regret at our inadvertent misleading of this place, and that should be the end of it. We did not need this puerile motion.

*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 12.34 to 2 pm.**

## **Questions without notice**

### **Environment—carbon tax**

**MR SESELJA:** My question is to the Treasurer. On 13 May 2010 ACTCOSS gave evidence that electricity prices had increased by 23 per cent since 2005-06 while energy concessions from the ACT government had increased by 14 per cent. Since then, you have introduced a 40 per cent carbon reduction target and other policies that will add hundreds of dollars to electricity bills. Further, the federal government has announced plans to introduce a carbon tax which adds further to electricity bills. What confidence can the community have that the ACT government, with the Greens, will contain cost of living expenses for Canberrans?

**MS GALLAGHER:** I welcome the question from the Leader of the Opposition. I find it interesting that those opposite were supportive and in fact had legislation around a 30 per cent reduction in greenhouse gas emissions. I presume, based on the line of questioning from the Leader of the Opposition, that—

**Mr Seselja:** Yesterday you said we were deniers. You can't have it both ways.

**MS GALLAGHER:** This is where I find your position interesting. You are now climate change deniers because you lost that debate on the 30 per cent. But how were you going to do that, Mr Seselja? Were you going to do that without any increase in costs to consumers? Was that going to be achievable in any way? Were you not going to face the same issues under that proposal that we face under our target or the issues facing the commonwealth government?

What I can tell you is that the Labor Party—and whilst I do not pretend to speak on behalf of the Greens—and the Greens party have always had as a core part of their policy platform concern for supporting those from less advantaged backgrounds—something that those opposite have not had a tremendous record on in terms of their own party's development.

*Mr Seselja interjecting—*

**MR SPEAKER:** This is not a conversation.

**MS GALLAGHER:** We on this side have always been concerned around supporting those who need extra support from government. In fact, it was the fundamental difference, in the old days, between the two parties. I would say in this place it still is. Whilst you try to mask your real policy intent, what the Labor Party does as its core business is to look at how to support those people who need extra support from government.

*Mr Seselja interjecting—*

**MR SPEAKER:** Order!

**MS GALLAGHER:** We have an extensive range of programs across government to do just that, whether it be through concessions, whether it be through support for the community sector, whether it be through supporting test cases to support—

*Mr Seselja interjecting—*

**MR SPEAKER:** One minute, Ms Gallagher. Mr Seselja, I have indicated a number of times informally, and I am now doing it formally, that this is not a conversation. You have asked your question. You will have a supplementary in a moment.

**MS GALLAGHER:** Thank you, Mr Speaker. Whether it be through some of our concession programs or whether it be through the introduction of things such as land rent to support those with the dream of home ownership who might not have the income to support a mortgage on land and house, those are the things we do. That is part of who we are on this side of the chamber. We intend to continue. Yes, there will be costs in tackling climate change across the globe and there will be costs in the ACT. But the government's job is to look at those costs and look at how you ameliorate those costs for those who cannot afford to pay. That is what we have done. That is what we will continue to do.

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

**MR SESELJA:** Minister, has Treasury completed analysis of the financial impact of the 40 per cent target and will you inform the Assembly of this analysis?

**MS GALLAGHER:** Treasury remains involved. It is an ongoing piece of work, Mr Speaker. As decisions are taken, as they are indeed every year through the budget process, those costs will become clear. It is an ongoing piece of work, I say to the Leader of the Opposition. I note that there have already been a number of those costs included in budgets over the past couple of years, certainly.

I note that those opposite have opposed those initiatives. In fact, where we have in the last budget increased our concessions. I know that the Minister for Energy is also working with the Minister for Disability, Housing and Community Services around continuing the work on concessions to make sure our concessions regime remains fair and equitable to those who need extra support.

**MR SMYTH:** A supplementary, Mr Speaker.

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

**MR SMYTH:** Treasurer, will you now table the work done by Treasury before the announcement of the 40 per cent target was made?

**MS GALLAGHER:** I am happy to look at that.

*Opposition members interjecting—*

**MS GALLAGHER:** I am. If it will assist those to understand the very significant challenges facing governments all around Australia, if it will assist those to understand those issues, I will look at what information I can make available. As I said, some of those decisions are yet to be taken. I will look to see what I can provide to members of the opposition to reduce their cynicism and their political opportunism, riding on the wave of a fear campaign started by their federal leader.

**MS BRESNAN:** A supplementary question, Mr Speaker.

**MR SPEAKER:** Yes, Ms Bresnan?

**MS BRESNAN:** Minister, will the government commit to increasing the energy concession rebate to replicate the rise in electricity prices over the past six years?

**MS GALLAGHER:** I thank Ms Bresnan for the question. It is certainly a matter that budget cabinet is considering at this point in time. But the budget will be brought down in early May, and our decisions on that day will be clear.

### **Energy—policy**

**MS HUNTER:** My question is to the Minister for Energy. Minister, public submissions for the draft sustainable energy policy closed in March 2010. Last October in this chamber, you stated:

The energy policy will be finalised later this year. Action plan 2 will be released in the first half of next year. It will outline the detailed measures that the government proposes to adopt to ensure that we are on the path to achieving the significant greenhouse gas reduction targets.

Minister, when will the government's sustainable energy policy be released and what are the reasons for it being delayed?

**MR CORBELL:** I thank Ms Hunter for the question. The government has taken the decision to defer the release of the energy policy to allow it to coincide with the release of the draft of action plan 2 of weathering the change. The two documents are closely related and have policy issues that overlap. For that reason, the government intends to release both of those documents in the first half of this year.

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

**MS HUNTER:** Minister, what will be the impact of the delay in releasing the policy on achieving the ACT's greenhouse gas reduction targets of 40 per cent by 2020?

**MR CORBELL:** There is no impact. Obviously it is desirable to have these measures in place as soon as possible. But, given that the government has already indicated what its time frame was for action plan 2, which is the important document that guides the government in relation to its response on greenhouse gas reduction initiatives across government and that that time frame is still on track, I do not

envisage any impact.

**MS LE COUTEUR:** A supplementary question, Mr Speaker.

**MR SPEAKER:** Yes, Ms Le Couteur.

**MS LE COUTEUR:** Minister, what consultations has the government held with the social services sector about the sustainable energy policy so as to ensure that low income earners are not adversely affected by initiatives within the policy?

**MR CORBELL:** I thank Ms Le Couteur for the question. Of course, the draft policy was the subject of extensive consultation—over 30 submissions were received during the course of that consultation. I do not have in front of me all the different entities and organisations that made submissions. I would be surprised if, for example, the Council of Social Service did not make a submission on this issue, but I am happy to inform the member of who has made submissions.

It is also important to remember that the government has not been standing still on this issue whilst these policies are being developed, as complex and as important as they are. The government has recently invested over \$1 million into an outreach program to assist the lowest income households in Canberra in both public and social housing and also in private rental to assist them with managing their energy costs.

For example, we have funded over 800 households to improve their energy efficiency through retrofitting of the building fabric, such as insulation measures, draught sealing and so on. For private rental tenants we have provided rebates and payments to assist them to purchase low cost, energy efficient appliances, such as fridges, washing machines and other appliances in the home that are major drivers of the energy bills for those households and which can deliver significant savings.

The most recent analysis I have seen in relation to the success of the outreach program has indicated that the savings to the household have been, on average, over \$100 per annum in the energy and utility costs of those households as a result of this outreach program. That is a very good example of what the government is doing to reduce costs for low income households, households which are struggling with their energy and utility costs and which are benefiting from the direct result of that type of outreach program.

**MS BRESNAN:** A supplementary?

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

**MS BRESNAN:** Minister, in the development of the policy, did the government consider their election promises to provide \$3 million to assist low income earners with efficiency measures and \$3 million in rebates to support renters to buy more energy efficient appliances, and what are the outcomes of those considerations?

**MR CORBELL:** I thank Ms Bresnan for the question. Indeed, this program is, in fact, a reflection of the government's election commitment in that regard. If I recall correctly, it is \$1½ million already delivered through that program, reaching out to

low income households, to allow them to purchase energy efficient appliances to assist them with improving insulation, improving draught sealing and those types of measures in the home, improving hot water systems in those homes where the government is able to invest directly in them. So it is very much a reflection of the government's commitment to helping low income households.

Of course, in addition to that, we have increased very significantly the energy concession arrangement for low income households here in Canberra. In fact, in dollar terms, the ACT's energy concession payment is one of the highest in the country, at \$214.87, which is a very significant commitment on the part of the government. The funding is a very significant increase, \$1.8 million additional over the next four years, to provide that energy concession. Of course, it has now been indexed to CPI to help to prevent any erosion of the value of that payment. We are very pleased to have been able to provide that assistance, whether it is through direct measures to provide payments to low income households to assist them with their energy and water costs.

It is interesting, of course, that the Leader of the Opposition is not interested in practical measures to assist low income households. He is quite happy to make the cheap political point about the cost of living but, when it comes to actual measures that save households, for example, over \$100 a year on their energy costs, he is not interested. It just shows the hypocrisy of his position. (*Time expired.*)

*Mr Coe interjecting—*

*Mr Seselja interjecting—*

**MR SPEAKER:** Mr Coe and Mr Seselja, you are both now warned for repeated interjections.

### **Homeless people—services**

**MS BRESNAN:** My question is to the minister for housing and is in relation to homelessness. Minister, on 15 February I asked you about the state of homelessness in Canberra and your reply was that about 95 per cent of those seeking emergency accommodation each day were being housed. Minister, approaches to my office from community organisations and constituents that are homeless are indicating that homelessness is currently on the rise and a great number of people, in particular families, are not being accommodated. Is this something you and your department are also seeing and are the numbers of homeless in Canberra in fact getting worse?

**MS BURCH:** I am not quite sure, but I am sure I have come back with a figure that we were indeed up to 97 per cent on recent data. We have introduced a common waiting list into our social housing program and have also introduced first point as the central intake service for homelessness. We recognise that first point will provide us additional intelligence and information about the numbers of people who are seeking services. The ROGS data is somewhat older data, as you would appreciate, but first point will give us monthly and weekly data as those data systems come online.

First point is indicating that since November 2010 over 900 Canberrans at risk of homelessness have been assisted by first point. First point provides brokerage service; it provides support services and outreach services. We acknowledge that there are people that are not accommodated when they approach seeking accommodation for homelessness, but the role of first point is to provide ongoing and outreach support to those and indeed looking at other brokerage services and referrals to emergency accommodation services as well.

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

**MS BRESNAN:** Thank you, Mr Speaker. Minister, is it true that there are about 20 families who have been through first point in Canberra right now that are waiting for emergency and other accommodation and are having to use options like sleeping in cars?

**MS BURCH:** Other than the figures I have just put out, I do not have current data and statistics for first point. I am quite happy to take that on notice and get the numbers and look to what support services we are offering to families. Emergency accommodation for families is limited. It is something that we are aware of. But we also look to provide earlier intervention programs and wraparound services. The tenancy support service is a way that we can support people who may be at risk or experiencing tenancy stress to offset and, indeed, to prevent homelessness.

**MS LE COUTEUR:** A supplementary, Mr Speaker.

**MR SPEAKER:** Yes, Ms Le Couteur.

**MS LE COUTEUR:** Minister, is the ACT government on track to reduce the number of homeless by seven per cent by 2013, which was a commitment the ACT made through the homelessness national partnership agreement?

**MS BURCH:** I would say that we are on track. We are certainly still committed to reducing homelessness, which is why we have introduced a range of programs, first point being one of them, with tenancy support. I am convening homelessness roundtables in the next couple of weeks. They will look at how the current system can better respond to the various pressure points and systems. Street to home is another program that we introduced about 12 months ago. That is providing outreach to rough sleepers, and that is proving to be very successful. The information coming back through St Vincent's is that they are ahead of and above where they thought they would be in their program. That is the level of success of that program. All of those indicators seem to me to show that we are on track to reduce homelessness through our targets.

**MR COE:** A supplementary question, Mr Speaker?

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

**MR COE:** Further to Ms Bresnan's original question, is there evidence that homelessness is currently on the rise?

**MS BURCH:** Not that has been brought to my attention, Mr Coe, at all.

**Insurance—third-party**

**MR SMYTH:** My question is to the Treasurer. Treasurer, I refer to a letter to the editor of the *Canberra Times* of 5 March 2011 in which a Brian Hatch contrasts the third-party premium of \$517 that he would have to pay in New South Wales as compared to the premium of \$487 that he would have to pay in the ACT. Treasurer, on what basis did you write in the *Canberra Times* of 4 March this year, and I quote: “Currently, ACT motorists pay the highest premiums in the country”?

**MS GALLAGHER:** Of course, we all wait with bated breath to hear what the Liberal Party, in a genuine attempt by this government to reduce the cost of living on individual householders, are actually going to do on that compulsory third-party insurance bill.

*Members interjecting—*

**MS GALLAGHER:** What are you going to do?

**MR SPEAKER:** Minister, the question.

**MS GALLAGHER:** A bill that potentially reduces the price of CTP from anywhere from \$48 to \$70 a year per household—or per driver, per motorist, in that household. It will be interesting to see what the Liberals, in the first test of something that can be done to reduce the pressure of the cost of living, actually do.

My comments in the *Canberra Times* are correct. As I have written to Mr Hatch, and I think as Mr Hatch probably already knew, the price included in New South Wales insurance also includes an \$80 fee for catastrophic injury, which is not included in our premium. It also includes the ambulance levy, which is not included in our premium. Those two together equal \$100. When you reduce that from the figures that Mr Hatch has seen, you will see that our premiums remain the highest in the country.

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

**MR SMYTH:** Thank you, Mr Speaker. Treasurer, what research did you undertake into third-party insurance premiums before you wrote your article for the *Canberra Times*?

**MS GALLAGHER:** Extensive and ongoing, Mr Smyth.

**MR SPEAKER:** A supplementary question, Mrs Dunne?

**MRS DUNNE:** Minister, in your answer to the first question you said that your policy would reduce the tax by \$48 to \$70 per person. Can you provide for the Assembly the workings-out that support that assertion?

**MS GALLAGHER:** I have sought to make that information available. I think Mrs Dunne asked me the same question in a committee hearing. I can further request

advice about how we can make it available because I think it is an important part of the debate that we need to have about compulsory third party. The issue is that we have a monopoly provider here in the ACT and there are some issues around the commercial confidentiality of the data. But I accept that that is information that members need in order to make an informed decision about this bill. I will seek further advice on what we can release.

It was included in the regulatory impact statement that was delivered for government consideration prior to this bill being tabled. I am happy to see if there is anything further and even if there is an arrangement we can come to where that information is provided to members to see alone as opposed to publicly releasing it.

**MRS DUNNE:** A supplementary, Mr Speaker.

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

**MRS DUNNE:** Minister, what circumstances would need to arise before this and other related information became available to members of this place and to the public, who all have views on this policy?

**MS GALLAGHER:** What situation would have to arise? Someone has to ask me the question. You have asked me the question, Mrs Dunne. I will undertake to see if there is any further information I can provide.

**Mrs Dunne:** But you have been undertaking to do that for months.

**MS GALLAGHER:** The original response was “No, I cannot release the regulatory impact statement.” I agree that, because of the campaign that is being waged and the level of community interest that is being generated, we need to provide more information, particularly to members of this place, if we cannot provide it to the general community because of those commercial-in-confidence reasons. I accept that as part of this ongoing discussion and the debate that we ultimately need to have. But it is important reform. It is difficult reform. I accept that. We need to take our time to get it right. And I need to be able to provide more information to members of the Assembly. I accept that.

### **Roads—users**

**MS LE COUTEUR:** My question is to the Minister for Transport and concerns vulnerable road users such as motorcyclists, cyclists and pedestrians. Minister, following the recent motorcycle review, you have proposed the compulsory pre-provisional course for learner motorcycle riders in order to improve their safety. What consideration have you given to compulsory courses for car, truck and bus drivers about what they need to do to improve the safety of vulnerable road users?

**MR STANHOPE:** I thank Ms Le Couteur for the question. The question does raise some interesting considerations. Part of Ms Le Couteur’s question, of course, is the decision that the government has taken in relation to special requirements that will be imposed on people seeking to obtain a motorcycle licence. The government has moved to bring the ACT requirements for the gaining of a licence to ride a motorcycle

into line with those that currently apply in New South Wales. They are more onerous; they are more onerous conditions. We believe that the imposition of the new training requirement, irrespective of the standard exhibited by an applicant, is a prudent move having regard to the disproportionate, on a pro rata basis, number of motorcyclists that have in recent years been killed or seriously injured in road accidents within the ACT.

To answer Ms Le Couteur's question, we have not moved to impose additional requirements on the drivers of other vehicles in the same way as we have on motorcycle riders—we have not done that. I believe that at this stage the steps we have taken in relation to motorcyclists are reasonable, are appropriate, bring us into line with New South Wales and reflect quite simply the significantly high proportionate rate most particularly of deaths but also of serious injury of motorcyclists. I do not have the numbers directly to hand but motorcyclists are significantly disproportionately represented in the statistics of those that die on our roads.

**MR SPEAKER:** A supplementary question, Ms Le Couteur.

**MS LE COUTEUR:** Minister, have you reviewed the compulsory vulnerable road user training laws from countries such as Holland, which has one of the best road safety records in the world?

**MR STANHOPE:** Thank you, Ms Le Couteur. I cannot say with any certainty that we have, Ms Le Couteur. But, as you are aware, we have over the last 18 months been closely engaged in a detailed revision of road safety within the ACT. It has involved a very detailed analysis of best practice as we pursue the development and the dissemination of a new road safety strategy, a new five-year plan. We have been developing that through detailed consultation and through a review of best practice. It may be, Ms Le Couteur, that officers within TAMS that are developing the new road safety plan have had regard to international best practice.

I will have to take advice on the extent of international experience and practice. But I have to say that I would hope that we have spread our wings broadly. There has at least been a paper review of practice in other places. Indeed, we are basing our new five-year plan on vision zero, a philosophy in relation to road safety which has emanated most particularly from Sweden but which has been adopted throughout Scandinavia and, indeed, western Europe. It may be that we indeed have regard to it. I will take that part of the question on notice, Ms Le Couteur, discover the answer for myself and provide it to you.

**MS BRESNAN:** A supplementary question, Mr Speaker?

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

**MS BRESNAN:** Minister, how will you make the ACT a national leader in minimising urban hazards, such as roadside barriers and street furniture, for motorcycle riders and other vulnerable road users?

**MR STANHOPE:** I thank Ms Bresnan for the question. Indeed, it is a very relevant and important consideration that is raised quite regularly with the government through our negotiations and consultation in relation to the next five-year road safety strategy. Motorcyclists and, indeed, cyclists are particularly vulnerable to roadside hazards such as guardrails, posts, light posts and other barriers. It is a significant issue.

Motorcyclists are at extra risk. They are at extra risk anyway because of the nature of motorcycling—the fact that they are not restrained or restrainable and the implications of them coming into contact with hazards as non-restrained road users travelling often at speed. We do accept, Ms Bresnan, that as part of a new strategy and new way in relation to road safety that we have to have full regard to essentially the engineering aspects of road safety. They go to the issues around the best barriers and barriers that do not actually work against motorcyclists. I know there is some concern about the new wire car restraint barriers and the implications of those for motorcyclists.

We accept that, over time, as we move to continue to reduce our road toll, we will have more and more to invest in new engineering responses to those sorts of issues. I am sure you understand that that has to be, in the context of the costs involved, a long-term view and process. But we are aware of it. It is part of our responsibility as governments to ensure that the engineering aspects, including barriers and roads, are uppermost with regard to the implications of those for motorcyclists.

**MR HANSON:** A supplementary, Mr Speaker.

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

**MR HANSON:** Chief Minister, given your dissertation on bike safety in western Europe, perhaps you could update the Assembly on bike safety in Spain.

**MR STANHOPE:** I would be happy to do that, but these are serious questions about road safety. Almost 100 Canberrans have died in the last six years in the ACT—almost 100 Canberrans have died on the roads. These are very serious questions and they have very serious implications. I do not think that we should be jesting about the importance of us and the community doing all that we can to reduce road death and road trauma.

I will not dignify what was I presume a very poor attempt at jest with an answer when we are talking about people dying and being maimed.

### **Housing—public**

**MR COE:** My question is to the minister for housing and community services. Minister, the Chief Minister and the Greens recently committed to a goal of 10 per cent public housing stock. As of this month, what is the current percentage of housing stock?

**MS BURCH:** I can take the precise percentage of this month on notice, but we are in the high eight per cent is my understanding and the ACT remains across Australia the state with the highest percentage of public housing in the housing stock across the state. We recognise that 10 per cent is certainly an aspirational goal and is part of an

ongoing discussion between this party and the Greens but I think it is a proud statement of this government's commitment to social housing to have the highest percentage anywhere in the country.

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

**MR COE:** Minister, what is the capital cost of increasing the level of public housing to 10 per cent?

**MS BURCH:** The capital cost would be extreme—the average cost of the build, Mr Coe. You can multiply that by thousands-plus properties. Given how we would implement it over time would be extraordinary. I am happy to come back and do the maths for you but I think once you see where we are at and the aspiration to get to 10 per cent you will see that it is a very high figure indeed.

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

**MR SESELJA:** Minister, what is the net recurrent cost of existing public housing stock, and what would be the projected recurrent cost of a stock of 10 per cent?

**MS BURCH:** I will take that one on notice and get advice and bring it back to those with an interest.

**MS BRESNAN:** A supplementary?

**MR SPEAKER:** Yes, Ms Bresnan, a supplementary.

**MS BRESNAN:** Minister, is it true that the ongoing cost per year would be about \$10 million to maintain that number?

**MS BURCH:** If we want to guesstimate, it would be in the many millions of dollars to maintain that figure, to reach that figure, and to maintain it on an ongoing basis. But I have indicated to Mr Seselja and Mr Coe that I will come back with some information on that.

### **Hospitals—junior doctors**

**MR DOSZPOT:** My question is to the Minister for Health. Minister, I refer to the *Canberra Times* article on 7 March 2011, titled “Junior doctors under pressure”, which states:

... junior doctors have complained about having to work excessive hours due to the vacancies, which include several registrar positions.

What hours are junior doctors currently working to cover for vacancies in the system?

**MS GALLAGHER:** Across the junior doctor range of classifications we employ almost 400 junior doctors. There are at any point in time a number of vacancies. I think the last data I saw—and it is changing as we have a number of positions that are in the final stages of being filled—was that at the registrar level there were

15 vacancies. I think there were 12 offers of employment out at that point in time, a couple of weeks ago.

Junior doctors work different arrangements. In some areas of the hospital they work longer shifts—14 to 16 hours. They can, over a one-week period, do the majority of their hours in that week and then they have a period of time off. For some doctors that suits them. Others prefer to work shorter arrangements and those are negotiated with the doctors. I do not think I can give you an average weekly. They are employed for 80 hours a fortnight as part of the standard public service arrangements, but many of them will work those hours in different arrangements negotiated locally with their clinical director.

I have to say that this year we tried to over-recruit to all of our junior doctor positions. That was to allow some freedom to provide relief arrangements when junior doctors need to take some time off. That has not historically been how we have funded the junior positions. This year we are trying to make an extra effort to have more doctors than the positions required, but, like every other health system around the country, and indeed around the world, we are struggling to fill all of those vacancies 100 per cent of the time.

I expect in a couple of years when the extra medical students graduate from medical school that it will be a problem of too many doctors and not enough places. That is what we are all trying to gear to now: how do we provide the extra clinical training hours that we need to provide when there is going to be an oversupply of junior doctors? That will be the real challenge. At this point in time we remain just under-recruited, but we are doing everything we can to make sure that we get those positions filled and that each doctor that works in the public health system has been through a very thorough checking process.

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

**MR DOSZPOT:** Minister, how can we have confidence in your advice to the Assembly when it has been reported in the *Canberra Times* that doctors are discouraged from recording their full hours?

**MS GALLAGHER:** This is an issue I discuss regularly with the AMA. Because these issues are managed locally in local clinical units, there have been some complaints from junior doctors about ability to access study leave and ability to get some time off. In relation to the concern that was relayed in the paper, I had not heard that one specifically. But we established, in recognition of some of the issues that the junior doctors felt they were experiencing, a junior doctor consultative committee with the AMA to talk through these issues and make sure we were responding. Certainly, there is an EBA. There are very clear arrangements and operating procedures in place. If there are problems locally, they need to be managed.

There is a bit of an issue between ASMOF, which represents a lot of the medical staff, being seen as the bosses' union, I guess, and the AMA have a number of junior doctors they represent. I think the junior doctors feel sometimes that the AMA represents their interests better and that when they have pursued issues through ASMOF they have not felt that those have been resolved as quickly as they would

have liked.

So there is ongoing management of this issue, but we are very much trying to support junior doctors in the workplace. We have had pretty good success when you look at the fact that we are employing now just under 300 junior doctors across the system. That is a pretty good result, but we can always do better. Where there are problems locally around HR issues and more perhaps senior staff refusing junior staff certain things, we need to crack down on that. They are the instructions that certainly I have provided, and the chief executive has as well.

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

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

**MR HANSON:** Minister, as a result of staff shortages, have junior doctors at TCH been supervised at all times in accordance with ACT Health policy?

**MS GALLAGHER:** That is one of those trick questions. It is very difficult to answer that and say that every doctor has been supervised at every point in time according to a guideline. It depends on the qualification of the doctor. There are interns, there are RMOs, there are JMOs, there are postgraduate fellows. All of them have different supervisory arrangements. In terms of any advice that I have, I am not aware of any breach of those policies or procedures. I know that decisions have been taken around how to redeploy staff if there are vacancies, but it is an ongoing issue—how you manage your staff in a hospital, based on what walks through the door every day. But as far as I know it certainly has not been an issue raised with me by any of the professional bodies either.

**MS BRESNAN:** A supplementary, Mr Speaker?

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

**MS BRESNAN:** Minister, will the AMA be permitted into formal negotiations, as part of the next EBA process, to represent the junior doctors if that is their choice?

**MS GALLAGHER:** As I understand it, yes, because the workplace relations laws have changed to allow that. The last time we did the bargaining, because they were not a union, they were not able to be a party to the agreement, but those laws have changed. In a way I set up a process to run concurrently—well, set up the consultative EBA process through this establishment of this other committee—to deal with the issues outside of the bargaining framework. But many of the issues brought to that table are industrial matters that we work through.

So we have the JMO consultative committee now established—that has been established for really the last year and a half—and I expect that the AMA will be at the table for the next round of bargaining, so it should be a pretty interesting time.

### **Bimberi Youth Justice Centre—assaults**

**MRS DUNNE:** My question is to the Minister for Children and Young People. Minister, I refer to the incident that occurred at Bimberi Youth Justice Centre on 5 February 2011 when an MSS security guard was assaulted, which resulted in a stay in hospital. On 17 February, in answer to a question without notice, you outlined the reviews and investigations that were on foot in relation to that incident. Minister, what is the current status of these reviews and investigations and what action has been taken in response to the reviews and the incident?

**MS BURCH:** My advice from the department is that one of those reports is being finalised. The department has been in receipt of one. I am yet to receive a formal, written advice on that. As I have committed to this Assembly, I will bring back what information when I can.

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

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

**MRS DUNNE:** Minister, have any charges been laid against detainees who were involved in the assault?

**MS BURCH:** Those matters have been referred to the Australian Federal Police, and those investigations are ongoing.

**MR COE:** A supplementary, Mr Speaker.

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

**MR COE:** Minister, what procedural changes have you made to ensure that staff, particularly MSS staff, are not left in residential areas of the centre without support being present in the same area?

**MS BURCH:** I thank Mr Coe for the question. The policies and procedures have certainly been reinforced. The policy is that MSS staff are supervised and provided guidance on their shifts, whether they are on night shift or on day shift. I know that there are certainly some practical implications, and processes have been introduced. For example, when MSS staff come into Bimberi for a shift now they are handed a copy of policies and procedures and they actually sign off that they read and understand and understand the supervision arrangements in place.

**MS HUNTER:** A supplementary question, Mr Speaker.

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

**MS HUNTER:** Minister, on how many shifts per week are MSS security guards being used at Bimberi currently, and are you up to full recruitment of permanent staff?

**MS BURCH:** Recruitment continues. As I indicated in February, there are staff coming online each month. There are certainly staff coming online this month.

As to the number of MSS staff, I can certainly take that on notice. As I have stated here, it is my preference that MSS staff use is kept to a minimum, but if numbers of young residents in Bimberi are such that we do not have the trained youth detention workers to cover that situation, it is essential that we have adequate security cover, so MSS staff are used. But it is our view that MSS staff are not left unsupervised; they are not to have direct contact with youth unless supervised by a youth detention worker.

As far as staff numbers are concerned, Ms Hunter, I know that seven new youth detention workers commenced an induction course in January, and these workers will become operational, I understand, this week or next week. A further induction course commenced on 11 February, and three youth detention workers are participating in that course. They are expected to come online, I think, the following week after that. That will result in another 10 inducted youth detention workers coming online certainly by the latter part of this month.

### **Alexander Maconochie Centre—drugs**

**MR HANSON:** My question is to the Attorney-General. Attorney, have you been approached by any current or former employees of the Alexander Maconochie Centre recently in relation to concerns around the supply of needles and/or the supply of illicit substances by staff to prisoners? If so, what action are you taking?

**MR CORBELL:** Not that I can recall, Mr Speaker.

**MR SPEAKER:** Supplementary, Mr Hanson?

**MR HANSON:** Minister, have you been approached by any current or former employee at the Alexander Maconochie Centre in relation to staff covering up missing substances from the AMC medical centre?

**MR CORBELL:** Not that I can recall, Mr Speaker.

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

**MR SMYTH:** Minister, are you confident that all procedures around the supply of needles and control of substances at the AMC medical centre are being followed?

**MR CORBELL:** The provision of needles for medical procedures and other medical material such as prescription medication is the responsibility of Corrections Health and is properly referred to the Minister for Health.

**MS GALLAGHER:** Certainly within the first 12 months of the AMC we had a review done of procedures within the Hume medical centre to look at safety and security around medicines. I understand that there is a review about to commence to have a look at those processes again. I think the recommendations from the first review were all implemented. It did have a number of recommendations around

improvements to processes in the Hume medical centre, but nothing that you would not have imagined within the first year of operating a new service.

**MR SMYTH:** A supplementary, Mr Speaker.

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

**MR SMYTH:** I assume this might go to the Minister for Health as well. Minister, have you been approached by any current or former employees at the Alexander Maconochie Centre in relation to staff covering up missing substances or needles from the AMC medical centre?

**MS GALLAGHER:** No, I have not been approached directly. I had a conversation with my chief executive this morning about some concerns that a staff member has raised and they are being investigated.

### **Water—Murray-Darling Basin**

**MR HARGREAVES:** My question is to the Minister for the Environment, Climate Change and Water. Can the minister advise the Assembly about the progress to get a fair deal for the ACT from the Murray-Darling Basin plan?

**MR CORBELL:** I thank Mr Hargreaves for the question. The government has been working very hard on this issue of making sure the ACT gets a fair deal under proposals for the draft Murray-Darling Basin plan when it is released later this year. The government maintains its commitment to a healthy basin and that has been the core of all of our water management practices in the territory since self-government. But there are fundamental problems with the way the guide to the basin plan has been developed when it comes to the ACT. To that end I have undertaken a series of meetings over the past months to advance the ACT's position and to get key decision makers to recognise that there are key elements of the proposals insofar as they affect the territory that simply need to change.

To that end I have met with the commonwealth Minister for Sustainability, Environment, Water, Population and Communities, Tony Burke, and I have asked Mr Burke to have regard to the key concerns of the territory in the guide to the basin plan, concerns that we believe are valid and which, if these proposals are implemented, will see a significant reduction in the amount of water available to the territory, water which will not be sufficient for growth and water that will either impose significant cost on the territory and its economy or alternatively will result in long scale water reductions.

Further, I have also made submissions to the Murray-Darling Basin Authority directly and to the House of Representatives committee inquiry into the basin plan being chaired by Mr Tony Windsor MP. I appeared before that committee on 23 February this year and gave evidence before the committee in public hearing outlining the territory's concern. I have also met with the new chair of the Murray-Darling Basin Authority, Mr Craig Knowles. I am grateful for the time he has spent with me and my officials and I have to report that the meeting was a very productive one and I believe

that there is now an improved understanding of the concerns the territory has in relation to the proposals from the Murray-Darling Basin Authority at this time.

Fundamentally, our concerns are that the proposal from the Murray-Darling Basin Authority in its guide puts in place reductions which are the highest in percentage terms of any element of the basin. They put in place reductions that are based on our net sustainable diversion limit whereas reductions in all other parts of the basin are determined on a gross SDL calculation, so we are being unfairly penalised in that regard. We also have serious concerns about the fact that no socioeconomic analysis has occurred to justify the MDBA's reduction. In fact, the MDBA have advised the territory that they have specifically excluded us from their socioeconomic analysis, a position we believe is completely unreasonable and unfair and must be rectified. Further, there is no regard to the fact that the territory faces significant population growth between now and 2050—up to half a million residents by that time—and we need water security and we need an assurance that there will be water supply available for us into the future.

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

**MR HARGREAVES:** My supplementary to the minister is this: is there anything you wish to add to the answer you have just given to me, minister? And will the minister advise the Assembly what are the water management practices that support his claim for better treatment for the ACT in developing the plan?

**MR CORBELL:** I thank Mr Hargreaves for the supplementary question. The point I would make is that the ACT does have very strong water management credentials and we already return about 50 per cent of all the ACT's available water resources for environmental flows. In an average year, the ACT only diverts about a net eight per cent of its water resources for consumption. Compare this with the New South Wales portion of the Murrumbidgee River, where more than 50 per cent of the water resource is diverted for consumptive use. That is obviously extreme over-allocation. The ACT is nowhere near that. Our diversion of water for consumption is extremely modest. In these circumstances, we believe the MDBA must think again about the amount of the reduction that it is seeking from the territory.

It is also very important to remember that the territory cannot be assisted by the commonwealth in the same way as the commonwealth is suggesting in other jurisdictions, and that is through water buy-backs. There is no water to buy back in the territory. So the only other option available is for the territory to purchase water entitlements in some other part of the basin and then have that credited to us for our use.

In practical terms, what that means is that we release water from our dams. It flows through the ACT into New South Wales and then we have to buy it back. It is an unreasonable and unjust imposition on the territory and it is for these reasons that we are advancing the arguments we are. (*Time expired.*)

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

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

**MRS DUNNE:** Minister, what has brought about this change in your attitude to the guide for the plan, given that at the outset you were quite sanguine about the possibility of buying water? Why are you suddenly so opposed to the idea?

**MR CORBELL:** Mr Speaker, I have always been measured and considered in my comments in relation to this matter. That is, of course, in marked contrast to those opposite. I tend to believe that you do the analysis, you look at the detail and then you make your judgements rather than leaping to judgement in the way we have seen from those opposite.

The fact is, Mr Speaker, that the Labor government, the ACT Labor government, is advancing the argument forcefully with the MDBA, with the House of Representatives committee, with the federal minister, with other state and territory ministers to make the case, to make the very clear case, that the ACT deserves a fair deal when it comes to our obligations under the plan when it is released in draft form formally later this year, and that is what we will continue to work towards.

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

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

**MRS DUNNE:** Minister, seeing that you have been so busily making submissions to the MDB inquiry by Mr Windsor and to the authority directly to Mr Knowles, will you provide to the Assembly the documentation that you have provided to them? I note, for instance, that your submission to Mr Windsor's inquiry is not on the inquiry's webpage. Will you provide those for the information of members and members of the public?

**MR CORBELL:** I am very happy to do so. I would, of course, expect in the normal course of events that the bodies that have received our submissions will make them public. Certainly, I am surprised that the House of Representatives committee has not done so. It is normal practice for them to do so. I will make inquiries about that matter. In relation to the MDBA review, obviously the MDBA would make all of its submissions available in due course in any event. Again, I will seek clarification about that timing. The government has no objection to making these submissions available to members.

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

### **Warnings by Mr Speaker**

**MRS DUNNE (Ginninderra):** Mr Speaker, could I seek your ruling, please, in relation to your fairly common practice of warning people at the moment? In the course of question time I think you warned Mr Seselja and Mr Coe—

**MR SPEAKER:** Yes.

**MRS DUNNE:** and at the time my observation was that Mr Seselja and Mr Coe were speaking with one another. I am actually wanting to seek your guidance about what

are the rules about the way in which members may engage with each other in this parliament, because it seems that at the moment there is a fairly low threshold for any sort of conversation on the opposition benches before you move to warn people.

You may not necessarily be in a position to do this now but I would like you to give some thoughtful consideration to what are the rules for conversation in this place and for exchanges in this place before people are being warned. I would also like for you, Mr Speaker, to reflect upon whether those are being applied equally across the chamber.

**MR SPEAKER:** Thank you, Mrs Dunne. Firstly, my understanding was, my hearing of events was, that Mr Coe and Mr Seselja were interjecting across the chamber. I guess you may dispute that. I guess it is a fine line. If somebody is raising their voice to a level where I am sitting here and it sounds like an interjection, whether it is to Mr Seselja or across the chamber, is a bit of a moot point. If it is so loud that it feels like an interjection, then that is the judgement I guess I have to try and make as matters proceed.

**Mrs Dunne:** I would ask you, Mr Speaker, to go away and reflect upon what are the rules that you are going to apply, because at the moment it means—

**MR SPEAKER:** Mrs Dunne, thank you. I see your point. We can go to standing order 202 (a) or (b), which refer to “persistently and wilfully obstructed the business of the Assembly” or “disorderly conduct”—either of those. Sufficiently loud contributions across the chamber or within the chamber may fall foul of either of those provisions. I think regularly in this chamber people who are sitting in the chair speak to both sides of the chamber to ask them to take their private conversations outside or to quieten them down. That is the end of the matter. Thank you.

**Mr Coe:** Mr Speaker.

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

**Mr Coe:** If I may add to this, a question—

**MR SPEAKER:** No, Mr Coe, it is not a debate.

**Mr Coe:** When do we discuss this?

**MR SPEAKER:** We have moved past, Mr Coe.

**Mr Coe:** When do we discuss this?

**MR SPEAKER:** Sit down, Mr Coe.

## **Paper**

### **Ministerial travel report—erratum**

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development,

Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage): Mr Speaker, for the information of members I table the following paper, which is an erratum to the ministerial travel report that I presented yesterday:

Ministerial Travel Report—1 January to 31 December 2010—Erratum.

## **Personal explanation**

**MRS DUNNE** (Ginninderra): Mr Speaker, I seek leave to make a brief statement in relation to the question I asked Mr Corbell in—

**Mr Hargreaves**: Under what standing order?

**MRS DUNNE**: I would like to clarify something. I may have inadvertently misled, so I would like to make a brief statement of clarification. in relation to a supplementary question—

**MR SPEAKER**: Is it a personal explanation under standing order 46?

**MRS DUNNE**: Okay, okay.

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

**MRS DUNNE**: In asking Mr Corbell about the tabling of papers today I said that his submission was not on the website. On reflection, the last time I looked on the website was Friday last week. It may have gone up since then, so I just want to make it perfectly clear that the last time I checked it was not on the website, which was last week.

## **Attorney-General Motion of censure**

Debate resumed.

**MRS DUNNE** (Ginninderra) (2.59): Ms Bresnan's amendments are interesting, and the speech that she gave revealed some interesting matters which I think that we will be holding Ms Bresnan and the Greens to as things develop over the year. Without a doubt one of the most common and persistent running sores of this Assembly and of this government has been—

*Members interjecting—*

**MRS DUNNE**: You are a low, low act. You are a low act. The persistent problems of Mr Corbell and the prison have been a besetting problem of this government and, given everything that Ms Bresnan said today about how she does not like to have to deal with these things and she is sick and tired of having to deal with these things, maybe she would be better off if she did something about the competence of the minister responsible and if she did something to hold this incompetent minister to account.

Yet again we have got Ms Bresnan in here today saying, “I don’t want to deal with this”, but there was a little chink here. There is at last a little chink because she did say, and it was interesting to hear it reported on the ABC later in the day, and we will hold her to this, that perhaps some time in the future when the two Hamburger reports and a whole lot of other reports come down, we will have to hold Mr Corbell accountable at that stage.

So watch this space, because it is without a doubt that this festering mess which has been created by Simon Corbell will surface again in this place, and we will hold Ms Bresnan to account for her commitment that in the future we will have to work very hard at dealing with Mr Corbell’s incompetence. Really what she was saying today was that, yes, Mr Corbell is an incompetent minister, is an incompetent corrections minister, but that somewhere along the line it will become too difficult even for the Greens and that they will have to bring him to book.

Let us look at this minister’s litany. He became the minister for corrections and he spent a whole lot of time talking about the human rights compliance of the prison that he was going to bring forward and then we had the cutting back of the size of the prison, then we had the fake opening, then we had this six-month interregnum where prisoners were not being sent to New South Wales because New South Wales either could not or would not take them. There was a stack up of people at the Belconnen Remand Centre. We had overflow remand centres in every nook and cranny across Canberra. We had severe derogations of people’s human rights as a result of that. We had the roof incident that resulted in this minister being censured—no, not censured; grave concern being expressed in this place about this minister

**Mr Hanson:** Admonished or—

**MRS DUNNE:** There were some weaselly words that the Greens insisted on, but not censure, because Mr Corbell came out and said that the detainees who got on the roof were guilty of a range of offences. Interestingly enough, just this week it has been revealed that when the matter went to court, as it has gone to court, they were not found guilty of the offences that Mr Corbell went on the radio and said that they were guilty of—and, just to make perfectly sure, went out again and fronted the TV camera to repeat it. This is the quality of the man who also happens to be the Attorney-General. His performance as corrections minister has been a disgrace.

That was a pretty low point, or I thought that was a pretty low point, but it has gone downhill from there. It took six months after the opening, the fake opening, to get prisoners in there and it was finally done because the responsibility for corrections was taken away from Simon Corbell and given to somebody else who seems to have rolled up his sleeves to some extent and actually got prisoners in there. When we say “a now disgraced minister” and Mr Hargreaves looks like a better corrections minister than Simon Corbell, it does say something about the calibre of ministers in the Stanhope government.

Then of course we had a cost blow-out from what it was originally. They cut back the size of the prison to keep it within the budget because Simon Corbell has such a shocking record of doing things on time and on budget. So he cut back the scope so he

could say that it would remain within budget—and he still blew the budget. The \$110 million prison became a \$130 million prison, and it was smaller than it was originally planned.

And now we get to one of the issues that Mr Hanson has raised today, the 375-bed prison which became a 300-bed prison. It has been a 300-bed prison for a long time. As Mr Hanson pointed out to me today, I typed in “Corrective Services” and up came the Corrective Services website which says that the Alexander Maconochie Centre is a 300-bed facility; it has capacity for 300 beds is what it says on the website. But I was there and Mr Hanson was there when Mr Corbell was asked the question about the bunk beds and we had Mr Corbell saying: “I can’t imagine why anyone ever thought it was a 300-bed facility. It has never been my view that it was a 300-bed facility.” And we had the outgoing executive director of Corrective Services admitting that we were looking at a corrections facility of 245 beds.

In addition to this, we have had monumental failure after monumental failure in processes and equipment. The RFID system was not up and operational when the prison was built. That was one of the things that was taken out of the scope of the prison contract. That was not a money issue. It was because they could not get the prison contractors to build an RFID system that met their specifications. The problem may be that the RFID system will never meet their specifications.

We know that it does not work. We know that there have been issues with people walking out of the jail wearing their bracelets. There are now the issues of the impact that it has on people’s personal duress alarms and the fact that personal duress alarms are interfered with by the RFID system, and the RFID system has been decommissioned until that issue is addressed. With the government’s fixation on wonderful technology, first and foremost we have to look after the safety and the welfare of the people who work in the prison, and to have personal duress alarms that can reboot, turn off and give false readings is a matter of considerable concern.

On top of that, we have the amazing fiasco of the drug testing in the prison. We saw the smugness of Mr Corbell last year when Mr Hanson started asking questions about drug testing and how, when Mr Hanson was not satisfied with this and introduced legislation to put some guts around the drug testing regime, Mr Corbell said: “We do all of this drug testing. We have done so much and Mr Hanson doesn’t know anything about it.”

What we saw yesterday when Mr Corbell came into this place eating crow and saying “I was wrong, I misled the Assembly and I caused the Chief Minister to mislead the Assembly” all came down to the persistence of Mr Hanson in following up an issue that he believes needs to be addressed. By the minister’s own admission, the papers that were tabled yesterday show clearly that, because Mr Hanson was persistently following up this issue, asking questions on this issue, we eventually revealed that the systems did not work; that the assurances being given by this minister, who has no control over his department, were wrong.

There is probably much more to learn about what this minister knew and when and how badly he was briefed by his department. We need to remember that, when the justice and community safety committee inquired into the false opening of the AMC,

one of the things that it found was that this minister was poorly briefed over a long period of time—and that poor briefing still exists today. This minister is incompetent. He should be censured, and the Greens should join with that censure.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.10): We hear myths in this debate from the Liberal Party—they are very good at propagating myths for the purposes of trying to advance what they believe is an argument. But we need to refute a couple of things. The first is that there is some paucity of drug testing at the AMC. Leaving to one side the failure that we have seen in relation to admission testing, which is about determining the drug-use status of the prisoners on their arrival at the prison for the purposes of identifying them as suitable or otherwise for rehabilitation, there is still the issue of drug testing within the prison once they are resident to determine whether there is illegal drug use occurring within the prison environment. In that regard, some facts bear repeating, and they are these: the AMC's broad testing regime which has been occurring since the prison commenced its operation and during the 2009-2010 year—

**Mr Hanson:** I raise a point of order on relevance. Drug testing in the jail beyond entry to the prison is not mentioned in the motion and has not been mentioned thus far in the debate.

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): Please stop the clock.

**Mr Hanson:** It is relevant for the minister to talk about the issue at hand—the failure of drug testing on entry to the prison. But to talk about other drug testing programs which are not relevant to this motion is out of order.

**MADAM ASSISTANT SPEAKER:** Thank you, Mr Hanson. There is no point of order. Mr Corbell, please continue.

**MR CORBELL:** How extraordinary! One of the grounds for censuring me is the drug testing policy at the AMC and, all of a sudden, it is not relevant to the debate. These guys cannot even maintain a consistent argument. I think the real reason Mr Hanson took his point of order is that he does not like these figures. These figures show that during the 2009-10 financial year the AMC's testing regime resulted in 739 urinalysis tests being administered to a total of 344 prisoners. This is the testing that determines whether or not there is illicit drug use occurring inside the prison once prisoners are resident there. It is not the admission testing with which we have seen the problem. This averages to 60 tests per month for an average of more than 28 prisoners per month. That is in the order of 12 per cent of the prisoner population for the relevant monthly time period.

Mr Hanson can get up here and trumpet all he likes about how he wants to see better testing and how he has got a bill in this place that is going to mandate a certain level of testing. But what level of testing is Mr Hanson proposing to mandate? Five per cent—a lower standard than the current practice at the AMC. Here is Mr Hanson telling us his performance measure—five per cent—and we already do over double that every month. We certainly did that in the 2009-2010 financial year. That argument is simply false.

The other argument which is false is the suggestion that the opening of the AMC was somehow staged for political advantage. I do not know which planet those guys are living on, Madam Assistant Speaker, but I can assure you there are no votes in building and operating prisons. Governments do not get any political advantage from opening and operating prisons. You ask any corrections minister in the country and they will tell you there are no votes in prisons. They are important but, I tell you what, they are not particularly popular, and that is a simple fact.

To suggest that there was some political advantage to be gained by the government through the opening of the prison is simply false. The fact is that the opening occurred on the basis of advice from Corrective Services, which advised that the prison was effectively complete and was expected to be handed over within a few short weeks of the opening date. Therefore, it was determined to proceed with the opening on that basis. It is as simple as that. The record now clearly shows that there was a delay, but that delay was not the fault of the government.

In fact, the independent arbiter appointed under the terms of the contract with the construction company building the prison determined—of course, opposition members do not like this fact either—that the delay was not the fault of the government but the fault of the construction company and that the construction company was liable to damages as a result. The suggestion that the government or I, as the minister, were responsible for that delay is not borne out by the facts. But, of course, we know in this debate that the Liberal Party are not interested in the facts; they are only interested in cheap political opportunity.

I would like to turn in my remaining time to the substance of the amendment proposed by Ms Bresnan. The amendment is one the government will support, although we do express some concern about whether it is going to be possible to deliver within the time frame suggested the level of detail that Ms Bresnan is asking for in terms of a report to the Assembly.

These matters are worthy of further advice to the Assembly, and that is why the government will agree to it. But there are a number of matters which will be difficult to analyse, simply because there is nowhere in the country which is able to do this in a comprehensive way. That said, we acknowledge that it would be desirable to consider further the question of the role of community corrections vis-a-vis full-time imprisonment. Indeed, I am on the record as supporting alternatives for full-time imprisonment, such as periodic detention, which is a good alternative to full-time detention, as is a range of community-based work orders and other supervision options in the community.

Of course, the other issue which is always notoriously difficult to analyse is that of reoffending rates for people who have been committed to full-time detention as opposed to community-based orders. Again, it is something which the government is prepared to provide what advice it can on the matter. We acknowledge the constructive approach that is being adopted to this matter in relation to Ms Bresnan's amendment, and the government will support that amendment.

Question put:

That **Ms Bresnan's** amendment be agreed to.

The Assembly voted—

Ayes 10

Noes 5

Mr Barr	Mr Hargreaves	Mr Doszpot	Mr Smyth
Ms Bresnan	Ms Hunter	Mrs Dunne	
Ms Burch	Ms Le Couteur	Mr Hanson	
Mr Corbell	Mr Rattenbury	Mr Seselja	
Ms Gallagher	Mr Stanhope		

Question so resolved in the affirmative.

**MR HANSON** (Molonglo) (3.22): I thank members for their contributions, some more than others. If I reflect on Mr Stanhope's speech, I think it is remarkable that he did not actually spend any of his time defending Simon Corbell. I do not know whether that was because he does not want to. If you read what Jack Waterford said in the paper today, clearly there is a bit of a rift there. Have a read of it in the opinion piece. Mr Barr, you are mentioned. Clearly there is a bit of a rift between some members of the Labor Party. I am not very tight with the Labor Party, but clearly there is a bit of a rift. Certainly, Mr Stanhope's lack of defence of Simon Corbell in his speech would indicate that there is not a lot of love between those two. It was either that or he realised that it was indefensible. That may have been the other part of it.

The minister's own defence was interesting—he chose to talk about an issue that was not actually in the motion. Clearly, there has been a flurry of drug testing occurring at the AMC since the Liberals have been inquiring into this issue. He talked about the fact that there is no advantage to opening a prison. Well, there was probably an advantage to opening the prison before the election rather than going out there publicly and saying, "Whoops, it's not ready. It is over cost and it's delayed."

I think there was a clear advantage in having a media circus at the AMC. All the TV cameras were there and there were a lot of speeches. There was a smoking ceremony and the minister saying, "Look, we've delivered this jail." He forgot that it was over budget, over time and under scope, but it played well for the TV cameras, far better than the reality, which was that it was not ready for a further six months.

The other big lie he told during his speech was that the issue about capacity was about bed capacity and that what he had been referring to for all these years was the bed capacity of AMC. I have reflected on this and I have gone back and had a look at where Simon Corbell talked about bed capacity. When I said, "You planned a prisoner population of 300 because that is how many beds you have got," he said, "Indeed." He did not say, "No, no, no, Mr Hanson, no, no. It is not the prisoner population I am talking about; it is just the beds." When he made his speech to the Christians for an Ethical Society, he said it was built to accommodate up to 300 prisoners. He did not say it was built to accommodate up to 300 beds—no, up to 300 prisoners.

A media release from the minister says that the prison has a capacity for 190 sentenced prisoners and 110 remandees—not 190 sentenced beds; it said “prisoners”. A media release on 11 September said it can house up to 300 inmates—not up to 300 beds. So he has lied again. He has come into this place and said, “No, no, no, no. I didn’t mislead you, because I was telling you about the beds. It was about the bed capacity.” Not true. And on and on. The AMC will have a capacity for 300 detainees—not a capacity for 300 beds. Even on the website at [www.cs.act.gov.au](http://www.cs.act.gov.au)—no doubt that will be changed by the end of play today—it says that presently the capacity of the AMC is 300. I recommend that that be changed to, “Presently the AMC has 300 beds,” or, “Presently the capacity of the AMC is about 245.” Either of those would be correct statements. But, according to the minister and his logic, that is misleading.

What we have established through the course of this motion today is three things: firstly, that this minister is grossly incompetent. If you listen to the litany of errors that has occurred—I have got more of them that I will run through if I get time—and if you listened to what Mrs Dunne and Mr Smyth said in their speeches, it is quite clear that this minister is not competent. By his own admission, yesterday he said that he only checked on what was going on after the opposition prompted him to, and the fact that he called this a fundamental breakdown under his leadership goes to that point.

The second issue that we have established is that of misleads and deceptions and cover-ups. I do not think there is any doubt that this minister misled, and not just about the drugs. We have established, in part, that that was more of a competence issue. But certainly there was a mislead about the capacity. There is no doubt that this is a deliberate contrivance to cover up the fact that when they went from 374 beds to 300—which was another broken promise, I might add—Simon Corbell said, “This is good. Don’t worry. We’ve reduced the size of it but she’s right for 25 years,” and that was not true.

At the same time, he had figures that said that this prison was going to be full within a year. In fact, there was going to be only one spare bed—one prisoner over on the day he opened it, by his own figures. No wonder he wanted to cause confusion. No wonder he wanted to step away from his figure of 300. That figure was only there to make a pretence that this prison would be open for 25 years when, quite clearly, it was not going to be.

The third issue is his refusal to accept responsibility. We have seen throughout the course of this a minister and a Chief Minister very quick to blame the department. “It’s the department’s fault. The department did this wrong. The department did that wrong.” There is no standing up here and admitting that this has been a problem for two years. There is no standing up and saying, “Look, I have made mistakes myself as the minister.” Not at all. There is no acceptance of responsibility for the early opening.

In fact, he attacked the JACS committee when they reported that he had done things wrong, that he had made mistakes and that he had made errors. No admission. He actually turned on the committee, that included one of his own members, and said it was a politically motivated committee. So there was a committee of this Assembly with a Greens member, a Liberal member and a Labor member all finding that he had made mistakes. But no, Simon Corbell did not accept responsibility. We have seen

that through the long list of problems with this jail.

I will go through those working back: the failure to test prisoners on entry. We have talked about the mislead, but the consequence of that is quite dire. If you want to get prisoners off drugs, if you want to get them into the rehabilitation program so that they do not then commit crimes when they get out—as we know, so many of their crimes are prompted by their drug use and abuse—then you have to test them on entry to work out who is on drugs to get them on the rehab program. How many have missed out on rehab programs and, therefore, have not been rehabilitated as a result of the failure?

How about the RFIDs? How much have we spent? How much are we going to waste? How much time are we spending on this RFID program? We have also got the cost of retrofitting bunks. Simon Corbell said that it was going to be right for 25 years with the current bed configuration. But we are currently putting bunk beds into the jail because, after two short years, the place is already full.

Mr Corbell talks about the Hamburger review with great pride, but he forgets that the only reason we are having an external independent review to look into this is because we called for it in this Assembly and we actually directed the minister to do this. He was just going to have some internal review of policy after 12 months, and this Assembly directed the external review to occur. He voted against it. He actually did not want external scrutiny. He did not want an independent review. When that motion was tabled in this Assembly—I think there were some amendments from the Greens as well—he voted against that. He did not want anyone looking at the jail, no doubt.

We have had the alleged rape of a remandee by a sentenced prisoner. I do not know if that matter has been heard yet. But this is part of the problem that we have got at the AMC. We have protected prisoners mixing with others. We have remandees and sentenced prisoners in the same jail. Mixing these different categories of prisoners is proving extremely complex. The Liberal opposition warned of this. This is one of the unique problems. If you create a small jail in a small jurisdiction and put everybody from maximum security prisoners down to young remandees in the same prison, you are going to have problems. We are seeing the fruits of that right now. We have seen staff complaints, we have seen prisoner complaints, we have seen protests on the roof and we have seen hep C transmissions.

In the short time I have remaining, I indicate that we will not be supporting the motion as it has been amended. The Greens' amendment has moved the motion right away from the original intent, an intent that has been proved in this place—the minister is incompetent; the minister has been misleading; the minister has been refusing to accept responsibility. We want to see the evidence that the programs the government has told us are working are actually working. The Greens are again refusing to hold this government to account. There remains one party holding this government to account—that is the Canberra Liberals.

Question put:

That **Mr Hanson's** motion, as amended, be agreed to.

The Assembly voted—

Ayes 10

Noes 5

Mr Barr	Mr Hargreaves	Mr Doszpot	Mr Smyth
Ms Bresnan	Ms Hunter	Mrs Dunne	
Ms Burch	Ms Le Couteur	Mr Hanson	
Mr Corbell	Mr Rattenbury	Mr Seselja	
Ms Gallagher	Mr Stanhope		

Question so resolved in the affirmative.

Motion, as amended, agreed to.

## Organ and tissue donation

**MR HARGREAVES** (Brindabella) (3.34): I move:

That notice No 2, Private Members' business, relating to organ and tissue donation, be postponed until a later hour this day.

**Mr Hanson:** I would just ask for an explanation. The Canberra Liberals have not been consulted about this issue. Could the member advise what the rationale is for postponing this to a later hour this day?

**MR HARGREAVES:** The reason is that I will hopefully be in a position to actually pursue the motion. I am just a couple of moments away from that. I had made an assumption that the debate that we have just had would go longer than it did. I thought it would be a little bit more minutiae and I have a couple of other people I wish to speak to before actually pursuing the motion. I am not asking for it to be deferred to another day. I am merely asking for another hour this day. It can come on after the next motion.

**Mrs Dunne:** But did you tell anyone so that people were here for the next item—

**MR HARGREAVES:** Madam Assistant Speaker, for the benefit of those opposite, I have just got to the position where I am not—

*Mr Stanhope interjecting—*

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): Mr Stanhope, please be quiet. Mr Hargreaves has the floor.

**MR HARGREAVES:** Madam Assistant Speaker, I am merely asking for the agreement of the chamber to put the matter off for one motion, but there is no mechanism for doing that. I need to say “another hour this day” and it would mean seeking the indulgence of those opposite to do it in an hour instead of right this moment.

**Mr Hanson:** Madam Assistant Speaker, I think it is extraordinary that we have—

**MADAM ASSISTANT SPEAKER:** It has been pointed out that you have already spoken.

**MRS DUNNE** (Ginninderra) (3.36): Madam Assistant Speaker, this is really a matter of courtesy. If Mr Hargreaves is not ready to do his business, he should at least have the courtesy to say to members of the crossbench and the opposition, “I am not ready to do it,” so that Mr Smyth, for instance, who has carriage of the next item of business, might have some warning. The lack of courtesy is only surpassed by Mr Hargreaves’s lack of preparedness. This is an insult to the operation of the chamber.

**MADAM ASSISTANT SPEAKER:** Mr Hargreaves, you have already spoken so I do not think—

**Mr Hargreaves:** Yes, but I can close the debate on it.

**MADAM ASSISTANT SPEAKER:** Thank you.

**MR HARGREAVES** (Brindabella) (3.36): Madam Assistant Speaker, I take the point that Mrs Dunne makes. I apologise profusely to those opposite for any inconvenience I have given them. I had not intended to cause any disruption. I had just assumed that the debate that we have just seen play out would have taken a considerably longer period of time and I had one or two other things I wanted to complete before doing that. It was my miscalculation. I accept that and I apologise to members opposite for it. But I seek their indulgence to merely put it off for an hour.

Question resolved in the affirmative.

## **Auditor-General Amendment Bill 2009**

Debate resumed from 24 June 2009, on motion by **Mr Smyth**:

That this bill be agreed to in principle.

Motion (by **Mr Stanhope**) put:

That debate be adjourned.

The Assembly voted—

Ayes 10

Noes 5

Mr Barr

Mr Hargreaves

Mr Doszpot

Mr Smyth

Ms Bresnan

Ms Hunter

Mrs Dunne

Ms Burch

Ms Le Couteur

Mr Hanson

Mr Corbell

Mr Rattenbury

Mr Seselja

Ms Gallagher

Mr Stanhope

Question so resolved in the affirmative.

## Order of business

Motion (by **Mr Hargreaves**) proposed:

That notice No 2, Private Members' business, relating to organ and tissue donation, be called on forthwith.

**MR SESELJA** (Molonglo—Leader of the Opposition) (3.41): This is fast becoming a joke this afternoon, Madam Assistant Speaker. What we have just had is Mr Hargreaves not ready to go and, because he was not ready to go, pushing his motion back. Then we have had the suppression of debate by the Labor Party and the Greens on Mr Smyth's bill—a bill that has been on the notice paper and which everyone had warning that we were going to debate. With no discussion the Labor Party and the Greens have first decided to put off Mr Hargreaves's motion because he was not ready, because he was chatting at the end of the debate on the last motion and he did not go and get his stuff. Then we have had the debate on Mr Smyth's bill shut down because the Greens and the Labor Party do not want to vote on it—

*Mr Stanhope interjecting—*

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): You do not have the call, Mr Stanhope; be quiet.

**MR SESELJA**: and now that Mr Hargreaves has managed to get his papers from upstairs, we should bring on his motion.

**Ms Bresnan**: On a point of order. Madam Assistant Speaker, I would actually like to know under what standing order Mr Seselja is making this statement.

**MADAM ASSISTANT SPEAKER**: We are debating whether the motion should be brought on. The question is whether the motion should be brought on.

**MR SESELJA**: Again, this is how they are managing the Assembly now between them. There is no courtesy. There is not even an attempt to know what is going on. There is no attempt to communicate with the Liberal Party about what is going on. We are at the whim now of whether Mr Hargreaves happens to be ready for a debate at any given time. Having yielded on that, we are now told that he does want to bring it on because they now do not want to debate Mr Smyth's bill.

This is becoming a farce, and we have had absolutely no courtesy. If the Labor Party and the Greens alliance now is such that they are going to manage the Assembly in this way then it will become virtually unworkable. It will very quickly become virtually unworkable, because much of what goes on in here relies on some goodwill in order for it to function.

The goodwill has not been shown by the Labor Party and it has not been shown by the Greens today. Given that, it is going to become very difficult for this place to function. I am sure that the Labor Party and the Greens will find that the goodwill will not be

coming back and perhaps their motions will be far more difficult to debate in a meaningful way as we go forward.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (3.44): I am not quite sure what the high dudgeon is all about, Madam Assistant Speaker. Mr Hargreaves was not ready for a debate. It happens from time to time. Members get caught short.

I remember seeing yourself, Madam Assistant Speaker, in full sail, rushing to your seat to pick up on a debate. It happens, Madam Assistant Speaker. Mr Hargreaves has asked for the indulgence of the chamber for a very brief period—in fact, less than five minutes—to make sure that he is ready for a debate that has come on more quickly than he expected. But it happens, Madam Assistant Speaker; it happens.

On the issue of the adjournment, on the criticism of Mr Seselja that the Auditor-General bill was adjourned, well, it happens, Madam Assistant Speaker. In fact, there are numerous government bills that have been adjourned because non-government parties have not been ready to debate them. It happens, Madam Assistant Speaker. Mr Seselja can seek to characterise it any other way he likes, but it happens. It is part of the function of a chamber where no single party has a majority. I think we should just take a calm breath and get on with the business of the day.

**MR SMYTH** (Brindabella) (3.45): This comes as quite a shock to me. My office has been talking to the Greens for some time about doing the Auditor-General's bill today. I know it was their preference not to have a debate today. They saw it as a larger issue and wanted to include some of the reforms that may or may not come from admin and procedures in regard to the public accounts committee report.

I have just checked with my office, and at no time was my office told that this would be adjourned today. That is just a basic courtesy. If you think that because you have got the numbers you can do whatever you want, well go for your life—that is true. You have got the numbers and you can do whatever you like, but when basic courtesy goes out the window there are consequences for all of us here.

If the chamber is going to work with even a narrow measure of politeness and courtesy then it is quite up to everybody to make sure that they are quite clear in their intentions. At no time in my discussions with members of the Greens were the words “adjourn this bill today” used. At no time in any of the discussions with my office was the word “adjourn” used.

I asked my office to email and ring the Greens on a number of occasions yesterday and again this morning, and we got no responses. I understand the Greens came around after my office was closed last night. I apologise. I went to three functions last night. I did have to leave the building at some stage. But at no time was I told that this would occur today. That basic lack of courtesy does not engender a whole lot of confidence in the process that might go on in this place in the future.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (3.47): I have to say that, in fact, Mr Smyth was told this morning in this chamber by one of my

staff members that we would be adjourning today. There had been a discussion with Mr Smyth's office last week when he and his staff were told that there was a view in our party room that the PAC report had not been responded to and that we felt that that needed to happen first. In fact, my staff member went to talk to Mr Smyth yesterday at around 5 pm, but there was not anyone in his office. That is why Mr Smyth was told in this chamber this morning by my staff member—

**Mr Smyth:** No, that's not true; I left the building at about 20 past five. That's not true.

**MS HUNTER:** I will stand by my staff member who has passed this on to Mr Smyth this morning. We support the adjournment of this legislation.

**MR HARGREAVES (Brindabella) (3.49):** I will not take very long. As I indicated when I sought the adjournment for a later hour this day, I acknowledge the points that Mr Smyth has made and that you made yourself, Madam Assistant Speaker, and I apologise for the inconvenience to the chamber. I do not think there is much else that I can do other than that. I am not trying to duck responsibility for it. I decided to bring it forward because quite clearly those opposite and the crossbench are prepared to debate it at this time and, on reflection, it is not fair to them. So we will do it.

Question put:

That notice No 2, Private Members' business, relating to organ and tissue donation, be called on forthwith.

The Assembly voted—

Ayes 10

Noes 5

Mr Barr	Mr Hargreaves	Mr Doszpot	Mr Smyth
Ms Bresnan	Ms Hunter	Mrs Dunne	
Ms Burch	Ms Le Couteur	Mr Hanson	
Mr Corbell	Mr Rattenbury	Mr Seselja	
Ms Gallagher	Mr Stanhope		

Question so resolved in the affirmative.

## Organ and tissue donation

**MR HARGREAVES (Brindabella) (3.52):** I move:

That this Assembly:

(1) notes:

- (a) that 98 per cent of Australians agree that organ and tissue donation has the potential to save and improve lives;
- (b) that around 1 700 people are currently on Australian organ transplant waiting lists;

- (c) that, on average, people on the transplant list can wait between six months and four years;
  - (d) that one organ and tissue donor can save up to 10 lives and improve the lives of many more;
  - (e) that Canberra saw a record number of multi organ donations in 2010, with 10 multi organ donor families which have transformed the lives of 32 Australians; and
  - (f) that Australia has a world class reputation for successful transplant outcomes yet still has one of the lowest organ donation rates in the developed world with only 40 per cent of Australians knowing the donation wishes of their loved ones;
- (2) congratulates the organisers of the inaugural DonateLife Week 2011, Australia's National Awareness Week to promote organ and tissue donation, and for providing a range of important forum to discuss and reflect on organ and tissue donation;
  - (3) acknowledges the effort that was put into DonateLife Week across the country which included events in the ACT including the launch of the Book of Life, the organised DonateLife Walk around the lake, the Heart to Heart Ball and the ACT Chief Minister's Awards; and
  - (4) calls on all Members of the Assembly to consider registering as organ and tissue donors and to talk about this important issue with their community in an effort to increase awareness about organ and tissue donation.

Madam Assistant Speaker and colleagues, first, before I get into the detail of this critically important issue, I would like members to note that I am indeed a registered donor. Secondly, I am proud to say that both of my staff are registered donors. That simply means that, in the unfortunate event that we collectively meet our maker simultaneously, there exists the possibility of improving the quality of life for up to 30 other Australians. I challenge other officers in this place, if their convictions provide, to commit to the donor program.

We should ask ourselves why is it that over 1,700 Australians are waiting between six months and four years for an organ or tissue transplant at any one time. In Australia the trend for the past 20 years indicates that around 200 people annually become organ donors and that 98 per cent of Australians agree that organ donation saves and improves lives. A record 309 deceased Australians donated their organs and tissues for transplant last year—saving or improving the lives of 931 Australians. The ACT had an increased number of 10 donations that improved the lives of over 32 people. These people donate organs such as their kidneys—

*Members interjecting—*

**MADAM ASSISTANT SPEAKER** (Ms Le Couteur): Mr Hargreaves, just one moment. Members, please could you have your private conversations outside this chamber.

**MR HARGREAVES:** Thank you for your protection, Madam Assistant Speaker; I appreciate it. And, Madam Assistant Speaker, talking about spleen, I shall move on to organ donations.

These people that I talked about donate organs such as their kidneys, liver, heart, lungs, pancreas and pancreatic islets. Many others become tissue donors and donate corneas, heart valves, skin, bone and other tissues. Some people donate both organs and tissue, helping another 10 recipients through their donation.

There is an ongoing need to dispel some myths around organ donation. Hospitals do not keep patients alive for the purposes of organ donation; a patient who is brain dead is already dead. Hospitals do not get paid for organ donations; the commonwealth government has recently initiated a hospital support funding system which reimburses a portion of the cost of caring for a potential donor whether or not the donation eventually occurs. Recent negative media coverage surrounding this issue incorrectly stated that hospitals were being paid to keep people “alive” for a donation. This misinformation leads to confusion in the community and distrust of the donation process.

Some people believe that doctors will not try hard enough to save them if they are registered as an organ donor. That is not true. Medical staff’s first duty is to save a life. Some people think they are too old to become a donor. I can tell you that we are never too old to become a donor. Anyone can donate organs and tissue. People in their 80s have saved much younger lives. You may not be the fittest individual, and your ticker and other internal bits over the years may have had a good work-out—again, this is speaking from experience—but this will not stop you being a donor. Apart from those with some medical conditions, there is every chance that some of your organs and tissues will be able to be used for donation.

Unfortunately, the organ donation rates in Australia remain low in comparison with other developed countries, and the demand is ever increasing. In response, the Australian government, in 2008, announced a four-year \$151 million reform agenda for organ and tissue donation. This national reform package aims to establish Australia as a world leader in best practice organ and tissue donation and transplantation and to achieve a significant and lasting increase in the number of lifesaving and life-transforming events. I acknowledge that for transplant outcomes Australia currently has a world-class reputation.

The Organ and Tissue Authority was established on 1 January 2009 as part of the national reform package. The authority’s role is to establish, in partnership with the states, the territories, clinicians, consumers and the community, a nationally coordinated approach to organ and tissue donation for transplantation. The DonateLife network is the cornerstone of the reform agenda, comprising more than 300 health professionals focused on organ and tissue donation nationally. The aim is to ensure that donation is a routine part of end-of-life patient care and that every potential donor is identified and their families are asked respectfully and compassionately about donation.

Madam Assistant Speaker, you may not be aware that this year there have been 11 eye tissue donors in the ACT. These 11 donations are testament to the generosity of the

donors and their families and the dedication of our medical staff in making the gift of sight possible.

I depart from the speech very briefly and record my appreciation of and respect for Glenys Cody, who was in a magazine recently talking about the donation of the organs of one her sons who tragically died at too early an age. The decision that she made to respect his wishes I thought was a courageous one and needs our respect and acknowledgement.

Despite these encouraging results, though, and the increase in funds and staffing for organ and tissue donation services nationally under the reform package, there is a need to ensure a well-informed and educated community. Therefore, community education and awareness are incredibly important, especially as only 40 per cent of Australians know the donation wishes of their loved ones.

Critical to improving Australia's organ donation rate is our ability to encourage every Australian family to discuss, accept and respect each other's wishes regarding organ and tissue donation. We know that families who know their loved one's wishes about organ and tissue donation are highly likely to uphold those wishes. We know that if all Australians knew their loved one's wishes, we would have a higher family consent rate. We can increase family consent rates by ensuring that our family know our wishes and that we know the wishes of our own family.

Every Australian has the potential to save lives. This is why the Australian Organ and Tissue Authority launched, in November 2009, a national public awareness program to encourage every Australian to discover the facts about donation, to decide to become a donor and to discuss with their family and their friends their wishes.

In addition, if people decide to become organ donors they can register on the Australian organ donor register. While registration is not essential to becoming a donor, it does make your wishes quite clear. It is important that your family knows your wishes.

Our thanks go to Gift of Life Inc and Transplant Australia ACT. Funded through ACT Health, Gift of Life conducts advocacy about organ and tissue donation, and recently again organised several very successful events in what is now known as DonateLife Week across Australia. DonateLife Week is held in February each year to raise awareness nationally of the importance of organ and tissue donation and to encourage all Australians to discover the facts and to discuss their wishes with their family. For more information, people can go to their website: [www.donatelife.gov.au](http://www.donatelife.gov.au).

Over 20 community events were held in the ACT, including the DonateLife walk, the launch of the "Book of life", the Heart to Heart ball and the Chief Minister's awards for organ and tissue donation awareness. I congratulate the staff of DonateLife ACT, Gift of Life Inc and Transplant Australia ACT on the organisation of the inaugural DonateLife Week.

DonateLife ACT staff assisted with various community organised events, including the David Gough bike ride for organ and tissue donor awareness through the ACT, New South Wales and Victoria. Also, two film nights about organ and tissue donor

awareness were held at the Canberra Hospital and at the Four Winds Vineyard. DonateLife ACT staff also attended community events at the Canberra, Calvary and National Capital Private hospitals as well as information stalls at the Gungahlin shopping centre and the Royal Canberra Show. Mr David O’Leary, the President of Gift of Life Inc, should be commended for his tireless effort in organising these and numerous other events. I would also like to thank all the volunteers in the ACT for their contribution to DonateLife Week and for their ongoing commitment to raising the rates of organ and tissue donation in the ACT.

The ACT government is committed to promoting and facilitating organ donation awareness and sees the issue as an ongoing health priority. So please continue to discuss organ and tissue donation with all members of the community whenever you can. While you are at it, think about becoming a blood donor as well—if you can; some people cannot. I wish to make the point that some people’s religious convictions preclude being an organ donor; I wish to tell those people that I respect their position and would not wish to try to change that.

However, we all know that we value our life. Our lives are unique. When we are gone, that is it. There was only ever going to be one of us, and the place will be quite different because we are gone. Here is our chance to give somebody an extended life—if we can donate something after we have passed on that can be used to save their life or prolong it. When you think about it, when we have gone to meet our maker the organs that we leave behind kept us alive and they may be able to keep someone else alive as well. I do not think that is too much of a hard ask. We are not asking to have the whole of our body just chopped up and handed out. This is not what it is about at all.

This is about giving somebody some relief who has waited years for a heart transplant, a lung transplant or a kidney. When I see young kids with kidney failure, renal failure, I just wish that there were enough kidneys to go around. I have got two; I do not need two. Perhaps we can think about it. But after we are gone, there is no reason to hang onto them unless there is a religious conviction which precludes it. So I would ask each and every one of us to congratulate the people behind the organ and tissue donation system.

I would also like to for the moment recognise Anne Cahill Lambert in the gallery. It is nice to see you here, Anne.

I would also like to take the opportunity for a couple of seconds to recognise the work that a former member of this place and member of the Liberal Party, Harold Hird, played in the organ donation system within the ACT. He has been a tireless patron of the association, which has been trying to talk people into doing the right thing and having their licences endorsed or carrying a card saying that they are an organ donor. I pay my respects to Harold Hird for that. It would be remiss of me not to have done so.

I commend the motion to the members.

**MR HANSON** (Molonglo) (4.04): I genuinely thank Mr Hargreaves for bringing this motion before the Assembly today. I think it is a rare moment where—I assume the

Greens share in the sentiment—we agree on an issue unanimously and I think that it points to the importance of this issue, both in the ACT and across Australia of course, and how we all feel about it so that we can join together in a moment of bipartisan or tripartisan support for an issue. Obviously talking about organ and tissue donation is sometimes not easy, because talking about donation is talking about the tragic end to someone's life. But that is why it is so important for us here in the Assembly to talk about this issue so openly today.

There have been many lifesaving breakthroughs in medical science, but organ and tissue donation must be seen as one of the most groundbreaking and, most importantly, hope-giving leaps forward in medical science. Transplants today, although they carry risk, have become a common procedure. Ongoing improvements in technology and techniques have meant that the success rates for these complicated surgeries continue to improve. 1954 saw the first kidney transplant performed in the United States by surgeon Joseph Murray, and, since 1965, 13,000 Australians have received transplants.

A successful transplant not only increases the quality of the recipient's life but increases the quantity. It increases the time they have to spend with their family, to enjoy their friends and to achieve their goals and aspirations. Given the amazing benefits that transplants can bring to ordinary Australians, it does seem puzzling that as a nation we have one of the lowest rates of organ and tissue donation in the world.

When you see the generosity of spirit extended in Queensland during the floods, during the bushfires in Victoria or extended across the Tasman to the people of Christchurch, it is hard to rationalise why more Australians do not extend the same generosity of spirit at a time when it can achieve so much. We see Australians extending their hand to help at the first opportunity and going out of the way to make sure that those who are struggling are supported. We are proud of this fact and we call it the Australian way.

Certainly this spirit is reflected in the statistics about organ and tissue donation, with 98 per cent of Australians believing that donation is important. But this spirit is not reflected in the decision to consent to organ donation, where only 58 per cent of families give consent for donation to proceed. There is a good reason for this, and it is the lack of awareness and of knowledge.

I think that this argument could not be more accurately reflected than in the story of the Gough family. Canberran Melody Gough was tragically killed in a car accident on her way back to Cowra on Christmas Eve 2009. She tragically left behind her father, David, her mother, Robyn, and brother, Tim. Her mother, Robyn, was the only member of the family that knew of Melody's dignified act of wishing to give an organ and tissue donation. I quote from an interview Robyn gave to the ABC:

My husband David, and son, Tim, weren't aware of Melody's decision and I know David's first thought was 'no, she's been through enough'. But when I was able to say 'this is what Mel wanted', they had no hesitation in agreeing. It's so important to tell loved ones when you make the decision to become an organ donor.

The organisation DonateLife has launched a campaign called “it’s OK” that urges all of us to discover, decide and discuss. The campaign encourages us to discover what organ and tissue donation means, how it works and the impact of what it will have.

Discovering the facts about organ and tissue donation is easy. DonateLife and the Gift of Life both have extensive websites and a phone line from which you will get comprehensive information. On discovering the facts about organ and tissue donation, I learnt that there are currently about 1,700 people waiting for a transplant. These people wait between six months and four years to receive a transplant, and some of these people will, sadly, die while waiting for a transplant donation.

I also learnt that the impact of a single donation is immense. In 2010, there were 309 donors in Australia who saved 931 lives between them. In the ACT in 2010 there were 10 donors who saved 32 lives between them. Our success rate of corneal donations puts us amongst the top five in the world. In 2008, 1,096 people donated corneas, giving 1,696 people the gift of sight. Australia has amongst the highest survival rates for transplant recipients and this success rate is growing every day.

I learnt, in discovering about organ and tissue donation, that many of the stories spread about donation can be untrue. Many people believe that their religious beliefs prevent them from donating, but a simple discussion with their religious adviser may enlighten them that in fact their beliefs may be more supportive of donation than they indeed believe.

Some people believe that once doctors see that they have chosen to be an organ and tissue donor they will not strive so hard to save their life. And I think you made the point well, Mr Assistant Speaker: the duty of doctors and nurses is first to the patient in front of them, and in most cases they will not even be aware of the decision until after a patient is declared legally dead.

Many people also believe that they are too unhealthy or too old to be a donor, that smoking, being overweight or having a medical condition may prevent you from becoming a donor. However, the restrictions on donors are very limited and there is every chance that some of your organs and tissues can be used. Your donation will only be used for a transplant. It will not be used for medical research unless you expressly consent to that.

Possibly the most important myth that must be busted in discovering about organ and tissue donation is that you do not need to do anything to become a donor. In fact, you must first decide. DonateLife and Gift of Life urge us to make the active decision to become a donor. There are several ways in which you can make your decision clear.

The Australian organ donation register was established in 2000 and is the only national register of your decision to donate. The register ensures that medical personnel can access the decision seven days a week, 24 hours a day, and anyone over the age of 16 can register by visiting their website or popping in to their local Medicare office.

Not only does this make your decision about organ donation clear but it also allows you to nominate just what you would like to donate. You can donate organs which include your kidneys, heart, lungs, liver, pancreas and tissue, which includes your heart valves, bones, tissue, skin and eye tissue. Registering your decision allows you to make clear your decision to medical personnel. But unfortunately you can leave the decision at that point.

As prompted by the “it’s OK” campaign, the final and possibly hardest step is to discuss. Everyone has their own personal reasons for making the decision to become a donor. And it is important to discuss these with the people close to you so that they understand your decision. If your family knows and understands your decision then they are much more likely to consent to a donation proceeding. It is important to remember that organ donation can only occur with your family’s consent. Indeed, I had this conversation again with my wife just the other night.

Currently over 40 per cent of Australians do not know the wishes of their loved ones. In bereavement, organ and tissue donation is not usually the first thing of concern upon a family’s mind. In a traumatic time, a decision to allow donation will always be easier if guided by the decision of one that has passed. The “it’s OK” campaign provides many suggestions on how to go about having this sensitive conversation with loved ones. But the most important thing to remember is that the right time is now. We do not, unfortunately, have control over when we die. In fact, most of us will go unexpectedly and suddenly. Therefore it is important not to put the question off.

I have talked about the work of the Gift of Life and DonateLife organisations in raising awareness about organ and tissue donation in the ACT. The Gift of Life organisation is the leading non-government body promoting awareness, education and support. I recently participated, on 23 February, in the DonateLife walk. I saw the minister there. Mr Rattenbury was there; I am not sure whether there were any other members.

**Ms Bresnan:** Ms Hunter.

**MR HANSON:** Ms Hunter was as well. Well done. I know that Senator Humphries was. I certainly saw Gai Brodtmann. I think other members of the federal government and the opposition were there. It was good that, again, we saw members of the Greens, Liberals and Labor getting out to support that event. And I actually had the pleasure of participating with Gary Humphries, who did that walk also—in fact, he made me run.

The president of the Gift of Life, David O’Leary, and his team must be congratulated on organising this fantastic event. Over 1,800 people walked around Lake Burley Griffin to show their commitment to organ and tissue donation and raise awareness so that others can make the important decision.

I also recently attended the organ donors awards that are held annually to recognise ACT citizens who have made a significant contribution in promoting organ and tissue donation. Again, I saw many members of the ACT Assembly at those awards.

In closing, Mr Assistant Speaker, I would like to thank you for raising this motion

today in the Assembly. I would like to affirm my personal commitment and the commitment of the Canberra Liberals to raising the awareness of organ and tissue donation and I hope that we will all take this opportunity to discover, to decide and to discuss.

**MS BRESNAN** (Brindabella) (4.15): I thank Mr Hargreaves for bringing this issue to the attention of the Assembly today. As Mr Hanson and Mr Hargreaves have both outlined, this is an issue through which open discussion in a forum such as this today will help raise the profile of the importance of organ donation and raise it as an issue that people feel they can then discuss with their family and friends.

Mr Hargreaves's motion raises some very important issues that the Greens believe need further consideration. It is very welcome news to hear that 10 multi-organ donations were received in 2010 in the ACT, which transformed the lives of 32 people.

DonateLife is providing vital work in educating and informing Australians around organ donation. This information can be critical for loved ones making the decision to donate the organs of a loved one. It is a very personal decision and one that is often fraught, and I recognise this. What is critical is that those Australians who have decided to donate their organs make their wishes clear to their family. This vital discussion can make a traumatic time a little easier.

I note the peace and pride reported by family members of loved ones whose organs have been donated after their death. DonateLife has compiled a book of stories from donors' families and recipients, some of which Mr Hanson has already read out today. It is very moving and includes, amongst others, two from the ACT.

Terry Connolly, ACT Supreme Court judge and former MLA, was one of those people. Terry's life was cut short in 2007, at the age of 49. His wife, Helen, has said:

I hope his example will inspire others to talk to their family and register as donors, if they feel that it is the right decision for them to take. Talking openly about this special issue is not depressing—it's an act of love.

Another ACT resident who gave the gift of life was Melody, whom Mr Hanson has already mentioned today in his speech. Melody was in her early 20s, working as a curator at the National Gallery. Her whole life was ahead of her. She died travelling back home to Cowra on Christmas Eve. Her decision to become a donor saved the lives of three others.

Despite these two wonderful examples, only 309 donors gave organs in 2010. Because most of these donors gave multiple organs, 931 Australians were given life through these donations. I wonder, though, how many more donations could have taken place.

Australia is a leader in transplant technology and procedures and yet has one of the lowest donation rates in the world. Seventy-seven per cent of Australians are willing to become organ and tissue donors. Only 17 per cent of people, however, have actually discussed their views with their family. And in the event of families making a decision, only 60 per cent give consent for the donation to proceed. Interestingly,

93 per cent say they would respect the wishes of a loved one. This suggests that education is pivotal to ensure donors inform their loved ones of their decision.

The recent DonateLife events, especially the morning walk around the lake, which has already been mentioned, attended by over 1,800 locals, and the awards which recognise people's contributions, suggest that much is happening to promote and support organ donation. The Greens believe more work should be done to improve donation rates.

A number of jurisdictions are looking at legislative change, with the aim of increasing donation rates. The Western Australian parliament has discussed opt-out legislation. If opt-out legislation was passed, organs could be used or organ donations could proceed from anyone other than those who have actively opted out. There are, of course, ethical considerations that must be addressed, and we acknowledge that there would need to be extensive consultation on this issue. I will watch the progress of the work in Western Australia with interest and suggest others do as well. I note that organ donation promotion was discussed at a recent health ministers meeting where there was agreement that our donation rates needed to be improved.

As Mr Hanson has already mentioned, there are currently 1,700 Australians on a waiting list for a donor organ and some will die waiting. While I have acknowledged the generous gifts of donors, it is important that people understand the suffering of those with chronic conditions as they await a transplant. And one such story I will now relate.

Brad lives in Batemans Bay and is 47. He has had type 1 diabetes since he was six. In the mid-1990s he was diagnosed as legally blind. In 2001 he had had both his toes amputated and, after a slight stroke, his left leg. Sometime after this, Brad received a kidney and pancreas transplant. He recovered well. Unfortunately his right foot and then his leg below the knee were also amputated as a result of damage suffered prior to the transplant.

Brad and his wife are inspirational people. In August 2007, they established the Eurobodalla Renal Support Group and Organ Donor Awareness Education. They are dedicated to providing community awareness about kidney health, organ donation and transplantation. Unfortunately, despite the generosity of a donor, Brad lives with considerable morbidity. And we need to ask the question: could this have been avoided with an earlier transplant?

Another story is from Jessica. Jessica did not believe she would see her 18th birthday. She was close to death when she received a double-lung transplant after cystic fibrosis left her unable to walk, speak or even breathe without assistance.

I personally know someone who required a transplant and who spent a number of years on dialysis waiting for a transplant. I clearly recall the day he got the call telling him that an organ had become available and the transformation this made to his life, just hearing that decision, knowing he would get that donation, and now the huge difference it has made to his life, having that transplant and that organ donation, and what impact it has on his family as well. It is quite an amazing thing to see.

I registered as an organ donor when I turned 18, and I have made my wishes very clear to my family and friends about what I want if something should happen to me.

The examples I cite are only a snippet of the lives affected by organ donation and transplantation. I hope that my colleagues and all people are able to put themselves in the shoes of someone with a seriously sick child, family member or friend who faces death without a transplant. Not only may this prompt many people who are not registered as donors to become one, it may also spark ongoing discussion and debate on future legislative reform.

Again I thank Mr Hargreaves for bringing this motion to the Assembly today. It is a vitally important issue that requires us to discuss it in an open way, and the Greens will be supporting the motion.

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations) (4.22): I join with Assembly colleagues in thanking you for bringing this motion forward today, Mr Hargreaves. It is a timely motion considering that the flags for DonateLife are still flying on Commonwealth Avenue bridge and the hard work of DonateLife Week has just wrapped up.

It is a rare but beautiful moment when all parties in the Assembly agree. In recognition that it is a rare moment, I think we should acknowledge that. But I think it is fantastic that, on an issue like organ and tissue donation, Canberra's elected representatives are on the same page.

This motion is all about community. I can think of a lot of issues that are about community, but organ and tissue donation is certainly right there. It is around the generosity of individual Australians—in our case, individual Canberrans—to make a decision that will help the lives of other members of our community.

One of the reasons the ACT has done so well in acknowledging and promoting organ donation across our city is the fact that the community has been involved. Really the community has been at the forefront of developing the response around raising awareness for organ and tissue donation. Most of that credit needs to go to the non-government sector for the volunteer organisations that put in all the work. Here in the ACT, Gift of Life really has been at the front of that.

Other members have spoken around the numbers involved for people on waiting lists around Australia. I think there are 1,700 people currently waiting for an organ transplant. The reality for some of these people and their families is that some will die whilst waiting for a transplant. But for many others, the wait also means long weeks or months in hospital—or several trips to the hospital every week for patients who use renal dialysis. For some, it means being attached to an oxygen tank 24 hours a day. Mr Hargreaves acknowledged Anne Cahill Lambert, who joins us here today in the Assembly. For her, that is the reality of her life. I would like to thank her for coming in and listening to this debate here today.

In relation to the federal government, I think it is fair to say that there should be recognition where recognition is due; it needs to go to the former Prime Minister, Kevin Rudd, who I think knew first hand the importance of raising awareness around

organ and tissue donation. Not only did he talk the talk; he did walk the walk—by providing a new way of coordinating organ and tissue donation through his national reform package and by putting funds that had never been spent in this area into resourcing this sector more appropriately.

For the ACT that has meant some changes to the way we do things, but in a sense the reality has been that we have got additional resources created through the reform package to support those very difficult decisions when they are made with families at the hospital level.

We know that the ACT probably gets short-changed a little bit in terms of our donation rate. I think in the official data the ACT was second to South Australia for organ donation, with a donation rate of 14.1 per million of population. These are 2009 figures. However, I think that if you disaggregated some of the New South Wales data out of the ACT you would see a much better rate—in fact, you would have the ACT leading the country in terms of the donation rate.

I know there are some differences of opinion around that data, and smaller states always struggle with fluctuating numbers due to the size of our population. But last year we did have 10 donors, which was a rate of 17.3 per million population. That being said, we could still do better. But that increase in donors that we saw in the ACT was replicated across Australia. I think that shows that the money that has been invested in putting resources in at the coalface—supporting very difficult decisions, but dealing with that early decision making that needs to be made—has made a difference for a lot of people across Australia.

When we look around the world, we can see where there is more to be done, particularly in Europe, which leads the donation rates internationally. Spain was 34 per million, the US 24, Estonia 23, Italy 21 and the United Kingdom 15. With Australia at 12 donors per million, we can certainly improve on our rates there.

It is important to understand some of the findings from some work that is being done by the organ and tissue donation authority. It did a survey, I think last year, which provided some interesting data for those who are concerned around how we raise awareness around organ and tissue donation. It did include some ACT data and it showed that most people believe that ending a relationship, talking to an elderly family member about aged care, and explaining the birds and the bees to their children are harder conversations to have with their loved ones than those about organ and tissue donation.

Even with that being the case, only one in two Australians know if their next of kin actually wants to be a donor. It is not as though we are frightened of having the conversation, but that shows the importance of needing to have that conversation. Obviously it is something we find relatively easy to talk about, but we have not necessarily pursued all the opportunities to have that conversation.

We also know that the community are more likely to know about less important things—such as the favourite drink of their family members or loved ones, what

music they like to listen to, what food they like—than whether their loved one wants to be an organ or tissue donor.

That is important information when we are packaging up messaging around raising awareness of organ and tissue donation so that it becomes part of everyday life. In future generations, with the effort that is put in now, perhaps it will be different. Certainly, my children are aware of my wishes to become an organ donor if I am placed in the position where they have to make that decision. Perhaps it comes with some generational change that this level of awareness will start infiltrating through the younger generations.

Mr Hanson talked about “Discover, decide, discuss”—a very important campaign and, when you look at how we message PR campaigns, I think probably a very clever one. In relation to the ACT, we did have a fantastic DonateLife Week here in the ACT. We know that our community is very supportive of organ and tissue donation. The Terry Connolly ORGANised walk is now renamed the DonateLife walk, which I think is a bit unfortunate; I would prefer that it remain the Terry Connolly ORGANised walk, but all things move to national processes. I am sure that Terry Connolly and his family will hold a link to that event in recognition of the generosity of him and his family in him being an organ donor when he died so tragically.

Other members have spoken about David Gough, whom I had the opportunity to meet on his return to the ACT. I was able to acknowledge almost the secondary generosity of the work that he is now doing. Not only did he lose his daughter and have to go through the decision-making process to ultimately honour his daughter’s wishes to be an organ donor; he then went on to donate his experience and his time in raising awareness around this so that other families will benefit from the tragedy that confronted him when his daughter passed away. He is a very kind man who is doing a lot of good work in this area; he is taking the message on the roads through the ACT, New South Wales and Victoria, and I know that next year he plans on doing more.

We had the awards and we had the DonateLife “Book of life”, which is fantastic from what I have seen. There were the Chief Minister’s awards. We saw recognition for Gai Brodtmann, Steven Williams and Genevieve Jacobs from the ABC. And, of course, Anne Cahill Lambert, who was here today, was recognised for her outstanding efforts in raising community awareness and also for ensuring that the community is always at the table.

On behalf of the ACT government, I would like to thank members for their support of this motion and to thank all those who work in this very important area around raising awareness of organ and tissue donation across the ACT.

**MR RATTENBURY** (Molonglo) (4.32): A lot of important comments have already been made which I agree with, but I want to briefly add my support to this motion and to thank you for bringing it on today, Mr Assistant Speaker Hargreaves. It is an extremely important issue. The statistics reflected in the motion, as well as those that members have cited today and some of the personal anecdotes they have been able to share, underline the importance of this issue and the necessity of raising awareness.

I want to reflect briefly on that awareness raising and particularly to congratulate

those who have driven the campaign to encourage organ donors to discuss the matter with their families. As a registered organ donor, I do not think I had quite realised the potential for family members to perhaps interfere with the donation process should it reach that point. It was only through that campaign that I realised that I actually needed to talk to my family and my partner about it—which I did. When I saw the ad, I sat down and wrote them all an email and talked to them about it next time I saw them. It has been a very valuable campaign, and for someone in my own position to have not realised that underlines the importance of the campaign.

I also wanted to touch briefly on the walk for life, which Mr Hanson touched on. I went along with a number of members of both this place and the house on the hill—and a lot of other Canberrans. It was a terrific morning. It was a little chilly, but it was great to see. I am perplexed—Mr Hanson touched on it—as to who runs at a walk for life. It seems a bit of a shame to have run the walk for life. I actually walked it, and I had a really interesting time with the people I met while I was simply strolling around the lake. I had some really good conversations with people who have been a recipient or who have a family member who has been a recipient and who are involved in some way in promoting the cause. It was a really nice experience to stroll around the lake with 1,800 people that morning. I think a few of the commuter cyclists found it a little confronting to suddenly find the cycle path completely blocked.

I simply wanted to take those couple of moments to add my support to the motion and agree with members who have already spoken today about what an important issue this is.

Motion agreed to.

## **Community gardens**

**MS LE COUTEUR** (Molonglo) (4.35): I move:

That this Assembly:

(1) notes:

- (a) that community and household gardens make positive contributions towards food provision, social inclusion and environmental sustainability in the ACT;
- (b) the success of community gardens in Canberra, in particular those run by Canberra Organic Growers Society;
- (c) the high demand for the expansion of community gardens which is increasing as Canberra's density increases; and
- (d) that demand for community gardens is far outstripping supply; and

(2) calls upon the ACT Government to facilitate the establishment and operation of community gardens:

- (a) by setting aside space for community gardens in all new residential

developments and identifying appropriate sites to develop community gardens in established suburbs;

- (b) by developing a standard licence arrangement for the Department of Territory and Municipal Services or private land owners to enter into with the operators of community gardens;
- (c) by facilitating group insurance provisions for operators of community gardens;
- (d) by providing funding for:
  - (i) a support person to help coordinate the expansion of community gardens in the ACT;
  - (ii) a grants program to help meet the costs of new community gardens; and
  - (iii) gardening/food growing training, open to all members of the community;
- (e) by assisting public and community housing tenants to be involved in community garden projects;

Community gardens are basically a wonderful thing, which is why I have moved this motion today. As the first part of the motion says, community and household gardens make positive contributions towards food provision, social inclusion and environmental sustainability in the ACT.

One of the things about community gardens is that they grow two things: they grow people and they grow plants. I am particularly clear about that, having gone to the community garden conference at the uni of Canberra last year. One of the interesting things I discovered from that was that the main aim in life of most of the people with community gardens who were represented at that conference was growing the people there. There were community gardens for refugees, particularly for refugees who had been previously rural based, for people who had acquired brain injuries and for people who had had a stroke—all sorts of things. Growing food was important, but making a community and a community that worked together and ate together was the primary part of what they were doing.

In Canberra we have quite a few community gardens but, as I will be arguing, not enough. DHCS in fact have a couple of community gardens in their housing, quite a few of our schools have kitchen gardens, and then of course there is COGS, the Canberra Organic Growers Society, which has 11 very popular community gardens throughout Canberra. These gardens do a lot of things. They teach people how to garden. This is one of the arts which probably people my age grew up with. When I grew up in Canberra, everybody gardened. Vegetables only came from Sydney once a week. If you did not garden you did not have fresh vegetables—it was as simple as that—and the trucks that came in of course were not refrigerated or anything like that and it took them all day to get from Sydney. It was pretty hopeless.

One of the things we have also had reinforced as a result of the recent climatic problems is that food security and local food production are important. We have all watched the Lockyer Valley's destruction and we have all watched the very fertile food growing areas of Australia be covered with layers and layers of mud where things are just not going to grow for a while.

We have all heard about food miles and the importance of reducing our carbon footprint in creating food. If we can grow food locally, that will reduce the environmental impact of the food. Often home growing is very water efficient—much more so than commercial large scale gardening—because often people are using grey water and often people are using water from their roofs, and almost always they are applying it very effectively.

Of course, one of the things that we can do in both home backyards and in community gardens is compost. We can compost our food waste and we can compost our other organic waste. In the context of the draft waste policy which the government has recently put out and where the Greens have major concerns about how the organic wastes are being treated, or more precisely not really being treated as part of that, I think community gardens have a real role in terms of being a hub for local scale community composting, where particularly people who are in medium density or high density housing and do not have the facilities to compost at home can go to a local community garden with their organic waste and compost it there.

We can also look at community gardens in all sorts of places. I would like to reignite the debate on public trees possibly being fruit or nut producing trees. I know this has been debated in Canberra on and off over the years and there has been concern that the trees would not be adequately looked after and there would be too many problems with fruit flies. I do recognise that is an issue, but it is a debate that we need to have with our increased need for food security.

Then there are community herbs. Why can't we plant rosemary, oregano, thyme or lavender as small border plants? This will be particularly relevant for the debate we are going to have next on Mr Coe's motion about lawn mowing. There are alternatives to lawns and these could be a real plus.

The second point of my motion is to point out the success of community gardens in Canberra and in particular those run by Canberra Organic Growers Society. They have been coordinating community gardens in Canberra since the 1970s. But there are of course community gardens, as I mentioned, not run by the COGS. Some are run formally by other groups and entities. Where I used to work at one stage we actually had a small-scale community garden with the compost from our kitchen. That was a great supplier of herbs and we got a few tomatoes out of it and a couple of lettuces. It was a great team building thing and a small food production thing.

I think I was wrong; I said 12 before, but there are actually only 11 community gardens operated by COGS, and they have been supported by the ACT government and the Queanbeyan City Council. The plot holders pay a small levy, which I think is \$2 a square metre a year, to cover the cost of water and other running expenses. They are a wonderful part of the Canberra society.

Last weekend I was out at Featherstone gardens at Weston Creek. For those who do not know Featherstone gardens, it is a glorious garden. It used to be the garden when the CIT was out at Weston Creek and it has got wonderful trees. It is a wonderful exotic garden. As a fruit garden, it has got lots of mature producing fruit, it has got space to have a community vegetable garden, and the friends of Featherstone garden are looking to make that into a community garden. Schools such as my local primary school, Majura primary, have kitchen gardens. They have got a Stephanie Alexander one. Lyneham and lots of schools have community gardens.

My motion at paragraph 1(c) refers to “the high demand for the expansion of community gardens which is increasing as Canberra’s density increases”. COGS has a two-year waiting list for plots in most of their gardens. It would be even longer if more people were aware that they even existed. Paragraph 1(d) states that the demand for community gardens is far outstripping supply. Some people wonder why we even have a need for community gardens in Canberra, given that we actually have quite a lot of backyards in Canberra.

There are approximately 131,000 private dwellings in Canberra, of which 75 per cent are detached houses, so approximately 100,000 houses have some sort of backyard. Those in the newer suburbs like Gungahlin probably have fairly small backyards, but at least 25 per cent of them would have a reasonable backyard. At least 25 per cent of them probably would have at least 40 square metres, which, interestingly, the Diggers Club magazine, which is a Melbourne-based magazine, reckons is enough, if you grow it intensively, to grow all the veggies for a family of four. So this is very encouraging.

But many people do not have 40 square metres suitable for gardening, for lots of reasons; they might be renting and the landlord does not allow them to have a veggie garden or they move too often to be able to invest the time and the money into one space. A lot of them, 25 per cent of them, do not live in detached housing; they are in an apartment that does not have a garden space, or they live in a house with a garden but it has got shady trees or the house is orientated such that there is no sun in their garden space, or, as with some of the people in COGS, they are seriously trying for self-sufficiency but their backyard, their garden and their front yard are simply not big enough.

Of course, also some people just really like growing things in an environment where they can talk to other people, they can compare notes and even make friends. I note that COGS now has a group of people who are not in their community garden but are gardening at home in an organic fashion.

Paragraph 2(a) of my motion calls upon the ACT government to facilitate the establishment and operation of community gardens by setting aside space for community gardens in all new residential developments and identifying appropriate sites to develop community gardens in established suburbs. I notice that ACTPLA and the LDA are starting to do that. It was originally in the Lawson concept plan and then ACTPLA took it out and then the planning committee said to put it back in again. So it is not quite an established part of ACTPLA’s protocols for new developments, which is one of the reasons that brought me to move this motion. The LDA has been

looking at this in Wright, next to the unfortunate pond with the asbestos—hopefully it no longer has asbestos in it.

It is getting known within the government that there is a demand for community gardens, but it is only getting known and it is only really happening from a government point of view in new areas. Of course, most people in Canberra do not live in new areas; they live in existing areas, and there is a lot of space in existing areas for community gardens. There is a lot of space in schools. There is a lot of space in aged care facilities in particular, speaking as someone who has unfortunately spent too much time in those sorts of places.

I have only got four minutes to go, so I need to talk a bit more quickly. It is important that community gardens are generally established near existing facilities because what they need to have in Canberra these days is good access to water by being adjacent to wetlands or stormwater ponds or near to big roofs where rainwater tanks can be installed to collect rainwater. And it is preferable that there are a lot of them so that the community gardens are within easy walking distance of the people who are going to use them.

In paragraph 2(b) I call for the development of a standard licence arrangement for TAMS or private landowners to enter into with the operators of community gardens. I do understand that work has been done by TAMS with COGS on this, but it needs to go further because, as I said, COGS are not the only people who operate community gardens.

Paragraph 2(c) calls on the government to facilitate group insurance provisions for operators of community gardens. The government has done this, I am very pleased to say, for community councils and this saves a lot of money for community councils. If we start having more groups doing community gardens, insurance becomes an important issue and this is somewhere where group insurance could make a big difference to the practicalities of running it.

Paragraph 2(d) calls for funding for a number of things: a support person to help coordinate the expansion of community gardens, a grants program to meet the costs of community gardens and a gardening/food growing training program that is open to all members of the community. What has happened is that COGS has grown from a very small organisation which could basically do it all by itself to a large organisation which is in need of help with its admin. It has gone from economies of scale to diseconomies of scale and this is where I think that a small program of government support could make a major difference. We are not talking about a lot of money; we are talking about a bit of money to help establish the water pipes, establish the fence around the garden, identify where the gardens could be and a training program open to all members of the community.

As I said, we know that there is a big demand for education in gardening. I note that in Queanbeyan the organic gardeners are about to start a short course in organic gardening. There is going to be the Canberra Harvest Festival at the Environment Centre at the end of the month and that is going to have talks about organic gardening.

Paragraph 2(e) asks the government for help by assisting public and community housing tenants to be involved in community garden projects. I think that is particularly important so that the public and community housing tenants are integrated into their local community, doing something which most of us enjoy and which will also reduce their cost of living by producing fresh, high quality fruit and veggies some of the year.

Paragraph 2(f) calls on the government to develop a policy paper on local food production, including community and household gardens, to be tabled in the Assembly by June 2011. As I have tried to demonstrate in the limited amount of time I have available to me, community and household gardens can be an important part of food production for the ACT. As I said, 40 square metres is possibly enough for most of your household's fruit and veggie production. It is not enough by itself; other food is needed. Food is vital for life. None of us can live without it. It is an important issue and I think it is something that the ACT government really needs to look into and have some policy on to ensure that the people of the ACT have access to high quality, nutritious, sustainable, affordable food. I commend this motion to the Assembly.

**MR STANHOPE** (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (4.50): I thank Ms Le Couteur for the motion. I have to say at the outset that, while the government did have some issues with some aspects of the motion, I welcome the opportunity to respond and, indeed, I am fully in agreement with the spirit of the motion. But, as I say, the government did have some little issue with some aspects of it. I propose an amendment which I have been negotiating with Ms Le Couteur, or at least my office has been negotiating. I want to note that the government is, by and large, in full agreement.

I think we all acknowledge the benefits of gardening and the enormous joy that comes from gardening. I am a keen gardener. Gardening is possibly my main recreation and my major escape. I garden most days to some degree. In the context of a discussion around gardening—and Ms Le Couteur goes to this and seeks in her motion to combine a conversation on community gardens and household gardens—household gardens have certainly been very much an icon of our city. I do not gainsay the benefits of household gardening at all. I embrace them deeply myself.

But I do think that the issue around household gardening is distinct from the major issue or the purport of the motion today, which is about community gardening and Ms Le Couteur's desire to see the government be more explicit in its support of community gardens and the arrangements that apply to community gardening. I will perhaps concentrate on that a little more.

I think it is fair to say that within the ACT—and I do not know the actual number—there would be many hundreds of community gardeners, individuals that have successfully established new community gardens and work in a whole range of environments, whether it be on unleased territory land, within schools, within community housing developments or within public housing.

Ms Le Couteur has observed too that the Canberra Organic Growers Society has worked with the government to establish 12 community gardens and, through that, it has provided many Canberrans with the opportunity to access a plot. Other individuals, as I mentioned, and groups have moved independently of the Canberra organic growers to work with the Department of Territory and Municipal Services, ACT Housing and the Department of Education and Training on community gardens in areas that those agencies administer.

While there are certainly always ways that things can be made easier for people wishing to set up a community gardening plot within the ACT, the story and present reality of community gardens in the ACT is, I believe, overall a very positive one. The government does recognise—and recognises quite fully or implicitly—the contribution that community gardens make to the liveability of our city, particularly in relation to all of those benefits which gardening brings.

The government supports the establishment of new community gardens and has done so for many years. Beyond facilitating licence arrangements to use land, the government has and continues to directly support the establishment of new community gardens. A number of the well-established gardens that exist today—for example, the Narrabundah community garden—have been established with direct ACT government financial support. A number of existing funding programs continue to support community gardens.

Many existing community gardens operate either on unleased territory land that is managed by the department, by the territory, or within public housing estates. The seven district gardens on TAMS land are managed by means of licences. The district gardens are at Weston Creek—I am sure members will have driven past all of these gardens from time to time—Holder, Kambah, Charnwood, Belconnen, Mitchell and Oaks Estate.

As I said, other community gardens exist within schools as an initiative of the school community. Indeed, I have recently had dealings with the community that manages the garden at the Kaleen high school. They have had some issues with vandalism. The government has just recently funded a new, hopefully vandal-proof, fence at the Kaleen community garden at the Kaleen high school.

Currently community gardens on land managed by TAMS operate under a licence agreement with the Canberra Organic Growers Society. However, I note the advice from COGS that it is undergoing an internal review of its operations as its volunteers are stretched to manage the 11 gardens it currently maintains. I acknowledge the wonderful job that COGS has done. COGS has demonstrated the capacity for a community organisation to coordinate community gardens that is replicated in other jurisdictions, a partnership model that I believe is the best approach to achieve an expansion of community gardens in the ACT.

COGS has shown a rigorous process for accepting member groups to ensure that it does not end up with unused or underutilised gardens that might need to be maintained at the expense of the general membership. Under current licence conditions, an unused site that is unlikely to be resurrected needs to be reinstated to the original condition. Since this occurs at a time when the local group is too small to

operate, as was recently the case in Theodore, the considerable cost of such a reinstatement falls to COGS itself.

If a community group does not wish to join COGS then the opportunity exists for it to establish a garden on its own and under its own licence. The group will need to be sufficiently large to cover operating expenses and remain viable on an ongoing basis. The Department of Land and Property Services and TAMS currently collaborate to identify potential sites when inquiries for the establishment of an additional garden are received.

There is an increasing interest in establishing community gardens in Canberra and a number of COGS gardens, it is acknowledged, do have waiting lists. This follows trends in other places where a growing number of successful gardens are being established, particularly in Sydney and Melbourne. When a proposal is received, the true demand and catchment for a particular garden will need to be demonstrated in order to determine its long-term management and viability. The catchment for each of the existing gardens around the ACT, it should be noted, is fairly large and the membership is certainly not restricted to people from any particular area.

The government recognises the need to allocate land specifically for gardens in the same way that it recognises the need to set land aside for sporting groups. The allocation of land enables community groups to establish themselves with greater security when there is sufficient interest and resources to sustain a garden. It is not envisaged that the government will establish and manage gardens until a group is ready to take over management of the site, but it is expected that adequate land will be maintained for such future community initiatives.

In order to facilitate the appropriate allocation of land for community gardens in the context of other recreational pursuits, the ACT Planning and Land Authority has established an interagency work group responsible for drafting a policy that will inform the Canberra spatial plan, the territory plan codes and recreation strategies. The work group will consider issues related to underused land, collocation with other complementary uses, impacts on public use, criteria for the selection of appropriate sites in established suburbs and the allocation of sites within new suburbs. To that end, the interagency working group will investigate how the practices of other jurisdictions can best be tailored to the needs to Canberra.

This value of community gardens was stressed in the sustainable future workshops held by ACTPLA and was raised as a high priority. Food security, food miles and Canberra as a distribution centre for regionally produced food was also a common theme in the recent broad public engagement “time to talk: Canberra 2030”. The government is actively supporting and planning for community gardens.

There is a criterion in the Lawson south precinct code for the provision of community gardens. Opportunities for community gardens are being investigated in East Lake, as well as what more extensive opportunities there might be in the Majura Valley as part of the eastern broadacre planning work. In the Molonglo Valley, urban open space zones have been identified that may be suitable for use as community gardens. The

Land Development Agency has been having discussions with the Canberra Organic Growers Society with a view to establishing a community garden in Coombs.

There are provisions in the parks and recreation zones development code that specify how much of an urban open space area can be occupied by a community garden or other type of outdoor recreation facility. However, given the significance of community gardens, the government proposes to prepare a specific policy addressing the benefits, the site requirements and management issues associated with community gardens.

To further the development of this policy, a working group of the key ACT government agencies involved in residential development—that is, ACTPLA, TAMS and LAPS—has been formed to address the policies and identify sites that will promote community gardens.

As community gardens are public spaces set aside for specialist use by community groups, there is a need to ensure broader community support and equity when considering approvals for new community gardens. Space allocated for fruit and vegetable gardens within new residential developments should be weighed against the overall size of the development, the amount of land needed for accommodation and the amount of open space required for the general public.

Licence application processes and the licence agreements are already standardised and allow for special conditions to accommodate specific requirements by the group or specific aspects of a particular site. The licence application is lodged with ACTPLA after preliminary discussions with the land custodian.

Currently, community garden groups can apply to the ACT environmental health grants program for limited funding to a maximum of \$20,000 for capital costs and the ACT health promotion grant program for projects costs associated with new initiatives. In the past three years the ACT health promotion grants program has granted \$10,000 to the Richardson community garden and \$20,000 to Pegasus Riding for the Disabled for sensory and vegetable garden activity nodes.

Public housing tenants can also apply for tenant-initiated grants for projects such as community gardens. Since 2006 Housing ACT has funded 97 tenant-initiated grants, including 20 garden projects that received assistance of \$58,000. The gardens that were funded in the past year were located in Griffith, Lyneham, Fisher, Dickson and Phillip.

In conjunction with funding from the commonwealth and the national partnership agreement on preventative health, ACT Health is facilitating key partnerships with Turner, Braddon and Reid. For example, the community garden within the public housing complex at Kanangra Court will be a central point for nutrition education and skill development in the provision of fruit and vegetables for residents.

With regard to the funding of insurance arrangements, the costs of ongoing operational aspects are normally the responsibility of the group themselves. The funding of insurance for the community gardens would also likely set a precedent for funding the insurance premiums for other types of community groups, which could

have a significant financial impact. The ramifications of funding insurance premiums will need to be weighed against the benefits of funding capital costs, which seem to be the major hurdle to establishing new gardens.

Given that there are a number of established sources of funding to support community gardens, the interagency working group will also identify the gaps in funding, the potential for duplication, the focus of funding, the budget implications and the most appropriate administrative process for delivering the assistance.

As I indicated, the government applauds and supports the broad spirit of the motion. We work hard with the community to achieve the sorts of outcomes that Ms Le Couteur has identified in her motion. I have indicated, however, that there are aspects of the motion that the government does not necessarily not agree with but we do not believe reflect a best way forward. I have prepared an amendment, which I will now sign, which I seek to move.

**Mrs Dunne:** Again, it is an extraordinary discourtesy. We do not know what the amendment is, Mr Speaker.

**Mr Coe:** Has he moved it or not?

**MR SPEAKER:** I am just trying to ascertain this. Chief Minister, what is happening with your amendment?

**MR STANHOPE:** I am just about to sign it.

**MR SPEAKER:** I think there is some disquiet in the chamber, Chief Minister. I think it would have been far preferable—

**MR STANHOPE:** It would have.

**MR SPEAKER:** had you signed it and circulated it earlier.

**MR STANHOPE:** I accept that, Mr Speaker.

**MR SPEAKER:** Thank you.

**MR STANHOPE:** I move the amendment:

Omit paragraphs (1)(d) and (2), substitute:

“(1) (d) that demand for community gardens is outstripping supply in some areas; and

(e) that the ACT Government has established an inter-agency working group to consider improved support for the establishment and operation of community gardens;

(2) calls upon the Government to consider through the inter-agency working group:

- (a) setting aside space for community gardens in all new residential developments and identifying appropriate sites to develop community gardens in established suburbs;
  - (b) improving the existing standard licence arrangement for the Department of Territory and Municipal Services and developing a model agreement for private leaseholders, to enter into with the operators of community gardens;
  - (c) facilitating group insurance provisions for operators of community gardens;
  - (d) providing additional resources to:
    - (i) support person to help co-ordinate the expansion of community gardens in the ACT;
    - (ii) grants to help meet the costs of new community gardens; and
    - (iii) gardening/food growing training, open to all members of the community;
  - (e) improving existing assistance available to public and community housing tenants to be involved in community garden projects; and
  - (f) developing a policy paper on local food production, including community and household gardens, to be tabled in the Assembly by June 2011; and
- (3) calls upon the Government to report back to the Assembly on each of the above issues by the last sitting day in June 2011.”.

**MR COE** (Ginninderra) (5.03): I shall not talk to the amendment quite yet—I have not actually sighted it, but I can guess what it is about.

**MR SPEAKER:** You might have some discretion on that, Mr Coe, given its late circulation.

**MR COE:** The community garden is a concept that has many merits. I believe they had their origins in the UK as far back as 1819, and they were made popular during the Great Depression and as victory gardens during the Second World War. The first community gardens appeared in Australia in the mid-70s, and since that time, according to the Australian City Farms and the Garden Network, they have been community managed.

I acknowledge the advantage that community gardens can provide to their communities and I do not rise today to attack the merits of communal gardens. What I rise today to question is how much involvement the ACT government should have with the concept and whether the ACT government could be overextending into this space. I note that the Canberra Organic Growers Society, referenced by both Ms Le Couteur and Mr Stanhope, is in its 35th year of existence. It has established

12 community gardens and continues to promote expansion of organic and communal gardening in our region.

COGS already receives support from the ACT government to obtain licences to operate on unused government land. Furthermore, financial assistance is already made available through the healthy cities grants program. I am not questioning whether that is enough or whether it is adequate, but I do not think we have seen yet a sufficient case to warrant more funding.

Seeking to legislate mandatory community gardens in all new residential developments is not sound policy. The very nature of community gardens is that they are driven by communities, not by government. I hold grave concerns that if any such motion were to succeed, we would see huge tracts of derelict land in those areas where residents may not wish to engage in communal gardening. Communal gardening has to be organic in every way. It has to be organic in that it is driven by the community. It must actually come from the people who want to be involved. It cannot come from the Greens member for Molonglo; it cannot come from this Assembly. I am not saying that the government does not have a role in this space, but it cannot be the driver of it. The community must be the driver of community gardens.

It is an interesting milestone in the Assembly where we have the Greens calling for more funding. This is perhaps the first 2012 election promise from the Greens. Not that they kept their 2008 ones, but their 2012 election promises have already begun. We already have them calling for a grants program, and we already have them calling for an additional public servant to help coordinate the expansion of community gardens in the ACT.

How many other motions have the Greens put on the notice paper this Assembly? Probably about 100, maybe more. Not many of them, if any, have explicitly called for a new staff member, as this motion has. Some of the motions have been quite frivolous in terms of their cost, but this motion explicitly asks for an additional person. What is it about community gardens that warrants an additional staff member without a business case? For how many other charities or community groups in Canberra are the Greens going to call for an additional staff member in the ACT government? If the Greens are going to move a motion, perhaps tomorrow or whenever, regarding another charity, will they call for new staff members? If not, why not? Is the cause of diabetes going to warrant another staff member in DHCS or in TAMS? Is autism a cause that warrants another person? What about organ donors? What about community housing? What about homelessness?

Ms Le Couteur has said that community gardens warrant the cost of another public servant. How many other community groups in Canberra warrant the cost of another public servant? From now on, every time the Greens put forward a motion supporting a community group that does not call for an additional public servant, we know they hold that organisation in lower regard than the community gardens cause. That is the benchmark they now have to go by. Every Wednesday on private members' day when they have a motion supporting a community group, they have to now, surely, call for another public servant to assist with that organisation, otherwise it is a lesser cause than community gardens.

I think it is risky to have that kind of clause in a motion. I think we should be very cautious about supporting such a motion. I have got no issue with community gardens, but I do have a problem with the ACT government overextending into the space and perhaps taking the initiative away from communities and putting it into the hands of bureaucrats or legislators. With your indulgence, Mr Speaker, and that of the Assembly, I seek a moment to review this amendment or ask that you call upon another speaker.

**MR SPEAKER:** Given the late circulation of the amendment, I ask whether there are any other members who wish to speak.

**MRS DUNNE** (Ginninderra) (5.10): Mr Speaker, on the subject of community gardens, I concur with the remarks made by Mr Coe about the important role community gardens play, and I will reflect on some of the comments of Ms Le Couteur about that important role. But in doing so, I think we need to keep in mind that—to repeat Mr Coe’s dictum—community gardens should be organic in all ways. I have a real concern about setting up government structures to cause these ventures to go forward spontaneously. I am also concerned about the amendment proposed by Mr Stanhope, because I think that there is nothing more guaranteed to kill off community gardening than an interdepartmental committee to look at the issue.

The dead hand of government would be a herbicide of considerable proportions in the area of community gardens. While there are good intentions in this motion, I have to agree with Mr Coe that we need to be careful not to bruise the delicate flower we have created.

**MR COE** (Ginninderra) (5.11), by leave: It will be very hard to continue the theme Mrs Dunne has established, but having looked at the amendment, I think I can say the opposition will support it.

**MS LE COUTEUR** (Molonglo) (5.12): While I have great sympathy for Mrs Dunne’s views about the herbicidal qualities of interagency working groups—that was a very nice touch, Mrs Dunne—given that the government has, it says, already established an interagency working group, it would probably be both polite and politic to let it consider what should be done. While we would not have moved this amendment, we will not oppose it.

Amendment agreed to.

**MS LE COUTEUR** (Molonglo) (5.13): I would like to reflect on some of the comments other members have made. Firstly, I would like to thank you all for your support for the concept of community gardens and the importance and joy and love of gardening. It is great to hear everyone saying that. Mr Stanhope and I—and I think possibly Mr Coe—also recognise that COGS, the current structure, are stretched. They are very clear that their model has got as big as it can with their current administrative arrangements, and something needs to change. That is one of the major reasons why I brought forward this motion.

However, I am not suggesting that a public servant be employed to look after community gardens. I would agree largely with the sentiments of Mr Coe and Mrs Dunne that organic gardens should grow organically. This needs to be led by the community, not led by the government. What I am seeking in this motion is a small amount of government support to continue and facilitate a movement which is getting too popular for the people who are currently trying to run it. I would be envisaging that any funding for a support person would be going to a community group to provide that support person. I do not see this being someone sitting within TAMS and being the community garden connoisseur or something. That is not the way it would go. The community is the driver.

**Mr Coe:** The gardener-general!

**MS LE COUTEUR:** No, we are not going to have a gardener-general; the coordinator-general is enough! Mr Coe also suggested that it was a silly idea to set aside land in new areas. I do not think it is a silly idea. In the past, we developed Canberra on a very low density model. We were the bush capital. We were the garden city, and there was always space for gardens to be retrofitted. As anyone who has gone out to the new areas of Gungahlin would know, we are not developing like that anymore. If space is not set aside for a purpose in the beginning, there simply will not be space for it in the end.

The blocks in new developments are much more compact and there are a lot more apartments and medium-density development. So while there is a lot more demand for community gardens, there is a lot less unallocated, unleased public land. This makes the need to set aside land for community gardens in new areas much more acute than the need would have been in the past. In the past we set aside so much unused space that it was always possible to retrofit community gardens, which is what we are doing at present.

I thank members very much for their support for the concept of community gardens and gardens in general, and I commend the motion to the Assembly.

Motion, as amended, agreed to.

## **Territory property—maintenance**

**MR COE** (Ginninderra) (5.17): I move:

That this Assembly:

(1) notes:

- (a) the importance of delivering core services to Canberrans, including the delivery of basic urban services;
- (b) that mowing unleased Territory land should be a priority for a municipal government;
- (c) that many Canberrans are unhappy with the increased taxes, rates, fees and charges they pay and feel that there is a deterioration in the quality of

service delivery from the ACT Government; and

(d) that whilst the summer of 2010-11 was the wettest since 1998 and demand for mowing was high, the ACT Government did not save money in the years when less mowing was needed; and

(2) calls on the Government:

(a) to develop a plan for how they will better address demand for mowing in the future;

(b) to develop a clear policy as to who is responsible for mowing land adjacent to private property, including road verges;

(c) to prioritise the delivery of core services to Canberrans; and

(d) to report back to the Assembly by 30 June 2011 about the progress of the above.

I move this motion today because I believe this government is not delivering the core services that the rate payers and taxpayers of Canberra expect. Many people contact my office expressing concern, saying that our city looks neglected, that the city looks tired and that urban amenity has been left to slip.

The upkeep of core services should be a priority of a government that also has the responsibility for services that are delivered by councils elsewhere in the country. However, we have a government that has delusions of grandeur and gets carried away with pet projects that do not improve the quality of life or standard of living for Canberrans.

In my maiden speech in December 2008, I said:

When I nominated as a candidate for election to this Assembly, I did so because of my determination to improve this city and to help get the priorities of this Assembly right. I believe the role of government is to secure and safeguard, not to stifle and suppress. I believe that good public policy is best achieved when government focuses its efforts on its core functions and doing them well.

One of the most important reasons I decided to seek election was because of my frustration with the current government—a government that has neglected the provision and upkeep of basic services ...

I come to this place with a commitment to seek to change the priorities of this Assembly and return the focus of government back to core business.

The mowing of our public land should be core business for a government that has local responsibilities. This government has a leader that claims he is the mayor of Canberra. However, as in other council jurisdictions, the responsibilities include the mowing of grass, the removal of graffiti, the provision of car parking, the good planning of our neighbourhood and local shops. If the mayor of Canberra was to be

held to account based on his record on these areas of core business, he would be thrown out of office, thrown out of the council chamber.

Many people tell me that Canberra was better before self-government, before 1989. We all know that the governance and funding arrangements were different back then. However, what did exist back then was a commitment and a recognition that the look and feel of the city is important. This is absent from this government's ethos.

When I attend shopping centres, hold meetings, doorknock or letterbox, the overwhelming response from constituents is that Canberra is looking tatty. Whilst responsibility lies with everyone to do their bit for the city, it is a bit much for the government or Assembly to ask residents to put in whilst the government is not setting a good example. Can we expect residents to take pride in our city when the government, through the ministers, do not take pride in the appearance of our city?

In an Ernst & Young report of 2008, the authors stated:

As a result of the diversity of functions and responsibilities within TAMS, it is not easy to ascertain the exact nature of TAMS' core business.

This quote highlights that this government has no concept of what Canberrans actually want. Members of the government only know what personal ventures they want to embark on. This arrogant and paternalistic view is not good enough.

If I might deviate slightly, for anyone listening to or reading this speech—when was the last time you saw a street sweeper in your street? In February 2009 I asked about road sweeping. This is the response I got:

There is a program of road sweeping in the ACT. Arterial roads get swept once a month and residential streets get swept every three months. That is increased during the autumn when there is heavy leaf; that frequency is doubled in residential areas during the autumn period. There is a street sweeping program that we have made available on our website. If people have inquiries about a particular instance, we will inspect that, and that frequency can be increased based on this particular requirement.

I said:

So, in a nutshell, no street should go more than 12 weeks without being swept?

The response: "No."

I would be keen to see how strictly that is adhered to. I believe that the vast majority of Canberrans do not care about the goings on of this Assembly, about territory politicians, about budgets and committees. However, they are concerned about the output of these bodies and processes. Residents want to drive on a smooth road, find a park at their local shops, have grass at the park mown, have the streetlights replaced when they are out, see a doctor when they are sick, and have access to good education for their children. These examples, and others like them, should be our priority. We must not be deluded into thinking that this chamber and our work as politicians are achievements in themselves.

I believe that this government has dropped the bundle as far as the mowing program is concerned. Many Canberrans contact my office expressing frustration at public land near their houses which has seemingly been let go. In 2006 Catherine Carter wrote in the *CityNews*:

Government ministers think 'we can afford to let things go a bit.' But things have been let go too much—and as a result there is a backlog of catch-up maintenance and renewal. This extends beyond prominent parks and public places to more routine sites, such as roadside verges, centre strips along major traffic routes and indeed to road surfaces generally.

Things have only got worse since then. This is after TAMS was established to make the necessary reforms to streamline operations. On the establishment of TAMS in June 2006, Mr Stanhope said:

The measures announced today are designed to maintain or improve outcomes for the community, while reducing many of the overheads and the duplications associated with maintaining a large number of small structures.

The government has failed. It was only a couple of weeks ago that Dr Hawke slammed these changes and said that TAMS had failed. He said, on page 169 of his report:

Removing non-municipal functions would allow TAMS to focus on its core service delivery responsibilities and provide clearer purpose, identity and funding arrangements for the Department.

In effect, Dr Hawke has said that TAMS should be wound up and that an urban services agency should be re-established.

When Mr Stanhope addresses this motion, he is going to try and bamboozle members and others by rattling through the numbers of hectares that the territory is responsible for, the equivalent number of football fields it represents, the public land per capita and the size of the mowing army and making a comparison with other jurisdictions. He will probably say that we have 5,000 hectares of grass to mow, 1,325 urban open spaces, 12 lakes and ponds, 33 sites that make up the Canberra Nature Park, 630,000 urban trees, et cetera.

I will not challenge him on these figures. After all, they are well-founded facts. However, what I do challenge him on is that the situation has not changed of late. Canberra has always been the bush capital and we have always had a large amount of public land to manage. What has changed is the priorities and the government's commitment to delivering on core services to Canberrans. Rather than harping on about the enormity of the landscape, the Chief Minister should work on a long-term strategy for returning the appearance of our city to the way it once was, whilst getting on with the immediate job at hand. Canberra is a great place, but it could be so much better.

Whilst this summer was the wettest since 1998, and there was increased demand, the fact that the mowing program is largely outsourced suggests that there should be an

ability to scale up the mowing for times like these. If there was a constant workflow, perhaps doing it in-house would be more economic. However, given that demand for work can fluctuate, outsourcing the work on demand has its advantages. I am not criticising the contractors or the staff at TAMS; what I am critical of is this minister's inability to prioritise the look and feel of the city and his lack of respect for the residents, business and visitors that take pride in our national capital.

In comments to the *Canberra Times* on 6 March 2010, Mr Stanhope said:

I cannot recall in the 41 years that I have lived in Canberra the city looking more divinely beautiful than it does at the moment.

This demonstrates just how out of touch the Chief Minister is. He is wrong, and the opinion of people who contact me suggests so too. As I said earlier, I receive much correspondence from residents of Belconnen and elsewhere in Canberra about the mowing program or lack thereof. A resident of Bruce emailed me in March, saying:

The Chief Minister tells us that Canberra is looking divinely beautiful. I have attached some photos showing the divinely beautiful weeds and overgrowth on the park across the road ... This little park is a disgrace, as are all of the small parks in this area. It has not been cut since before Christmas, and when it was done it was done so shoddily that it looked disgusting.

A resident of Dunlop said:

Well, once again i am forced to voice my opinions on the shabby state the suburbs of Canberra are in at the moment. Have they just stopped mowing grass???

I ride my bike every afternoon around my suburb of Dunlop and the grass hasn't been mowed in our suburb for over 2 months at least, while other areas (well seen by motorists and 'IMPORTANT' areas) are still being mowed.

The grass is a metre high ... and the grass is growing over the foot paths, weeds everywhere ... anyone would think we lived out in the sticks.

This is an absolute disgrace ... if the ACT Govt stopped wasting money on ... stupid eye saws (supposedly art) around the place then maybe priorities like grass mowing and weed control would be funded to happen every month.

A resident of Latham said:

You will be "pleased" to know that the 'pathway'—

on Southern Cross Drive—

STILL has NOT been mowed and if the paspalum gets any higher we may have to alert our 'Roadside Assist on our car' just in case we get lost. Don't know if the Lady in the GPS unit will understand the problem, but we can only try.

A resident of Macgregor said:

I am livid at the level of neglect this town has been let run down to.

This town is becoming a joke and the abject failure by this local Government to ensure adequate and timely area beautification is carried out and maintained, is a complete and utter disgrace.

I am writing to bring to your attention jointly and severally, the matter of lawn mowing. TAMS stated in the local Chronicle (30 March), that it mows every four weeks ...

That is complete and utter rubbish.

Another resident of Dunlop said:

Does the Stanhope government have any sort of a vague plan to mow car high grass on nature strips on Kerrigan Drive any time soon? (Or for that matter, in other areas of the ACT it selectively mows—if at all).

Sorry for the sarcasm but I really am wondering when the ACT government is going to start spending some of my rates on basic matters and enforcing laws so the ACT might once again resemble a community with a modicum—

a good level—

of civic pride.

A resident of Higgins said:

My husband and I and many of our friends and acquaintances comment on how neglected the city and suburbs of Canberra now look. Our suburb of Higgins is often overlooked by the parks and gardens section and grassy areas are looking very overgrown and uncared for. Our park near our home had grass at least 4 ft high and my husband contacted Mr Stanhope's department. It was eventually cut last week, the tractor was really labouring to do its job but there are still areas that have been completely missed by the smaller mower. Lots of young families use the park and stopped coming because of the grass seeds and concern of snakes.

A resident of Gungahlin said:

I am unsure why we pay our council rates when the nature and median strips on Anthony Rolfe Avenue look atrocious. We keep our front garden and surrounding area pristine however we constantly have to mow and whipper snip the allocated council areas because they keep skipping/excluding our house and others around us—this is very annoying and frustrating as it makes our street look untidy and undesirable for potential buyers.

And this from Nicholls:

I have noticed lately that the grass is almost waist high along some of our back fences, which border onto government land ... With the very hot and dry weather we have been having lately, it is extremely dangerous to have all this grass growing against our fences. I do not have a mower, since I live in a small

townhouse complex and I do not have any grass in either of my small front or back yards, nor do virtually all the other owners of the houses in our complex.

Since I am now a retired pensioner, I am not able to cut this grass outside my back fence, nor do I have the equipment to even do it.

I am not discounting the enormity of the task. In fact, it is the reality of just how big the task is which emphasises why we must get it right. We must have a plan or strategy to take us forward. I believe Canberra is a good place, but it could be even better.

The Canberra Liberals are committed to holding this government to account and ensuring that they do not neglect the core services that the rate payers of Canberra expect.

In this speech, I have not even touched on graffiti, potholes, car parking, ACTION buses, streetlights, drainage and other core urban services. Time does not permit. However, all these things are very much on the radar of the Canberra Liberals as needing reform in how they are dealt with.

I ask Mr Stanhope to take on board the sentiments of this motion and to address the call to action. I ask Mr Stanhope to return the focus of government back to core business, so that Canberrans can get a fair deal for their taxes, rates, fees, fares and charges.

**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) (5.31): I welcome the opportunity to address this motion most particularly in relation to our urban amenity. I am always disappointed and surprised when I hear members of this place in particular talking Canberra down. We hear quite a bit of it in a whole range of respects.

*Mr Coe interjecting—*

**MR SPEAKER:** Mr Coe, you were heard in silence.

**MR STANHOPE:** I am always surprised when I hear and see members of the Liberal Party talking down our economy, talking down Canberra as a place to work, talking down Canberra as a place to live and talking down the beauty of Canberra. I repeat, and I will repeat it to my dying day, that I do not know a more sublimely beautiful place anywhere in the world than Canberra. It is the most delightful, sublimely beautiful, wonderful city and it always disappoints me when elected representatives do not share that depth of feeling for this city and for the beauty of this city.

An interesting survey undertaken recently by the Property Council of Australia on the liveability of Australian cities, using an objective measure—detailed polling and research undertaken by the Property Council of all of Australia's cities—ranked Canberra, on the basis of a whole range of criteria, as the second most liveable city in Australia. This was a survey that was released just this year, I think in the last six weeks or so. It was a survey that was undertaken by the Property Council over the

summer. It revealed the views of residents, in a national survey, and Canberra as being the second most liveable city.

Then you drill down into the survey and the survey questions. The area in which the ACT rated highest, in the view of Canberrans—why they lived here, what they loved about it and what they loved about it to an extent that other cities did not or could not match—was its environment, its open spaces, its parks and its beauty—the very things that Mr Coe has just trashed. The people of Canberra—through a Property Council survey on liveability, a detailed survey of all cities in Australia—and people in all cities in Australia were asked: “What do you think of your city? What do you like about your city? What are the best features of your city? What aspects of your city don’t you like? Where do you think it is that you are not performing as well as you might?”

How did the people of Canberra rate their city? What was the scale in terms of the issues that were at the top of their determination around their views, or love, or the positive feelings or expressions they had for Canberra? It was about our parks, it was about our environment, it was about the beauty of the city, it was about how the city looked. They were the issues that scored most highly in the views of Canberrans—views completely the reverse of those just expressed by Mr Coe.

I travel around Australia, not particularly frequently but frequently enough to have some hint of an understanding and knowledge of all of the capital cities and indeed the other major cities of Australia. I travel to all the capital cities and, as a representative of the people of Canberra, I look and I observe when I drive around. I look at the state of their paths, I look at the state of their parks, I look at the state of their roads, I look at congestion within their roads and within their cities, I look at the level of graffiti and I look at issues around the beautification of those cities. I do not know of a city in Australia where the urban maintenance, or urban amenity, is of a higher standard than it is in the ACT.

Name one. It is a pity that Mr Coe did not. Name a city in Australia of our size, or a comparable size or larger, where you rate the footpaths, the roads, the bicycle paths, the parks, the levels of graffiti, urban congestion, urban beauty, beauty of the environment, trees and gardens as superior to those in the ACT. I challenge anybody in this place, most particularly Mr Coe, to nominate a city in Australia that he believes is better maintained, more beautiful, more desirable and has greater public amenity than Canberra. There is a challenge for Mr Coe when he returns. I look—I look hard and I look objectively—and I do not find it.

This has not, as Mr Coe said, been the wettest summer since 1998. It has been the wettest summer since 1947—the wettest summer in 60 years. That is what we have just experienced—not, as his motion indicates, the wettest summer since 1998. That was the last time the dams were full. We have just experienced the second wettest summer on record and the wettest summer since 1947 and the grass has grown furiously. I think in terms of our perceptions we have particularly noticed it because we have just come through 10 years of drought. So we have gone from 10 years of essentially no grass by this time of year to the wettest summer in 60 years, the second wettest summer since records were kept, and the grass has certainly grown furiously. We have sought to address that. We have applied an additional \$1 million.

Mr Coe thinks it is not relevant for us to compare, in the context of cost-benefit, what is reasonable and what is reasonable in the context of imposition through rates, charges and taxes. Of course, Mr Coe did not go to the issue of how much more money the Liberal Party is prepared to spend on municipal maintenance. What is the position? When we were dealing with the previous motion I heard Mr Coe actually challenging Ms Le Couteur for daring to suggest that the government should expend additional funds on community gardens.

What Mr Coe has just indicated, without saying it, is that he believes the government should be spending more money on municipal services. He criticised Ms Le Couteur in the very last motion for doing precisely what he is now doing, suggesting that the \$25 million we spend on horticultural maintenance and cleaning Canberra's urban parks is not enough and he proposes we should spend more. How much more, Mr Coe? How much more than the \$25 million? It is to go straight on the rates, I presume is your proposal. Is this actually a call for an increase in rates and charges, Mr Coe? We currently spend \$25 million on horticultural maintenance, on cleaning parks, on open spaces, on public precincts and on the urban tree landscape. So you think it is not enough—we need to do more?

**Mr Coe:** We measure on outputs, not inputs.

**MR SPEAKER:** Mr Stanhope, one moment, please.

**MR STANHOPE:** He is just going to do it better. I see; he is going to do it better.

**MR SPEAKER:** One moment, please. Stop the clocks, thank you. Mr Coe, you were heard in absolute silence and I expect the same for Mr Stanhope.

**MR STANHOPE:** Thank you, Mr Speaker. So here is the hypocrisy. You challenge Ms Le Couteur for daring to suggest and for having the temerity to say—at least Ms Le Couteur said it—“I think we should spend more money on community gardens.” Mr Coe comes in, criticises everything that is done and then says, quite cutely, “It's not about more money; it's about doing it better.” In other words, those that are tasked with the mowing of the grass need to mow the grass better—those contractors that are out there are doing their best, working overtime, working seven days a week.

It is a quite slighting remark: “We'll get a dissertation or lecture on the enormity of the task.” Over this summer it has been enormous—over 5,000 hectares. We have now, in terms of the repeat mows, mown over 46,000 hectares of our parks and our unleased land over this last summer. A total of 46,000 hectares of grass or land has been mown when one takes into account the repeat mows—a 32 per cent increase on last year. That is the reality of the enormity of the task. I think in the conditions, having regard to the way in which the grass has grown so remarkably strongly, not just for the first cut, but again for the second, again for the third and again for the fourth—and it is still growing—it is quite remarkable. We are into autumn and the grass is still growing and growing quite strongly. We have applied an additional \$1 million and we have mown a number of additional times.

In terms of this talking down of the city and saying, “This is what the people of Canberra think—they’ve never seen Canberra looking so bad,” that is not the view of the people of Canberra. We also seek advice through surveys, most particularly on people’s satisfaction levels with their experience most particularly of parks and open spaces—in other words, the public realm and the public amenity. The most recent survey, the 2009-10 results, indicates an 89 per cent satisfaction level with the experience and a 91 per cent satisfaction level with the general management of town and district parks and open space within the ACT.

Those are the statistically relevant, significant findings of the most recent survey of Canberrans: 91 per cent of Canberrans expressed satisfaction with the management of town and district parks; 97 per cent of people surveyed that visit our parks perceived the parks to be clean and well-maintained; and 96 per cent—admittedly this was before this extreme summer—one year ago expressed satisfaction with the way in which the grass was being maintained in our parks and open spaces and places. Those were the latest results of the most recent survey. Admittedly, it was before this last summer, but surely to goodness we all have the capacity to acknowledge that the second wettest year or summer in our history produces some very significant and unusual results.

In the context of saying, “This is what the people are saying; we can read out letters”—and we all get those—I do not think it actually behoves the Liberal Party to jump on the Canberra bashing bandwagon: “What a horrible place it is and how ugly it is. I’ve never seen it looking so bad.” That is the Alistair Coe and the Liberal Party line, talking the city down constantly: “Why would you want to live here? Isn’t it awful?” It is not. It is beautiful. It is well-maintained. It has its issues, as we all do. There is significant antisocial behaviour. A small number of Canberrans seek, through graffiti, through litter, through antisocial behaviours, to generate continuing problems for us. But we do as well as any other place in Australia in relation to those issues, and we do it in the context of a rating base or a taxation effort that is essentially the same as that of other places.

The challenge for Mr Coe is not to say, “We’re not asking for more money. We just think you need to actually sweep the streets better than you are sweeping them.” In other words, “We think you need to mow the grass better than you’re mowing it. We’re not suggesting you apply any additional funds. We’re not suggesting we increase rates, taxes or charges. We’re not suggesting you increase the budget for TAMS. We just want them to be better at what they do.” What a load of nonsense. They want the \$25 million devoted to municipal services to somehow magically be translated into—what?—more mowing, or better mowing?

This talking down of the town goes along with the talking down of our health system, the talking down of our education system and the talking down of Canberra as a place in which to do business, a place in which to invest and a place to come and live. And now we have, I guess generally, the Liberal Party saying that they do not like the look of the place. I find it remarkable that Mr Coe will not join with me in accepting that this is the most beautiful place in Australia. Which place do you think is better, Mr Coe? Which city do you prefer? Who are you backing? Where would you prefer to be living? Which city is it that you, Mr Coe, prefer above Canberra? Where would you prefer to be living rather than in the ACT?

Those are some of the facts in relation to what the people of Canberra think. I must say it certainly reflects what I think—that this is a beautiful city and it is well maintained. It is now ranked by Australians as the second most liveable city in Australia. Interestingly, in relation to the last international survey of liveability it is now within the top 30 liveable cities in the world. According to Australians, it is the second best most liveable city in Australia. According to the rest of the world, it is within the 30 most liveable cities in the world, which of course understates our ranking considerably. I have no doubt that next year it will climb within the top 20. I move the amendment circulated in my name:

Omit all words after “That this Assembly”, substitute:

“(1) notes:

- (a) the importance of delivering core services to ACT residents, including basic urban services;
- (b) that mowing unleased Territory land is a priority for a municipal authority;
- (c) that ACT residents expect the delivery of high quality municipal services;
- (d) that many ACT residents are unhappy with increases in living expenses; and
- (e) that the summer of 2010-11 was the wettest since 1947-48 and demand for mowing was extreme; and

(2) calls on the Government to:

- (a) make public and promote:
  - (i) the Government’s strategy for managing increased demand for mowing; and
  - (ii) the Government’s policy as to who is responsible for mowing land adjacent to private property, including road verges;
- (b) prioritise the delivery of core services to ACT residents; and
- (c) report back to the Assembly by 30 June 2011 about the progress of the above.”.

**MS LE COUTEUR** (Molonglo) (5.46): The Greens agree with the principle behind Mr Coe’s motion today. High quality municipal services are an important part of our government—we are a council and a state government. We are a city-state, and it is clearly an issue which deserves the attention of the Assembly. From that point of view I am very pleased that Mr Coe moved the motion, and I have considerable support for it.

The motion is primarily about the aesthetics of Canberra, which is also what Mr Stanhope spoke about at great length. We should keep Canberra as an attractive and pleasant place to live where we do not have overgrown grass or weeds. Obviously we agree with that too; I think everybody does. Overgrown weeds and grass are not just unsightly, they can be a safety issue because of snakes and fire risk. They are not really nice to walk through or to leave kids to play on or play sport on. So, all in all, if you have a lawn, it is good to keep it mown. We all agree with that.

We all agree that the government should be providing a well-resourced and efficient mowing service through TAMS. I note the government have said they have put an extra \$1 million this year into mowing, and I quite understand that that is well needed, given the rain this year. Possibly improvements can be made—improvements can always be made. I think the government would be very interested in any specific improvements Mr Coe might suggest for better ways of actually managing the lawn mowing task. Clearly it is a large task, and if we can make even small improvements, it would be a good thing for Canberra.

We had a lot of discussion last year in the Assembly about trees and the way that TAMS manages the urban forests in Canberra. As a result, I wrote to the environment commissioner about this and we have had a review of how TAMS manages the urban trees. That has already resulted in some improvements.

Probably the first step in getting improvements to the government's mowing policy is to publicise and promote the government's policy on mowing. This was the suggestion my office made to Mr Stanhope's office, and I thank him for including the suggestion in the amendment which he has just circulated. My office also suggested this to Mr Coe's office, and I understand that he also accepts that this is a good amendment.

Mr Coe's original motion calls upon the government to do things like develop a clear policy as to who is responsible for mowing land adjacent to private property, including road verges. I know that the government in fact has a policy on this. It is quite comprehensive, and if you go to the TAMS website it is quite easy to find. I appreciate that most people do not spend their time searching the TAMS website; it is just TAMS tragics like myself—and I am sure Mr Stanhope and Mr Coe—who do things like that. Like everything, it can probably be improved, and it certainly can be better publicised and promoted.

I have also had unhappy constituents like Mr Coe has, but my experience is that often they become a lot happier and understanding of the problem when they understand the policies and the reasons behind them. I strongly support the parts of Mr Stanhope's amendment which talk about publicising the policies. People need to know who is responsible, what the gradings are and that some areas are going to be mowed more often than others. Glebe Park is kept in very good condition. That is kept in much better condition than your average bit of median strip. I think that is a quite reasonable policy, and I think most people in Canberra would agree that that is a reasonable policy.

Looking at Mr Coe's motion, I think the government's facts on weather in its amendment are more correct. I understood that 2010 was supposed to be the fourth

wettest year in Canberra—although the government said the second wettest year on record for Canberra—and the wettest year since 1974. The amendment indicates that this summer has been the wettest since 1947-48, so I think this is a good amendment.

Interestingly, while we are talking about the weather, 2010 was also a year when the daily maximum temperature was 0.6 degrees above the historical average, and that year marked the 14th consecutive year of above average temperatures for Canberra. These are very important facts about our weather, reminding us again that we need to adapt to the growing impacts of climate change. Climate change will have a lot of impacts, and one of the major impacts for Canberra will be our municipal services—how we manage the city, how we look after the grass, whether we keep the same sort of grasses we have had or whether, as the government has done, we replant existing grasses which use less water, particularly in summer. I understand that, unfortunately, there has been a fair degree of community opposition to this, because the grasses which are very good from a water point of view tend to brown off, and the community has had a problem with this.

These are the sorts of community discussions we need to have about how we manage our grass more efficiently. I regret that Mr Coe did not hand us those sorts of options as ways that the government might better manage Canberra's grass. Just suggesting more money—I do admit that Mr Coe did not explicitly suggest that, only implicitly—ignores the fact we have a limited budget. It is important to look at ways we can do the job better rather than just spending more money.

On this note, I will also talk about a few other ways we could do the job better, apart from simply replanting with more water-efficient species and the work the government has been doing in terms of establishing wetlands and big ponds of water which can be used for watering playing fields. That creates the mowing problem again but, nonetheless, at least it keeps the grass alive where it is needed.

One of the interesting opportunities is getting more community involvement in the management of some of Canberra's urban open space. Not only does this help ease the pressure on the government to manage every single space perfectly, but it also allows local residents to have more ownership of their neighbourhoods. Many people would actually appreciate the opportunity to be part of managing their neighbourhoods. For an example of how this can work, I encourage members to look at the city of Vancouver's green streets program. It encourages the citizens of Vancouver to help keep their neighbourhoods attractive by tending street gardens, roundabouts, verges et cetera. The program began in 1994 as a pilot. It was very successful, and it became a continuing program. Today there are well over 350 green smart gardens cared for by volunteers.

In this program, street gardeners agree to work with the city and their communities to help the gardens grow during the year. Some gardeners simply weed and water, while others choose to express their own personal touch by adding their favourite plants and providing more colour and interest through changing seasons. The city puts up green signs in certain areas indicating that they are available for care by residents. A yellow sign lets passers-by know that someone in the neighbourhood is caring for it.

As I said, some people simply weed and water while others invest significant time

personalising the areas. Either way, the residents make a valuable contribution to the community while participating in volunteer work at times of their own choosing. The green streets gardeners in Vancouver get advantages like free compost and plant giveaways. This is a type of community garden, and bearing in mind the debate we just had about community gardens, this is the sort of thing that I would like to see looked at in terms of that agenda.

Of course, we also should look at other things that can be used for mowing lawns apart from lawnmowers and tractors. Sheep and goats come to mind. Again, I will hark back to my youth—there was major drought when I was younger and I remember there was a program for all Canberra residents to adopt a lamb, which we did and many of our neighbours did. There was not any grass for them out there, and the lambs mowed the grass in our backyards, front yards and nature strips. They would, unfortunately, also eat the roses, which was a bit distressing for rose growers.

Goats are also used in this sort of program. Goats are used quite a lot around the world, including by councils. Goats have big benefits: they pick off the flower heads, as do sheep, so that a plant cannot go to seed, and they eat the leaves so that the plant cannot photosynthesise. They leave the stalks—again, sheep do the same—which helps hold the soil in place and prevent erosion. Goats and sheep also fertilize the soil, which especially helps poor soils. Goats in particular eat almost anything, including plants which are poisonous to other animals. A goat is a kind of bio-control that can be used instead of chemicals. Understandably, it is a practice that has grown alongside organic farming, and I would like to point out that goats do not require any food, apart from the grass that they are controlling. While they do require some person power, it is a minimal. That is something else the government could consider in terms of more efficient ways of lawn control, possibly not so much in the rural areas but in semi-rural areas.

I thank Mr Coe for moving this motion, and I thank Mr Stanhope for his amendment. We of course support good urban services in the ACT, and we agree with the importance of mowing in order to maintain the aesthetic, which is important to a lot of Canberrans, and there are safety issues as well. I support Mr Stanhope's amendment to the motion.

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.57): I thank Mr Coe for bringing this very important motion before us today and I commend him for his work. I commend him for his work in the community and for his focus on these core service delivery issues. I think there is no-one in the Assembly who works harder for his community than Alistair Coe, particularly as he has such a strong focus on the delivery of core services by the ACT government. So it is a very important issue and I am very pleased to have the opportunity to speak about it today.

I think it is unfortunate that the Chief Minister arrogantly dismisses the concerns of Canberrans. He is aware of these concerns in relation to basic service delivery, because they are often passed on to him. That is what this motion is about. And I think that the Chief Minister either simply ignored what was said by Mr Coe or just deliberately attempted to distort. But it is arrogant and it is arrogance directed to Canberrans who care about these issues. It is saying to Canberrans who care about these issues, "You are Canberra bashers." What a ridiculous statement.

**Mr Stanhope:** I said you were. Stop misleading.

**MR SPEAKER:** Thank you, Chief Minister.

**MR SESELJA:** He is sensitive on this, because that is effectively what he is saying. There was no Canberra bashing in what Mr Coe had to say. He certainly read the feedback from the community. What Mr Stanhope is saying, effectively, is that Peter Taylor from Deakin does not have a right to complain. "Don't complain, Peter Taylor from Deakin." He wrote to the *Canberra Times* and complained about the city looking run-down.

He is saying it to others who have been writing to the government, writing to the opposition, writing letters to the editor that they want to see their local government do what a local government should do, and that includes looking after the city, making it attractive and making sure that those basic services are taken care of. So he says it to Elizabeth Teasey from Curtin, who has raised concerns in the *Canberra Times*. She wrote:

However the grass at the back is at present feet high, going to seed and descending into my back garden, not to mention I can no longer take my grandchildren for a walk out there to see the horses because the grass is higher than they are and snakes are not unusual.

I phoned Canberra Connect yesterday and spoke to the City Mowing Authority and this morning received a call from the contracted mowing service who told me that, according to his map, my section of green strip was only contracted for two runs per year, one in mid-November and one at the end of summer for fire prevention safety.

*At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.*

**MR SESELJA:** So he is saying to these letter writers, "Don't complain, because this government is not going to take it seriously." That is what Mr Coe is doing here today. He is bringing the concerns of thousands of Canberrans to the attention of the Assembly. And instead of graciously accepting those concerns from ratepayers, from taxpayers in the territory, the Chief Minister chooses to go on the attack. He chooses to go on the attack and, in doing so, he is attacking those concerned Canberrans. There are hundreds of letters, whether to Mr Coe's office, to my office, to Mr Stanhope's office, to the letters to the editor or to various other forums. People will tell you that the basic services are not being delivered in the way they should be.

Mr Stanhope referred to a survey. He did not mention the bits in the Property Council's survey that talked about what a terrible job his government was doing on things like housing affordability. He did not touch on that aspect of the survey.

But let us look at where this government focuses its attention, because this is about priorities. This government's priorities are not about basic service delivery. We can point to the tens of millions of dollars in priorities of this government that have not

been anywhere near basic core service delivery: the \$26 million extra in this past year's budget for the arboretum, the \$5 million that this government wasted on a busway that it never delivered, the \$5 million that it wasted on a communications facility that was never delivered. We found out just recently about the \$400,000 it spent on a process for a solar farm that it did not pursue. We see the waste everywhere.

Canberrans get frustrated. They raise the issue of the millions of dollars of artwork on the side of the road. They see that. They see the government spending \$100,000 for artwork in the prison. But the government cannot mow their lawns. Then we have the Chief Minister saying, "It has been a really wet summer." It has been a really wet summer.

Before that we had about eight summers that were not that wet. We had years of drought. So if the excuse is "we cannot keep up, we cannot be expected to keep up when it is wet and it is a lot of money and we cannot keep up with it" surely there should have been a massive windfall during the drought. By that logic, the government was getting a massive windfall every year from not having to do as much mowing as it ordinarily would due to the drought. Did we see savings in those budgets? We saw TAMS consistently blowing its budget.

Because the Stanhope government has not managed its finances, because it has spent money in areas that are not very important, it now says, "We cannot be expected to deliver when it rains. It is all right when it is dry; it is all right in drought. We are okay. We still blow the budget but at least we do not have to fork out all that money for mowing." And now it rains and we should not expect service.

The people of Canberra deserve better. The people of the ACT pay a lot for this service. Mr Coe's motion rightly points out that they are not getting what they paid for. Why are they not getting what they paid for? Because this government and this Chief Minister are obsessed with his own issues, with pursuing his own pet agenda items, rather than doing what people expect.

There are very few things that we get more feedback on than these basic issues. Just recently I went to the Lanyon shops and, within 15 minutes of being there, three separate people had approached me about this very issue, about lawn mowing in their area. And of course, to Mr Stanhope, it is not important enough. It is not worth debating. And if you bother to debate it, you are talking down the town. Those people—

**Mr Stanhope:** Why didn't you write to me about them? Why didn't you write to me about those three representations?

**MR SESELJA:** I did.

**Mr Stanhope:** Three of them? Did you? Just be careful.

**MR SESELJA:** I did. I wrote to you. I wrote to you and I got a letter back.

**Mr Stanhope:** On all three of them?

**MR SPEAKER:** Thank you, gentlemen!

**MR SESELJA:** I actually wrote to you, so why don't you—

**Mr Stanhope:** On all three of them, did you?

**MR SESELJA:** Nice interjection, from the Chief Minister. He is really on his game.

**Mr Stanhope:** What, you wrote me three letters about three representations?

**MR SPEAKER:** Thank you, Chief Minister!

**MR SESELJA:** We get it regularly and we—

**Mr Stanhope:** Three letters from Lanyon, very interesting.

**MR SPEAKER:** Chief Minister, do not make me warn you.

**MR SESELJA:** We take it seriously. We do take it seriously because the people of the ACT take it seriously.

*Members interjecting—*

**MR SPEAKER:** Order! One moment, Mr Seselja. Chief Minister, please stop interjecting and Mr Coe, please stop responding.

**Mr Stanhope:** I was talking to Alistair. We were having a conversation.

**MR SPEAKER:** If you want to have a conversation, out in the foyer.

**Mr Stanhope:** I apologise.

**MR SPEAKER:** Mr Seselja, you have the floor.

**MR SESELJA:** In the remaining time, it is worth touching on some of the other issues of poor service delivery that there are concerns about, and they often relate to our shopping centres and the maintenance of our shopping centres. Whether it is the issues we have raised about the Hughes shops, the Evatt shops, Manuka, Kambah or Erindale, right across the city, the other area of basic service delivery that we get consistent feedback on is the way that our local centres and some of our group centres are maintained or are not maintained and the lack of management there.

We see the parking issues. We see the parking issues at Erindale. We see the maintenance issues at Evatt. We see the maintenance issues at Hughes. We see the maintenance issues at Manuka. We can go on about these shopping centres.

People in Canberra pay their rates. They pay very high rates. In some cases, rates have doubled since this government came to office. Most of them have gone up 70 to 80 per cent. And if you are paying 70 to 80 per cent more for your rates, you expect some level of service. But they have seen that go backwards. And all they get, after

this many years from the Chief Minister, is: “We can hardly be expected to deliver services when it is raining, when it is wet. We have had a wet summer. What do you expect us to do?”

People expect you to manage your finances better, they expect you to deliver core services to the suburbs of Canberra and they expect you to make that a priority rather than making a priority of your pet issues and the things you want to spend money on. There has been the money coming in. Canberrans pay a lot of tax and they deserve those core services to be delivered as a result of that.

**MR COE** (Ginninderra) (6.08): I thought it would be appropriate to briefly comment on the amendment of course but also on a couple of comments that have been brought up in the debate. The first one, from Ms Le Couteur, was that the opposition would be supporting this amendment. No, we will not be and we have not given any such indication that we will be supporting it.

As was put to me by email, if the amendment was to keep all the words of my motion but to change (2a) to “make public and promote”, that is what I said we would support. But we will not be supporting this watered-down motion which I do not think does justice to the severity and to the enormity of the issue and just how many people in Canberra are concerned about it.

They write to us because they love our city. They write to us because they think Canberra is a great city, but it could be even better. And they write to us because they have pride in our city, but they are frustrated because this government does not take it seriously. This government does not prioritise the basic urban services that we in Canberra should get for the fees, fares, rates, taxes and charges that this government keeps putting on the people of Canberra. Time and again, people tell me, whether I am out at shopping centres, doorknocking or through responses from letterboxing, that the mowing program has been let slip and core urban amenity is going downhill rapidly.

It is interesting that Mr Stanhope should harp on, through interjections, about a mislead. It is interesting that he should be moving an amendment to my motion, which says it was the wettest season since 1947-48. Is that so, Mr Stanhope? Just six days ago, you wrote to me and said:

The season has been the wettest since 1998 ...

On 28 February, you wrote to me and said:

This season has been the wettest since 1998 and the weather has impacted in a significant way on the mowing program.

Which one of those is true, Mr Stanhope? You might like to get back to me about your letters of 28 February and 3 March and clarify exactly what you mean. Do you mean 1947-48 or do you mean 1998? If the costs are higher when it rains, then surely in the 10 years of drought there would have been savings. It is all very well to say that the mowing program has blown its budget this year, but what about the 10 years beforehand? Where are all the savings that were made in the 10 years beforehand? The fact is—

**Mr Stanhope:** How many more years are they going to put up with you in opposition, mate?

**MR SPEAKER:** Mr Coe, one moment, please. Mr Stanhope, I have asked you to stop interjecting. You are now warned for repeated interjection. Mr Coe, you have the floor.

**MR COE:** Thank you, Mr Speaker. The fact is that this government measures its achievements on inputs. It is always on how much money you spend. Anybody can spend money. Spending it wisely is the hard thing. Actually getting something in return for the money is the hard thing. I reckon a fair bit of the \$3,700 million which comprises the ACT budget could be spent better. And part of that, I think, is in the Territory and Municipal Services Department.

That is exactly what Dr Hawke said. Dr Hawke said that the creation of TAMS has failed. He said TAMS has failed. In 2006, you abolished the Department of Urban Services to bring it all in one house and now, in 2011, Dr Hawke has said that experiment has failed. For too long I think the people of Canberra have got a raw deal for their rates and taxes. We pay high rates but core urban services are not keeping pace with that rate of inflation. I think it is high time the government actually returned to the people of Canberra good value for money for core urban services in exchange for the extortionate rates, taxes, fees, fares and charges we all pay.

**MR DOSZPOT (Brindabella) (6.12):** Basic urban services or, more so, the efficient delivery of these services is vital to any city. So it is refreshing to see a motion like this dealing with a core business issue that any administration should put prime focus on given these are the bread and butter concerns that affect all of us living in the city. As such, I would like to take this opportunity to thank Mr Coe for bringing this motion for debate into this Assembly today. It just goes to show that we, the Canberra Liberals, are getting on with the job.

Given the increased rain that we have received over the past months—225 millimetres last spring—this has been a busy time for those entrusted with maintaining Canberra's garden city charms. In managing this, the government has reported a budget blow-out to the tune of \$1.5 million. Yet in light of yesterday's MPI which mentioned TAMS's failure to manage its budget as identified in the Ernst & Young report, one can rightly ask why the government could not save money in the years when mowing was less needed.

The issue of today's motion cuts to the core of TAMS's provision of these services under the Chief Minister's watch. There are issues of inadequate financial management, efficiency, foresight and planning and, some might add, a lack of empathy towards Canberrans. Sure enough, the government would respond with another laundry list of the money they have spent to address this issue. I am quite sure that, if pushed, the Chief Minister has a handy list where he can rattle off the government spend to cut grass or eradicate invasive weeds like blackberries, St John's wort, African lovegrass, serrated tussock and the like. But, yet again, this is nothing more than an over-reliance of financial input as rhetoric and disregard for the more

pertinent issue of what the government got with the money it spent, how it could spend better and how it could deliver better public value to Canberrans.

Here are some of the media headlines for the \$1.5 million government overspend mentioned earlier: “Unightly mess”, “Jungle out there as lawn order breaks down”, “Weeds choking ACT biodiversity”, “Capital nature parks go to seed”, “Presidential preening for tatty city”, and “Locals fuming over unmowed grass”.

From spring of last year to now my office has received its fair share of complaints from my electorate in Brindabella regarding the government’s lack of attention to the state of the grass in their communities. Many have commented on how their neighbourhood is looking totally uncared for. Some have commented on health and safety issues, such as increased instances of allergies and sightings of brown snakes where children play. As a constituent commented quite prudently:

I pay my rates and I pay my taxes, so why can’t I expect the grass in the public areas of my neighbourhood to be cut?

Another called up to vent, saying:

We now live in an eyesore, I’m taking matters into my own hands and mowed the public strip in front of my house. I’m embarrassed that house guests have to walk through knee-high grass.

It is becoming quite evident that Canberrans are not happy with the Chief Minister’s management of this issue, and we can understand their grievance. To date, the representation letters that have been sent to the Chief Minister’s office from my office regarding grass and basic urban services matters have taken an average of approximately 28 days for a response. I have let the residents affected decide whether this is a satisfactory time frame, though I must compliment my constituents for their patience. It must seem like a trying time for them.

I was, however, shocked at some of the Chief Minister’s responses to some of these letters. Take, for example, a letter on behalf of a concerned constituent in Gordon regarding an unfinished mowing job, tall grass and sightings of a brown snake. Although the matter was resolved, my constituent was somewhat taken aback by the Chief Minister’s comments regarding the sighting of the brown snake. This is what the Chief Minister wrote:

I also note your constituent’s report of a brown snake entering her backyard. Eight species of snakes are known to inhabit the ACT and whilst all snakes in the ACT are venomous (except the blind snake) they are shy, non-aggressive creatures that quickly retreat if not provoked.

This is from a Chief Minister who cares so much for our constituents that the sighting of a brown snake can elicit such a cavalier response. Perhaps this callousness was brought about by a momentary lapse of judgement, perhaps a brief outburst of irrational exuberance or witticism or it may be even the mark of a complacent leader too long in power. That said, my constituent’s reaction to this says it all:

Does Stanhope expect my toddler to understand this?

What we do here is really about the people we serve in the city we call home. Some empathy for Canberrans from the present ACT Labor-Greens government would be much appreciated. Mr Coe's motion today calling on the government to develop a plan to better manage future demands for mowing services, develop clear policies for mowing responsibilities among government agencies and prioritise the delivery of core services for Canberrans is something that the Canberra Liberals feel is needed. As such, I support this motion.

## Visitors

**MR SPEAKER:** Members, I note that we have been joined by the Rotary Club of Weston Creek in the gallery this evening. I welcome you to the ACT Legislative Assembly.

## Territory property—maintenance

Debate resumed.

**MRS DUNNE** (Ginninderra) (6.18): I want to briefly this evening congratulate Mr Coe for his diligence and the work he does in support of the constituents of Canberra who are at a loss to see how the Stanhope government could be any worse at looking after our services. It is interesting in the course of the debate to find the extent to which some of the letters that we have received from the Chief Minister have been so misleading, and I would like to add my own experience.

Recently I received an email from a constituent who lives in an area backing onto a nature reserve to bring to my attention the state of a very large stormwater drain built behind a lot of houses in Ginninderra. My constituent raised concern that the stormwater drain was clogged with weeds, silt and whatnot. The prediction was—this prediction has not been fulfilled so far—that we were going to have higher than average rainfall over the Christmas-January-February period, and she was concerned that the stormwater drain would not be up to it.

I went off and wrote to the Chief Minister, and the Chief Minister wrote back moderately quickly, within about three weeks, and said, "It's all right. By such and such a date"—I think 11 February—"all of this will be fixed up. The stormwater drain will be fixed." On the weekend afterwards, I happened to be driving in the area and I thought, "I'll just go and have a look." There had been no work done, except somebody had made a cursory attempt at removing a large amount of silt from the opening of a culvert, because the culvert was quite blocked.

I walked most of the length of this very long stormwater drain. There were weeds up beyond my waist, up to my shoulders, for most of the length of it. There was discussion with the constituent as to whether it was appropriate that all of this area should be paved or not. She was concerned that because there was so much weed growth, there would be no capacity for the water to run away. She is quite right to be concerned about this. When I walked to the other end, there was a culvert that was entirely blocked by silt. If we had had a large downfall—luckily, we have not had that—this whole area would have filled up extraordinarily quickly and then overflowed into the houses down the hill from it. This was after I was assured in

writing by the Chief Minister that by a particular date—I think 11 February—all the work would be done in that area. It has not been done.

I am now quite concerned, because I received some more correspondence about dangerous potholes in footpaths. I have not had a chance to go out and check whether the work has been done, but I was assured—I think yesterday—that the work would be done by the time I received the letter. So I will have to go out and check, because there is such an extraordinarily dangerous pothole quite close to where I live which people have drawn to my attention. If anyone went into this area at night—it is on a bicycle path and it is not lit—they would break their ankle because the hole is so deep.

It is now becoming clear that we cannot rely on the Chief Minister's advice. He sends us letters that say, "It is fixed," or, "It will be fixed," or, "This is the state of the meteorology and this is the wettest summer we have had." All of this stuff turns out to be wrong. Not only are we not getting the service, but when we pursue it, as is our job as elected members in this place, we get brum information from the Chief Minister. He just does not care. He clocked out of this job quite some time ago. He spent a lot of time in Spain, and at the moment he seems to be taking money under false pretences. This idea that Canberra has never looked so beautiful is a joke.

The Chief Minister is correct that the place is green because it has rained. That is fortuitous for all of us. But you need to drive around and have a look. I suggest, Chief Minister, that you drive down Copland Drive and see how much African lovegrass there is. It is in Belconnen; it is in your electorate. Just see how much African lovegrass is growing out of the crevices on the footpaths, on the kerbing and on the guttering along Copland Drive. You might think it is amusing, but my constituents do not. It is a real problem for a whole lot of reasons: (a) it is unsightly, (b) African lovegrass is a noxious weed, and you are not doing enough about that.

Then you should go and have a look at Mount Painter. Mount Painter is no longer green because it is covered in dead thistles. The entirety of Mount Painter from the boundary of the nature park all the way to the summit on all sides is brown with thistles. Then go out along Coppins Crossing Road to the place where you took rural lessees off the land two or three years ago because you want to build houses there. No cattle have been agisted there. The place is wall-to-wall thistles because there is no-one managing the land. You took the landholders off who were managing the land, and no-one is now managing the land.

For years the members on the Liberal side of this place have been drawing to your attention the state of urban amenity with weed growth, poor mowing practices, potholes, the whole lot, and you do nothing about it. You shrug your shoulders, you wave your hands and say, "I can't do anything about it". There are things that you can do about it. You can take an interest; you can ensure that when you sign letters to me or Mr Coe that the information in them is correct; you can ensure that when officials tell you that repairs are being done, they are being done; and you can ensure that the amenities of the people of the ACT, who pay very high rates, are well-maintained.

Mr Coe makes the correct point that our rates are going up at one rate and the rate at which you spend money on our urban amenity is going up at a much lower rate. The people of the ACT deserve better for their rates. They deserve more attention from

you and better attention to their urban amenity. I commend Mr Coe for bringing this matter to the attention of the Assembly today, and I commend Mr Coe for his diligence in the shadow portfolio of urban services and for the work that he does to ensure that you are kept accountable when you perform so badly.

Question put:

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

The Assembly voted—

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

Question so resolved in the affirmative.

**MR COE** (Ginninderra) (6.30): In closing the debate, we have seen a very defensive and a very emotional Mr Stanhope today. He has thrown everything at us—everything but addressing the issue of a delivery of core services for people of Canberra. He referred to anything but what the debate is actually all about. Perhaps the people of Canberra would have a little bit more confidence in this government and perhaps even in this Assembly if this government focused more on core priorities, on core business, on the actual business of delivering end services to the people of Canberra to make their lives better. How many of Jon Stanhope's grandiose programs and schemes make the quality of life for Canberrans any better? How many? There are not many at all.

It is interesting that, over the last fortnight or so, we have been having a debate about self-government and about how we interact with our federal counterparts. I just wonder that perhaps if this government had a more service-oriented approach how different this debate would be. How different would the debate be if this government was actually trustworthy? I wonder whether that would change the perception of this place. I wonder how many constituents out there have confidence in this place simply because it has been skewed by the fact that their perception of the Assembly is based on the government. The fact is that this government is a bad government and, therefore, the perception of this place is that it does not operate well.

As I said in my previous speech, I believe the vast majority of Canberrans do not really care about the goings-on of this Assembly. They do not care about politicians; they do not care about budgets or committee processes. They care about the output. They very much care about the output of these bodies and these processes. They want to drive on a smooth road. They want to find a park at their local shops. They want good education. They want their grass mowed. They want to see a doctor when they are sick. These are the core services that people expect from a local authority, and these are the core services which this government refuses to concentrate on.

This government needs to return the focus of governing this city back to core business rather than the grandiose schemes of Mr Stanhope. We cannot simply have another year and half of pet projects from Mr Stanhope. The people of Canberra, the people that contact my office, and the people that contact all our offices expect much more than that. I urge this government to think about its strategy going forward and to think about the lawn mowing program and to think about a way it can strategically deliver to the people again.

Motion, as amended, agreed to.

## Adjournment

Motion by **Mr Stanhope** proposed:

That the Assembly do now adjourn.

## Chefs Network and OzHarvest

**MRS DUNNE** (Ginninderra) (6.33): On 21 February, Mr Smyth and I and some of our colleagues, some of our staff and friends, attended the Chefs Network fundraising quiz night—culinary trivia challenge I should say—on behalf of OzHarvest. OzHarvest, as we know, is now three years old in Canberra and it provides a vital service of essentially recycling food that is no longer wanted, taking it from where it is no longer wanted to somewhere where it is wanted, to our community homes and support places across the community.

The Chefs Network, which was established in 2004, was aimed at bringing together the ACT and region's hospitality industry not only to enrich their own lives but also to work to together to make the local community better. And what better combination of the Chefs Network and OzHarvest could we find?

It was a great night. There were about 30 or so tables of people, somewhere between eight and 10 on most tables, so there was great support from the community. It was a pretty difficult quiz night. I was thinking that from time to time you get asked questions like what is the secret ingredient in something, or something like that. But my table, Mr Smyth's table and mine, sat through the first round of questions, thinking, gee, this is going to be a bit difficult, because you needed a great deal of inside knowledge; even the wannabe chefs on our table were having a problem.

But overall we put together a fair showing on the night, and our team, "Liberal Helpings", as it was called, came in about fifth out of about 30 tables. It was really well attended. I did note that Ms Burch, the minister, was acknowledged at the beginning of the evening and there was a nametag for her on a table, but I do not think I saw Ms Burch during the evening. If she had been there, I hope her contribution may have helped the table she was allocated to to come from perhaps the bottom of the scorecard a little further up. But Ms Burch was not to be seen.

I would like to pay tribute to the organisers: Paul Butler from the Chefs Network and Dave Burnet from OzHarvest; the MC on the night, Anna Johnston; and Dan Cooper from LJ Hooker, Tuggeranong, who was the auctioneer for the extraordinarily

generous prizes that went during the night. There was a huge range of sponsors: Brumbies Rugby, of course, for whom OzHarvest is their number one ticket holder this year; Ocean Fresh Seafoods; Mastercut Meats; Canberra Milk, who gave us all stress cows to take home; Amazing Grapes; Eden Road Wines; Communities@Work, who of course sponsor OzHarvest; Frozpack; Bidvest; Casella Wines; Rydges; Sage Restaurant; the Mill; the Kennedy Room; Grazing; Coca-Cola; Sauvage Urbain; Hudsons Catering; Oyster Haven; National Convention Centre; Treasury Wines; the National Press Club, where of course this quiz night was held; Jazz Apple Cafe; Canberra Coffee Company; Questacon; Bunnings; Lambert Vineyards; the Home Loan Centre; and Bendigo Bank.

There are possibly some sponsors there that I have overlooked, but I pay tribute to all the people who gave so willingly on the night. It was a great night. I always like a good quiz night. The organisers said they want to make this a regular part of the Canberra calendar, and I look forward to that and encourage people to get behind this worthy cause through this really enjoyable evening. I congratulate the Chefs Network and their support of OzHarvest.

**Sport—awards**  
**Clean Up Australia Day**  
**Canberra Grammar School**

**MR DOSZPOT** (Brindabella) (6.37): I would like to commend the Tuggeranong Valley Rugby Union and Amateur Sports Club for their contribution to the local community. I attended a presentation of the 2010 sports awards on the night of Friday, 18 February at the Vikings Erindale club on Ricardo Street.

On that evening, outstanding local sports people, coaches and volunteers from the valley's amateur sports clubs were recognised for their performance for the previous 12 months. The Sportsman's Warehouse HR Heher shield for outstanding senior performance went to Caroline Buchanan from the Tuggeranong Vikings BMX Club. The ActewAGL shield for outstanding junior performance went to Bridget Reilly from the Calwell Little Athletics Club. The Coca-Cola shield for outstanding coaching or officiating went to Gillian Harris-Mayes from Tuggeranong Valley Women's Bowling Club. The Chronicle shield for outstanding team performance went to Panthers Volleyball Club Men's Premier League Team and the Vikings health and fitness award for outstanding volunteer contribution went to Maree Wilson, Canberra Physical Culture Club.

The winners were selected from members of the 53 affiliated sporting and social groups which, combined, have over 8,300 members and supply over 400 teams to the local sporting community. Since 1984 the number of clubs affiliated with Tuggeranong Valley Rugby Union and Amateur Sports Club has grown from 12 to 53 teams, and the number of categories recognised at the sports awards has increased from one to five. These sports awards are now highly regarded by the Tuggeranong community, as evidenced by the large numbers attending over the last few years. There were over 300 people on the night that I attended.

I would just like to thank, on behalf of the Tuggeranong sporting community, the Tuggeranong Valley Rugby Union and Amateur Sports Club for their generosity,

commitment and continued contribution to all of these amateur sporting clubs. I also would like to highly commend their president Dave Paul, directors Ray Sweeny and John McGrath, who administer this program, club manager Danny Munk, and sports and community coordinator Martyn O'Brien.

On Sunday I had the pleasure of attending with Mr Smyth a Clean Up Australia Day campaign down at Armytage Circuit in Kambah. We were there from 10.30 to 12 o'clock and we were assisted by a couple of very enthusiastic members of our support group, Angela Laine and Chris Inglis, who brochure-dropped the area and as a result we had some 15 members of the local community turn up to assist us with cleaning up the area near Tuggeranong pond, around Armytage Circuit, Crozier Circuit and Coombs Place, and that was obviously as an assistance to Ian Kiernan's fine Clean Up Australia Day campaign.

Yesterday I had the pleasure of attending the Canberra Grammar School opening of their new primary school, library and classrooms and it was a very interesting ceremony, as usual, and very well conducted by Canberra Grammar. The welcome was given by two Canberra Grammar students, Christopher Seidl and Irwin Ip, and after the Australian national anthem the new head of Canberra Grammar, Dr Justin Garrick, gave a very inspiring speech and thanks for the opportunity for the opening of these new buildings in the school.

The official opening was conducted by Ms Gai Brodtmann MP, the member for Canberra, and there was a very inspiring performance by the chorale choir conducted by Mrs Heather Percy. The choir sang *For the Beauty of the Earth*. Acknowledgements were given on the day by Mrs Rosalie Reeves, the head of primary school, and the blessings were conducted by the Rt Rev Stuart Robinson, Bishop of Canberra and Goulburn. The final hymn was *May the Lord Bless You and Keep You* by the chorale choir once again. It was a compliment again to the work put in by Mr Mark Baker, the chair of the board, and his fellow board members and the teachers. It was also good to meet the beneficiaries of the new library, the teacher librarians Janine Hudson and Alison Kesby and assistant librarian Fiona Rayns.

### **Melbourne bicycle share scheme**

**MS LE COUTEUR** (Molonglo) (6.42): I rise today to inform members and, fortunately, even some members of the public about the Melbourne bike share scheme. I recently visited Melbourne and had the great fun of actually trying it out. Members may have heard of it or may not, but it began last year. There are 50 bike stations throughout the city of Melbourne. They have bikes. The bikes are blue, the colour of the helmet I have here. They are a bit clunky, but they are quite wonderful. They have integrated lights and integrated brakes and they are very easy to use. They cost \$2.50 a day or you can buy a year-long ticket for \$50. For that it is free as long as you return the bike within 30 minutes.

When they started it off, they did not have a big success rate. In June, when it first went live, there were only 1,141 trips taken. They realised that the problem was helmets. You can now buy helmets. I have here my souvenir from Melbourne, and this cost me the grand sum of \$5. All 7-Eleven shops in the centre of Melbourne are

selling them. If you change your mind or you have done your ride, you can trade them back for \$3. It is an amazing scheme.

As a result of having the close-to-free helmets, in December last year 9,650 trips were made on the Melbourne bikes. I do not know if it is going to be a long-term success, but it is a really interesting model that the ACT should look at.

I have some issues with the effectively free bike helmet scheme; it was introduced just before Christmas and the local bike shops were not particularly pleased to find that they were not going to be selling any more helmets, of course. And I did observe some people in Melbourne riding around on their own bikes with one of the bike share helmets. So that is one issue. Melbourne and Brisbane, I believe, from my Googling, are the only cities in the world to have tried introducing a bike share scheme and having compulsory helmets. I am not suggesting that we get rid of helmets, but it is a significant issue in terms of promoting bike use.

Melbourne clearly has major congestion problems in the CBD, and it has been putting a lot of work into promoting bicycling. This is something that we all should look at. There is Melbourne and there is also Brisbane, but I have not personally seen the Brisbane one so I am not quite as enthusiastic about it. This is something that it would well behove Canberra to look at. In a few months we will have a real idea of how it is going; we can look at it and see if this is the sort of model that we should be trying to replicate in Canberra.

Canberra has congestion problems, and a lot of Canberra is really suitable for bike riding. This is the sort of thing which could make Canberrans more healthy, through a little bit of exercise; reduce the stress on our roads; reduce the congestion on our roads; reduce climate change by reducing greenhouse gas emissions; and reduce costs for Canberra families because, instead of having to drive a car or catch a bus for short distances, they could come into the city or the town centres, hire a bike to go somewhere, return it again and not have to have a car to do a short trip during the day. It is something which we should be looking at as a possible way forward for the ACT.

### **Clean Up Australia Day Disability services—intentional communities**

**MS BURCH** (Brindabella) (6.46): Firstly, I would like to follow up on Mr Doszpot's comment on Clean Up Australia Day. I also participated in Clean Up Australia Day, down in the local area near me at Richardson. We were joined by a number of people from the local community. Clean Up Australia Day is becoming part and parcel of being part of Australia and being part of Canberra.

I would like to take a few minutes to talk on the intentional communities that we announced as a government just recently. Since becoming minister for disability, I have been keen to work with the sector to develop alternative supported accommodation models for people with a disability and to provide carers with some security around the accommodation needs of their children. I was therefore delighted last week to receive in my office a letter of support from Janet Salisbury of Yarralumla, signed by 42 others, applauding the ACT government for its vision in agreeing to develop an intentional community at Swinger Hill.

This new community will co-locate a small group of young adults with disabilities alongside 20 public housing tenants who will intentionally elect to live in the community, providing informal support as a good neighbour. I would like to personally thank the Getting a Life group and its members, Sally Richards, Cheryl Patrick and Karen Connaughton, for their dedication and consistent advocacy for an intentional community in the ACT.

The community will create a sense of home through a suitable physical environment, informal networks and positive social relationships. The homes will be built to be fully adaptable and to meet or even exceed energy efficiency requirements. It is this combination of the high quality of the built environment and the mix of formal and informal supports that have made this innovating concept a proven success in other jurisdictions—and, we hope, here very soon: in fact, this year, I hope, in the ACT.

At the end of her letter of support, Janet Salisbury and cosignatories say this: “We sincerely hope that the Swinger Hill development will be a successful project showcasing Canberra as a truly inclusive city.” I share those sentiments with Janet, and I hope that all members of this Assembly do and that they support the intentional community as it is developed.

These are potentially exciting times for the disability community. I noted with great interest a recent publication of the Productivity Commission, the draft report *Disability care and support*, and welcome the bipartisan support that has been shown so far. I hope that this continues. The draft report attempts to address many of the long-term issues that people with a disability and their carers have highlighted. These include inadequate resources, limited services and restricted choice for users.

This Assembly will be aware that since 2002-03 this government has increased funding for disability services by 78.6 per cent. Notwithstanding this, the report makes it clear that there is still work to be done and that the new disability insurance scheme is indeed required. As the ACT minister for disability, I look forward to playing a proactive role in making sure that the commission’s draft recommendations are taken forward and that any resulting systems are sustainable and deliver a fair and equitable benefit for those with a disability.

### **Canberra Area Theatre awards Australian Anglo-Indian Association of Canberra**

**MR COE** (Ginninderra) (6.50): Yesterday I did a speech on the Canberra Area Theatre awards and I listed a few of the award winners. There are just a few more that I would like to record in *Hansard*. The Teatro Vivaldi best actor in a leading role in a musical went to Brent Dolahenty from *The Boy from Oz*, Wagga Wagga Civic Theatre. The Channelvision best musical director went to Chris Mickle, *Dusty*, Orange Theatre Company. The Richards Consulting best choreographer went to Kathryn Fisher, *The Boy from Oz*, Wagga Wagga Civic Theatre, and Pauline Young, *Hot Shoe Shuffle*, MoonGlow Productions.

The DSP Productions best director of a play went to Cate Clelland, *Who’s Afraid of Virginia Woolf?*, Free-Rain Theatre Company. Stage Whispers best director of a

musical or variety show went to Peter Cox, *The Boy from Oz*, Wagga Wagga Civic Theatre. The best production of a play went to *Who's Afraid of Virginia Woolf?*, Free-Rain Theatre Company. The best production of a musical went to *The Boy from Oz*, Wagga Wagga Civic Theatre. And the ActewAGL gold CAT award went to Trevor Carroll from the Orange Theatre Company.

I rise tonight to put on the record the ongoing achievements of the Australian Anglo-Indian Association of Canberra. The association would be well known to some members; I know that on this side of the chamber they include myself, Zed Seselja, Brendan Smyth and Steve Dospot, who have all enjoyed attending events in recent times.

The association was founded in 1994 and continues to be an active body which celebrates their heritage, invests in the wider community and looks forward to their bright future. Those familiar with the association would be aware of the tireless efforts of the president, Joe Bailey. Since founding the organisation in 1994, Joe has tirelessly worked towards making the organisation the success it is today. He and his wife, Charmaine, are wonderful hosts and regularly invite the Anglo-Indian community and friends into their home for different events.

Late last year, I joined Brendan Smyth, Senator Kate Lundy, Her Excellency Sujatha Singh, the High Commissioner of India, and many others for the launch of the "Canberra down under diary". The diary will appear as a column in the well-established publication *Anglos in the Wind*. The diary will consist of tidings with a focus on Anglo-Indian interrelations with the general community as well as references on successful Anglo-Indians in Australia.

Last month I enjoyed an event hosted by the association featuring Mr Subbiah Muthiah MBE as a special guest speaker. Mr Muthiah is the author of many books; he is a full-time writer with the *Hindu*, a daily newspaper in Chennai, and is the editor and publisher of a Madras fortnightly, *Madras Musings*—amongst other writings and editorial work. It was a great occasion and it was a pleasure to meet Mr Muthiah.

Upcoming events on the agenda for the association include a table tennis tournament, a karaoke evening and the grand Anglo-Indian ball at the National Convention Centre in September. I have been privileged to attend this event for the last couple of years; it has been a great night, and I encourage all members to attend.

I would like to put on the record my thanks to the committee, including the president, Joe Bailey; the vice-president, Tony Marcelline; the secretary, Denzil Ray; the treasurer, Dillon Castilino; and committee members Michael Stracey, John Macdonald, Peter Bailey and David Williams. In particular, I would like to commend the secretary, Denzil Ray, who served as a referee at the fifth commonwealth taekwondo championships in January held at the Nehru multipurpose indoor stadium in Chennai, Madras, India. It was a great achievement.

I encourage all members to follow their progress, attend their events where possible, and celebrate in their success. Anglo-Indians have made and continue to make a wonderful contribution to Canberra and to Australia.

### **Canberra Weston Creek Rotary Club**

**MR HANSON** (Molonglo) (6.53): I will just speak briefly to welcome the Canberra Weston Creek Rotary Club to the Assembly tonight. I have spoken about this great club here in the Assembly before, after they ran the book fair. In Mr Coe's style, I read everybody's name into the *Hansard* at that time, so I will not do that again. It is great to also see many of the partners from the club here tonight. Welcome. We will be doing a tour shortly after the Assembly rises. If you do see any of the members from the club, please introduce yourself. That would be great.

For the benefit of the visitors, what you have just experienced is an adjournment speech. The speeches essentially are five minutes in duration on any topic that a member wishes to speak on. You have witnessed today what is now an institution of the Assembly, a speech by Alistair Coe. We have just to see whether he can get through the whole alphabet and list of names by the end of the term, by 2012. He does have a penchant, through the phonebook, for the electorate of Ginninderra. We will see if he gets there.

**Ms Burch:** He is actually getting quicker week by week.

**MR HANSON:** It is good to see. When he gets a multicultural organisation, he goes through the names. In listening to him going through the names, I thought the Anglo-Indian institution might be more of a challenge, but it was not.

Question resolved in the affirmative.

**The Assembly adjourned at 6.55 pm.**

## Schedules of amendments

### Schedule 1

#### Children and Young People (Death Review) Amendment Bill 2010

##### Amendments moved by the Minister for Children and Young People

**1**

**Clause 2**

**Page 2, line 4—**

*omit clause 2, substitute*

**2**

**Commencement**

This Act commences on a day fixed by the Minister by written notice.

*Note 1* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

*Note 2* A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

*Note 3* If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

**2**

**Clause 4**

**Proposed new section 727B (d)**

**Page 3, line 9—**

*omit proposed new section 727B (d), substitute*

(d) to identify areas requiring further research, by the committee or another entity, that arise from the identified patterns and trends in relation to the deaths of children and young people;

**4**

**Clause 4**

**Proposed new section 727E (3) and (4)**

**Page 5, line 24—**

*omit proposed new section 727E (3) and (4), substitute*

- (3) Also, the Minister must not appoint someone unless satisfied that the person—
- (a) has the expertise or experience to be the chair of the CYP death review committee; and
  - (b) is otherwise suitable to be the chair.
- (4) In considering whether someone is suitable to be a chair of the CYP death review committee, the Minister—
- (a) must consider relevant information mentioned in section 65 (1), definition of *suitability information*, paragraphs (a), (b) and (c) about the person; and
  - (b) may consider other suitability information about the person.
- (5) The appointment of the chair is for not longer than 3 years.

- (6) The conditions of appointment of the chair are the conditions stated in the appointment, subject to any determination under the *Remuneration Tribunal Act 1995*.

5

**Clause 4****Proposed new sections 727EA and 727EB**

Page 6, line 2—

*insert***727EA Conflict of interest**

A member of the CYP death review committee must take all reasonable steps to avoid being placed in a position where a conflict of interest arises during the exercise of the committee's functions.

**727EB Appointment of advisers**

- (1) The Minister may, on the request of the CYP death review committee, appoint a person as an adviser to the committee.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and 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) However, the Minister must not appoint someone unless satisfied that the person has the experience or expertise to exercise the functions of an adviser.
- (3) An appointment may be subject to conditions stated in the appointment.
- (4) An adviser must, on request of the CYP death review committee, provide advice to the committee in relation to the committee's functions and otherwise in accordance with any conditions of appointment.
- (5) The Minister may end the appointment of an adviser if the adviser breaches a condition of appointment.

7

**Clause 4****Proposed new section 727J (1)**

Page 7, line 15—

*omit*

3/4

*substitute*

2/3

8

**Clause 4****Proposed new section 727K (3)**

Page 7, line 22—

*insert*

- (3) Despite subsection (1), if the votes are equal, the chair has a deciding vote.

**10****Clause 4****Proposed new section 727L (3A)****Page 9, line 5—***insert*

- (3A) If the death of a child or young person is subject to a coronial inquest or review by the Territory, the CYP death review committee must not include any information on the register about the cause or circumstances of the death until the coronial inquest or review has ended.

**Examples—review by Territory**

- an internal review by the Office for Children, Youth and Family Support
- a joint review by ACT Health and the Office for Children, Youth and Family Support

*Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

**11****Clause 4****Proposed new section 727L (5) and (6)****Page 9, line 10—***insert*

- (5) The CYP death review committee—
- (a) must use its best endeavours to include on the register information about the deaths of children and young people that occurred during the period starting on 1 January 2004 and ending the day before the commencement of this section; and
  - (b) may include on the register information about the deaths of children and young people that occurred before 1 January 2004.
- (6) This subsection and subsection (5) expire 6 years after the day this subsection commences.

**12****Clause 4****Proposed new sections 727LA and 727LB****Page 9, line 10—***insert***727LA Obtaining information from certain entities**

- (1) A relevant entity must give the CYP death review committee the following information in relation to the death of a child or young person:
- (a) information required under section 727L (2) to be included on the register;
  - (b) other information requested in writing by the committee that the committee considers is necessary to exercise its functions.

- (2) Information mentioned in subsection (1) (a) must be given within 3 months after the death of the child or young person.
- (3) Information mentioned in subsection (1) (b) must be given as soon as practicable after the request is made.
- (4) However, information mentioned in section 727L (3A) must be given as soon as practicable after the end of the inquest or review.
- (5) A relevant entity is only required to give information under this section that is within the knowledge of the entity because of the exercise of its functions.
- (6) In this section:  
*relevant entity* means each of the following:
  - (a) the chief police officer;
  - (b) the registrar-general;
  - (c) the Coroner's Court;
  - (d) the chief executive responsible for administering this Act, chapter 10;
  - (e) the chief executive responsible for administering the *Education Act 2004*, chapter 2;
  - (f) the chief executive responsible for administering the *Health Act 1993*, part 3;
  - (g) a licensed proprietor of a childcare service;
  - (h) an entity prescribed by regulation.

**727LB Exchanging information with corresponding interstate entities**

The CYP death review committee may enter into an agreement with an entity who exercises a function under a law of a State, that corresponds or substantially corresponds to a function of the committee, to exchange information relevant to the function.

**13**

**Clause 4**

**Proposed new section 727M (2), new note**

**Page 9, line 19—**

*insert*

*Note* Information given or contained in a document or something else produced is protected information (see ch 25).

**14**

**Clause 4**

**Proposed new section 727M (2A)**

**Page 9, line 19—**

*insert*

- (2A) However, the CYP death review committee must not require a family member of a child or young person who has died to give information or produce a document or something else in relation to the child or young person.

**15**

**Clause 4**

**Proposed new section 727N (1) (ba)**

**Page 10, line 15—**

*insert*

(ba) advisers appointed under section 727EB;

16

**Clause 4**

**Proposed new section 727N (3)**

**Page 10, line 19—**

*insert*

- (3) The committee must notify a person who can access the register of the person's obligations to deal with information on the register in accordance with the requirements under chapter 25 (Information secrecy and sharing).

*Note* Information on the register is protected information (see ch 25).

17

**Clause 4**

**Proposed new part 19A.4 heading**

**Page 11, line 1—**

*omit proposed new part 19A.4 heading, substitute*

**Part 19A.4**

**Reporting about deaths of children and young people**

18

**Clause 4**

**Proposed new section 727O heading**

**Page 11, line 3—**

*omit proposed new section 727O heading, substitute*

**727O 3-yearly reports on deaths of children and young people**

19

**Clause 4**

**Proposed new section 727O (1)**

**Page 11, line 4—**

*omit proposed new section 727O (1), substitute*

- (1) For each reporting period, the CYP death review committee must report to the Minister about the following in relation to the deaths of children and young people included on the children and young people deaths register during the reporting period:
- (a) the number of deaths of children and young people;
  - (b) the age and sex of each child or young person who died;
  - (c) the patterns or trends (if any) identified in relation to the deaths of children and young people.
- (1A) The CYP death review committee must also include in the report details of any reports given by the committee or information given by the Minister under section 727P in the reporting period.

20

**Clause 4**

**Proposed new section 727O (3)**

**Page 12, line 4—**

*omit*

4 months after the end of the financial year

*substitute*

2 months after the end of the reporting period

**21****Clause 4****Proposed new section 727O (5)****Page 12, line 8—**

*omit proposed new section 727O (5), substitute*

- (5) In this section:

*reporting period* means a 3-year period ending on 30 June in the 3rd year.

**22****Clause 4****Proposed new sections 727P and 727Q****Page 12, line 14—**

*insert*

**727P Other reports**

- (1) The CYP death review committee may at any time prepare a report for the Minister on any matter arising in connection with the exercise of the committee's functions.
- (2) The CYP death review committee must not include in the report any information that would—
  - (a) disclose the identity of a child or young person who has died; or
  - (b) allow the identity of a child or young person who has died to be worked out.
- (3) Within 3 months after receiving a report under subsection (1), the Minister must give information to the CYP death review committee about any action the Minister has taken, or will take, in relation to the matters raised in the report.

**727Q Reporting on deaths of children and young people before the commencement of ch 19A**

- (1) For the period starting on 1 January 2004 and ending the day before the commencement of this chapter, the CYP death review committee must use its best endeavours to report about the following in relation to the deaths of children and young people included on the register for that period:
  - (a) the number of deaths of children and young people;
  - (b) the age and sex of each child or young person who died;
  - (c) the patterns or trends (if any) identified in relation to the deaths of children and young people.
- (2) The CYP death review committee may include in the report—
  - (a) its recommendations (if any) about legislation, policies, practices and services for implementation by the Territory and non-government bodies to help prevent or reduce the likelihood of the death of children and young people; and
  - (b) any other matter it considers relevant.
- (3) However, the CYP death review committee must not include in the report any information that would—
  - (a) disclose the identity of a child or young person who has died; or

- (b) allow the identity of a child or young person who has died to be worked out.
- (4) The CYP death review committee must give the Minister the report within 6 years after the day this section commences.
- (5) The Minister must present the report in the Legislative Assembly within 6 sitting days after the day the report is given to the Minister.
- (6) This section expires 6 years after the day it commences.

## Schedule 2

### Children and Young People (Death Review) Amendment Bill 2010

#### Amendments moved by Ms Hunter

1

**Clause 4**

**Proposed new section 727B (2)**

**Page 3, line 19—**

*insert*

- (2) The CYP death review committee has no function in relation to reviewing the cause of death of a particular child or young person.

2

**Clause 4**

**Proposed new section 727D**

**Page 4, line 2—**

*omit proposed section 727D, substitute*

**727D Appointment of committee members**

- (1) The Minister must appoint at least 8, but not more than 10, members to the CYP death review committee.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and 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 Minister must, unless it is not reasonably practicable, ensure that the committee includes—
  - (a) people with experience or expertise in the following:
    - (i) psychology;
    - (ii) paediatrics;
    - (iii) epidemiology;
    - (iv) child forensic medicine;
    - (v) public health administration;
    - (vi) education;
    - (vii) engineering and child safety products or systems;

- (viii) working with Aboriginal and Torres Strait Islander children and young people; and
  - (b) a social worker with expertise or experience in working with children and young people and families; and
  - (c) a police officer with experience in working with children and young people and families.
- (3) The Minister must not appoint someone to the committee under this section unless satisfied that the person is suitable to be a member of the committee.
- (4) In considering whether someone is suitable to be a member of the committee, the Minister—
- (a) must consider relevant information mentioned in section 65 (1), definition of *suitability information*, paragraphs (a), (b) and (c) about the person; and
  - (b) may consider other suitability information about the person.
- (5) The appointment of a member under this section is for not longer than 3 years.
- (6) The conditions of appointment of a member under this section are the conditions stated in the appointment, subject to any determination under the *Remuneration Tribunal Act 1995*.

**3****Clause 4****Proposed new section 727H (1)**

Page 7, line 6—

*omit*

4 times

*substitute*

once

**4****Clause 4****Proposed new section 727L (2) (d)**

Page 8, line 18—

*omit proposed new section 727L (2) (d), substitute*

- (d) whether, within 3 years before his or her death, the child or young person, or a sibling of the child or young person, was the subject of a report the chief executive decided, under section 360 (5), was a child protection report;

**5****Clause 4****Proposed new section 727O (1) (b) and (c)**

Page 11, line 9—

*omit proposed new section 727O (1) (b) and (c), substitute*

- (b) the age and sex of each child or young person who died and whether, within 3 years before his or her death, the child or young person, or a sibling of the child or young person, was the subject of a report the chief executive decided, under section 360 (5), was a child protection report;
- (c) the patterns or trends (if any) identified in relation to the

deaths of children and young people—

- (i) generally; and
- (ii) who, within 3 years before their death were, or had a sibling who was, the subject of a report the chief executive decided, under section 360 (5), was a child protection report.

**6**

**Clause 4**

**Proposed new section 727O (2A)**

**Page 12, line 3—**

*insert*

- (2A) However, the CYP death review committee must not include in the report any information that would—
- (a) disclose the identity of a child or young person who has died; or
  - (b) allow the identity of a child or young person who has died to be worked out.

**7**

**Clause 4**

**Proposed new section 727O (5)**

**Page 12, line 8—**

*omit*

**Schedule 3**

**Children and Young People (Death Review) Amendment Bill 2010**

Amendments moved by Ms Hunter to the Minister for Children and Young People's amendments

**1**

**Amendment 22**

**Proposed new section 727P (2A)**

*insert*

- (2A) The Minister must present the report to the Legislative Assembly within 6 sitting days after the report is given to the Minister.

**2**

**Amendment 22**

**Proposed new section 727Q (1) (b) and (c)**

*omit proposed new section 727Q (1) (b) and (c), substitute*

- (b) the age and sex of each child or young person who died and whether, within 3 years before his or her death, the child or young person, or a sibling of the child or young person, was the subject of a report the chief executive decided, under section 360 (5), was a child protection report;
- (c) the patterns or trends (if any) identified in relation to the deaths of children and young people—
  - (i) generally; and

- (ii) who, within 3 years before their death were, or had a sibling who was, the subject of a report the chief executive decided, under section 360 (5), was a child protection report.

*Note* There are restrictions on recording and divulging protected and sensitive information (see ch 25).

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