



# Debates

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**Thursday, 7 April 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.

**Mr Alan Fitzgerald**  
**Motion of condolence**

**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): I move:

That this Assembly expresses its deep regret at the death of Mr Alan Fitzgerald, distinguished local journalist, author, and satirist, former member of the ACT Advisory Council, founder and former president of the National Press Club, and passionate commentator on life in Canberra, and tenders its profound sympathy to his family, friends and colleagues in their bereavement.

Mr Alan Fitzgerald, who died at the end of March at the age of 75, after almost half a century's residence in our city, was a passionate but clear-eyed Canberran, an accomplished writer, a politician and a biting commentator on matters political and social. I acknowledge in the gallery today Mr Fitzgerald's wife, Maria, his son Julian, his daughter-in-law, Jacqueline, and his grandson, Patrick.

Alan Fitzgerald was born in Sydney in 1935 and started out in the advertising industry, before moving into journalism. In his early career he worked in London and also edited the *Fiji Times*. On his arrival in Canberra in 1964, he was invited by the then editor of the *Canberra Times*, John Pringle, to write a satirical column for that newspaper. From those first columns, in which he cast an accurate, bitingly humorous but never cruel eye on the social mores and structures of his adopted city, Alan Fitzgerald built a career as a chronicler of a young and growing city that he had made his home.

His popularity was enduring, because he wrote for and about people like himself, young adults building careers and families, often without extended family for support, people creating a community out of nothing as suburb after suburb was carved from the landscape. Fortunately, it was a community more than willing to laugh at its own foibles, more than able to recognise its own absurdities and its sometimes overweening ambitions, a community made up, so it must have seemed to outsiders, entirely of public servants, diplomats and political advisers. In fact, of course it was more diverse. As Alan Fitzgerald wrote at the time:

Canberra, commonly held to be the Australian national capital, was planned by an American and today is designed by Dutchmen, owned by Greeks and built by Italians. The English, accustomed to positions of privilege in colonial societies, have taken over the P&C Associations.

It is slightly disturbing, reading through some of Alan Fitzgerald's old columns, to reflect that the issues that appalled and entertained him 30 and 40 years ago are in many cases the same issues that have modern-day commentators and letter-writers fulminating over their computer keyboards and over which modern cartoonists and satirists are rubbing their hands with glee. Take this observation about planning, taken from a 1975 compilation of Alan Fitzgerald's writings called *Life in Canberra*:

When things go wrong in Australian cities people know it is because there is no properly coordinated planning authority. In Canberra, even the mistakes are planned, by the National Capital Development Commission.

This of course was written before the existence of ACTPLA. He continued:

It is a great comfort to residents of the national capital to know that the backlog in the construction of Government houses, the absence of footpaths and the delay in the development of retail centres are not accidental occurrences but the result of carefully calculated professional advice.

Or this:

The NCDC says it takes seven years to plan a new suburb. Two years are spent in district design, engineering of roads and services, land development, construction of schools, government houses and shopping centres: the remaining five years are spent in trying to get the Department of the Capital Territory to agree to the building of a public toilet near the district oval.

And his observations about the bus network:

The longest distance between two points is a Canberra bus route ... Bus routes are determined by the need to move the least number of people the longest distance in the maximum time.

Alan Fitzgerald did not confine himself to parochial musings. His work appeared over the years not just in the *Canberra Times* but in papers across the nation, including the *Sun Herald*, the *Sunday Observer*, the *Sunday Australian*, the *Bulletin*, the *Sydney Morning Herald* and the *Age*. In time, he even became a publisher himself, presiding over the conservative periodical the *Australian National Review* for five years and establishing the *Australian Constitutional News*.

Nor did he confine his talents to print. He was a correspondent for the Canadian Broadcasting Corporation in the mid 1970s and hosted a current affairs program for nine years on local radio station 2CA. His was a familiar voice on ABC radio and his was a familiar face on Channel 7's breakfast program.

Alan Fitzgerald was a long-time member of the federal parliamentary press gallery and a founder and early president of the National Press Club. He remained active on the club's committee for many years. His son Julian, also a journalist, recently commented that, almost until the day of his death, his father was still reading newspapers and listening to current affairs.

Beyond his daily journalism, he was a respected author who published a number of books on the history of Canberra, including *Historic Canberra, 1825-1945*, *Canberra's Engineering Heritage*, *Canberra and the New Parliament House* and *Canberra in Two Centuries—A Pictorial History*. Included among his other titles are a number of historical works, including *Italian Farming Soldiers: PoWs in Australia, 1941-47* and *Victory: 1945—War and Peace*. He traced his own ancestry in another book, *Barons, Rebels & Romantics—The Fitzgeralds' First Thousand Years*. Alan Fitzgerald also authored a number of satirical guidebooks to life as it was and, to some extent, still is lived in Canberra, including *Fitzgerald's Canberra—A guide to life in the national capital*, *Life in Canberra*, the book from which I have quoted today, and *Canberra—Where to go and what to see*.

Alan Fitzgerald was, in addition to all of these things, a politician, though he could perhaps best be described as an accidental, even resentful one, almost an anti-politician. He was elected to the then ACT Advisory Council, almost, it has to be said, as an act of perversity, before going on to run seriously for federal parliament as the Australia Party's candidate for the seat of Canberra.

He was a staunch and lifelong monarchist, actively promoting the status quo during the lead-up to the referendum on a republic. He was a foundation member and a one-time chair of the ACT and region branch of Australians for Constitutional Monarchy. He was also, somewhat ironically, given his public utterances regarding the NCDC, that organisation's director of public information at one point in his career.

Alan Fitzgerald will be fondly remembered by the many friends and colleagues he gathered around him over the course of his professional life, as well as by the many Canberrans, such as I, who grew up with his observations about this city, politics and public affairs. On behalf of the Assembly, I extend my deep condolences to his wife, Maria, sons, Dominic and Julian, his six grandchildren and his extended family.

**MR SESELJA** (Molonglo—Leader of the Opposition): I rise to support the motion moved by the Chief Minister today in recognition of the life of Alan Fitzgerald. The presence of Mr Fitzgerald in Canberra was mostly felt in media circles. He had a long and distinguished career that saw his work cross state and international borders. His sharp wit, renowned satirical work and political commentary will last the test of time.

He had a passion for media and politics and will be remembered for, among many other things, decades of commitment to his chosen profession. He has made a lasting impact on journalism and has passed this passion on to his family.

He first arrived in Canberra in 1964 to write columns for the *Canberra Times*. However, it did not take long before his work was printed in many other places, including the *Bulletin*, the *Sunday Australian* and the *Age*.

Mr Fitzgerald's involvement in media evolved to include him being the correspondent for CBC Ottawa. For nine years, he was heard on Canberra radio station 2CA, running his own current affairs program. As a general contributor, he appeared regularly on Channel 7's breakfast program and several ABC radio programs. Mr Fitzgerald was a

member of the federal parliamentary press gallery. He was elected President of the National Press Club for two terms, in 1969 and 1970.

Like many of those who are passionate about not only the media but the intersection it has with politics, Mr Fitzgerald could not resist the opportunity to be involved in the political process. In 1967, he was elected to the ACT Advisory Council as a True Whig on a joke platform of promising to do nothing. The election in 1970 saw him re-elected, with 21 per cent of the vote.

Mr Fitzgerald made a more serious foray into politics when he ran on the Australia Party ticket in the 1970 by-election for the seat of Canberra. Although an enthusiastic campaign saw him achieve the highest vote for the Australia Party of any candidate in any election, he was ultimately unsuccessful in his bid for the seat.

A prolific writer, Mr Fitzgerald was the author of many works and had in fact nearly finished another book on the history of the Irish in Australia when he passed away on 31 March.

We are a young territory, a young city; yet the passing of Alan Fitzgerald reminds us that, although we have not been here long, we have already lost many of those who played such a key role in establishing and defining the territory.

Alan Fitzgerald will be remembered not only as one who came to Canberra and made it his home, working here and raising his family here, but as one of those very few who in future should and will be remembered as great contributors to Canberra.

Mr Doszpot, who will speak to this condolence motion, reminded me of the quote from the autobiography of Mr Fitzgerald. The quote reads:

... my life had been shaped by living in the national capital in ways that I could not have imagined possible had I lived elsewhere.

I would suggest that his life was not only shaped by living in the national capital but helped to shape our national capital.

On behalf of the Canberra Liberals, I express my sincere condolences to wife, Maria, to son Julian, and daughter in law, Jacqueline, to grandson, Patrick, and to all family and friends of Alan Fitzgerald.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (10.13): The ACT Greens will of course be supporting this important condolence motion this morning. Alan John Fitzgerald was a proud, passionate and active Canberran. As a resident of Canberra for 47 years, he certainly took part in shaping the capital. Mr Fitzgerald witnessed the real boom in Canberra's population in the 1960s and 1970s. Mr Fitzgerald worked across all journalistic mediums, writing columns for both the *Sydney Morning Herald* and the *Canberra Times*. He satirised and documented the shaping of our capital.

Alan John Fitzgerald was born to Patrick and Ursula in Sydney on 5 November 1935. Alan grew up in Clovelly in Sydney's east and was educated at the Marcellin College, Randwick.

After leaving school, Mr Fitzgerald worked in an advertising agency and then became a journalist, working in Sydney and Melbourne before travelling to Europe, staying abroad and travelling the continent for two years. In 1961, he married Maria McFadden who was then working for the Department of the Navy.

In 1964, John Pringle invited Mr Fitzgerald to join the *Canberra Times* in the parliamentary press gallery. Working through the 60s and into the 70s, Mr Fitzgerald worked with well-known commentators such as Laurie Oakes, Caroline Jones, Mike Willesee and Alan Ramsay.

It was in these years that his satirical skills shone as he wrote about the rapidly emerging Canberra. He documented the well-known lack of social amenity so often reported by saying:

Finding something to do in Canberra is easier than finding something to do after it.

His love of satire was matched with his fondness for Canberra, and his writing was well regarded. A well-known quote of life for many new to Canberra, coming for work and gradually establishing families, was:

The best thing about living in Canberra is that your relatives are interstate.

Whether one left Canberra to escape family or not, many could relate to this comment.

As Mr Fitzgerald immersed himself in the political scene, he had some desire to join the ranks officially. He first ran for the ACT Advisory Council. His election platform was certainly not conventional and, as others have stated this morning, he formed a joke party called the True Whig Party. He promised to do nothing and cited his inspiration was local politicians. He went on to refuse to engage in a campaign launch and speech and cited his ongoing silence as meaningful.

The most interesting outcome was that he was elected, gaining the third highest vote. After all the satire and fanfare, Mr Fitzgerald took his role seriously and went on to serve two terms for the Canberra community. His assistance to many did not form part of his public agenda. He just got on with the job and helped people. This led him to accept an invitation to join the Australia Party and run for the federal seat of Canberra. Mr Fitzgerald ran twice but was unsuccessful.

He had a keen interest in planning and development, and we have heard from the Chief Minister this morning some of the comments he made about planning in the capital. As someone who lived through Canberra growing and thriving, transforming from a country town to a thriving city, he had a wealth of information and opinions regarding the future of the capital, something that will be missed.



Although a conservative by nature, Mr Fitzgerald experienced warm relations with both sides of politics, including prime ministers Gough Whitlam, Malcolm Fraser and John Howard, as well as former Deputy Prime Minister, Doug Anthony. He was a passionate monarchist, something perhaps unusual considering his Irish heritage

Mr Fitzgerald was a founding member of the Canberra Press Club. He served as president from 1969 to 1971. He was a real thinker. Both he and his wife, Maria, were intellectuals, always discussing current issues and events. Both Alan and Maria Fitzgerald studied at the ANU as mature students. In the last weeks of his life, family friends recall his being as sharp as ever.

He was an avid reader and an author of many works, thousands of press articles, both satirical and serious. He also published historical texts, including *Fitzgerald's Canberra* and *Life in Canberra*. A work he was particularly proud of was an exploration of Italian prisoners of war in Australia titled *Italian Farming Soldiers*, an account of Italian prisoners of war in Australia between 1941 and 1947. He was still writing at the time of his death, nearing completion of another historical account, this time of Irish families in Australia.

His son Julian has followed in his footsteps, working in the federal press gallery and publishing books, firstly on lobbyists in Australia and a work nearing completion on Australian prime ministers.

Mr Fitzgerald's satire was only a thin disguise of his love of Canberra and his participation and service for close to 50 years. He penned an autobiography in 2001. In an obituary in the *Sydney Morning Herald* yesterday, written by his sons, they quote Alan as saying:

... my life had been shaped by living in the national capital in ways that I could not have imagined possible had I lived elsewhere.

Alan Fitzgerald, a resident of Isaacs, died from cancer on 31 March. He is survived by his wife, Maria; and sons, Dominic, a paediatrician in Sydney who is married to Karina, and their sons, Nicholas, Timothy, Samuel and Hugh, and Julian, a federal parliamentary press gallery journalist in Canberra, married to Jacqueline, and their sons, Patrick and Daniel. And I do acknowledge the family in the gallery today.

On behalf of the ACT Greens, we express our condolences on the loss of this wonderful Canberran.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services): I rise to join the Chief Minister and other members in expressing this chamber's sincere condolences on the passing of Mr Alan Fitzgerald. As members have heard, Mr Speaker, Alan had a great interest and passion for politics that eventually extended to his involvement in the local political scene in the early 1960s. Around this time he publicly lampooned the elected ACT Advisory Council, the forerunner to this Assembly. He was especially critical of the lack of

power of the council, primarily due to the fact that its recommendations were usually ignored by the federal government, a criticism that still has some resonance today.

As a result of this frustration, in 1966 Alan announced he was forming the True Whig Party. He called on voters to write his or his party's names on the ACT ballot papers in the 1966 election. Hearing that many voters had done so, he decided that he would actually stand for the ACT Advisory Council in 1967. In Alan's true satirical style, he ran on a joke platform, promising "to do nothing". Interestingly, one of the few election promises he did make, however, was to build service stations on Mugga Way. He was subsequently elected, getting the third highest primary vote behind the Labor and Liberal parties. At the subsequent election in 1970, he was re-elected with around 21 per cent of the vote. It is worth noting that he attracted more support than the Liberal candidates on that occasion.

Alan became seriously involved in politics when he stood for the Australia Party as its candidate in the 1970 by-election for the seat of Canberra. He gained the highest vote of any Australia Party candidate in any election, winning 18 per cent of the vote, but was eliminated from the count in a final distribution of preferences. He stood again for the Australia Party for the seat in the 1972 federal election and would later lead a team of members of the party contesting seats on the Advisory Council. After standing down from politics, he joined the National Capital Development Commission and became its director of public information. After its abolition in 1989 he transferred in the same position to its successor, the National Capital Planning Authority.

During his time with the NCDC he was involved with a number of local history and heritage projects, a passion that shone through in both his literary and bureaucratic careers. For many years he was a member and a chair of the ACT's Historic Sites and Building Committee, now the ACT Heritage Council, that had been established at his initiative to protect historic homesteads and buildings at a time of rapid expansion of Canberra into the surrounding rural areas.

The committee prevented the development of a suburb within the Lanyon Homestead site and recommended the acquisition and management of Calthorpes House in Mugga Way as a home museum. As members have also noted, he was also a foundation member and chairman of the ACT region branch of Australians for Constitutional Monarchy and played an active role in the debate about Australia becoming a republic. In 1998 he was the organisation's primary candidate in the election of delegates to the Constitutional Convention but lost on a final distribution of preferences. However, he nevertheless attended the convention as an alternative delegate and media officer for the ACM and a number of independent delegates.

Throughout his rich life, Alan was passionate about issues that related to the development of Canberra and was often critical of the change that was taking place within the capital as a result of perceived lack of quality planning and little interest and support from the federal government in the national capital's development. As late as February this year, he wrote an article on the destruction of Canberra as a garden city concept and as a well planned capital. He was critical of the decline of the National Capital Authority as a proactive body created to protect and enhance the

national aspects of our city. He was also a strong supporter of moves to see federal funding to commemorate the city's centenary in 2013.

This article perhaps typifies Alan Fitzgerald's passion for the city that he loved and lived in for most of his life, a city that he believed was unfairly criticised as merely the home of politicians and bureaucrats. Through his humour and insight he managed to portray Canberra in a truly human light, a city that we can all be proud of.

In joining with other members, I extend my sincere condolences to Alan's wife, Maria, his sons Dominic and Julian, his six grandchildren, his daughter-in-law, Jacqueline—grandson Patrick in particular is here today—and his many friends.

**MR DOSZPOT** (Brindabella): I thank the Chief Minister for his condolence motion on the death of Alan Fitzgerald. The key facts of Alan's life have already been covered by Mr Stanhope, Mr Seselja and Ms Hunter, and today I wish to focus on the man from both private and public perspectives. In this task I have been assisted by the thoughts of some of those who knew him best, his two sons, who both delivered fine eulogies at his funeral at Sacred Heart Church, Pearce on Tuesday, as well as my own memories of Alan. First and foremost, Alan loved his family—wife Maria, sons Dominic and Julian, daughters-in-law Karina and Jacqueline, and six grandsons—Nicholas, Timothy, Samuel, Hugh, Patrick and Daniel.

I am pleased that his wife, Maria, son Julian and his wife Jacqueline and son Patrick have been able to join us in the gallery here today. To them I pass on my deep condolences on Alan's passing. In his eulogy, Dominic remarked that Alan's family was the centre of his world. Alan's love for Maria was deep and profound and clearly reciprocated in a remarkably successful marriage which, at 49 years, lasted nearly a lifetime.

Julian described Alan as his abba, his alpha and his omega which, in Latin and Greek, means that Alan was his father, his beginning and his end. He was a strong moral force in the life of his sons. He was always there for them, and I know how proud he was of their achievements. Alan was passionate about everything he did and left a fine record of achievement as a journalist, author, satirist and politician.

He was a man of great courage who never resiled from expressing his firmly held views on the subject of the day. In Julian's words, he was driven to do what was right, not what was popular, and this did not come at times without its costs. As I mentioned to this house in my adjournment speech on Tuesday night, Alan was a high profile and committed constitutional monarchist and, since its foundation, he was the local convener of Australians for Constitutional Monarchy.

Alan was also prominent in establishing the National Press Club, where he served two terms as president from 1969 to 1971. Despite his satirical comments about Canberra, he loved the place with a rare passion. In his 2001 autobiography *Some of What I Have Done and Failed to Do* he suggested that "my life had been shaped by living in the national capital in ways that I could not have imagined possible had I lived elsewhere".

Alan's commitment to Canberra included local politics as well. He was a member for two terms of the ACT Advisory Council. In this capacity, Alan was able to help many members of the Canberra community in ways that were never publicised. In Dominic's words, Alan became part of the fabric of Canberra, providing insightful social commentary as it evolved from a large country town into a city.

Although he did not suffer fools gladly, Alan was a kind, compassionate and caring man with a keen interest in the welfare of his fellow man. Although a keen observer and satirist of politicians, he maintained warm relationships with politicians on both sides of the political divide, including Gough Whitlam, Malcolm Fraser, John Howard and Doug Anthony.

Alan had an inquisitive personality and an endearing sense of humour, qualities which manifested themselves in his hugely successful career as journalist and commentator. He was incredibly hardworking and only retired earlier this year due to illness, at the age of 75. Alan loved reading and writing and wrote many books on subjects as diverse as an account of Italian prisoners of war in Australia in the Second World War, Canberra's history and engineering heritage, and political satire. Alan was currently working on yet another book on the history of the Irish in Australia.

Right up until the end of his life Alan devoured the news media in all its forms and had adapted remarkably well to the digital environment that has so profoundly impacted on the modern media environment. Julian recalled that, although having grown up in the age of wireless, Alan succumbed to the advent of television, the wireless internet and finally Facebook, i-Pads and Google. I might best conclude by noting Dominic's observation, at the conclusion of his eulogy, that Alan, in the words of the Jesuits, was a man for others.

*Question resolved in the affirmative, members standing in their places.*

## **Education and Care Services National Law (ACT) Bill 2011**

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

Title read by Clerk.

**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) (10.30): I move:

That this bill be agreed to in principle.

It is my pleasure to table the Education and Care Services National Law (ACT) Bill 2011. The bill provides for the introduction in the ACT of the single national regulatory system for childcare, family day care, outside school hours care, as well as for ACT government and independent preschools. It proposes the adoption in the ACT of the education and care services national law as applied law of the territory—

this national law contained in a schedule to the Education and Care Services National Law Act 2010 (Victoria).

In applying the national law, the bill implements the national quality framework, which aims to raise the quality of care to children in early childhood, as well as outside school hours care services. The national quality standard will come into effect in the ACT on 1 January 2012. The new laws and regulations will introduce a new national quality assessment and rating system, which will see services assessed and rated against each of the seven quality areas of the national standard. These quality areas are:

- Educational program and practice
- Children's health and safety
- Physical environment
- Staffing arrangements
- Relationships with children
- Collaborative partnerships with families and communities
- Leadership and service management.

The assessment and rating system will drive continual quality improvements within services and the rating will provide families with better information for making choices about their children's education and care. These ratings will be published. The assessment and rating process will be carried out by the regulatory authority in the ACT, which will be the Department of Disability, Housing and Community Services. The department will delegate some of its authority to the Department of Education and Training to support ACT government preschools.

A national body is also being established, based in New South Wales, called the Australian Children's Education and Care Quality Authority. The authority will coordinate and guide the national quality framework and ensure the consistent and effective implementation of the new system.

Mr Speaker, the new regulations will be phased in over the next 10 years to give services time to adjust to the new standards. There will be two key impacts that ACT services will need to address—namely, the educator to child ratio and the qualifications of staff. In terms of compliance, the ACT already meets the new educator to child ratio outlined in the standards for children over the age of two.

However, from 1 January next year, ACT services that deliver care for children under the age of two will need to move from a one to five to a one to four ratio of educator to child ratio. The ACT government and independent preschools will be required to move to a ratio of one educator to 11 children, to align with long day care from January 2016. The current ratio is two educators to 25. The Department of Education and Training in the ACT advise that it will be compliant by 2014, two years earlier than required.

From 1 January 2014, 50 per cent of educators will need to be qualified at diploma level or actively working towards the qualification. The remaining educators will need to have, or be working towards completing, at least a certificate III in children's services. An early childhood teacher must also be provided in all long day care centres.

In this regard, it is recognised that there is a skill shortage of qualified early childhood educators across Australia and actions continue to be taken to support the sector to meet the new qualification requirements.

The Australian government has removed regulated fees to attract more people to the industry and to encourage those already involved to up-skill. As a result, here in the ACT we have seen a marked increase in students enrolled in the various courses available at tertiary level through the Department of Education and Training and the Canberra Institute of Technology. The Australian Catholic University and the University of Canberra continue to offer access to the early childhood teaching degree.

The ACT government is also contributing through investment in capital upgrades and maintenance to assist services who may wish to modify their premises to meet the new educator to child care ratio. Recently I announced a childcare grants program to support eligible services in their planning for the implementation of the national quality framework. The services will be able to access up to \$10,000 for planning and design purposes, equipment or fit-out and fittings.

Madam Assistant Speaker, we know that such a significant reform, a reform that will ensure that the children of the ACT enjoy quality education and care, will come at a cost. In 2009 Access Economics was commissioned by the Council of Australian Governments to undertake economic modelling of the cost impacts for implementing the national quality framework. It was found that the estimated additional increase in childcare fees in the ACT would be in the order of \$2.75 per week in long day care in 2012, up to \$11.39 by 2015. This equates to 55c per day in 2012 and \$2.39 per day in 2015.

Those modellings remain valid. The Australian government will continue to pay at least 50 per cent of the out-of-pocket expenses of families that claim the childcare rebate. For some families the Australian government will, through its combined childcare benefit and childcare rebate, cover the majority of the cost. The Australian government estimates that these benefits and rebates have resulted in childcare costs to parents dropping from 13 per cent of disposable income in 2004 to seven per cent currently.

These changes are significant and are driven by the vision that, by 2020, all children have the best start in life to create a better future for them and the nation. We know that parents want high quality care for their children. We know they want meaningful and caring relationships between the educators and the children and parents. Few would disagree that children deserve the very best education and care, and we recognise and accept the increasing volume of evidence that early learning is critical to a child's development and that education and care services play an important role in this regard.

Quality early childhood education, provided by qualified, well-trained educators, gives children the best start in life by helping develop children's literacy, numeracy and social skills in the years before compulsory schooling. Quality early childhood education ensures that children during their early years are able to learn and grow in positive, nurturing environments. Under the new national laws, parents will be able to have consistently high education and care wherever they live in Australia or the ACT.

Parents and carers will be provided with detailed information so they are in the best possible position to choose the education and care options that best suit their needs.

Educators will have more time to spend with individual children, allowing for more positive relationships and interactions. Educators will experience greater job satisfaction and will be more likely to stay within the sector. From a business perspective, the bill seeks to reduce the regulatory burden on operators by replacing existing separate licensing and quality assurance processes. A single national regulatory system will minimise administrative processes for services and improve the cost-effectiveness of the regulatory framework.

Finally, the national law will be reviewed in 2014. This review will consider if children's services outside of the scope of the national law should be included within it. It will also consider the effectiveness of the law in achieving the goals set out by the Council of Australian Governments agreement.

I would like to thank the providers in the ACT for their commitment to children and families and to the reform process. I also acknowledge the important partnership between DHCS and the Department of Education and Training in addressing these important changes.

Madam Assistant Speaker, the first five years of a child's life do last a lifetime. This bill recognises that there are lifelong benefits of quality early childhood education. I commend the Education and Care Services National Law (ACT) Bill 2011 to the Assembly.

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

## **Justice and Community Safety—Standing Committee Reference**

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (10.40): I move:

That the ACT Electoral Commission's report entitled *Report on the ACT Legislative Assembly Election 2008*, the Electoral Legislation Amendment Bill 2011 and the Electoral (Casual Vacancies) Amendment Bill 2011 be referred to the Standing Committee on Justice and Community Safety for inquiry and report to the Assembly by 22 September 2011.

In conducting this review the Committee should have regard to a range of issues including but not limited to:

- (1) the ACT Electoral Commission's *Report on the ACT Legislative Assembly Election 2008*;
- (2) the amendments proposed to be made by the Electoral Legislation Amendment Bill 2011;

- (3) the amendments proposed to be made by the Electoral (Casual Vacancies) Amendment Bill 2011;
- (4) the application of the *Proportional Representation (Hare-Clark) Entrenchment Act 1994* to the Electoral (Casual Vacancies) Amendment Bill 2011; and
- (5) any other relevant matter.

Members would be aware that last week the government introduced two bills relating to recommendations made by the ACT Electoral Commission as a result of its report on the ACT Legislative Assembly election of 2008. Those two bills deal with a range of matters that the Assembly identified as matters worthy of consideration by this place as a result of its conduct of the 2008 ACT Legislative Assembly election.

The government has indicated that it believes that most of the recommendations made by the Electoral Commission should be agreed to by this Assembly and has introduced bills to that effect. However, I indicated last week that the government believes it is prudent and sensible for matters of this nature to be properly considered by the relevant standing committee of this place prior to any debate occurring on any changes to the operation of the ACT's electoral laws.

For that reason, I am moving this referral this morning. The referral will allow the committee to inquire into the provisions proposed in both the Electoral Legislation Amendment Bill 2011 and the Electoral (Casual Vacancies) Amendment Bill 2011. It will allow it to have particular regard to the issues arising from the Electoral (Casual Vacancies) Amendment Bill 2011 in relation to the application of the entrenchment provisions under ACT law and it will also allow the committee to look at the report of the Electoral Commission into the 2008 election as a whole.

These matters are always of significant interest, I know, to all parties and members in this place, as well as, obviously, to the broader community. The referral to the relevant standing committee will allow that discussion and that examination to be a detailed one. In particular, I believe it is an important opportunity for members of the community with an interest in these proposals to have their say and to have those matters reported back to the Assembly by the committee.

As I indicated last week, I did consult; I have subsequently consulted with the chair of the standing committee, Mrs Dunne, in relation to this matter. She has indicated to me that she is supportive of the proposal as it has been placed on the notice paper and I would ask members to support this referral.

**MRS DUNNE** (Ginninderra) (10.43): The Canberra Liberals will be supporting this referral of the two electoral bills to the Standing Committee on Justice and Community Safety. It is unusual, and it has not been past practice, for electoral bills to be referred for inquiry to the appropriate committee, but I think that electoral matters are of the utmost importance in the ACT and there is a very good argument for exposing them to more community discussion than is normally the case here. I think that it is a good practice and I welcome the opportunity.



I particularly welcome the opportunity to expose to public discussion the proposals put forward by the government in their casual vacancy legislation. It is not a surprise that the Canberra Liberals have reservations about the proposal and concerns about the government's motivation for this. I look forward to a vigorous discussion on these matters through the channels of the Standing Committee on Justice and Community Safety and allowing the community to participate in that. I think that, amongst those people who hold views about our electoral system—and there are many people, including myself, who have a long history associated with the establishment and the entrenchment of the Hare-Clark system in the ACT; it is more than a sentimental attachment—there are many members of the community who have considerable concerns about that and would welcome the opportunity to fully explore the issues raised in the bill, because I think they do cause some trouble for the community.

I have, as the minister said, had discussions with the minister. I am not sure whether the minister had discussions with other members. I did not, because I understood from the discussion that he—actually, no, that is not true. We did discuss it in the committee. I am sorry; that was a momentary lapse. We did discuss it in the committee and there was general agreement amongst committee members that they would welcome this reference. I do apologise for that, Madam Assistant Speaker.

I did not, outside the committee, discuss this with members of the committee and I do not know whether the minister did. He may wish to do so. It would have been courteous of him to do so; I hope that he did. But we do not have a problem with this reference and I look forward to the inquiry.

**MR HARGREAVES** (Brindabella) (10.46): I rise in my capacity as deputy chair of the committee to welcome the referral of this matter to the committee. For the record, and for members who were not here during this particular period, I was the deputy chair of the same committee when we considered issues around the size of the Assembly and the number of years of term we would have. I remind members that there was public consultation on that issue which actually resulted in the community accepting the argument about a four-year term for the Assembly as opposed to a three-year term.

It was also determined that the community was not ready at that point to increase the size of the Assembly from 17 to 21, 23, 25, 27 or 35. Those were the figures that were advised by various experts in the field, particularly by a professor from Tasmania whose name escapes me, who was very well read on this matter.

That inquiry followed on from the Pettit report into the Assembly. What happened was that the community was invited to engage in matters of sovereignty in the ACT. I observe now that the question of ACT sovereignty is very much alive and well out there in community conversation—whether or not we should govern ourselves. Therefore, it would be a bit inappropriate for us to just consider this particular proposal, particularly the one on the filling of casual vacancies, without public engagement, when our community have this sort of subject right in the front of their minds.

We need to look at that against the background that the right to vote and the right to participate in the political process is something which we particularly value here in the ACT and in Australia generally, and for which people are dying overseas in the conflicts we have seen where democracy is starting to get a foothold. I think it is so important that, when we talk about the fundamental principles which govern the ACT Legislative Assembly, we do not just think of a good idea from one person, which in this case we believe it is, from the Electoral Commissioner, and then just discuss it, vote on it and pass it here. Generally, things get passed on party lines here, anyway. We need to be able to say that the community was given its opportunity to have a say.

When I looked into it, as the deputy chair of the committee last time, I found that the community engagement was not all that wide. If people go back and have a look at the committee report, they will find that the submissions to the committee's inquiry were quite few. I had hoped, for example, that academia might have been engaged in the proposal to increase the size of the Assembly or increase its tenure, but I was very much disappointed about that. I would hope that I am not disappointed again. For the people who find it quite amusing to write to the *Canberra Times* and belt this so-called toy parliament, for example, who find that they can slag off about the members and the processes in this place, we are now giving them an opportunity to do it officially. They can come before the committee—either by doing it in writing or appearing before the inquiry, whichever the committee decides is the best way forward.

I want to take this opportunity, because I know that the media are listening, to say that the media should cover this. I want to have the conversation with the community, with its parliament having a conversation with the community, about a proposal that the Electoral Commissioner believes is a good idea.

It needs to be stated strongly that this is not a referral to a committee of an idea that the government has come up with. This is a series of recommendations from the Electoral Commissioner, with which this side of the house actually agrees. Nonetheless, it is still a recommendation from the Electoral Commissioner.

This particular Electoral Commissioner has been here since day one and has seen the evolution of processes as we have gone through the electoral process—for example, electronic voting and how that was applied. It was this Electoral Commissioner who pushed that proposal forward; it got legs and now it is an integral part of the way we do things. It is an integral part of our democratic process.

Indeed, any recommendation that comes from the Electoral Commissioner is about our democratic process, and we really need to not have it dealt with here in the same way that we may deal with a planning reg. We need to make sure that every person who is entitled to vote has an opportunity to participate in this.

One of the things that we are talking about here is lowering the age of people to actually register for their vote. I have to tell you, Madam Assistant Speaker, trying to get people aged 25 and younger engaged in the political process, which is about their

future, is one of the most difficult things I have done in my 13½ years in this place. I find it very difficult. So here is another opportunity where we can go out there and start to engage with people.

As I say, I particularly welcome this reference and I look forward to the discussion in the committee around how we are going to progress it—how we are actually going to go out to the community and say, “Please engage.” I am the only member of the committee who was there last time, so I do have some contribution to make about the lack of promotion of the inquiry out there in the community.

When we did it last time, it was the usual story—we stuck an ad in the paper and then that was it. I do not think we can do that this time. We have now got other media that we can employ. We have got Facebook-type approaches and this sort of thing in order to reach a particular part of the community that would not otherwise be aware that we are doing it.

I look forward to engaging very heavily in this particular process and I welcome the referral from the Attorney-General.

**MR RATTENBURY** (Molonglo) (10.53): The Greens will also be supporting this referral to the committee. As members have touched on previously, we think that these are important matters that warrant some further scrutiny.

Some of the issues that have certainly occurred to us, from a first look at these bills, are as I think the attorney highlighted in his introductory speech last week. The government has not agreed to all of the recommendations from the Electoral Commissioner. The attorney gave some reasons around that and I think it warrants further scrutiny in that some have been supported and some have not. I make no comment on the merits of that at this stage, but I think, given that it is not a consistent approach, it is worth exploring these more closely.

The other obvious issue is the one of casual vacancies. The proposal from the government exposes some real tensions. Michael Moore’s article in this week’s *CityNews* probably highlights those tensions quite well, and perhaps the proposal picks it up too in the sense of wanting to ensure some stability through the term of the Assembly versus the notion of the ultimate act of democracy, in that the preferences that elected a member are the ones that continue to choose a member through the course of that term.

I think there is a real tension there and one that does warrant further conversation, both amongst members of this place and with other members of the community, for which the community process will provide an opportunity.

There are even some scenarios there which I have not yet been able to resolve in looking at the legislation. What happens if we go down a path where there are nominees from a certain party and yet those nominees do not prevail out of preferences? How does that play out in terms of what the government’s suggested policy approach is here?

Those questions no doubt will all be explored in the committee, and the Greens will be supporting the referral today.

Question resolved in the affirmative.

## **Planning and Environment—Standing Committee (Sixth Assembly)**

### **Report 34—government response**

Debate resumed from 6 May 2010, on motion by **Mr Stanhope**:

That the Assembly takes note of the paper.

**MR RATTENBURY** (Molonglo) (10.55): I must say, it does seem a little odd that we are here today discussing the government's response to the committee's report into the draft Namadgi management plan, particularly as the final management plan was released last year and we discussed the matter in the Assembly in August last year. In some ways it would be a more appropriate use of time if the government actually gave us an update on how they are going with implementing the management plan, rather than us assessing the government's response to the committee's report into the draft plan of management which is now being superseded by the final plan of management.

Nonetheless, that is where we find ourselves today and so I am going to take this opportunity to make some comments on that government response and I guess on issues around the state of the park generally, which is perhaps where the debate really is at now. We noted last year that there has been no funding for a state of the park report for Namadgi. Annual reporting against the management plan is something that stakeholders have been keen to see. Perhaps if we had annual reporting against the management plan it would be the government that would be here today giving us an update on progress against the management plan.

We also noted previously that a state of the park report would come into its own as an indicator of the ecological values of the park. This would be welcome, especially against a backdrop of an increasing number of anthropocentric indicators for parks and reserves, as we saw in last year's budget papers—a matter that I raised in the estimates hearings. Ecological indicators would actually put front and centre that the primary benefit of our national parks is their conservation value, not their recreational value or some other value. This does not mean, of course, that we should not or cannot use our parks for recreational purposes. It is simply that recreational pursuits should not be undertaken in national parks at the expense of ecological values.

The management plan does not cover reporting against its own action, and that is a shame. I can imagine, given how it seems that the government is resigned to an underfunded parks system here in the ACT, that it was felt that annual reporting may be too expensive. I would encourage the government to reconsider this, as I think that ultimately we cannot provide good management without good reporting, and a lack of reporting is the first step along the path to poor management. More importantly, how do we even know if the management we are putting in place is effective in delivering

the outcomes we want if we are not carrying out a regular and thorough reporting process? I understand some new work undertaken by Graeme Worboys and Roger Good on assessing the health of catchments in Namadgi and costs associated with good management of the park has been put out recently. To date I have not been able to get a copy of that report, but I hope I can do so shortly as I am sure it will contribute greatly to the thinking about how we might implement state of the park reporting.

Regarding the management board, I feel I am repeating myself here but we know that one of the difficulties for Namadgi over the past few years has been the lack of a functioning board of management. The Interim Namadgi Advisory Board concluded in August 2007. In spite of being told there were negotiations underway to establish a new board, from my understanding there still has not been any board of management established and there continues to be no involvement from our indigenous community in overseeing the park. We would really appreciate an update from the government on how this is progressing because time is slipping away. It has now been nearly four years since the interim board of management was concluded. Today's debate provides the Chief Minister with an ideal opportunity to update us on exactly what is going on here. That really is an unsatisfactory situation—four years since the interim board of management was wound up.

I have already touched on recreational activities in the park and how they should be properly managed in order to protect the ecological values of the park. But I would like to touch on this further because to date, as far as I am aware, we have not seen anything much done on an outdoor recreation strategy by the government—though I understand there has been some work done in some of the nature parks in Canberra, for example the work that is currently being undertaken on Bruce Ridge to deal with the impact of mountain biking in that nature reserve and the consequences that has for other areas.

I have said before that where there is potential for conflict we need to bring groups together and get some clear guidelines on how we will proceed. There is no benefit to the park in groups being at odds with each other and there is much to be gained by groups that collectively value the park understanding where each other is coming from. That is an important point because I know many in the mountain biking community, using this as a particular example, who value the nature parks very highly and would be distraught at the idea of their doing any sort of permanent damage, and I think that there are many in what you might call the conservation movement who are quite open to having recreational activities undertaken in the parks but want to ensure there is no permanent damage. So there is a lot of common ground to be explored.

In this context I think there would be merit in developing an ACT-wide strategy on recreation, although I understand those who have reservations about this approach say that, with such limited resources, perhaps we should not be so ambitious and should simply focus our efforts on the on-ground delivery of services. But a piecemeal approach is also frustrating for the many user groups, and those groups are quite diverse—the horse riders, motorbikers, mountain bikers, runners; recreational users of all persuasions. Resolving this issue can only improve the way those pressures are managed when it comes to our natural areas, and particularly an area such as Namadgi, which is so important.

Of great concern to the Greens when the plan was released was the issue of large scale recreational events in Namadgi, and, while the government did not follow the recommendations in the committee's report to reinstate the table giving guidance about the size of large events that were suitable, I recall that the government did give a commitment to undertake a full review within 12 months of the capacity of the major sites in Namadgi that could be used for large scale events. We look forward to seeing the outcome of this review, and hopefully there will be opportunity for public consultation on this so that we can determine what is a suitable event for each site and provide guidelines to those who wish to hold events.

I would quickly like to touch on a few other recommendations in the report and perhaps areas where we are unsure where things are up to. Recommendations 15 to 17 talk about commercial operators, and again we are unsure what is happening here and whether or not commercial operators are being accredited. Again this might be an issue on which the minister will provide us with an update during this debate, and if not we would certainly hope to see it soon.

Recommendations 9 to 15 cover horse trails. The report made a number of recommendations about the use of horse trails and facilities, and the monitoring of that use. It would be useful to see how this is progressing, because again I am sure that the horse riding community would appreciate being involved in discussions about progressing this, as well as the NPA—and that brings me back to the point I was just making. We need to not let these discussions descend into one side against the other, but rather work towards getting the best outcomes for our parks whilst ensuring that those who seek to use them can do so where it is appropriate and do so in a responsible way. I would be interested to see how the park services and the user groups feel the monitoring of the use of parks by horse riders is progressing, as part of that understanding. I am sure they all have the values of the park at heart.

Recommendation 19 covers fire management. Sub-regional fire plans appear to be going according to the environmental protections required. At this point we do not have any concerns, although we have had reports of ad hoc burning of roadside verges along Boboyan Road from time to time outside of the approved strategic bushfire management plan, and perhaps that is another area that the government could give us an update on, because there may be useful information that we are not aware of that relates to those reported ad hoc burns.

In concluding, I appreciate the opportunity to discuss this issue today. As I said, despite my earlier comments about the somewhat odd timing of it, we have seen reports recently, and there continue to be question marks, about the resourcing of our parks and about the ranger numbers that are available and the ability they have to deal with ongoing issues such as weeds. Certainly in the recent discussion about weeds I was concerned, for example, to see that in the government's operational weeds program some areas that have been previously treated are not being followed up.

This goes to an issue of efficiency because if the money has already been spent—and most of the money for controlling weeds is in the upfront initial assault on an area of weeds or a species of weeds in an area—it is far less expensive, but nonetheless very

important, to do the follow-up work so that that initial work is not cancelled out by regrowth or by some sort of comeback by the species. This is particularly the case in a year when we have had such good rainfall and such ideal growing conditions, as we have all experienced in our own gardens. Not following up projects has a real potential to undermine the good work done earlier. So we are concerned about that.

We would also urge the government to seriously consider how they are going to ensure the ongoing proper funding and resourcing of Namadgi. We have seen the recent discussion paper from the commissioner for the environment. I think that produced some fairly strong public reactions, and it is important that we keep that discussion going because there is chronic underfunding, I believe, for both our national parks and our nature reserves, or Canberra's urban nature parks, with problems with rabbits, weeds, erosion and lack of support for park key groups. These are ongoing issues that particularly apply in the urban environment but also are issues in Namadgi national park.

Overall, as I said, I appreciate the opportunity to discuss this today. I hope that this is an opportunity for the government to provide us with an update on the questions that we have raised today and undoubtedly some of the other questions that arise out of the plan of management, and we look forward to a continuing discussion.

**MRS DUNNE** (Ginninderra) (11.06): Mr Rattenbury has touched on some of the extraordinary issues of why we are here today.

It seems that this debate is essentially an insult to the intelligence of the Assembly and to the people in the ACT who are passionately interested in the operation of Namadgi national park. It is also an insult to the work of the members of the planning and environment committee of the Sixth Assembly. I was a member of that committee at the time when this was put through. That this government would bring on this item today with so little to show for it shows how little regard it has for the administration and management of Namadgi national park.

Mr Rattenbury touched on the issue of the Namadgi advisory board. It was a matter that was discussed at length by the committee and on which the government has done nothing. At the time, the point was made that the advisory board was treated with considerable discourtesy and, although there had been government commitments to re-establish the advisory board, some four or five years down the track there has been no progress on that. Despite commitments from successive governments that there should be Indigenous involvement in the management of Namadgi national park—there did appear at some stage to be bipartisan support for this—again this government's actions do not speak louder than their words. They have made commitments but they have not followed up on them.

On Tuesday this week the Attorney-General used an important piece of legislation as a filler because the government had no business, and again today the government has put forward this report, which is so outdated, because the government has no business. We are talking about the government response to a Sixth Assembly inquiry. Mr Rattenbury has touched on the fact that the report is so outdated that the government has responded to it. Not only has it responded; it has actually acted on it.

The debate today underscores the fact that this has been a tediously long process, and it is well worth reviewing the history. It has taken five years to get to this stage. There was a draft management plan promulgated in 2005 and in December 2007, two years later, a revised draft plan of management was referred to the then Standing Committee on Planning and Environment.

There were some interesting goings-on in the Standing Committee on Planning and Environment and I am really glad to be able to remind people today of the actions of some of the members of the committee who really did try to subvert a proper inquiry. When the revised draft management plan was brought to the committee, it was not published and as a member of the committee I could not get it published, so that when we conducted consultation the community were being consulted on a document that they could not see. They were working on the original draft plan, not the revised draft plan, and we were in the untenable situation where, because we could not publish the document, and the responsible department would not publish the document, I had to bring a motion into the Assembly to force the committee of which I was a member to publish the document.

I think the two government members of the committee at the time wanted to force my hand and call my bluff. But when push came to shove the minister realised what an untenable position they were in and the government agreed that the report should be published, so that when we conducted a consultation on the draft management plan members of the committee who wanted to contribute knew what we were talking about. It was an untenable position and it shows the level of arrogance that the government has in relation to this and the lack of regard the government has in relation to the management of 63 per cent of the territory's landmass.

Mr Rattenbury has touched upon a whole range of issues about land management and about reporting on land management that are of considerable concern to the broad sectors of the community. As I said before, as a member of the relevant committee I had to make the unprecedented move of coming into the Assembly to seek the agreement of the Assembly to the publishing of a document. Eventually, the committee reported on its inquiry in July 2008 and it made 22 recommendations. In May 2010, almost two years after that, the government finally managed to respond to those recommendations. Then in August the government released the final management plan for the Namadgi national park and here we are today, in April 2011, eight months after the release of the final management plan, talking about the government response which is a year old.

What this boils down to is that the government are madly scrambling for something, anything, to put on the Assembly's program to pad out the day. Because they stand for nothing, they have no program because they have no vision for the people of the ACT. They are so desperate to put this on that they actually create a situation where the sorry history of their mismanagement of Namadgi national park can be brought up for all to see again.

The performance of the Labor members of the committee was disgraceful. The slowness of the government in this matter has been disgraceful: two years to revise



the draft management plan, another two years to respond to the committee's inquiry. All of these things show that they have no concern whatsoever. You, Mr Speaker, when you made remarks on this, raised a range of concerns about management, about resources for management, about staff for management, about cooperation between user groups. What happens in Namadgi is emblematic of what happens in parks and reserves all the way across the ACT. You, Mr Speaker, and I have spoken on a number of occasions about our concern about the running down of the parks and reserves and their perhaps inappropriate use.

I welcome some of the discussion from the Commissioner for the Environment around the issues of the management of the parks and how we might deal with it. It is time we started to look at how we might be more innovative with the management of our parks. We accept that land management is a very expensive practice and that there are some areas which are of higher value than others and that perhaps the real thrust of our money should be going into maintaining the areas that are more pristine.

We have to look at the history of what is now Namadgi national park and it is not all pristine wilderness. For many years it was grazed. For many years it had freehold properties on it. In the time that I have been in this Assembly as a staffer and as a member, we have gone through a process of removing a pine plantation from the middle of Namadgi national park and letting it return to native bush. That is not pristine land.

The removal of the boboyan pines which commenced in, I think, 1998 indicates that not all of the areas in Namadgi national park are pristine and that we need to be much more innovative in the way that we manage this vast area of land to ensure the conservation values of the high integrity areas and appropriate management of those which are of lesser value in terms of their biodiversity and their natural history. And these things need to be done in concert with a whole range of people who want to use the park, and are entitled to use the park because they pay for its management, for a range of uses.

Mr Speaker, the government's putting this matter on today has been extraordinarily cynical. You are correct: if they wanted to do something they should be reporting upon the management plan as it is currently promulgated and what they are going to do to improve the management, the weed control, the vermin control, in Namadgi national park and how Namadgi national park interfaces with its neighbours both here in the ACT and across the border in New South Wales. These are the things that we should be dealing with. We should be dealing with what the government's vision is for the alpine national parks and how we ensure that the strings of high quality alpine areas are preserved and protected from bushfires and the like, vermin and the infestation of weeds and how we maintain our water catchments. These are all the issues that we should be dealing with, not things which are essentially dead and buried, because even the government after five years has moved on from there.

As I have said before, this proposed motion today is insulting and I would really rather hear from the minister about what he proposes to do for the future management of Namadgi national park than his casting over decisions which have already been made and implemented.

**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) (11.17): Namadgi national park, as we know, was declared in 1984. The park covers just under half of the ACT, supplies most of our domestic water supply, protects a diverse range of mountain wildlife, contains evidence of Aboriginal occupation dating back 20,000 years and of course is a treasured recreational area for many Canberrans. The size and significance of Namadgi warrants careful and coordinated planning, and I am confident at least, unlike some of my colleagues here, and grateful for the fact that the Namadgi national park plan of management does enable that.

The plan establishes primary management objectives and ultimately aims to protect the natural and cultural values of the park in perpetuity. The plan addresses threats such as feral animal and weed invasion, fire regimes and climate change which may have adverse impacts on these values. It sets out policies for community participation and engagement in the park and for encouraging people to visit, learn about and appreciate the park. It is one of 11 national parks and reserves in the Australian Alps that are collectively known as the Australian Alps national parks. These parks are listed on the national heritage list under the Environment Protection and Biodiversity Conservation Act.

Interestingly, surveys conducted by TAMS estimate that there are over 200,000 visits to Namadgi national park every year. Sixty per cent of those are repeat visits and I find it interesting that of 200,000 visits only 24 per cent are made by Canberra residents. The survey for the past year reveals that the most popular recreational activities are bushwalking or hiking, camping, enjoying scenery, visiting cultural sites, bird and animal watching, picnicking, mountain bike riding and four-wheel driving. I am sure members, most particularly having regard to the contributions to this debate so far today, would be interested to know that 92 per cent of visitors are satisfied with their experience in Namadgi and 93 per cent of visitors are satisfied with the management of the park. The visitor information centre, rangers and the services provided by volunteers also rank very highly.

Last April, the three-day Australian orienteering championships were held in the Canberra region and on one of these days the event was held in the Gudgenby valley and over 800 people attended. Although there was some community opposition prior to the event, it was approved subject to the event organisers providing comprehensive plans for risk management, temporary traffic control, emergency evacuation, waste disposal and communications.

To address those concerns about the potential impacts of the event on the environment, TAMS and Orienteering ACT developed a robust, independent monitoring program to assess the impact on the park. The monitoring program is overseen by a steering group which includes the National Parks Association. The results of the monitoring indicated that there are little or no discernible significant adverse impacts on the values of the park as a result of an event such as an orienteering event participated in by 800 people. Many other organisations of course also use the park for recreational events.

The Namadgi plan of management commits the ACT government to prepare a policy document to guide the assessment of applications for events in the park. The events policy will cover different types and sizes of events, including large events, and will take into account the need to protect the natural and cultural heritage values of the park.

The natural world operates in a complex and unpredictable manner. It is foolhardy to assume that our knowledge is complete or unchanging. The plan of management establishes the fundamental and simple concept of evidence-based management. Evidence-based management is achieved through scientific inquiry carried out through survey, monitoring and research. Surveying ecosystems and species aims to build an inventory of vegetation communities and individual plants and animals, where they occur and their associations with each other.

Monitoring focuses on key populations, species or environmental conditions and how they change over time, while fundamental research aims to tease out and deepen our understanding of the relationships between species and the functioning of landscapes and ecosystems. In particular, the plan of management advocates research that is applicable to park management and long-term studies that are suited to building an understanding of the dynamic nature of natural systems over time.

Over the years there has been a considerable survey effort to build an inventory of the natural assets of Namadgi national park. We now know, for instance, that there are 20 different vegetation communities in the park. In relation to native fauna species, there are at least 35 mammals, 14 frogs, 41 reptiles, four native fish and over 130 bird species. Many of these species are rare and 15 are listed as threatened. Monitoring is generally focused on these species which have restricted distributions and are under greatest threat of extinction, or on ecological conditions that are indicative of wider threatening species.

I will take this opportunity to highlight several examples of ongoing monitoring for individual species to indicate the scope of monitoring being undertaken. One example, for instance, is that of the Brindabella midge orchid, which is only found in the ACT and is only known from a one-hectare area near Bendora dam. It was first discovered in 1992, with a total known population of 70 plants. In 2003 the site was burnt during the bushfires and monitoring of the site after the fires showed a decline in orchid numbers. Action was taken to reduce shading from other plants that sprouted post-fire and in 2010 78 orchids were counted. A more comprehensive monitoring program which tags individual plants has now been established.

The northern corroboree frog has been monitored for over two decades. It suffered a dramatic and rapid decline and it is estimated that there are fewer than 100 frogs left in the wild. The main reason for the decline seems to be the spread of the amphibian chytrid fungus. Concern about the rapid decline of the species led the government to establish a captive breeding program. There is now an assurance population of over 100,000 frogs maintained in special housing at Tidbinbilla. Without monitoring of the species, the government would not have known of its decline and no action would have been taken. Without these actions, the species would undoubtedly become

extinct in the future. There is now at least a chance that future generations will be able to appreciate the beauty and uniqueness of this species.

In terms of research there is a plethora of opportunities that arise whereby ACT government ecologists work in collaboration with local research institutions such as the ANU, University of Canberra, cooperative research centres, Actew or with other park agencies through the Australian Alps national parks cooperative management program to implement specific research programs focused on the natural and cultural heritage of the park.

By way of example, a research project that I believe exemplifies the efforts of the government through our very professional and capable park staff is the restoration of our special sub-alpine sphagnum wetlands and fens that were damaged in the bushfire. This research received funding from the commonwealth, New South Wales, Victorian and ACT governments and was undertaken by staff of four agencies and researchers including the ANU, La Trobe University, the Tasmanian government and the ACT parks agency.

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

**MR STANHOPE:** Currently, research institutions are undertaking nine different research projects in Namadgi which include research into lizards, birds of prey, small mammals, soil ecology, plant transpiration and snow gum ecology. Park staff are also collaborating in regional climate change studies. The extent of the 2003 fire, where 91 per cent of the park was burnt to varying degrees of intensity, has also stimulated research in aspects of fire ecology, fire management, hydrology, water quality, riparian recovery and soil erosion.

Last year the Department of Territory and Municipal Services began the implementation of the 10-year fuel and fire management plan identified in the ACT strategic bushfire management plan.

The Australian Alps agencies also recognise that Aboriginal people have cultural and spiritual associations with the mountains that go back many thousands of years and their past presence is evidenced through the many archaeological and historic sites.

The government is addressing—and this is an issue that has been raised in presentations today—the Assembly's recommendation that the role of the interim Namadgi advisory board be finalised. Individual meetings have been held with signatories of the 2001 agreement between the territory and the ACT native title claimants, and a workshop scheduled to explore more permanent options for cooperative management of Namadgi. Due to unforeseen circumstances, a number of signatories were unable to attend the workshop, which is now being rescheduled.

I know this is a matter of great interest and it has been raised this morning, but I can assure you that the government is firmly committed to the goals inherent in the recommendation in relation to the board of management and we are doing all possible to achieve an agreed outcome.

Meaningful Aboriginal involvement in park management is evidenced by Aboriginal contributions to current educational, research and conservation programs in Namadgi. In 2008, a project was established to assess the condition of the Namadgi rock art sites and develop monitoring and maintenance protocols and skills to assist their management.

I regret that I am almost out of time, but by way of conclusion I can assure members that the government takes this issue particularly seriously. It is a report that was some time in the making, but it is a most complex issue and I think that some of the commentary today, most particularly in relation to management, is not reflected by visitor experience and clearly at one level I think is very unfair to the passion and the commitment which parks members at TAMS show in the management of Namadgi.

Question resolved in the affirmative.

### **Education, Training and Youth Affairs—Standing Committee Report 5—government response**

Debate resumed from 15 February 2011, on motion by **Mr Barr**:

That the Assembly take note of the paper.

**MR DOSZPOT** (Brindabella) (11.28): Mr Speaker, I must echo your and Mrs Dunne's comments on the previous motion: in view of the time lapse—in this case the report came out last October and the minister responded in March—it would be more appropriate in fact to be getting an update from the minister on the progress the government has made in the implementation of the recommendations of the Standing Committee on Education, Training and Youth Affairs report, *Needs of ACT students with a disability* of October 2010. However, having said that, I thank the Standing Committee on Education, Training and Youth Affairs for looking into the needs of ACT students with a disability. This is an important matter and it is in need of further consideration by this Assembly.

As for my earlier comments on the time lapse, it is worth noting Minister Barr's belated response to this report, in March, after Minister Burch's tardy formal response to the *Love has its limits* report the other day, a deadline extension she had set for herself. I suppose, to use Ms Burch's own phrase, Mr Barr's "calendar head" finally hit him today.

We have noted the government's response to the 30 recommendations that the committee has made, and the Canberra Liberals will continue to fight for the rights of the most disadvantaged members of our school community. We need only to be mindful of the minister's treatment of this community last October, when it was decided, without proper consultation, to find efficiency savings by axing support services that were in place for students with a disability. And this occurred only a month after the minister released the government's strategic plan for disability in ACT public schools for 2010-12.

It should be recalled that, in one fell swoop, the accountability elements in the government's strategic plan, like "providing opportunities for consultation between stakeholders", in essence became nothing more than nice-sounding motherhood statements.

What more is there on issues of fairness, as with the government's commitment to support diversity by developing whole school learning environments that promote recognition of the right to education on the same basis as for students without a disability; ensuring fair access to quality education; and supporting staff to implement reasonable adjustments to meet the learning needs of all students?

This is the same government that, although preaching fairness, was willing to cut support teachers for visually impaired students and replace them with text-to-speech programs to teach these students literacy. That was one of the many other measures that the government, under Minister Barr's leadership, or lack thereof, was willing to cut.

We note in today's response that the government has agreed to key issues facing the school disability community, such as post-school options and pathways, individual learning plans, improved service consistency between public and non-government school sectors, and the like.

This is a step in the right direction, but, as has been the government's track record thus far, it needs to be seen whether they will deliver on these responses. In Mr Barr's case, we have to be mindful of the constant spin he creates and the reality of his lack of ability to deliver on his promises. Just ask the teachers of the ACT how much he has delivered for them.

The Canberra Liberals will continue to keep the government accountable on such matters and continue to push for fiscally prudent and sustainable options for improving outcomes for all students—and in this context for students with disabilities.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (11.32): I also would be interested in, and hope we will get, an update from the minister this morning on where he and his department are up to in progressing some of the recommendations from the report that were agreed to.

One of the overall things I would say is that we have a number of students in our education system who have disabilities and who need support in order to pursue their education. It is incredibly important that we do provide that support. Although Mr Doszpot talked about being fiscally prudent, I think we need to go a little bit beyond that to see that, in fact, this is an issue of fairness. It is an issue of social justice. It is an issue of ensuring that those children with disabilities have the same opportunities as students who do not have disabilities in being able to pursue an education. I do think it is important to put that in this debate.

It is also incredibly important that this report from the standing committee, and also the Shaddock review, be addressed—the recommendations; the issues that came up—

in this coming budget. It is quite clear that there are cost pressures within the education system. This has come about for a number of reasons, some of which are listed in the report. That is around an increasing number of students who are coming into our education system who have disabilities and an increasing complexity of those disabilities. We need to push the government to ensure that there are funds allocated in this coming budget to address many of these recommendations, and particularly when we go to those recommendations from the report that have been agreed to by the government in their response to the report.

Some of the issues obviously were not new; they have been around for quite some time. Parents have been very frustrated, and so have advocates, because issues they have been raising for some years have not necessarily been responded to. So, in reading the standing committee's report, I was not terribly surprised by those issues.

Some of it was around the overall allocation of funds in this area—parents feeling that they were not being listened to, their children were not being properly supported through allocation of resources. Some of this came back to the SCAN process. I know, from being at an election forum back in 2008, that a big frustration for parents was that they went through the SCAN process but they then could not see how that was assisting their children in that there was not a transparent process around how their needs were assessed and then resources and money flowing to ensure that their educational needs were being met.

I recognise that in the report, of course, these issues were raised. As I said, I am not surprised as it has been a real bugbear for many parents. It was also raised by the council of parents and citizens, the P&C, who talked about the fact that the student-centred appraisal of need, the SCAN process, is supposed to be used to determine the need for additional resources so that these can be allocated in an equitable, transparent and consistent manner. And this does not appear to be the case.

The committee put in a recommendation around this. In fact, there were several recommendations, as you go through the report, related to SCAN. One of those was around a schematic representation of the definition and funding model used to allocate funds to be provided to parents so that they could clearly see how that works.

Recommendation 11 was around the need for greater transparency in the allocation of those funds. That one has been agreed to in part by the government. I would urge them to really take that one on board. It is important that there be some transparency around these processes so that you do not have some parents feeling that those who jump up and down—the squeakier wheels—are going to get an allocation that others are not. That is why it needs to be accountable. That is why it needs to be transparent.

This led to recommendation 15. Again, this was only noted by government. This recommendation was around, as I said, the need for greater transparency and that maybe school-based management was an issue here. We were not clearly seeing that it was laid out somewhere—the allocation given to each school and how that allocation was made.

The government's response has simply been, "We'll provide you some information through the budget process." As we know, the budget papers have a certain level of detail but they do not contain this level of detail. So although it has been noted, I do believe that this is an area that needs further work.

Recommendation 18, again, corresponds with the SCAN process, as does 19. Recommendation 19 talks about the need for inclusive technologies to be assessed at the same time that the SCAN process is done. Recommendation 18 was about reviewing the SCAN process and establishing a mechanism to ensure that the funding approach to the allocation of resources to students will be focused towards maximising learning outcomes.

What I find interesting with a number of these recommendations that relate to SCAN and the government's response is that they very much seem to be going back to *Excellence in disability education in ACT public schools*. This is the guiding strategic document. A number of government responses have laid their hat, if you like, on a couple of these priority areas. In relation to SCAN, a number of these are around priority 2 of that action plan. Priority 2 outlines aligning the SCAN and the ILP processes. I am not getting a sense of timing about when strategic priority 2 will be implemented. It would be good to hear from the minister how that is going and where some of that implementation of strategic priority 2 is up to. Is it on its way? Are we waiting for budget allocations? What sort of work has been done in that area?

Another one was around information, and this is another thing that parents really were crying out for. Where is the information? Where is the one place we can go to get all the information about the programs that provide our students with support? I am pleased to see, again, that it refers to strategic priority 3, and a pulling together of a resource guide that will contain all of those programs that are available for parents to apply to—those resources, funds and so forth.

That is incredibly important. As a parent, when you have a child going to school, you want to do the right thing. As a parent of a child with disabilities, particularly when it presents some great complexity, there is extra stress and pressure. Of course, you are going to be your child's best advocate. We want to support those parents to be their child's best advocate, and that is why it is important that we do have one place where they can go to access this guide, to find out about these resources, programs and so forth.

I hope that this guide will be available soon, if it is not already. Again, the minister may give us an update. I hope that we do not do a guide and then leave it, but that there is someone and resources allocated to ensure that that guide is kept up to date, because we know that children with disabilities will continue to enter our education system.

Again, I will be very interested to hear from the minister about how all of this is going. I know that there are a lot of dedicated people in the education department—teachers across the system, and of course assistants, aides and so forth, who are doing their best to support children with disabilities to pursue an education.



I note that another recommendation was around the NAPLAN testing and being able to pull that apart a bit in order for students with a disability to participate. This is an issue that parents have raised with me. They want their children to have some goals that they are going to reach during their education, and they do want to be able to participate in processes such as NAPLAN.

I note that the department have said they will be going off to talk to ACARA about how this might be pursued and are looking at forming a working group to investigate this. The government response states:

It is envisaged that the outcome of this process will be a system of nationally consistent standards of student learning outcomes applicable to students with disabilities ...

I think this is a good thing to be pursuing. My only concern is how long it will take, because I know there are parents out there now who would like this up and running. Again, I would urge government to participate and to pursue this particular objective. I think it is important.

I would like to thank the standing committee for the hard work that they put into this report. I would like to thank all of those parents, organisations and advocates who participated in that inquiry. It is a very important part of this whole debate; you have added value to the debate with the report. I look forward to seeing the government's response in real terms—seeing that money on the ground, seeing the resources on the ground, seeing the changes to processes that are in place that are going to mean that those children in our education system are going to be given the best opportunity to achieve an educational outcome that they want, that their parents expect, and that we all hope that they are able to achieve. I look forward to hearing what the government has done since this report has been tabled.

**MR HARGREAVES** (Brindabella) (11.44): I think it is important to put on the record that this is a report with 30 recommendations, with good engagement by the community, the Assembly and the minister, and I congratulate the minister on putting it forward.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (11.44), in reply: I thank members for their contributions to the debate. I thank the standing committee for the conduct of the inquiry, and, indeed, all those who participated—parents and disability advocacy groups in particular. All have played a meaningful part in contributing to the government's continued commitment to high quality education opportunities for ACT students. Today is not the day to outline the detail of the government's response.

*Mrs Dunne interjecting—*

**MR BARR:** That will be contained largely within the budget. I will not be pre-empting budget announcements today, other than to assure members that a significant

feature in this year's education budget will be a response in relation to these issues, particularly matters of demand and also implementation of those recommendations. I note the particular interest of Mrs Dunne and look forward to her considered contribution to the debate. We have seen this morning, of course, the range of contributions that you get in debates in this area from the somewhat—

*Members interjecting—*

**MR SPEAKER:** Order, members! Let us hear from Mr Barr.

**MR BARR:** pathetic and outrageously political, through to a more considered contribution. We look forward, of course, to—

**Mr Smyth:** Politics from politicians! It is truly amazing. I'm just shocked, Mr Barr!

**MR BARR:** There are those, Mr Smyth, who seek to characterise their contributions to the public policy and debate by way of seeking genuine outcomes and then, when it comes into this place, it is all about grandstanding. But anyway, that is for them to determine how they wish to contribute. Again, I thank members for their contributions, I thank the committee, and I look forward to this year's budget.

Question resolved in the affirmative.

## **Justice and Community Safety—Standing Committee Reference**

**MS BRESNAN** (Brindabella) (11.47): I move:

That:

- (1) pursuant to standing order 214, the exposure draft of the Election Commitments Costing Bill 2011, presented on 10 March 2011, be referred to the Standing Committee on Justice and Community Safety for inquiry and report;
- (2) the Attorney-General be appointed as a member of the Committee for the purposes of the inquiry; and
- (3) appropriate resources from the Government and Parliamentary Counsel be provided to assist the Committee in the inquiry.

I am moving this motion today to trial a more collaborative approach to the work of the committees and to the development of legislation in the Assembly. All members would have received the letter from the Speaker concerning a proposal for Assembly committees to meet collaboratively with the executive to progress legislation in the Assembly. I will outline key issues from that letter.

The committee chairs have been discussing the matter of Assembly committees meeting collaboratively with the executive. Concern was raised with the original proposal in the parliamentary agreement for committee chairs to meet with ministers, following advice sought from the Clerk by me.

On 25 November Mr Corbell attended a meeting of the committee chairs to discuss the original proposal and, following that meeting, a paper was prepared by the Secretariat to provide details in other jurisdictions, national, international, which have established a model for collaborative committees. The paper suggested there were no examples of the model outlined in the parliamentary agreement that would be suitable for the Assembly. However, features from collaborative models in other jurisdictions could have a role for committees and legislation development in the ACT.

A number of parliaments in other countries involve committees in the review of legislation, including New Zealand, the United States and Scotland. With the Scottish parliament in particular, the processes of the parliament have determined that it would be inappropriate for ministers to participate in committee proceedings that involve scrutiny of the executive. However, ministers attend committee meetings when proposed legislation they are responsible for is discussed.

There is a two-stage consultation process. First, the executive undertakes consultation in developing the legislation and then the committee considers the bills. There is evidence that the legislative process in Scotland involves a high degree of consensus, and decisions typically involve the agreement of all parties.

A proposal was put to the committee chairs meeting involving a process where the ministers would identify proposed laws that would go to an Assembly committee for consideration, working collaboratively with the executive. In the first instance the executive would identify proposed laws that could be referred to committees when the Chief Minister tables the autumn and spring legislation programs.

When the law was identified and nominated, the responsible minister would, firstly, move a motion in the Assembly referring the bill to the relevant standing committee and appoint the relevant minister for the inquiry's duration; secondly, provide for relevant departmental officers to assist the committee; and, finally, arrange drafting assistance from the Office of Parliamentary Counsel. The committee would then progress the inquiry and, once completed, draft a report on the inquiry and views proposed on the bill, along with a draft bill and explanatory statement. The committee would report to the Assembly with a copy of the bill. The process could also apply to private members' bills.

The committee chairs meeting supported trialling the process, and the suggestion was that the exposure draft of the Election Commitments Costings Bill 2011 be nominated and referred to the relevant committee. The matter then went to the Standing Committee on Administration and Procedure for consideration. However, agreement was not reached to progress the committee chairs meeting's recommendation.

This motion today seeks to refer the Election Commitments Costings Bill to the Standing Committee on Justice and Community Safety, appoint the Attorney-General to the committee for the duration of the inquiry and provide the appropriate resources to the committee.

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

## **Justice and Community Safety—Standing Committee Report 5**

**MRS DUNNE** (Ginninderra) (11.51): I present the following paper:

Justice and Community Safety—Standing Committee—Report 5—*The Freedom of Information Act 1989*, dated 4 April 2011, together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

I am very proud today to present to the Assembly the committee's report on the inquiry into the Freedom of Information Act. The Standing Committee on Justice and Community Safety has deliberated on this for some time and, in tabling this today, makes recommendations to the ACT Legislative Assembly that, in sum, recommend a complete redrafting of the freedom of information laws in the ACT.

These recommendations need to be looked at in the context of a wide-ranging commitment to openness in the matter of access to information. As I have spoken about a couple of times in the last couple of days, there has been a longstanding verbal commitment by the Stanhope government to openness and reform of freedom of information. Mr Stanhope, when he was the Leader of the Opposition in 2001, promised reform to the Freedom of Information Act. We have seen precious little of it under Mr Stanhope. When Mr Stanhope was the attorney we saw none. When Mr Corbell became the attorney we saw some changes to the rules in relation to conclusive certificates that made it easier to issue conclusive certificates, although the minister said that it would make it more difficult to do so.

The only reforms that have been substantial are those which were foreshadowed by the Canberra Liberals in the previous Assembly and eventually brought about in this Assembly, with the abolition of most of the conclusive certificates in the current freedom of information legislation. At the same time, the attorney made some other amendments which were opposed by the Canberra Liberals in relation to cabinet notebooks.

This is the complex nature of the history of freedom of information. In December 2008, there was general agreement that the whole range of freedom of information laws should be submitted for inquiry and report and this, today, is the result of that work.

The major recommendation of this report can be summarised fairly simply, in that the recommendation is that the ACT adopt the current commonwealth model for the operation of freedom of information. There are some good reasons for doing this. There are other paths that we could have gone down but the ACT and commonwealth freedom of information laws have traditionally been very closely linked and are very closely mirrored, one with the other. This means, of course, that we have shared

jurisprudence and therefore the decisions made in one jurisdiction can have more appropriate impact in the other. If the committee's report were implemented, the ACT would see new FOI laws, as I said, that closely mirror the new commonwealth laws.

There would be wider publication of government information online and the full development of what has been called a push model for public sector information. It would improve openness and efficiency of the freedom of information process. It provides for the establishment of an ACT ombudsman, privacy commissioner and freedom of information commissioner rather than relying on the commonwealth to provide these services, as is currently the case, and provides for a significant overhaul of the processes for the release of documents. This will have the most impact on cabinet documents.

The recommendations would, if adopted, make a significant contribution to democratic rights and freedoms of the people of the ACT. And it is the clear view of the committee that the FOI Act needs to be brought up to date so that the residents of the ACT can enjoy the same freedoms as those in other innovative states in Australia.

The committee also believes that it is important that, because we are in the ACT and we are so closely associated with the commonwealth, we need to achieve consistency of arrangements. One of the areas of recommendation was in many ways touched on by the motion that Ms Le Couteur brought yesterday, that in this day and age information is more than ever the lifeblood of our government system and, where the public is properly informed, governments can be truly responsive to its needs. There is much in the discussion and the recommendations in this report that go to the substance of Ms Le Couteur's motion yesterday about the timely publishing of information in the hands of the government so that in a sense, in the words of the Hawke report, FOI becomes a process of last resort for people seeking information.

I think that it is important to note that, while the committee was concluding its deliberations on this matter, the Hawke report *Governing the city state* was made public. It made a number of recommendations that touched on freedom of information and the operation of the Freedom of Information Act. Amongst other things, the Hawke report recommended that the government move to adopt a more proactive model of release of information held by the ACT public service, along the lines of the commonwealth scheme, and to support broader policy debate in the community, subject to appropriate and necessary restrictions, including in relation to executive privilege, security and personal privacy. In particular, Mr Hawke's review recommends that the ACT government should develop an approach to proactively publish more of the information held by the ACT public service, including cabinet material, to establish a chief information officer in the proposed Chief Minister's Department and that all FOI decisions made by the ACT public service be published on a central website.

It is true to say that there is an emerging consensus on the way that public information should be dealt with in Australia and that that emerging consensus shows that the legislation that we currently have, which dates back to 1984, is outmoded. While it was probably good at the time, it has not been substantially changed in the ACT and had not been substantially changed in the commonwealth until very recently. A lot has

happened in the discussions about administrative law and access to information and privacy in the time since the Freedom of Information Act came into operation in the commonwealth and eventually in the ACT.

There are a few areas that I want to dwell on in relation to the recommendations in the report. The committee makes 19 recommendations in all. These have been summarised essentially as creating a new FOI body of law which mirrors the commonwealth laws. But there are some issues about openness that I think that we need to address. Recommendations 14, 15 and 16, I think, are of importance to the Assembly because they touch on the whole range of openness.

The committee recommends that, in framing the new freedom of information legislation, all exemptions be recast so that they are subject to a single, consistent public interest test, subject to merits review. The problem is that the current FOI legislation has some conflicting public interest tests and that makes it difficult for administrators to make decisions in favour of publication, because in one section the public interest test has a particular bent and then you go to the next section and it has a different bent. I think that it is very difficult for the people who administer the act to actually know in what way they should be approaching public interest, when the test is different from section to section.

The committee also recommended that, in framing the new legislation, the ACT government remove all provisions for conclusive certificates—there are still currently conclusive certificates—and create a legislative mechanism such that conclusive certificates issued in the past be removed as documents to which they have been applied, as requested under the process. What would happen if this recommendation were introduced is that, if there was a fresh request for documents under the new proposed Freedom of Information Act, those documents that were subject to conclusive certificates, like the thousands of pages of documents that related to school closures, would have to be looked at afresh, with a fresh merits review. That is not to say that this was the only set of documents that I had in mind when we were looking at these issues and these recommendations, but what the committee is actually saying is that, seeing the Assembly has already removed most conclusive certificates, we would effectively like to contemplate and recommend the contemplation of the retrospective removal of conclusive certificates.

The committee also recommended that, in framing the new legislation, the ACT government create a charges regime that reinforces a citizen's right to information, rather than discouraging requests. I think that this is very important, because there has been quite a change in attitude to charging that practitioners and users of the Freedom of Information Act have seen since the attorney appeared before the inquiry last year. The attorney used his appearance before the inquiry to send a message to government officials that he expected to see a much more rigorous charging regime.

I have had quite a number of complaints and concerns raised by members of the public that suddenly they are being charged for things that they had not hitherto been charged for. And I have noticed that there have been attempts to charge members of this place, including me, for access to information. I have not yet had to pay a charge but it certainly seems to be at least another hurdle that members are being confronted

with before they can obtain access to information that is often important to the operation and the administration of the ACT.

I flagged with members of the committee that I would make these comments in this place, because it is, I suppose, by way of a dissenting comment. I did propose a recommendation that members of the Legislative Assembly be exempt from charges under the Freedom of Information Act, and members of the committee did not agree with that. I contemplated making dissenting comments, but they were essentially the only dissenting comments that I would have made; so I flagged with the committee that I would raise that issue here so that the fullness of the issues that were discussed in the committee can be exposed in this place. I recognise that I was the only member of the committee who held that view. But I do hold that view and I suspect it is the view of many members of the Legislative Assembly who are being confronted with charging on a regular basis.

One of the other important issues is that the committee has recommended that the ACT create an office integrating the functions of the Ombudsman, the Privacy Commissioner and the freedom of information commissioner, thus replacing the services provided by the commonwealth and creating a new leadership role for freedom of information in the ACT. It is sort of a natural continuation of the process that we have evolved. We are seeing that, in many aspects of things that happen in the ACT, we are moving away from reliance upon services provided on a fee-for-service basis by the commonwealth. For instance, only this week the Assembly passed into law the Evidence Bill which, when it becomes operative, will mean that the ACT has its own Evidence Act. Hitherto, we have relied on the commonwealth Evidence Act.

Here too, we recommend that we have a standalone office. This is not inconsistent with the recommendations of the Hawke review. The committee recognises that there would be a cost associated with this. The committee also noted that the attorney seemed to be pretty much opposed to this on a cost basis. The minister's presentation before the committee was a little woeful, because he basically said, "You cannot do anything because it will cost"—that was it essentially—"and if you propose anything, you have to remember that it will cost and we probably will not do anything about it".

So the challenge is now open to the government to take on board the clear views of the committee, which I think reflect the majority of views in the ACT Legislative Assembly, that there needs to be root and branch reform of the Freedom of Information Act.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (12.07): I will just make some very brief comments about the report. Firstly, I thank the committee secretariat, and particularly the committee secretary, for all their hard work. As you are probably all aware, the last two or three years have been particularly significant for the development of FOI laws in Australia. I would like to do this to some musical accompaniment, thank you, Ms Le Couteur.

**Ms Le Couteur:** I am sorry.

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Order, Ms Hunter! Stop the clock, please. Would somebody please tell the "band" to leave? It is disorderly. Ms Hunter, the floor is yours.

**MS HUNTER:** Thank you. The major change, of course, came with the removal of conclusive certificates and then the substantial reconsideration and reworking of the FOI scheme, most notably by the Queensland and commonwealth governments. The key recommendation of the committee is that we adopt a similar model premised on openness and disclosure and subject to a single public interest test that balances whether there is a greater public interest in disclosure or confidentiality. Mrs Dunne referred to the push model.

Exemptions should not be based on documents being part of a class, but rather on the merits of the particular case and the substance of the issue at hand. This is, of course, the key point addressed in the report, but there are other very important and complementary measures that have also been considered by the committee and recommended as positive changes for the ACT. These include creating disclosure logs so everyone can easily access information that has been released so that there is a public record of what has and has not been disclosed and the reasons for that.

The report also recommends the free and accessible, proactive disclosure of government information that should be in the public domain so that people do not have to make information requests, but rather can freely and easily access the information on the internet. Reference should, of course, be made here to the Greens' motion, Ms Le Couteur's motion, on Gov 2.0 and the free availability of government information passed by this Assembly on Wednesday—that is, yesterday.

FOI will always be contentious and it is probably fair to say that the government will always want to be more secretive and those not in the government will want them to be more open. Certainly the submissions received by the committee and available on the committee's website favoured increased openness, whilst the government's submission was less disposed to this. I think the balance that the committee has adopted is a good way forward for the ACT. It will improve community access to government information and, therefore, the quality of government here in the territory.

The Greens are committed to open government and the increased participation of citizens in our democracy. Improvements to the FOI scheme are a key part of this and the Greens are very pleased that the Assembly now has the benefit of this report which consolidates much of the extensive range of material that is available on FOI. This report is the beginning of the next phase in regard to freedom of information for the ACT. There is a lot of work that now needs to be done to implement the changes and, of course, we are also hoping for a favourable government response. The Greens very much look forward to this debate continuing in this Assembly.

**MRS DUNNE** (Ginninderra) (12.10): In closing, I thank Ms Hunter for her comments. I warmly recommend to the government a speedy response to this inquiry. I think that there are many groups in the ACT who are anticipating that we can be part of the reforms in relation to FOI, and the access to information generally, which was reflected in Ms Le Couteur's motion yesterday.

In conclusion, I want to pay tribute to the hardworking staff of the Assembly library and the committee secretariat for their work on this rather lengthy report. I also pay



tribute to my colleagues—Ms Porter, who was a member of the committee and the deputy chair of the committee until November 2009, Ms Hunter and yourself, Mr Assistant Speaker, as the deputy chair—Lydia Chung, from the secretariat, and a long list of committee secretaries.

It might seem that we are careless with our committee secretaries, but they all have good reasons for not being here now. Mr Hamish Finlay moved to Canada. Mr Derek Abbott came and filled in a gap, as Derek is wont to do. Dr Hanna Jaireth was the committee secretary for quite a lengthy period of time. Our current committee secretary, Mr Brian Lloyd, has brought this report together and put it in such good shape. However, I did notice a typo after all of that. I pay tribute to the Assembly library: Siew Chin Scholar and Chiew Yee Lim have provided particular and consistent assistance with research and the literature search that accompanied this. I pay tribute to them for their hard work. I commend the report to the Assembly.

Question resolved in the affirmative.

## **Planning, Public Works and Territory and Municipal Services Report 10**

**MS LE COUTEUR** (Molonglo) (12.13): I present the following paper:

Report 10 of the Standing Committee on Planning, Public Works and Territory and Municipal Services entitled *Report on Annual and Financial Reports 2009-2010* together with a copy of the extracts of the relevant minutes of proceedings.

I move:

That the report be noted.

First off, I would like to thank my fellow committee members and in particular Ms Porter, who as chair of the committee should be presenting the report but unfortunately she is still off for medical reasons. I wish her the speediest of recoveries. I also wish to thank Mr Coe and the secretariat, Mrs Nicola Kosseck and Ms Lydia Chung, for their hard work in preparing this report.

Each year when we are doing the report on planning, public works and territory and municipal services we simply do not have long enough. It is a really big area. We could spend weeks and weeks on it. But unfortunately, or possibly fortunately from the point of view of the public servants that we talk to, we do not have weeks and weeks to spend on it. I will just quickly go through the recommendations and highlight some of the reasons why we talked about them.

Our first recommendation was about the Heritage Council backlog. The disappointing thing is that we keep on having to make almost the same recommendation. There is still a heritage backlog and this is going to become possibly more and more of an issue, and particularly I am thinking of the Northbourne Avenue precinct which has a considerable number of heritage listed properties in it. We need to work out some way of getting heritage listing done a little bit more quickly.

Recommendation 2 is a perennial favourite in slightly different terms. It is about the southern cemetery and looking at the full range of options there. It appears that the government is focusing particularly on a crematorium—as the committee heard, a very solid piece of work was done on a crematorium. That is good but it would be really useful if solid pieces of work were done on the other end-of-life options.

We would like to see something more about the financial impacts. We believe work has been done but it is not yet publicly available. The last debate was on the committee report about freedom of information. Information availability is an ongoing problem for all committees and for all MLAs. I very much hope, as a result of my motion yesterday and the committee report that Mrs Dunne has just tabled, that we will see some improvement on that.

The next area that we talked about was weeds. I notice that was talked about again by Mr Rattenbury in discussion on the report on Namadgi national park. We made two recommendations here—one about prioritisation in weed management and the other was the ACT government looking at ways of empowering and resourcing land care and park care groups in their weed control activities.

This is important for a number of reasons. The most bottom line reason, I guess, is that there are a lot of people who are interested and enthusiastic enough to work in these areas. If the government can harness this energy and enthusiasm it is going to save the bottom line. The government simply does not have the resources to do weed control everywhere that it is needed in the ACT. People feel very positively about the natural areas that surround them. People love the bush capital which we are fortunate to live in, and there are a lot of people who would be prepared to put some effort into doing the right things with weeds. They just need a bit of help.

Next we move on to waste issues. We looked at a number of those, the first being expanding recycling services in public places. This is something the Greens have been talking about for years now. It was part of our agreement with the Labor Party, and we really would like to see the ACT government act on this recommendation. It is something that clearly the public think should happen. It is something which the government, in various guises, has talked positively about, and the committee's report particularly noted the public place recycling in Exhibition Park. The committee heard that this was working well, but it has not been extended.

The other waste recommendation was about batteries and light globes. We did ask for information about what the government's plans were with this. We understand that the government is considering it. We have asked for the government to provide an assessment to the Legislative Assembly of opportunities to provide household battery/light globe drop-off services. This is an area that I have been very concerned with.

The ACT Greens ran for quite a period of time a battery and light globe recycling service from our office because the ACT government did not run one. There is clearly a major need. It is toxic waste which is not properly being disposed of. I should also note that the Greens have put forward a budget bid for something along these lines. I

am very much hopeful that the upcoming budget will see something positive happening there.

Recommendations 8, 9 and 10 were a series of recommendations about ACTION and reporting of ACTION data. We basically felt that ACTION needed to lift its game on reporting on timeliness and whether buses were cancelled or not. There seems to have been a recent increase in cancelled buses, or certainly an increase in complaints about cancelled buses. We felt that ACTION could report better with its then current system than it was, but we felt it could do even more as it was just about to introduce an electronic ticketing system. There will be a lot more data available, so we would like to see better reporting and better targets. This is well within ACTION's capabilities.

We echoed the complaint which I made again yesterday that ACTION does not provide bus timetable data to third parties in a useable format for other applications. This is something ACTION could and should do. It is not party political. Everyone can recognise the usefulness of having good bus timetable data available to the public—even ACTION recognises it; it just has not as yet done it.

Our next recommendation was about Yarralumla Creek and, as someone who at the end of high school traced all Yarralumla Creek as part of a school project, I find it very distressing to see that it has turned into a concrete drain. We would like to see TAMS seriously look at restoring Yarralumla Creek into a natural creek bed, and this is particularly timely given the activities at the development which is called Woden Green, in which the ACT government through the LDA is a partner.

Moving along, we commented on housing affordability and we were asking for more information about this. While our recommendation asked for more information, housing affordability is something that the committee is concerned about, as I would imagine most residents of Canberra would be.

There are a couple of recommendations relating to ACTPLA. Recommendations 17 and 18 seek to clarify the intent of various parts of the planning regime master plans, neighbourhood plans and precinct codes and their statutory import at present, and this goes back to the debate which we had last night. While quite a few of these things are clear to the Planning Authority, unfortunately I do not think they are clear to members of the public. We are asking for clarification on this. It is fortunate that the minister last night did give some clarification, but I do look forward to the government's formal response.

We then had a series of recommendations about the technical variation process and, given there are three of these recommendations, it is pretty fair to say that the committee is quite concerned about the process and we are concerned about the borders of when it is a technical variation and when it is a full variation and when it is just a minor change which can be made to the existing plans without either of these variation processes. Crace and Casey were the particular technical variations which we were talking about, but our concerns I think are wider than that—certainly my concerns are wider than that. It is something which I have previously made representations to ACTPLA about, and it is an area where the committee feels that we do need more information.

We also talked a bit about infill strategies and policies and we noted that it is now up to 30 to 70 per cent rather than 10 to 90 per cent, which is an improvement, and I personally would say that while we did not have time to talk about it much we actually need to have a lot more sophistication about our infill and our development priorities. Simply saying within a distance from Canberra, from Civic, is not sophisticated enough. We do have other town centres, Woden and Belconnen in particular; Tuggeranong and Gungahlin as well. Concentrating all of our development or half of our development 7.5 kilometres from Civic is certainly of some use but, although I am not a big fan of greenfield developments, I think that we are in a position in Canberra where we can get more sophisticated conversation and look at all the town centres and the transport nodes rather than simply a distance from Civic.

As I said, there are a lot more issues which are of interest and that the committee touched upon very briefly, but in the limited time that we have for our hearings these are really all the recommendations that we had. I commend the report to the Assembly and I look forward with interest to the government's response.

**MR COE** (Ginninderra) (12.25): Firstly, I would like to thank committee members for their participation. The chair was Mary Porter and the deputy chair was Ms Le Couteur, who in the last couple of months has really been acting as the chair. I thank her and of course Nicola Kosseck and Lydia Chung for the support they provided.

Firstly, with regard to actually how the hearings were conducted, it was disappointing that we had to wait until this year, 2011, to hear from the planning minister, and also to get back answers to so many of our questions on notice. It would have been preferable to have had both those things occur late in 2010 when the rest of the hearings were actually conducted.

The deputy chair has already gone through a number of the recommendations, and I would like to just touch on a few of those. In particular I would like to touch on the recommendations as they relate to ACTION. For a long time we heard that one of the reasons ACTION could not give information about the timings of their service and about general operational standards was the poor ticketing system, which meant they were not able to collect the data. Now that a new ticketing system is in operation we do expect a better level of information coming from the bus network. Our recommendations 8, 9, 10 and 11 really are linked to that insofar as ACTION should be able to provide better information and we expect that they will be able to report as such in the annual report and also give third parties who are interested in actually complementing the ACTION network the data that can easily be provided.

Recommendation 17 is particularly relevant for today, given the minister is going to be preparing a paper on master plans. There are a considerable number of vagaries about the stage of master plans, neighbourhood plans and precinct codes and that is why recommendation 17 was included in this report—we think the community really does want some clarity about where they actually sit in the entire planning process. Furthermore, we would also like to know what is the status of the existing plans which are out there, to again give certainty to people in the community who are interested in the future of their communities.

Recommendation 19, which is the final one that I will touch on, concerns Crace and Casey and the technical variation process. The planning process is cryptic at best, and perhaps even deceptive at worst, and the fact that Crace and Casey have these amendments in terms of technical variation that were on the table, then off the table, and they are now back, really does shed some light on just how confusing the planning process is in the territory.

The fact that you can make such significant changes to the design of suburbs as proposed in the technical variation for Crace and Casey really is a worry and I do not think it is due process. I do not think that is what the intention of this Assembly was when we actually created the Planning Act and the facility for technical variations. However, given that it has been done it would be good if as many people as possible could be notified of the technical variations. For example, it would be good if such variation could be included in the community's own newsletter and if community councils could be notified.

Again I thank all committee members for their participation in this report, and I commend it to the Assembly.

Question resolved in the affirmative.

**Sitting suspended from 12.30 to 2 pm.**

## **Questions without notice**

### **Childcare—proposed regulations**

**MR SESELJA:** My question is to the Minister for Children and Young People. Minister, on Monday, 7 March, the federal government released the Education and Care Services National Regulations exposure draft. Minister, I draw your attention to part 6, "Policies, procedures and programs", division 4, "Relationships with children", and in particular I draw your attention to section 86(1)(a)—"Protection from inappropriate activities or treatment". I quote:

... children being educated and cared for by the service are not required to undertake activities that are inappropriate, having regard to each child's family and cultural values, age and physical and intellectual development ...

Minister, it has been reported that this will affect the ability of centres to have an Easter egg hunt and celebrate Christmas. The WA Minister for Community Services, Robyn McSweeney, has vowed to reject the proposed national laws, labelling it as "political correctness gone mad" and is hoping that the federal government gets a "commonsense base" before it is adopted over there. They have foreshadowed that if the federal government does not, they will draft their own "corresponding legislation". Minister, do you support this proposed law in its current form?

**MS BURCH:** I am aware that there has been some discussion about some elements of the regulation and some misinformation being put through the media which suggests that centres cannot allow children to participate in Easter egg hunts or decorating

Christmas trees. It is certainly not my understanding, and I think the federal minister has come out and dismissed those accusations or commentary as well.

We have centres that already have in place a framework, a policy, a mindset, that ensures that all children are able to participate or, should they not want to participate in a particular activity, it is their right to do so and they will be supported to engage in other learning activities within the centre.

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

**MR SESELJA:** Minister, will you be drafting your own corresponding legislation if the federal government does not get a commonsense base?

**MS BURCH:** The regulations are still being actively discussed across the sector. There is a commonsense approach. I have faith in the regulations, but I will keep an eye and an ear to how I can further support the sector here in the ACT.

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

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

**MRS DUNNE:** Minister, the expression “activities that are inappropriate” is not defined in the regulations. Can you advise the Assembly as to your understanding of its meaning and how it would be interpreted in the context of the day-to-day operations of childcare in the territory?

**MS BURCH:** I thank Mrs Dunne for trolling through the draft regulations and the bill. Currently in the ACT there are already, as I have said, systems and approaches in place across centres that allow the centres to develop a curriculum, a framework, of activity sets that allows children to participate in what we, in Australia, know regularly comes in a calendar—Easter, Christmas. We also celebrate Chinese New Year in centres.

**Mr Seselja:** I have a point of order about direct relevance. There was a very specific question about the meaning of activities that are inappropriate and asking for the minister’s understanding of what that is. I ask you to direct her to be directly relevant to the question.

**MR SPEAKER:** Minister Burch, if you would like to perhaps help Mr Seselja on the matter he was after as well.

**MS BURCH:** I would say an appropriate activity includes an Easter egg hunt and decorating a Christmas tree.

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

**MRS DUNNE:** Minister, have any service providers or members of the public expressed concerns with you about this and, if so, how have you responded to their concerns?

**MS BURCH:** Nothing has come to my office but I am aware that the childcare sector is actively engaged in discussions about the regulations. Nothing has come to my office that indicates that the sector here is not clear in its mind about what is an appropriate activity.

### **Health—midwives**

**MS HUNTER:** My question is to the Minister for Health. Minister, as you know, midwives were granted Medicare eligibility in November 2010. The ACT has one Medicare-eligible midwife, with six others pending. Medicare-eligible midwives are required to obtain either a collaborative agreement or an arrangement in order to practise. They also need clinical privileges to provide care within the hospital system. Minister, can you outline what steps ACT Health has taken to enable collaborative arrangements and clinical privileges for Medicare-eligible midwives?

**MS GALLAGHER:** This is something that the government is having ongoing discussions with the Greens around. I have not got an update as of today but I can say that I have sought advice on how to implement access to clinical privileges for eligible midwives should they want it. I am not aware of anyone that has sought to gain clinical privileges through ACT Health but I might be corrected on that; I am personally not aware. But once the issue was raised with me, I think by Ms Bresnan in a meeting I had with her, I sought advice on how we can facilitate that, whether there has been interest in it and whether there are any concerns around it.

**MR SPEAKER:** A supplementary, Ms Hunter?

**MS HUNTER:** Minister, can you explain how the women of the ACT can currently contract a Medicare-eligible midwife and can claim Medicare payments?

**MS GALLAGHER:** I am sorry, I just missed the first part of the question. Can I explain how they can—

**MS HUNTER:** Can you explain how the women of the ACT who currently contract a Medicare-eligible midwife can claim Medicare payments?

**MS GALLAGHER:** I will have to take that on notice. I must say it is not something that we manage on a day-to-day basis, because it is really through the private health system. In terms of women accessing midwifery care through ACT Health, that is something that ACT Health manages. But I can certainly take some more advice on it, Ms Hunter.

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

**MS BRESNAN:** Minister, will you direct senior obstetrics staff to respond to Medicare-eligible midwives when communicating mandatory care plans that are a part of their insurance requirements?

**MS GALLAGHER:** I do not ever direct senior medical staff to do anything. I do not think you can take that approach to this issue. If there is eligibility and there is a

midwife interested and in order to gain the appropriate supports through Medicare they need to have clinical privileges through ACT Health then I think we need to look seriously at how we deliver that. But I am not going to say that it is going to be easy or that there is going to be broad support for it.

I know the medical profession have had some concerns about independent midwives and their practice, and what they see as the risks of working collaboratively in a professional relationship where they do not have a great deal of control or say. I think those are legitimate issues. I have asked Health for advice around how we facilitate a process where independent midwives can apply for clinical privileges at Canberra Hospital.

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

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

**MR HANSON:** Minister, given that the government advised that you would be absent from question time, the opposition prepared no questions. When did the government advise the Greens that you would be present at question time?

**MR SPEAKER:** The question is actually not related to the initial question.

**MS GALLAGHER:** I can answer it, just for the sake of—

**MR SPEAKER:** The question is out of order.

**MS GALLAGHER:** cancelling the conspiracy but we did not—

**Mr Hanson:** Why don't you answer it?

**MS GALLAGHER:** I don't know; they might have asked Jon.

### **Childcare—proposed regulations**

**MR DOSZPOT:** My question is to the Minister for Children and Young People. Minister, on Monday, 7 March the federal government released the Education and Care Services National Regulations exposure draft. Minister, I draw your attention to part 6—policies, procedures and programs, and division 4—relationships with children. In particular, I draw your attention to section 86 (1)(b)—“Protection from inappropriate activities or treatment”. I quote:

a child being educated and cared for by the service is not separated from other children for any reason other than illness or an accident.

Minister, this will end the ability of workers to use time out as a means of behaviour management in the centres. Minister, do you support this proposed regulation? If so, what child behavioural patterns have you considered in coming to that view?

**MS BURCH:** I thank Mr Doszpot for his question and for reading some misinformation that has been put into media—



**Mrs Dunne:** It's what the regulations say, Joy.

**MS BURCH:** The regulator of services needs to make sure that children are safe in their learning and development and are supported in education and shared services. The draft regulations do not include a prescriptive definition of children being separated. The outcome is the child is not removed or isolated from other children and staff on an ongoing basis. The regulations require that each child is given positive guidance and encouragement towards acceptable behaviour. I say also that the existing childcare services standards already address this issue within a behavioural guidance context.

**MR SPEAKER:** A supplementary, Mr Doszpot.

**MR DOSZPOT:** Minister, what research underpins this regulation and its penalty consequences and will you table that research by the close of business today?

**MS BURCH:** It would be extensive research that underpins this new framework. This is education and care national law. The research underpinned the bill that was put through the Victorian government back in October. It underpins the bills that are being introduced in each state and territory. I would direct them to multiple websites. I will bring in a list of what I can. But if you want me to truck them in, I am not prepared to do that.

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

*Opposition members interjecting—*

**MR SPEAKER:** Members of the opposition, your colleague is seeking the floor. Mrs Dunne, you have a supplementary question.

**MRS DUNNE:** Minister, what behavioural guidance context, as you referred to it, is used to determine behaviour management in childcare centres as they currently operate in the ACT, and are time-out provisions allowed?

**MS BURCH:** It is my understanding that within the current standards and what will be reflected in the new standards is that the services here maintain their compliance with the standards by not isolating children as a strategy to manage children's behaviours. Children are in services to interact with other children, and early childhood professionals and good practice mean that children should not be separated or isolated for reasons other than their own health or to assist in stopping the spread of an infectious disease.

The professionals, the childcare workers here in the ACT, are skilled at managing children's behaviour. Sometimes children express difficult behaviour. So it is not unusual for professionals to manage that in their day-to-day environment within centres.

**MR HARGREAVES:** A supplementary.

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

**MR HARGREAVES:** Thanks very much. My supplementary to the minister is: what experience in your former life in childcare would actually enable you to know about the vagaries and the difficulties facing childcare centres regarding behavioural issues in children?

**MS BURCH:** Thank you, Mr Hargreaves, for that question. There are fantastic childcare professionals here in the ACT that care for children each and every day of the week, and they provide a fantastic service and support to Canberra families. Yes, I did own and operate a childcare centre. But as a parent I also have experience in managing difficult behaviours, as I am sure every family does with their children. We are all aware of the “terrible twos”; that is within a family context, but it is also within a service context.

The regulations provide clear guidance. Our professional childcare sector here in the ACT are well aware of the standards and are very comfortable with their implementation.

### **Environment—Asian honey bee**

**MS LE COUTEUR:** My question is to the Minister for Territory and Municipal Services and concerns the Asian honey bee. Minister, as the ACT’s representative on the Primary Industries Ministerial Council, are you aware of the extensive scientific evidence presented to the recent Senate inquiry that the Asian honey bee can have serious implications in cold temperate climates like Canberra’s, especially on biodiversity and the environment?

**MR STANHOPE:** Thank you, Ms Le Couteur. I am aware of the risk which the Asian honey bee represents, most particularly to fauna, within Australia. It has been a very difficult issue—it has been problematic; it has been an issue that has been considered at some length by most particularly agriculture ministers from around Australia. The decision has been taken, and I am sure you are aware of it, that an eradication program is not feasible. There is recognition always of the implications for native fauna and indeed our environment when exotic species are introduced or find their way into Australia. The Asian honey bee is one such exotic species that has established in Australia, and it is a matter of significant concern particularly to the rural sector.

Based on scientific advice the decision has been taken that it is not practical or possible to seek to contain the Asian honey bee through a structured eradication program. It is a matter of enormous regret, but the advice that has been accepted by all governments across Australia is that there is no prospect of successfully combating incursions of Asian honey bees.

**Ms Le Couteur:** On a point of order, Mr Speaker, I specifically asked whether the minister could comment on the evidence at the recent Senate inquiry.

*Opposition members interjecting—*

**MR SPEAKER:** Before you proceed, Ms Le Couteur: members of the opposition, I find your string of derisory comments both unparliamentary and disorderly and not becoming of this place. I would ask you to desist. Ms Le Couteur, you have a supplementary question.

**MS LE COUTEUR:** What review have you done of the economic, social and environmental impacts the Asian honey bee could have on the ACT and Australia, particularly since the ACT's and your decision to defund the eradication program?

**MR STANHOPE:** I will take the question on notice.

**MS BRESNAN:** A supplementary.

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

**MS BRESNAN:** Thank you, Mr Speaker. Will the ACT government now reverse its position and vote to fund the Asian honey bee eradication program at the upcoming primary industries ministerial council meeting?

**MR STANHOPE:** No.

### **Childcare—staff shortages**

**MR HANSON:** My question is to the Minister for Children and Young People. Minister, on Thursday, 24 March you appeared on the 666 ABC morning radio program. You were questioned about criticism of the infrastructure grants and the fact that you are not doing enough to address the immediate problem of staff shortages. Your response was: "Ah, well, the ratios come into effect in 2012, um, the qualifications requirements attached to staff come in effect in 2014, so 2012 in my calendar head hits me before 2014. That's why we're moving on the infrastructure grants first and foremost."

Minister, 52 temporary exemptions from childcare standards were granted in 2009, 71 were granted in 2010 and already 12 have been granted so far this year. Minister, how will the implementation of the national quality framework which you introduced into the Assembly this morning alleviate the difficulty that childcare centres are experiencing in recruiting staff?

**MS BURCH:** I thank Mr Hanson for his question. The bill will come into effect. We have tabled the bill. The new regulations come into effect for staff ratios in January of next year and for qualifications in 2014. The question about supporting the sector around work force recruitment is an ongoing challenge not only in the ACT but across Australia. You are right: I am looking at the things that need to be done now and that is also about supporting the sector to meet the ratios, which is why we have put in \$10,000 grants to support the community sector. Should they have building requirements, should they have design and building plans to do, should they require some internal modifications, that will support them in that.

As for the work force, we work hand in hand with the sector. The children's services forum, the children's services sector, knows that this is an ongoing battle. Strangely enough, the portable long service leave we consider to be a recruitment and retention strategy for the sector. Those opposite have no interest in supporting the sector with portable long service leave. As for ongoing support in recruitment, it is about training. We mentioned yesterday about the opportunities through CIT and UC. We also spoke about RPLing. This is just part of the ongoing strategy that this government has about supporting the sector.

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

**MR HANSON:** Minister, is there a critical shortage of skilled childcare workers which must be addressed now, not when your calendar hits you in 2014? If yes, what are you doing about it now, in 2011?

**MS BURCH:** What we have done is worked with the sector on developing postcard or promotional material about a career in the workforce. We also have activities at career events. We also promote the childcare sector as a valuable and professional place to work.

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

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

**MRS DUNNE:** Minister, what have you done to satisfy yourself that staff shortages will not be a problem when your calendar head hits you in 2014?

**MS BURCH:** I will continue working with the sector and doing what I can to facilitate their workforce strategies.

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

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

**MRS DUNNE:** Minister, when will you actually listen to the community and act upon their concerns about skill shortages?

**MS BURCH:** I do listen to the community. I do listen to them regularly, and I do what I can as I can, which is why we have brought in the grants just recently. Going to some of the misinformation and misunderstanding on this from those opposite, my attention was drawn to this *CityNews* article from January of last year:

... Community Services spokesperson, Vicki Dunne, says the new National Quality Framework will inevitably result in increases in childcare fees.

"From discussion my office has had with Australian Childcare Alliance, a peak body for child-care operators, fees could increase by up to \$22 a day," ...

**Mrs Dunne:** On a point of order, Mr Speaker, I asked a question about staff shortages. Ms Burch is trying to switch to another topic which she is more comfortable with, but

the question was about staff shortages, not about the cost of childcare, and the minister needs to answer the question: when is she going to listen to the community about their concerns about staff shortages?

**MR SPEAKER:** On the point of order, I am actually not sure where Ms Burch is going with this quote, but we will see. Ms Burch, let's keep the question in mind, thank you.

**MS BURCH:** The quote continues:

“Just reducing the carer-to-children ratio from 1:8 to 1:5 could mean an increase in cost of nearly 40 per cent. And that doesn't count the cost of possible under-utilisation of capacity ...

What that goes to show is that if you have indeed been listening to the sector, Mrs Dunne, you would know that we already meet the one to five ratio. So you are misinformed, you continue to be misinformed and you continue to spread it here.

### **Emergency Services Agency—headquarters**

**MR SMYTH:** My question is to the Minister for Police and Emergency Services. Minister, as a result of a severe storm that hit Canberra airport on 3 December 2010 the new headquarters of the Emergency Services Agency was flooded. Various operations undertaken by the agency had to be transferred temporarily to other premises. Minister, have all functions which were relocated from the new headquarters been returned to Fairbairn? If not, why not?

**MR CORBELL:** I thank Mr Smyth for the question. The operations of the ESA's triple zero call-taking centre, or comcen as it is known, are still continuing to operate from premises at Curtin. The reasons for this are several-fold. First of all, the ESA commissioner has taken the decision that it would be unwise to relocate the comcen during the period of the bushfire season and that it would be most appropriate to make the transition back to the ESA headquarters in Fyshwick following the completion of the bushfire season.

**Mr Smyth:** The bushfire season is over.

**MR CORBELL:** The bushfire season finished six days ago, Mr Smyth. Secondly, the resolution of outstanding matters with the airport group in relation to repair of the building is ongoing. The finalisation of responsibilities in terms of insurance is ongoing. For those reasons, relocation has not yet occurred.

I can assure members that the operation of the comcen has been very reliable and constant throughout that period. The return to Fyshwick will happen in an orderly and considered manner once outstanding issues are resolved.

**MR SPEAKER:** Now your supplementary question, Mr Smyth.

**MR SMYTH:** Thank you, Mr Speaker. Minister, what action has been taken since the storm to ensure that there is no repeat of the flooding at the headquarters of the Emergency Services Agency?

**MR CORBELL:** Extensive steps have been taken to prevent a recurrence of this failure. The failure occurred because of a very significant rainfall event, in fact, a rainfall event that is estimated by the Canberra Airport Group to be a one in 100-year rainfall event. The Canberra Airport Group have undertaken a range of actions to prevent water from entering the building, as is their obligation as the owner of the premises and the grounds surrounding the building. They have constructed a series of new works which are designed to prevent a recurrence of that flooding event, including additional drainage and additional other engineering works to ensure that a recurrence of the event is eliminated to the greatest extent practicable.

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

**MR SESELJA:** Minister, what has been the cost of any remedial action at the Fairbairn headquarters, and is the total cost of any measures the responsibility of the ACT?

**MR CORBELL:** There are a range of costs, and costs are expected to be shared between the territory and the Capital Airport Group. Obviously the Capital Airport Group is incurring all the costs associated with remediation and additional engineering works surrounding the building on grounds that they own and external to the building. Issues in relation to damage within the building are being resolved through the territory's insurance arrangements as will be any requirement to engage with the Capital Airport Group in relation to those insurance arrangements?

**Mr Smyth:** How much?

**MR CORBELL:** The exact cost has not been determined. Insurance matters are ongoing.

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

**MR SESELJA:** Yes, Mr Speaker. What contingency plans exist for maintaining emergency services in the event of problems at the Fairbairn headquarters?

**MR CORBELL:** The obvious contingency in relation to the transfer from Curtin to Fyshwick was that the Curtin facility remained available, and indeed that is what the territory has drawn upon. In the context of future arrangements, and particularly once the Curtin site is fully decommissioned, the ESA has always had as its contingency the provision to be able to stand up a capacity at the Winchester Police Centre through their 000 call-taking centre. Provision is made in the infrastructure at that facility to stand up a capacity at the Winchester Police Centre in the event of a failure at Fyshwick. Following this incident, the ESA is also exploring whether it is appropriate to retain capacity at Curtin in the longer term. That is a matter that is under ongoing consideration.

### **Health—life expectancy**

**MS BRESNAN:** My question is to the Minister for Health and concerns preventative health and life expectancy. Minister, the ACT Health Council has stated that, if

current trends in obesity continue, the life expectancy of ACT people will decrease. The recently released *Picture the future: healthcare 2030* report also suggests that three in four Australians will be overweight or obese in 2030 if current trends continue. Minister, what is the ACT government's response to the warning that for the first time in many generations life expectancy will go backwards?

**MS GALLAGHER:** I thank Ms Bresnan for the question. Not only that report but other data we are getting through a range of tests that are done across government, including through education but also through the Chief Health Officer's report, are all indicating that lifestyle-related factors are going to increase the burden on the health system. Diet and lack of physical exercise, poor nutrition and lack of appropriate amounts of exercise, are leading contributors to that.

What I have asked Health to do is to go back and look at all the programs where we are providing our preventative health messages. Indeed, in the last year we have started a number of programs in this area to make sure that we are targeting the messages in the right places. I think this is an ongoing discussion about whether a general sort of broad-based population approach applies or whether we actually get down to dealing with particular population groups across the community where we are seeing no improvements or in fact deterioration in some of the health areas. The public health area in ACT Health led by the Chief Health Officer is doing that work and providing that advice to me.

Here in the ACT to a large extent and compared to national indicators, we do pretty well in terms of our overall health, but I am increasingly concerned that we are not putting in enough effort or we are not targeting our effort to those areas where we need to do better. That I guess goes from whether we try to blanket the whole community or whether we look to more focused and targeted programs in relation to management of not only obesity but other areas as well, such as smoking, for example, where again we are seeing improvements in some areas of the community and deterioration in others. But that work is underway.

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

**MS BRESNAN:** Thank you, Mr Speaker. Minister, given much of the government-initiated debate about health care focuses on acute care, when the main threats to life expectancies are in preventable chronic disease, what program funding is the government undertaking to address these issues, beyond developing plans and strategies?

**MS GALLAGHER:** We have been putting more money into this area. I will accept it is not enough. In terms of where you look at the ratio, more goes into the acute system to deal with the current demands. It makes it difficult to allocate adequate resources into preventative health and health promotion areas. But we do have a fair bit of money going in there. For the health promotion grants alone there is \$2 million a year. What I am worried about is some of the money that we are putting in; I want to make sure that it is actually targeted into the right areas. Increasingly, I think we can see areas of disadvantage where health messages are not getting through, where they are not targeted appropriately for one reason or another.

I think we need to seriously look at the 2 and 5 campaign and campaigns like that, which are very worthy and good and you get a nice recipe book. People understand they need to eat two and five, but it is not actually translating into particular populations changing the way they eat and the way they exercise. That is the area I would like to see addressed first. But there will be more money going into this area. I am not sure it will be enough to satisfy you, or indeed satisfy me, but there will be more money going into this area. Over time I think you will see increasingly the shift away from acute into subacute and also into our health promotion and prevention activity.

**MS HUNTER:** A supplementary?

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

**MS HUNTER:** Minister, what socioeconomic groups are most likely to face high rates of obesity and chronic disease and how are you working to focus on them?

**MS GALLAGHER:** I have tried, in a sense, to answer that. I think in the ACT the areas where I would be most concerned are the low socioeconomic groups particularly and Aboriginal and Torres Strait Islander health. I think they are the two areas. That is the question to me.

When you run around the lake or at lunch time you see a lot of fit Canberrans out exercising. Indeed, if you go around in the morning, when Mr Speaker is racing around there, again you see a lot of fit, healthy Canberrans. You do not see the people that perhaps we need to be targeting the message to the most. And that is the issue I think that we need to have a pretty hard conversation about, whether we now shift away from a general sort of spraying of the population with the same message or whether we look at what resources we have available, pull them all together and actually make sure that those funds are going into the areas and into the population groups where we need to see substantial change.

In Aboriginal and Torres Strait Islander health, we are not seeing the reductions in tobacco consumption that we are seeing in other areas of the population. Young Aboriginal pregnant women are still taking smoking up at a much higher rate than non-Aboriginal pregnant women. So we need to, I think, for the next steps in tobacco control, look at how we are getting the messages to that population. That is work that is currently underway. There are no easy answers, though, unfortunately.

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

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

**MS LE COUTEUR:** Minister, has the ACT government adopted the World Health Organisation's social determinants of health framework, as has been recommended?

**MS GALLAGHER:** I am not sure if they have been adopted. I am certainly aware of them and they are used in our policy development, but I will check whether we need



to do anything else with them. I know they certainly inform discussions. I have had a number of meetings with the Chief Health Officer around this issue in the last four months or so because, as I said, I am increasingly concerned that whilst for many we are doing okay there are groups within our community where the measures are either staying the same or going backwards. I think we need to address that.

### **ACTION bus service—MyWay card**

**MR COE:** My question is to the Minister for Transport. Chief Minister, students and parents who wish to purchase a MyWay card are required to first apply and then register their details to obtain a card. This process requires parents and students to share details about the student, including name, school attended, date of birth, address and telephone number. Chief Minister, given previous confidentiality failures overseen by the ACT government, will you guarantee that the information provided by MyWay users to ACTION will be kept secure?

**MR STANHOPE:** I thank Mr Coe for the question. I have to say that no issues of concern have been raised with me in relation to a potential diminution of security regarding information provided to ACTION as a result of implementation of MyWay. But I accept that this is a very serious issue. I am not aware of any potential for that to occur. But on the basis of your question today, I will take advice and seek assurances that there will be no reduction in our commitment to protecting confidential personal information.

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

**MR COE:** Chief Minister, is it true that photos and student details will be sent interstate for printing of the cards? If so, how will you guarantee the security of the information provided by MyWay users?

**MR STANHOPE:** Just the process and whether or not MyWay cards are processed within the ACT or interstate is not of itself, of course, relevant at all to our capacity to secure the confidentiality of that information. As I said, Mr Coe, it is a serious issue and I am more than happy to seek the assurances that you have asked for today. Indeed, I would be more than happy, Mr Coe, for you to be fully briefed by ACTION on the processes that they have in place to ensure that personal information provided to ACTION for the printing of MyWay cards is secure.

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

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

**MR SMYTH:** Minister, what access will other agencies, both territory and commonwealth, have to the information provided by the MyWay users?

**MR STANHOPE:** My understanding is they will have none, but I will take the question on notice.

**MRS DUNNE:** Supplementary question, Mr Speaker?

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

**MRS DUNNE:** Chief Minister, how could sending photographs of potentially every schoolchild in the ACT interstate not be a security risk?

**MR STANHOPE:** What I said was that it would represent no greater risk of security than would potentially exist in any event. But, as I have indicated, I will take the question on notice and I will respond fully and I extend the offer of a briefing to—

*Opposition members interjecting—*

**MR STANHOPE:** If you are suggesting that it is insecure interstate you are suggesting that it is potentially insecure here. I was drawing the distinction that the place of production of course should not be relevant at all, and if it were I would be most concerned. But I will seek the assurances that members, quite rightly, are seeking in relation to this issue.

### **Bimberi Youth Justice Centre—complaints**

**MRS DUNNE:** My question is to the Minister for Children and Young People. Minister, I take you back to your meetings with workers at Bimberi Youth Justice Centre on 24 November 2010. It has been alleged on a number of occasions, both to me privately and also publicly through the media, that at one of those two meetings you at one point turned your body away from the meeting, covered your ears with your hands and said, “La, la, la, la, la. I don’t want to know.” You have repeatedly denied those allegations. Minister, I ask you once again for a simple yes/no answer: at one of those meetings with Bimberi workers on 24 November did you at one point turn your body away from the meeting, cover your ears and say “La, la, la, la, la. I don’t want to know.”

**MS BURCH:** No, Mr Speaker.

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

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

**MRS DUNNE:** Minister, are you therefore accusing the people that have made these claims, both to me privately and publicly through the media, of lying about your behaviour at those meetings?

**MS BURCH:** No, I am not, Mr Speaker.

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

**MR SESELJA:** Thank you. Minister, in order to clear up this perception about your behaviour on 24 November, will you now go again to Bimberi, meet with workers, listen carefully and sincerely to their concerns, and then act upon them decisively?

**MS BURCH:** I have been to Bimberi, I have listened to their concerns and I have acted and responded to their concerns.

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

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

**MR SMYTH:** Minister, on reflection, what do you consider you could have done better at those meetings on 24 November in order to create a more positive perception about your behaviour at these meetings?

**MS BURCH:** Some feedback to me has been that they were positive meetings.

### **National Youth Week—activities**

**MR HARGREAVES:** My question is to the minister for housing in her capacity as Minister for Children and Young People. Could you please outline the range of activities taking place—

*Opposition members interjecting—*

**MR SPEAKER:** Mr Hargreaves.

**MR HARGREAVES:** Thank you very much, Mr Speaker. My question is to the Minister for Children and Young People.

*Opposition members interjecting—*

**MR SPEAKER:** Members, can we please stop interjecting while Mr Hargreaves is trying to ask the question? It is really inappropriate.

**Mr Smyth:** We were chatting amongst ourselves.

**MR SPEAKER:** Mr Smyth, don't push it.

**Mr Smyth:** We were chatting amongst ourselves, Mr Speaker.

**MR SPEAKER:** Mr Smyth, clearly chatting amongst yourselves has the potential to be disorderly, which is against the standing orders. The volume at which the chatter is conducted is both inappropriate and unnecessary while Mr Hargreaves is trying to ask a question. Mr Hargreaves.

**MR HARGREAVES:** Thanks very much, Mr Speaker. My question is to the Minister for Children and Young People. Minister, could you outline the range of activities taking place in the ACT as part of National Youth Week?

**MS BURCH:** Thank you, Mr Hargreaves, for the question. Youth Week is Australia's largest celebration of young people. It is a great opportunity to recognise and

celebrate young people's achievements and contribution to the community. The week focuses on how optimistic, bold and vocal young people are—with a full range of fun and diverse events. Throughout this week young people have been actively taking part in the celebrations.

I launched National Youth Week in the ACT for 2011 last Friday at the Youth Week Expo. It was great to see a broad range of youth and related organisations present at the expo. I acknowledge that Mr Coe and Ms Hunter were there in support of this fantastic week of events and the young people involved in it. This week is driven by young people, but everyone is encouraged to participate, young and old alike.

This year Youth Week celebrates the theme “own it!”, which aims to encourage young people to embrace life, share ideas and to become involved in what young people are passionate about. National Youth Week is a fantastic opportunity for people to showcase their events, exchange ideas and act on issues that affect them.

This year sees a range of innovative activities being run by young people, ranging from workshops, music festivals, competitions and opening and closing celebrations. There are 93 events taking place across the ACT up until Sunday, 10 April. There is still a lot happening and I encourage everyone to have a look at the National Youth Week website to see what is going on in their area.

One of the events this weekend is the National Youth Week festival—a fair with art—which is a festival of youth visual art and live performance. The Canberra Youth Theatre is performing *hiJinx*—a youth variety spectacular—and the CYT actors ensemble will be running a theatresports showdown. QL2 will stage a studio showing of a work created by Melbourne choreographer, Jodie Farrugia. The performance will be part of QL2's major season “Identify” in August 2011.

The ACT Writers Centre and the Canberra Contemporary Art Space will host the annual zine fair, which includes zines—which I am told are self-published magazines—artwork, badges, buttons, T-shirts, great designs, as well as cupcakes. That is all happening from 12 this Saturday at Gorman House.

Youth Week is, in the ACT, a partnership between the Department of Disability, Housing and Community Services and the Youth Coalition of the ACT. I would like to thank the Youth Coalition of the ACT for putting this fantastic event together. National Youth Week would not be possible without their long-term and deep support for the young people in the territory.

The department provides the Youth Coalition approximately \$20,000 to coordinate National Youth Week and another \$20,000 is provided by the Australian government for grants to provide activities. This year a total of 10 grants were provided to the ACT community to run events that give young people a chance to celebrate their achievements and to recognise the contribution of young people to our community.

A number of grants were provided directly to ACT schools to fund an event or activity initiated by students in ACT high schools or colleges. The aim of this funding is to give young people the opportunity to organise an event for their school or

community. I am pleased to also recognise the significant financial support provided by beyondblue for Youth Week. Youth Week in the ACT has received over \$40,000 in sponsorships to conduct a week-long program in Jervis Bay. Half of these funds were distributed to conduct additional National Youth Week events focusing on beyondblue's key message of "look, listen, talk and seek help".

Mr Speaker, as you can see, Youth Week in the ACT is a strong community-based event delivered with, and engaging with, young people. This terrific range of activities and events highlights the diversity and achievements of young people in our community and are a credit to all those involved.

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

**MR HARGREAVES:** Thank you very much, Mr Speaker. Minister, could you explain what has been organised for the Youth InterACT conference as part of National Youth Week?

**MS BURCH:** I thank Mr Hargreaves. Tomorrow I will be opening the Youth InterACT conference, which is being held in the Ainslie Arts Centre. The Youth InterACT conference is now in its 10th year and is hosted by the ACT Youth Advisory Council with the support of the Department of Disability, Housing and Community Services. Conference participants are from a range of ages, abilities and backgrounds. As a result, the diverse views and thoughts of all young people in our community will be well represented and heard.

The Youth InterACT conference aims to inform and engage young people in topical issues and fun activities, while providing them with the opportunity to give valuable and insightful feedback to the ACT government on issues of importance for young people. Each year, the ACT Youth Advisory Council identifies forum topics for discussion. These topics are selected on the basis of their priority and based on feedback which is received through an online survey conducted by the Youth InterACT consultation register, as well as feedback provided by the national survey of young Australians conducted by Mission Australia, and in accordance with the priorities outlined in the young people's plan 2009-14.

For the 2011 InterACT conference, five topics will be addressed: arrive alive—young drivers and passengers; sustainability and the environment; alcohol: its health and social impact on youth; mental health and wellbeing: removing the stigma; and accessing entertainment for under 18s: identifying the barriers.

A number of confidence building and recreational-based workshops will also be conducted, such as circus skills, hip hop and funk dance, Zumba dancing, stencil art, a drama development workshop and unicycling. As well as participating in the conference, young people will be involved in the delivery of the actual conference through event management, catering, conference photography and assisting in generating positive media coverage over the event through partnerships with Communities@Work, Northside Community Service and Anglicare ACT.

I look forward to hearing about the outcomes of the conference tomorrow and young people's ideas about these important issues.

**MR SPEAKER:** Mrs Dunne.

**MRS DUNNE:** As a supplementary question, minister, how much time and effort has been put in by your department to secure media events for you during Youth Week?

**MS BURCH:** This week has focused on the news of the ACT.

**MS HUNTER:** Supplementary?

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

**MS HUNTER:** Minister, how will you be using the feedback from the young people at the Youth InterACT Conference? How will you be feeding that back into government decisions on policy programs and so forth?

**MS BURCH:** I thank Ms Hunter for her question and recognise her involvement in the youth sector in days past before her arrival in this place. The Youth InterACT Conference, when you look at those five themes that they will be looking through, are all important themes for young Canberrans and it is important that we hear what they have to say about them. There will be a formal write-up of the conference but also the Youth Advisory Council will be bringing me firsthand a verbal report and a written report on those activities and they will indeed work across my department, areas where we can, but also inform the youth implementation plans in the outyears.

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

## **Personal explanations**

**MR HARGREAVES** (Brindabella): Mr Speaker, I seek leave to make a personal explanation under standing order 46.

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

**MR HARGREAVES:** I refer to a question from Mr Hanson today, and I believe that the chamber is due an explanation. The issue about the Treasurer's return today and advice to the opposition of that return is the subject of this personal explanation.

I had communication from Mr Hanson's office yesterday.

**Mr Coe:** It is not an adjournment speech.

**MR HARGREAVES:** Just settle, petal. I had communication with Mr Hanson's office yesterday asking for the detail about the ministerial council—what time it starts, what day et cetera—and quite a reasonable request that was. My office responded that the meeting of state and territory treasurers would take place on Wednesday afternoon from 4 o'clock, with no predetermined finish time—the standard arrangement whereby states and territories meet prior to the ministerial council to discuss and exchange views on the forthcoming agenda. That is where the states and territories get together without the commonwealth to discuss these things.

The min co itself commenced today, Thursday, at 9 am and will be finished by COB that day. The min co is here in Canberra. There was an understanding in my office that the terminology “finished by COB” would mean an indeterminate time. This is the bit that I wish the chamber to know. I gave an instruction to my office to advise Mr Hanson’s office this morning that should the ministerial council finish early, given that it was in Canberra, there was a likelihood that the Treasurer would return to the chamber. That instruction from my office was not conveyed to Mr Hanson’s office, and for that I give Mr Hanson an unqualified apology. It is my fault that the information was not conveyed to the opposition. I would also like the record to show, Mr Speaker, that I had no communication with the Greens on this issue either. I hope that will satisfy the chamber as to what the circumstances were.

**MS GALLAGHER** (Molonglo—Deputy Chief Minister, Treasurer, Minister for Health and Minister for Industrial Relations): I also seek leave to make a personal explanation under standing order 46.

**MR SPEAKER:** Yes, Treasurer.

**MR GALLAGHER:** Further to Mr Hargreaves, may I offer my sincere apologies to the opposition that they came in here unprepared for question time, or unprepared in the sense that they thought I was not going to be here and I was. I obviously ruined the last hour for them and my most sincere apologies for that.

**MR HANSON** (Molonglo): Mr Speaker, may I say something?

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

**MR HANSON:** I certainly would like to accept Mr Hargreaves’s apology and I appreciate that he has made that. I think that the question that I asked, that was ruled out of order, was more about how it was that the Greens seemed to be informed when we did not. I am not trying to allege some sort of conspiracy here. I accept your apology, Mr Hargreaves.

**Ms Gallagher:** And mine?

**MR HANSON:** Yours was given in a slightly different manner and I will have to consider whether I will accept that one or not.

### **Supplementary answer to question without notice Planning—rural leases**

**MR BARR:** Last week in question time Ms Bresnan asked me several questions about the length of rural leases in the Naas valley in the context of the ACT’s water security plans and Actew’s planning for a possible Tennent dam.

Actew advise me that it is very unlikely that they would require the land in the immediate future. The corporation have advised that the enlarged Cotter Dam and Murrumbidgee to Googong water transfer projects are scheduled for completion in

mid-2012 and with the Tantangara transfer project are expected to provide water security for the foreseeable future based on current modelling.

However, Actew advise that they continue to review their operations for water security into the future and they are specifically examining the question of any longer-term use of the land for water storage and will report to government shortly.

Ms Hunter and Ms Le Couteur asked supplementary questions about the hydrology of the site and its suitability for water storage, what plans ACTPLA had for the area and what information ACTPLA had on the ecological qualities of the area and the viability of the site for such development. As I noted in my response at that time, these are matters that really are in the purview of other agencies, but I can advise that ACTPLA itself has no plans for the valley.

## **Papers**

**Mr Stanhope** presented the following paper:

Cultural Facilities Corporation Act, pursuant to subsection 15(2)—Cultural Facilities Corporation—Quarterly report 2010-2011—Second quarter (1 October to 31 December 2010).

## **Alexander Maconochie Centre—drugs Paper and statement by minister**

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

Alexander Maconochie Centre—External component of the evaluation of drug policies and services and their subsequent effects on prisoners and staff within the Alexander Maconochie Centre—

Final Report, dated April 2011, prepared by the Burnet Institute.

Erratum, dated 6 April 2010.

Interim Government response

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

Leave granted.

**MS GALLAGHER:** Today I table both the final report—“External component of the evaluation of drug policies and services and their subsequent effects on prisoners and staff within the Alexander Maconochie Centre”, conducted by the Burnet Institute—and the ACT government’s interim response to the recommendations in that report.

The Burnet Institute was specifically selected by the ACT departments of Justice and Community Safety and Health to undertake this evaluation, as an expert in medical



research and a public health organisation focused on improving the health of disadvantaged and marginalised populations. This review relates to the work of both ACT Health and the ACT Department of Justice and Community Safety. I would like to acknowledge and thank all of the people who participated in the review, including ACT Health and corrections staff, non-government service providers, prisoners and ex-prisoners of the AMC and community-based service providers—and the Burnet Institute, of course, for doing the evaluation.

As members of the Assembly will know, the government gave a commitment to undertake an evaluation of the drug policies and services provided to prisoners at the Alexander Maconochie Centre in accordance with ACT Health's adult corrections health services plan 2008-12. The evaluation was conducted as a joint initiative of ACT Health and JACS, with myself as ACT Minister for Health taking the lead on the evaluation within the government.

In December 2009 an evaluation advisory group was established. Members of this advisory group were invited from a range of relevant organisations, including ACTCOSS, the CPSU, the ANF, the Australian Salaried Medical Officers Federation, Families and Friends for Drug Law Reform, the ACT Aboriginal Justice Centre, the Canberra Alliance for Harm Minimisation and Advocacy, the ACT alcohol and other drug sector, the Mental Health Community Coalition, the Pharmacy Guild, the ACT Women and Prisons Group, ACT Prisoners Aid, the Chief Minister's Department, ACT Corrective Services, the ACT Department of Justice and Community Safety and ACT Health.

The approach used by the Burnet Institute for this evaluation included both qualitative and quantitative components, and included in-depth interviews with a range of key stakeholders, a desktop policy review, a literature review, a review and analysis of secondary custodial and service provision data and a review and analysis of the inmate health survey data which was collected in May 2010.

In conducting the review, the Burnet Institute also examined relevant documentation and conducted interviews with staff and prisoners as required. The Burnet report was provided to the government in January 2011, with a final version being provided to the government this week to incorporate some revised data relating to urinalysis and an erratum issue by the Burnet Institute to correct a factual error in the previous draft.

The report makes 69 separate recommendations. In our interim response, which is provided to members of the Assembly today, the government have agreed to 10 of the recommendations, agreed in part to one, agreed in principle to 27 and noted 31 recommendations. There are no recommendations which the government have rejected outright in our interim response.

It is important that I stress this is an interim response and further government consideration is required on some key recommendations prior to finalising a formal ACT government response. A key recommendation which has been agreed by the government is for ACT Health and JACS to develop a consolidated strategic policy framework to provide clear governance regarding drug-related policy and services.

The government supports recommendations that a governance structure be established to support implementation of integrated drug policy across other service providers and that key performance indicators better reflect the achievement of quality outcomes. The government's support of these recommendations reflects our continued commitment to ensuring high levels of care and treatment are provided to detainees at the AMC.

The government has indicated in-principle support for a number of recommendations made in relation to supply reduction. The government agrees in principle, for example, that searching and urinalysis should be conducted on a more consistent basis and that individuals returning positive results should be referred to case managers so that they can be linked in with appropriate therapeutic responses.

The Burnet report also made recommendations in relation to demand reduction. The government agrees in principle to many of these recommendations, including recommendations to provide a more holistic case management approach. Seven of the recommendations made in the Burnet report have already been addressed by either ACT Health or JACS.

For example, recommendation 10, which is around revised protocols for the provision of the informed consent for information sharing between ACT corrections health program and Corrective Services regarding urinalysis testing and the presence of prescribed substances in sample, should be finalised and implemented. This recommendation has already been completed. In conjunction with the human rights commissioner, ACT Health developed and implemented a standing operating procedure at the end of 2010 to facilitate better information sharing with ACT Corrective Services to support testing undertaken by Corrective Services.

In recommendation 26, detoxification regimes should not be provided to those requesting to be inducted onto methadone. This recommendation has also been completed. A clinical assessment informs whether or not a person is offered the opportunity to be inducted onto methadone. Prisoners are offered symptomatic relief based on their clinical assessment and all prisoners are assessed within 24 hours of admission to the AMC. Furthermore, with the priority clinical triage processes, prisoners are able to be assessed and treated by a medical practitioner at the Hume Health Centre within 24 hours of coming into prison.

Recommendation 58 is that all ACT corrections health program staff should receive accredited training for pre and post-test counselling for blood-borne virus testing. This recommendation is partially complete. All corrections health staff have access to training in this area as part of a one-month induction and staff development program. However, the recommendation is only partially complete as the training is not yet accredited. ACT Health will be seeking to achieve accreditation for training in the near future.

An example of some of the recommendations that were noted include recommendation 21—a system for consensual pre and post monitoring of prisoners should be developed that identifies fatal and non-fatal overdose events, continuation

of opioid pharmacotherapy and compliance with case plans and discharge plans. In responding to this recommendation, a range of actions will be considered. Prisoners on pharmacotherapies could be monitored for three months post release for retention on the program. Any program of this nature would need to consider individual prison choice for post-release monitoring. Post-release monitoring of prisoners who are on psychiatric pharmacotherapy in detention could be carried out through forensic mental health services. Post-release monitoring of prisoners on opioid replacement therapy could be monitored through the AOD sector, including the alcohol and drug program in ACT Health.

There are a number of recommendations that have resourcing implications. These may need to be considered in the budget context. Adding to this, a number of the recommendations need to be considered in parallel with the recommendations from the Hamburger review. In addition to this, as I have already mentioned, there are a number of recommendations that require further government consideration.

Madam Assistant Speaker, the Burnet Institute report looks briefly at the issue of a trial needle and syringe program at the AMC. Recommendation 69 advocates that a process should be commenced to instigate a trial NSP at the AMC. I have previously placed on record my understanding of and support for the underpinning health rationale for such an approach. Indeed, I do support a needle and syringe program at the AMC as health minister. However, I also acknowledge that this is a complex issue that requires a considered response by government before any final decision is made.

Since the report has been received, I have been seeking the views of a range of stakeholders in relation to this matter. However, I believe that further work is required before the government will be in a position to reach a final decision on this important issue. The government will immediately commission a project that will look at further work around a future needle and syringe program. This work will cover potential models for an NSP, how they could work in the prison setting, barriers to implementation at the AMC, and how and if these barriers could be overcome. I have asked Mr Michael Moore, former ACT health minister and currently Chief Executive of the Public Health Association, to lead this work.

The report makes a number of recommendations that are likely to require new and additional resources to implement, including addressing issues such as counselling services and trials of the provision of naloxone to prisoners and, as I have mentioned, the needle and syringe program within the jail. These are all issues that the government will consider carefully in the development of our final government response.

The Burnet report stated that some key informants felt “that prisoners experienced undue influence from health staff to commence methadone”. On my advice, there is no evidence to show that this is occurring. I am advised by ACT Health that methadone is prescribed in the AMC according to the ACT opioid maintenance treatment guidelines. That means the client is assessed for opioid dependence by a medical officer prior to commencing the program. If the person is already on an opioid treatment program they are continued on the program using information from their prescribing doctor and their care is transferred to the AMC doctor. If the person

is assessed as opioid dependent and not already on methadone, they are offered the program and, following informed consent, are inducted. This is not exerting “undue influence to commence methadone”—far from it. It is evidence-based treatment based on published guidelines.

While much has been made by the opposition on the key informants view in the report, the Burnet Institute report makes no findings or recommendations about this. Indeed, the recommendations around it are about supporting and improving access to the methadone program.

It is important to note that prisoners can come into the AMC in withdrawal. This is sometimes as a result of being in the watch-house and sometimes because they are already in withdrawal when they enter. Medical staff may provide symptomatic relief as part of the work-up period prior to induction onto the methadone program. Without prior knowledge of the drugs that the person may have taken, symptomatic relief is considered the most appropriate method of treatment based on a harm minimisation approach. This is not considered to be withholding methadone, rather treatment based on clinical symptoms.

Following assessment, prisoners are offered access to the methadone program where this is clinically appropriate. Once they have given informed consent, they are inducted onto the program. However, it is important to note that at all times detainees are able to choose whether they wish to participate in the program. Detainees are also able, in consultation with their doctor, to alter their methadone dose to an appropriate level.

Data from the inmate health survey provides a useful snapshot of the AMC population. We are talking about a group of people here where 91 per cent of respondents reported lifetime use of illicit drugs. Nearly three-quarters of respondents, or 74 per cent, reported that the crimes related to their current prison sentence were related to drugs, and 79 per cent reported that they were affected by drugs and/or alcohol when they committed their relevant offence. It is important to reflect on these statistics when we consider the health needs of the detainees at AMC. They are significant and they are complex.

The Burnet report is a significant review of what health services we provide for the detainees at AMC and provides some very in-depth analysis that I believe the government needs to thoroughly consider. Once the government has considered the recommendations in greater detail, I intend to bring to the Assembly a final government response to the Burnet report. In that final government response, I will not only address each recommendation individually, but I will provide an anticipated time frame for completion and prioritisation of the agreed recommendations. It is my intention to have this complete by 30 June 2011.

I would like to thank the Assembly for its interest in this matter and repeat that this government is committed to ensuring safe, high quality care is provided to all detainees whose complex health needs are managed at the Hume Health Centre. I move:

That the Assembly takes note of the final report.

**MR HANSON** (Molonglo) (3.07): Obviously the Burnet Institute report has been the subject of some attention both here in the Assembly and in the media. As members would be aware, I was provided a copy of a report which was titled the final report December 2010, and I note that today the report tabled by the minister is the final report dated April 2011.

Part of, I guess, the spin that has been put out by the government when a report was provided to media and we have been talking about it in the Assembly—and indeed Simon Corbell’s refusal to even talk about the report—has been that of course the report that I had was different somehow from the final report that has been tabled. And probably it is in small part. I have just had about five minutes to have a cursory examination of the two reports. I note that one is two pages longer than the other. In fact, the final dated April is two pages longer than the final dated December. I would not suggest from my cursory reading and a comparison so far that there is any consequential difference, but I am prepared to stand corrected on a number of issues if that proves to be incorrect.

**Ms Gallagher:** There aren’t major changes to it.

**MR HANSON:** There is very little difference. So I think it is important that we just note the report that has been tabled by the minister today. I have only had a chance to flick through about half of it. Part of what the minister has been saying both in the media and in this place is: “Oh, these are just quotes from prisoners. These are just quotes from people. These are allegations.” But let me read what this summary says about a number of issues: “lack of consultation with front-line staff during policy development”, “inadequate implementation of policies”, “human rights approach has emphasised rights more than responsibilities”, “disciplinary conflicts have been occurring”, “policy not adequately guiding how to balance harm minimisation interventions”, “lack of leadership and coordination of drug-related activities”.

Just bear with me while I go to the next section: “fragmentation of case management service system”, “lack of awareness of AMC Case Managers amongst prisoners”, “poor relationships between AMC Case Managers and prisoners”, “confusion between case managers and case officer roles”, “differential access to case management”, “lack of coordination of services provided to prisoners”, “lack of role clarity among service providers”, “poor communication between service providers”, “implementation of throughcare has been inadequate”, “insufficient counselling opportunities available to prisoners”, “insufficient awareness among prisoners of counselling”, “insufficient resources to offer counselling to all prisoners”, “poorer access to education and employment programs than in NSW prisons”, “greater variety of courses needed”, “courses are being started and discontinued”, “gym should be available”, “opportunities for recreation can improve wellbeing”, “recreational opportunities can improve order within the prison”.

It goes on: “delays experienced by prisoners in accessing health staff”, “systemic problems with prisoners reporting health issues and requests to nursing staff on medication rounds”, “lack of care and discharge planning”, “problems with clinical record keeping”, conflict between forensic mental health and ACT corrections health

program”, “issues with crisis support”, “no assistance for prisoners withdrawing from prescription medication”, “lack of any meaningful relationship between cell and area search seizures”, “concerns about effectiveness of searches and resources required to undertake searches”, “searches allegedly used to victimise individuals”.

I got to page 117, just looking at the summary. I think that if I went through the rest of the report, which I will not do now, obviously, we would find that the summary has changed little, if at all, from the version that we had been provided earlier. As members would be aware from the extracts I read out there, this is an entirely damning report of the management of both the Minister for Health, from the health corrections side, and the minister for corrections, the Attorney-General, and his management of the jail. A very important point to make for those in this place, for the media listening and for members of the community is that this report, dated April 2011, is very little, if at all, different from the previous report that has been provided to the community.

Despite the enormity of the problems that have been raised in the Burnet Institute report and the Hamburger report that was released to this place on Tuesday, this minister is still saying that she wants to try and push ahead with a needle and syringe program. She thinks that, despite all the problems that are there, this government and this minister could adequately manage a needle and syringe program. The Liberal opposition stand against that. We do not support it. We do not support it for very good reasons, not least because the Minister for Health and the Attorney-General would be incapable of implementing such a program in this jail either effectively or safely.

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

### **ACT young people’s plan 2009-14—implementation plan 2011 Paper**

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

ACT Young People’s Plan 2009-2014—Implementation Plan 2011, dated April 2011.

I move:

That the Assembly takes note of the paper.

It is my pleasure to table the 2011 implementation plan for the young people’s plan 2009-14. The first year of implementation of the young people’s plan 2009-14 saw the delivery of many important initiatives. The second iteration of the young people’s plan 2009-14 will continue on this strong foundation.

In 2011 the young people’s plan will continue to assist young people to reach their potential and contribute to and share in the benefits of our community. The young

people's plan 2009-14 describes the ACT government's vision, goals and aims to value and promote the positive contribution that young people make to the ACT community and to respect, protect and advance the human rights of young people.

The young people's plan 2009-14 sets forth a flexible strategic plan that will guide the government's partnership with young people and key community stakeholders. The young people's plan is guided by five priority areas that will cover the next four years, these being health, wellbeing and support; families and communities; participation and access; transition and pathways; and environment and sustainability.

These priority areas reflect the greater policy context in which the young people's plan 2009-14 was developed, including alignment with the Canberra plan and the Canberra social plan. The young people's plan 2009-14 and the 2011 implementation plan are a whole-of-government strategy and support the implementation of key intergovernmental agreements such as the national framework for protecting Australia's children 2009-20, the national partnership on homelessness and the national partnership agreement on youth attainment and transitions.

The implementation of this plan is timely as young people continue to need targeted support and programs that assist them to navigate their way through adulthood. This position is supported by recent research and reviews conducted by the Australian Bureau of Statistics, the national youth affairs research scheme and the ACT government agencies highlighting areas of need for young people in the ACT.

Developing the 2011 implementation plan has been a journey involving each ACT government department identifying three key areas under the five priorities. From this request, ACT government departments identified up to five key actions, reducing key actions from 166 in 2010 to 59 for 2011. A total of 24 key actions have been carried over from the 2010 implementation plan. This highlights the ACT government's commitment to young people as high on its agenda. The additional priorities further strengthen the goals and objectives reflected in the young people's plan and the commitment of the government to meet the needs of young people in our community.

A further review of the key performance indicators will be undertaken in the implementation plan 2012 to ensure targeting and prioritisation of the priorities of the young people's plan are met. This process reflects the recommendations from the Hawke review report *Governing the city state*, which includes strong suggestions and recommendations about streamlining and recalibrating strategic planning and reporting frameworks.

The 2011 implementation plan provides flexible and responsive content with the young people's annual progress report to be tabled in the Assembly in December this year. The young people's plan was born out of consulting with young people and there was a strong emphasis on supporting young people to participate and engage in its implementation. The 2011 implementation plan reinforces the priorities young Canberrans identified for action, guiding policy development and service delivery by both government and non-government agencies. As such, it articulates the government's commitment to young people and provides a whole-of-government policy framework for young people.

The young people's plan governance structure ensures that young people are consulted on action items as well as on progress. This is achieved through the government and community advisory group for young people, as a subcommittee of the children and young people's task force. ACT government employees, young people and community groups make up the membership.

This document sets forth a flexible strategic plan that will guide the government's partnership with young people and key stakeholders. Through the implementation plan we will continue to see genuine youth participation and expanded partnerships between young people, government and the community, and the government will continue to boost resources, activities and opportunities for young people.

Of particular note are the following key actions outlined in the implementation plan 2011: a national partnership agreement on preventative health which focuses on developing and implementing programs that focus on health, weight, physical activity and healthy eating for children and young people aged zero to 16 years; cultural care plans for Aboriginal and Torres Strait Islander young people placed in out-of-home care that maintain and support cultural identity; strengthened exiting of statutory care systems through the implementation of leaving care plans, leaving care kits and a case conferencing pilot project; implementation of excellence in disability education in ACT public schools 2010-13, which will see the implementation of key actions such as individual learning plans for students with a disability to ensure inclusion of transition goals and community involvement; development and implementation of a youth foyer-type model in the ACT, linking youth housing with opportunities for employment and training for people aged 16 to 25 years. This model will form part of a continuum of service targeted at youth homelessness and will incorporate a range of personal supports related to health and wellbeing.

These and other actions outlined in the 2011 implementation plan reflect the strength of the government's commitment to young people. I would like to take the opportunity to thank everyone involved in delivering the many initiatives. I commend the 2011 implementation plan to the Assembly.

Question resolved in the affirmative.

## **ACT Ministerial Advisory Council on Ageing Paper**

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

Revisiting the 2005 Review Report of Seniors Clubs, dated July 2010, prepared by the ACT Ministerial Advisory Council on Ageing.

I move:

That the Assembly takes note of the paper.



It is my pleasure to table the report of the ACT Ministerial Advisory Council on Ageing on revisiting the 2005 review report of seniors clubs. I congratulate the council on the extensive consultation and research undertaken in preparing this report. This report was undertaken in the context of the ACT strategic plan for positive ageing 2010-14 and its purpose was to map the progress against the findings of a similar review of seniors clubs undertaken by MACA in 2005.

The ACT government responded to the 2005 review by undertaking three significant initiatives. These included the provision of land for a seniors club in Tuggeranong, funding to construct a Tuggeranong seniors centre and six regional community buses for operation by ACT regional community service organisations.

Commitment to the construction of a permanent home for the Tuggeranong 55 Plus Club was a clear acknowledgement of the important role that clubs play in contributing to the social wellbeing of older Canberrans. Being in my local electorate of Brindabella, I can see firsthand the benefit that will bring to that area.

A budget of \$1.7 million was allocated for the design and construction of a new club and in February 2011 work commenced at a site in Greenway. The project is expected to take about eight to nine months to complete. I know that seniors in the Tuggeranong area are looking forward to seeing their new club complete and ready to move into.

For an initial period of time, Communities@Work will work alongside the Tuggeranong 55 Plus Club to manage the new facility. On that point I would just like to recognise Mr Hargreaves for his interest in making sure that the Tuggeranong 55 Plus Club most certainly found its home in Tuggeranong.

Madam Assistant Speaker, the regional community buses have been in operation at each of the six regional community services since 2008. These provide a valuable low cost service for ACT residents who may otherwise be socially isolated due to lack of transport. This includes seniors with mobility issues and those living in nursing homes and retirement villages. The ACT government is currently undertaking a review of this service to ensure that it is appropriately targeted to meet current community need.

The council has made four recommendations for consideration by the government and two recommendations for consideration by the seniors clubs. The recommendations look to ways in which seniors clubs can best work together with the ACT government and broader community to enhance their programs. The first of these recommendations calls on the government to support clubs in developing new facilities or upgrading existing club facilities. The ACT government acknowledges that, with the growing population of older people, existing club infrastructure presents a barrier to expanding the facilities, membership and the scope of activities offered.

The ACT government is committed to support existing seniors clubs to develop their centres. It continues to consider proposals and explore options to assist with the development of facilities through ongoing discussions with the Department of Land and Property Services and the Department of Disability, Housing and Community Services.

Between 2003 and 2006 the ACT government provided over a quarter of a million dollars to seniors clubs for repairs and maintenance through the renew community infrastructure and facilities program. We continue to provide funding to seniors clubs for equipment, special events and projects through a number of grant programs. Between 2006 and 2010 over \$38,000 of funding was provided to seniors clubs through the ACT government's seniors grants and sponsorship program.

This report confirms the important role of seniors clubs plays in encouraging the community participation of older Canberrans through the provision of a range of centre-based and community activities in a safe environment. The seniors clubs are an important part. I also reflect on the grand party in the park when we had Seniors Week just a couple of weeks ago. They are a valued part of our community. The seniors clubs are a way to network and support each other. The report confirms the important role of seniors clubs here in the ACT.

I would also like to thank the ACT Ministerial Advisory Council on Ageing for its report and recommendations for improving and enhancing the facilities and programs offered by seniors clubs. The ACT Ministerial Advisory Council on Ageing is a very strong and solid group. It provides good, solid advice to me and I value its contribution.

I would also like to thank the staff of the Office for Ageing for their ongoing support not only to me but to older people across all of Canberra. The involvement of older people in social activities is important for their inclusion in our community. I look forward to working with the council to advance these recommendations.

Question resolved in the affirmative.

## **Fiscal discipline**

### **Discussion of matter of public importance**

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Mr Speaker has received letters from Ms Bresnan, Mr Coe, Mrs Dunne, Mr Hanson, Ms Hunter, Ms Le Couteur, Mr Seselja and Mr Smyth proposing that matters of public importance be submitted to the Assembly. In accordance with standing order 79, Mr Speaker has determined that the matter proposed by Mr Hanson be submitted to the Assembly, namely:

The importance of fiscal discipline.

**MR HANSON** (Molonglo) (3.27): I appreciate the opportunity to speak today on this matter of public importance. This is about the matter of fiscal discipline. Although it is wrapped up in the technical nature of the budget process and financial analysis, it is a concept that I think we can all understand at the most basic level. We all exercise, or we should all exercise, fiscal discipline when we determine what groceries we purchase, how we will pay for our children's education expenses or how we will pay for maintenance on our homes.

Madam Assistant Speaker, it is ironic today that I should win the MPI because my mother is in the audience. If anybody understands fiscal discipline, it is my mother. I

have gladly learned that lesson from her. Unfortunately, the ACT Labor government just do not seem to understand the concept of fiscal discipline. When it comes to ACT taxpayers' money, they simply do not understand. They seem to believe that there is a pot of gold that will go on to fund their most extravagant policies without any impact on residents' pockets.

This is a government who, when they are at the supermarket, choose to use credit to buy the sirloin steak and the bottles of champagne without a thought as to how the bread and milk will be paid for. To the government, spending more money means success. That is how they measure success. They believe that the more they spend, the better government that they are. They believe that, as expenditure goes up, so does their credibility. But, unfortunately, while this may work at election time, it does not work over the longer term.

The ACT has now been put in the unfortunate situation where we have no contingency; we have no plan B. We have spent too much at the supermarket on steak and champagne and when the unexpected bill comes in for roof repairs for our home we will have no way of paying for it. We only have to look at the Queensland floods and the imposition of the flood levy to see what happens when budgets are not managed to ensure there is a contingency for downtime or disasters. The bill for roof repairs may not be too far off for the ACT. Just today the AMP capital markets chief economist, Shane Oliver, had this to say:

After relative calm in financial markets from September to February, it seems the worry list for investors has blown out to include: Japan, oil prices, inflation, China, US housing, the US Federal Reserve's exit from easy monetary policy, European debt problems and high US public debt.

The effects of the global financial crisis are not over and the effects and the pressure on our economy are not over. We cannot be complacent and think that this will not affect us because it will. You only need to look to Portugal, Greece and the UK to see the effects that the GFC has had on those local economies—the effects on economies where spending has exceeded savings year after year, when there was no fiscal discipline. The effect has been drastic budget cuts and riots on the streets.

Federally, the impact can already be seen. In the 2010-11 budget the federal Labor government went into almost \$80 billion of net debt, or about \$3,500 per Australian, to fund their extravagant promises. They used this debt money to fund school halls, pink batts and the big cash splash. They wasted Australian taxpayers' money on \$12 billion worth of grants on environmental projects across the states and territories which the Grattan Institute has found, in a report released today, have done almost nothing to reduce greenhouse gas emissions. So that is \$12 billion, Madam Assistant Speaker, spent by the federal and state governments on climate change initiatives that have been utterly futile.

Not only did the federal Labor government budget to spend so extravagantly but also they have mismanaged the budget since then. As was revealed in the *Australian* this morning, the cost of capital works for the mammoth NBN project looks to surge more than 50 per cent above forecasts. This is potentially \$20 billion, on top of the already

budgeted \$45 billion for this NBN that the federal government are recklessly pursuing. Of course, this is not a new message. If you look back at budgets and debts over the last 20 years, what you can see, particularly in the federal sphere, is that Labor governments simply cannot exercise fiscal discipline.

I recommend members go to a website titled LaborWaste.com.au. What you will see there are a number of charts and what you will see is debt—debt growing from 1991-92. So as much as you hear about the Hawke-Keating government being so fiscally responsible, go and look at the evidence, go and look at the facts. What you will see is that from the early 1990s through to 1995, 1996, debt increased exponentially and when the Howard government got in it was \$96 billion.

Then when you look at the charts, you will see they go down again. The debt is reduced to the point that we got into surplus, and we were in surplus. Then what happened? The government changed. Labor got in and the chart went back up again—all the way up. It is like a roller-coaster, isn't it? The Treasurer comes down here and has a bit of a smile. But I think we know that this is a pattern of behaviour between Liberal and Labor governments—this roller-coaster ride of debts and deficit under Labor and surplus and saving under the Liberals.

The federal government have been forced to rein in their spending. They are already sending the message out to Australians that this federal budget will be a tight one. In light of the debt that they have put Australia into, they just could not do their normal round of extravagant spending. This is where it becomes a real problem for Canberra. As we know, for such a small jurisdiction, so intrinsically linked into what the federal government does, if they sneeze, we catch the flu. That might be what has happened to my colleague Mr Smyth.

In the 2009 estimates hearings, Chris Faulks, the Chief Executive of the Canberra Business Council, stated that the worst case scenario is a perfect storm where you have budgets at both levels taking drastic measures to return the budgets to balance. That is exactly what we are heading to. The Treasurer has stated that there will be no new spending in this budget, which means that we are heading towards the perfect storm, potentially, for the residents of the ACT. The federal budget will be tight; the territory budget will be tight. Why? Because successively the Labor governments at both levels cannot understand that you cannot endlessly spend and spend without consequence.

Madam Assistant Speaker, in 2001-02 the ACT budget was \$1.5 billion. In 2011-12 the budget looks to be about \$4 billion. The question is: do the residents of the ACT feel any better for this almost fourfold increase? The residents I speak to whilst out door-knocking or at shopping centres certainly do not think so. They are sick of waiting longer for services, they are sick of the city not looking as tidy and they are sick of continually being hit on the cost of living.

In 2001-02 budgeted revenue for the territory was about \$2 billion. In 2010-11 budgeted revenue was nearly \$3.7 billion. This is an increase of revenue of 80 per cent. There is an effect of CPI but, if you discount that, it still represents a 40 per cent increase in revenue for the ACT. But instead of using the expenditure to

cater for increases in demand due to population growth and demographic change, the government has chosen to make extravagant spending decisions. You need to look at the last territory budget to see that in action.

The mismanagement of the budget can be seen across all the portfolios. I will choose a few examples today to illustrate the lack of fiscal discipline and the wasteful spending that this government has exercised with ACT residents' money. Let there be no doubt: I could speak for days when it comes to examples of budget overspending and mismanagement that this government has illustrated. It is good that the Treasurer is here because she is also the Minister for Health. As we know, the largest proportion of the ACT budget is health, and it is a subject that is close to my heart.

As we know, Madam Assistant Speaker, people continue to wait longer in emergency department waiting rooms, spend longer on elective surgery waiting lists and still have difficulty in getting to see a GP. This is while the Minister for Health has recently spent \$43 million on a car park that was meant to cost \$27 million. This minister brought forward a plan to spend \$77 million on a hospital that we already own.

**Ms Gallagher:** It could have been money well spent.

**MR HANSON:** She says it could have been money well spent. What we find out from the Auditor-General and the cabinet advice is that we do not need to. There is this whole myth. This is where she shows her colours.

*Ms Gallagher interjecting—*

**MADAM ASSISTANT SPEAKER** (Mrs Dunne): Order, Treasurer!

**MR HANSON:** Basically, what she is admitting with her interjections is that the whole accounting trick that she was talking about—we had to own it so it makes the whole budget look better—did not really matter. That is what she is saying with her interjections, because she is saying that we still wanted to own it. We know that, again, she is prepared to spend \$77 million of our money to appease her ideology and that of the left faction of the Labor Party. I think we already knew that.

She is now planning to spend about \$800 million or thereabouts, up to that money, on 400 new hospital beds. I hope that when she comes up with the plan to do that, she does it in a way that is fiscally responsible, that gives the best bang for the buck and is not simply a matter of saying, "Look how much we're spending," as a measure of her success. As we know from the Auditor-General's report and some other reports, the health system is not being run, as it is, effectively or efficiently.

Turning to one of my other portfolios—corrections—as we know, the Alexander Maconochie Centre was delivered well over budget. It was meant to cost \$120 million to deliver 374 beds. What did Simon Corbell deliver? \$130 million for 300 beds, and now that prison is so over capacity that it is going to need retrofitting with bunk beds. That is going on at the moment, costing us more money. As Keith Hamburger found in his report, they are going to need to build more facilities, probably up to the 374 that there was originally scope for.

It is costing us \$477 for a prisoner held in that jail. It was \$163 when we sent them to New South Wales. We were promised it would cost us no more than that, and it is costing us double that. I think that if we were getting the world's best jail we might be prepared to pay such an extravagant sum, but if we reflect on the report that was tabled by the Treasurer and health minister just previously, what is quite abundantly clear is that we are getting anything but a world-class jail—champagne prices with what is very much a beer result.

This is just simply the tip of the iceberg. I could go on with some examples of wasteful and inefficient spending. The GDE, because they did not build it with two lanes initially, has cost us, I think, an extra \$20 million. The dam, if you recall—and this is a matter close to your heart, Madam Assistant Speaker Dunne—was meant to cost taxpayers \$145 million, and it has blown out by 150 per cent. So we are going to be spending an extra \$220 a year on the cost of water security in the ACT by 2013.

I drove past the arboretum today with members of my family, including my aunt, Christine, who is visiting from the UK. We looked at it and I said, "There's the arboretum." I am sure it will be a lovely arboretum when it is completed, but the discussion we had was that, given the state of our health system, given the state of other aspects of this territory, it is an indulgence. It is a champagne product and we simply cannot afford it here in the ACT, as lovely as it may be.

Similarly, there is the roadside art, Madam Assistant Speaker. While we are in deficit and have no contingency for flood or famine, or simply a downturn—the federal government is cutting into its budget for the ACT, with the effect that is going to have on us—it is an indulgence. We can see that this is not atypical of this government. I note Mr Hargreaves is up the back talking to Ms Burch. We can reflect perhaps on the Multicultural Festival and what a debacle all that was. It was a seven-day festival but, because of Mr Hargreaves's inability to manage the budget for that, it is now a three-day festival.

*Ms Burch interjecting—*

**MR HANSON:** We see that the consequence of their inability to actually manage their budgets and have fiscal discipline is that things will get cut. I think that the Multicultural Festival is a classic example. But we know that it is a taste of things to come; more will be coming. We know that the Greens and Labor have called for a 40 per cent reduction in carbon emissions. That is an extravagance we cannot afford. The consequence of that is going to be enormous.

*Members interjecting—*

**MR HANSON:** How about the Greens? Ms Hunter is having a bit of a snicker over there. Remember in the GLA they wanted \$1 billion spent on housing?

**MADAM ASSISTANT SPEAKER:** Order, members! There is too much conversation.

**MR HANSON:** They wanted buses coming every 30 minutes—an extra 100 buses at a cost of \$35 million. Madam Assistant Speaker, I could go on and on. But what is clear is that this ACT Labor government, with its Green colleagues, simply cannot exercise fiscal discipline. The people that pay again and again are the taxpayers of the ACT.

**MADAM ASSISTANT SPEAKER:** Before you begin, Treasurer, could I point out that there is a lot of conversation going on. It is disorderly to interject and it is doubly disorderly, Ms Burch, to interject when you are not in your place.

**MS GALLAGHER** (Molonglo—Treasurer, Minister for Health, Minister for Community Services and Minister for Women) (3.42): I will start by quoting an excerpt of the budget speech presented to the Assembly on 25 June 2002, in the words of Mr Ted Quinlan:

Mr Speaker, since coming to government we have been faced with a number of financial issues which the previous government had not addressed—issues which are not small in dollar value or insignificant in their importance to the people of Canberra and to the running of an effective government. Mr Speaker, I can only speculate as to the reasons why some matters were not provided for in the budget of 2001.

For example:

Mr Speaker, the Liberals had promised a jail. No capital funding was provided. Labor has now picked up the tab ... A planning provision of \$50 million has been set aside from the cash reserves to fund the construction of a new remand centre ... a much needed facility ...

... the Liberals had committed to the funding of a medical school. No budget funding was provided. Labor has now picked up that tab and has provided both a capital and an ongoing contribution to the medical school.

The last Liberal budget ignored the impending nurses salary settlement, as it ignored other very obvious wage and salary pressures.

I think it was one per cent that was put aside for wages. He continued:

That budget also presumed a clearly unachievable clawback in public sector superannuation.

He went on to say:

... it has become obvious that the information technology base has been neglected in funding. This budget provides ... ongoing commitment to funding the cost of information technology across the public service.

Like Mr Hanson, I could go on and on for the benefit of those opposite who are trying to portray themselves as fiscally conservative and as the only people who can manage

an ACT budget. It is not what the record will show in time, when historians go back and have a look at these issues with impartiality.

I would also note that it appears that it is at this time of year that we get this belated concern around the economy and the budget from those opposite. I had a quick look back because when I saw this MPI I thought, "I've seen this MPI before." And I have. In fact, I have seen versions of it in April 2008, April 2009 and I think in March 2010. It seems that the March-April sittings are the only sittings when the Liberals try and position themselves, just prior to the commonwealth budget and the ACT budget, as the only people who can manage finances.

I would ask, as Mr Hanson's address went to raising issues of concern about the "perfect storm", I think he called it: what have the opposition done, if they can see this impending storm on the horizon, to advocate for the needs and interests of Canberrans? Have they been up to see the federal Treasurer? Have they been lobbying Gary Humphries? Have they been to see Senator Lundy? Have they been talking about the importance of the commonwealth maintaining their spend in the ACT? Have they done anything? Have they provided a submission? Have they provided a submission to the ACT budget? No, not to my knowledge—nothing.

You come in here in April, as the final touches are being put on the commonwealth and the ACT government budgets, and now you are all concerned that there is a perfect storm coming. I have been talking about concerns with the commonwealth budget spend for the last two years. I have been up there having meetings with them. In fact, today—at every opportunity—I have met with the federal Treasurer, saying: "If you are making decisions that are going to impact on Canberra, please think of us. You are the most significant spender in this territory. Any decision you take will disproportionately affect the people that I represent." And that you represent.

The Chief Minister has been up. He has met with Penny Wong. He has met with the Prime Minister. He has met with the Treasurer. We both met with the Treasurer in December. I have since met with the Treasurer twice this year to talk about it. What have you done about Majura Parkway, the infrastructure needs? What have you done? You come in here, you blame and you try to point the finger, but everyone here represents their community. Everybody in this place represents the local ACT community and it would not hurt sometimes to have the support of everybody in this place working together to advocate in the interests of the ACT. The Majura Parkway is a classic example of where that kind of tripartisan approach could assist residents of the ACT.

I think that this budget, from the sounds I have heard from the commonwealth—and decisions are yet to be taken—is going to be a tough one. I do not think there is any doubt about that. And our budget is proving to be a very difficult budget to frame. We are trying to be very conscious of the cost-of-living pressures on families, particularly disadvantaged families. We are trying to be conscious of the fact that the tax review is having a look at our revenue lines. But we are also mindful of the fact that, in almost every major area of government service delivery, the demands for continued growth grow every year. So it will come to a position where we do need an honest discussion about how we are going to pay for all of the services that we need in order to keep the ACT delivering at the level that we currently do and not increase our revenue base.



As much as that is a difficult conversation for politicians to have, I think it is going to be a conversation that this community needs to confront over the next 18 months to two years. With our population growing as fast as it is—and it is growing faster than I think anyone had predicted; our population is now over 360,000—and with the level of services that we are currently providing, we cannot continue to do that without looking at our revenue base.

That is precisely why I commissioned a tax review. I will be very interested to see whether the Liberal Party participate in that review and provide a submission about their ideas, and whether there is a mature conversation on the tax review by members of this place about how we actually provide services. It is not about the next two, three or four years. We will be fine. Our balance sheet is strong. Our cash reserves are strong.

*Mr Smyth interjecting—*

**MS GALLAGHER:** We have a very good budget, Mr Smyth, as much as it probably pains you to acknowledge it. Standard & Poor's, in their latest report, have acknowledged the strength of our budget. And I do not discount that that has had at least a little bit to do with every government that has been in this place, including your own; everyone has contributed to the strength of the ACT's balance sheet. I do not deny that. But Standard & Poor's have also acknowledged that it has been the government's financial management—that is recent financial management—that has ensured that the balance sheet remains strong and that our outlook for the future is stable.

That is what Standard & Poor's are saying. When we look at the tax review and opportunities into the future, it is for the longer term. It is going to be for times when none of us are in this place. But I do not think it is a discussion that we can avoid, either. It is one that we need to have. It needs to be mature and it needs to acknowledge the pressures that governments are facing.

At the meeting this morning with treasurers, we went around the table and all of them were talking about the pressures that their budgets are under. The WA Treasurer spoke at length about the pressures they are under to provide infrastructure, how much they are borrowing to deliver that and when they are going to reach capacity on that front. It was the same for the New South Wales Treasurer and for the Queensland Treasurer. Everyone had the same story: demand is growing, health needs are growing, infrastructure needs are growing and the revenues were not necessarily growing at the same pace that demands for services were.

I am not sure it is a Labor versus Liberal debate, and I think it probably demeans it to have it as a Labor versus Liberal debate. It is a debate about whether or not your community is prepared to pay for the level of services that they demand. It is also an acknowledgment that there are always efficiencies in government that need to be found—that waste needs to be minimised and efficiencies need to be found. I agree with all of that, and that is something that we have had as part of our budget. But I would also acknowledge that whenever we have put in efficiency measures, it is often

those opposite that have complained about those efficiency measures and sought to have those efficiency measures re-agitated and re-cogitated.

It is very difficult in government to find efficiencies, to save front-line services, to deliver more, while at the same time your revenues are actually diminishing, which is what we have seen. I know Mr Smyth will be saying they have increased, but when you look at them and you pull out the nation building and jobs money which came in but which was for a designated program, so it was not there as general revenue coming in to be used for recurrent spending, you will see that we lost, on average, \$230 million a year over our forward estimates from the global financial crisis.

That is a significant loss, yet we only have a deficit that is the small size that we have now. In the midyear review or update, or the budget update, as we are calling it—not to confuse Mr Smyth—we announced a figure of about minus \$50 million. We then lost \$30 million from the Commonwealth Grants Commission review of relativities, so before we start the budget it is sitting at minus \$80 million. To be in that position and to have lost the amount of revenue we lost across the forward estimates, I think speaks to the strength of the budget and the fact that we have sought efficiencies wherever we can and have implemented efficiencies.

I am not going to single out Ms Burch, but we have disability, we have child protection, we have education—and health is always a big offender in terms of demand. We need to meet all of those challenges. I have to say that we have been meeting all of those challenges against what has been a shrinking revenue base. We have dramatically reduced our GST receipts. These have been revised and re-revised over the last three years.

In the future—and we talked about this again today—there is a tax forum coming up in October, the commonwealth tax forum, and I imagine state revenues are going to be discussed pretty openly then. By then, we should have our ACT tax review in our hands and be able to be in a pretty good position to have a discussion around the national tax forum in October. The reason I commissioned that work was that Ken Henry, in his review, signalled the fact that in their view or in his view—and I think it is a view shared by the commonwealth—there are inefficient state revenue lines that need to be looked at. I have no doubt that this will be the subject of much discussion in October at the tax forum. The ACT needs to be well positioned for that, because I think it will turn into “the greedy states with their revenue lines” and “we have to look at that”. It will be very easy to point the finger.

In a small jurisdiction like ours with a narrow revenue base, we need to be able to stand united and protect the revenue that we get in the ACT to ensure that we are able to deliver services to our community. Mr Quinlan’s tax review and the work that has been put into that by the review team will give us some very good information about whether we need to change some of our revenue lines, modernise them, make them more efficient and look at how we transition over time to whatever the tax review recommends. I have not had a meeting with Ted for a while and I need to do that. That will give us good information in the lead-up to that commonwealth tax forum.

It is very easy to come in here, wag your finger and allege that you are the only fiscally disciplined group in the Assembly, but it is not a very mature way to have a

discussion about our budget, the needs of our community and how we pay for them. There is very little discretionary spending in the ACT budget for ministers. There is very little capacity for ministers to say, "This is what I want to do; this is something new that I've wanted to do." So much of the budget is already predetermined into delivering core services to the community. I reject any view that there is any excessive waste or lack of priorities in terms of the spending within our recurrent spend.

It is an area that we have gone through with fine-toothed combs in looking for efficiencies, and we will be doing so in this year's budget as well, in order to pay for any new spending that the budget outlines. It is time, as parties in this place, that we do lift the level of debate around this, that we do have a willingness by those opposite to acknowledge that there may in the future be a need to raise additional revenue if we are going to pay for all the services that we need to pay for.

I can certainly tell you, Mr Smyth, that from my point of view, and from my time as Treasurer, if historians are even slightly interested in reviewing it when I am no longer here—which I doubt, but say they were—I have been accused of having boring budgets; they are that fiscally disciplined. I have done press conferences where the media have said, "This isn't a very exciting budget; it's a bit boring." It is boring because it is fiscally disciplined and I have been trying to deal with the shocks that our budget received in 2008 and return it to a surplus position as soon as I can. I think that is the right thing to do, but it is because of the fiscal discipline of this government that we are in a position where we can do that.

**MS HUNTER** (Ginninderra—Parliamentary Convenor, ACT Greens) (3.57): Budget time, of course, is fast approaching and it is appropriate that we have a general discussion about the level of public expenditure. It was interesting, though, hearing about the last few years. Every April seems to be the timing for this discussion. But that is okay; I believe it has a level of appropriateness.

No doubt this issue will be revisited extensively over the next couple of months. The key questions for discussion are: what should the ACT's fiscal stance or fiscal policy be? How soon should we be aiming to return to surplus and what level of expenditure reduction is justified to meet that end? In other words, what level of fiscal rectitude is required?

We probably all agree that the fiscal stance and the revenue and expenditure decisions that make up that position are absolutely critical to the ongoing prosperity of the ACT. Unlike other jurisdictions or economies, the ACT is very much subject to the commonwealth government decisions. This places us in a unique position that adds an additional challenge but can offer some opportunities.

As the Treasurer has indicated, we have recently suffered setbacks in the allocation of GST revenue. This will add to the challenge of providing all the services Canberrans expect from government. As was also said, this has been on top of losses suffered through the global financial crisis.

All of us here in this place have different policies and priorities and would spend public money differently. The Greens are committed to a balanced budget over the

budget cycle. Our priorities and commitments are very clear and we have been very consistent in saying what we think public money should be spent on, how it should be raised and the role of fiscal policy in a market-based economy.

I would like to cover briefly the fixation with balanced or surplus budgets that pervades the political discourse at the moment. From the language used by both major parties, one could reasonably think that some great catastrophe will befall us if we do not have a balanced budget. Whilst it is, of course, a laudable goal and undoubtedly we need sufficient fiscal and monetary space to ensure that we can respond to the natural economic cycles and counteract them to ensure stability, mainstream economic thinking does not support the “at all costs” approach to budget surplus that seems to have been adopted in recent years.

Fiscal policy is very complicated and there is certainly much more to it than just achieving a balanced budget. It is overly simplistic and disingenuous to say that budgets have to be in the black to be prudent. That is not in any way to suggest that we do not need to carefully assess every expenditure decision and make sure that it is in our long-term economic interests before we position ourselves for the inevitable difficulties that will come about from short-term thinking.

Energy efficiency is the simplest and most basic example that illustrates the point very well. If I borrow money to improve the energy efficiency of my house and it costs me \$1,000, but each year it saves me \$200 and the interest payments are only \$70, it was a prudent economic decision by any measure. In the long run I am much better off. This is a very simplistic example but it illustrates the point that our thinking should be about the long-term impact of our decisions, not just a mindless adherence to something that in and of itself makes little difference to our lives.

It probably is easier to spend money than to save it, and in that sense a level of discipline is required to avoid having to borrow funds to finance the budget. To the extent that this is true, fiscal discipline is required. No-one likes waste. We all work hard for our living and it is offensive to see money frittered away when it could be used to tackle the many serious problems that confront our community.

Conceptually, there are two types of waste. The first we can all agree on: building something and then pulling it down to do it again or providing materials grossly disproportionate to needs is waste that we would all disapprove of. An example of example here would be Bunda Street. Bunda Street recently has had a lot of work done to it with the new shopping mall going up across the road. There has been a lot of work done and a lot of money spent on that. Fortunately, there has been a change in decisions on Bunda Street. It has now been decided that it would be better to have it as a shared thoroughfare. That means that a lot of the work that was done will be ripped up and have to be re-done. That is an example of waste.

Another example is a proposal to plant 500 trees down Northbourne Avenue. The question would be: is this the right time to be doing that as we know that there is a design study, an investigation into Northbourne Avenue, about how Northbourne Avenue may be replanned—may be redesigned in the future—to ensure that we do have faster access for buses and better access and safer access for those who wish to

travel by bike? So is it the time to be planting trees if we are only going to turn around in the short term to make a different decision about design and those trees will have to be ripped out again?

The second issue about waste is what we each perceive is a policy waste. Of course, we would have different views on that. Some others would argue that one person who thinks a policy is a waste, another person may find great merit in. No doubt we will debate this question at great length when the budget is announced. However, there are a couple of particular policy areas that probably should be canvassed today in the context of a general discussion about what is an appropriate fiscal policy for the ACT.

As I outlined earlier, the Greens very much believe that we need to think long term and respond to the issues today in a manner that ensures they are properly addressed and not just postponed. I guess that is why we are so alarmed to hear Mr Hanson say pretty much that anything to do with reducing greenhouse gas emissions, anything to do with trying to tackle climate change, was a waste of time. He said that it is a waste of time and money and that we can put that off to tomorrow.

In fact, we know that the experts have told us quite clearly that if we put that off to tomorrow, not only will we have a bigger mess to clean up but it is going to cost a lot, lot, lot more for Mr Hanson's children and Mr Hanson's grandchildren to have to deal with. Maybe Mr Hanson really wants to get his head more into long-term thinking rather than the very, very short-term thinking that he seems to be proposing.

The health portfolio is another area I would like to discuss. It represents the single largest expenditure item and the biggest growth area in the ACT budget. We know that health expenditure will represent an enormous challenge in the future. To respond to the challenge, we need to be investing more in preventative health initiatives. The challenge and the required fiscal discipline is to recognise this and forgo other initiatives that might be more attractive in the short term but which in reality will make a limited difference in the long term.

I note the minister's recognition of the need to do more, but also express the Greens' concerns that relatively minor changes to existing programs will by no means be adequate to address the enormous problems our community is facing. Preventable diseases are the major contributor to the health tsunami. Not only is it socially responsible to do this; it is also economically prudent. In the long run it will leave the ACT much better off both financially and socially.

Another thing we have spoken about, and I have spoken about it in this place on previous budgets, is the need to shift to a green economy and to ensure that we are in a position to prosper from the challenges in front of us rather than lag behind. This issue is evident in a number of areas of our economy—for instance, the issue of waste. In respect of household and commercial waste, if we really look at this area, we can get a lot of economic benefits from recycling and reprocessing our waste here in the territory, which comes back to how we collect that waste in the first place and how we deal with it as to what economic benefit we are going to get.

That is one example of how we could be shifting our economy to a green economy. Of course, there are discussions going on all over the world by governments, by

financial institutions, by academic institutions around this concept of a green economy, green collar jobs and how we can shift our economy to be far more sustainable into the future.

Another area, of course, is around making our houses more energy efficient. My colleague Shane Rattenbury introduced an exposure draft of a bill this week. It seeks to ensure that rental properties are up to speed in respect of energy efficiency. Another part of that, of course, is that if that gets through, there will be ongoing support and ongoing work for businesses to keep going here in the territory. We very much need to look at the opportunities we have to shift to a green economy and I hope that this budget gets us one step closer.

**MR SMYTH** (Brindabella) (4.07): I would like to say that I am delighted my colleague Mr Hanson has brought this MPI on today. It is a very important issue and, yes, it is good of the Treasurer to point out that we often have economic discussions in the lead-up to the budget. Who would figure that politicians would want to talk about the single most important bill of the year in the lead-up to that bill? I am just surprised; I am so surprised.

But what I am more surprised over is that the Treasurer had so little to say about her budget—so much so that she spent six of her 15 minutes attacking the Liberal Party and reliving history. She was not just reliving it; she was rewriting history and saying how badly the budget was off when they came to office because there were all these things unfunded.

The interesting thing is that the money was there to fund them because the government did so in the following budget. They did not have to find it. It was there, and it was there because what we left was a strong economy. What we left was an economy and a budget that could cope with the things that we had promised. That is unlike what we inherited in 1995, when we had a \$344 million operating loss left by the previous Labor government. It was \$344 million! It was more than a 20 per cent loss on the turnover of that year; \$344 million.

In the six years after that, of course, following Follett, there were the cuts by the Howard government; there was collapse of HIH; there was the Ansett collapse; there was the SARS tragedy; and then, of course, there was the Asian meltdown. They were things which we coped with and we still brought the budget back into the black and left the budget in a great position for the incoming Labor government to spend the next 10 years wasting those opportunities. They were 10 years of reckless spending, 10 years of failing to diversify the ACT economy and to prepare for the future.

Ms Gallagher complains that people thought her budgets were boring. They are probably boring because there have been no ideas in them. There has been no drive; there has been no choice; there has been no initiative to say: "We are going to take this economy and we are going to do something with it because we understand the potential of having the federal government here. We understand the potential of having the departments here. We understand the potential of having the largest contract signed in the country signed in Canberra with government departments. We understand the potential of five universities and all their campuses here in the

ACT. We understand the potential of having the CSIRO's headquarters here. We understand the potential of the smartest population in the country and their ability to come up with solutions."

Yes, Treasury, your budgets are boring because they lack leadership, they lack ideas, they lack drive, they lack answers to the problems that face the community because of the lack of courage that your government has, has had and will continue to have in the future—well, at least for the next 81 weeks.

Ms Hunter makes a point. She says, "What about recycling? What about waste?" We had a program to address waste in the ACT. It was called no waste by 2010. But 2010 has come and gone and the 2010 target was missed. What was missed, most importantly, were the industries that the Liberal government said back in 1996 would be required to achieve the target of 2010.

We had a problem. What we wanted to do was take a problem and turn it into an opportunity. We saw that that opportunity would create new industries that would answer problems not that we had for ourselves here in the ACT but that all jurisdictions around the world had, thereby giving us a more diversified economy. It has just gone. The opportunities are just gone. They are not thought of. No waste by 2010 is now just no waste. It should actually be recycled because it is waste. It is a waste of an opportunity.

That is why, Madam Treasurer, as you return to this place, I say that your budgets are boring. They lack leadership, they lack drive and, God help us, when you take over as Chief Minister we will get the same boring approach. The attitude is, "We are good because we spend, we should be admired because we spend so much of your money and, by the way, we are going to take more money out of your pockets because we cannot stop our reckless spending."

That cycle is self-fulfilling and that is how you get \$344 million operating losses. That is how you get streams of deficits. That is how you get a government that budgets for deficits at the height of a boom. At the height of the boom you manage to outspend your revenue and put us in the parlous position that we find ourselves in. As I said, Madam Assistant Speaker, I am delighted that my colleague brought this on for discussion today because it is an important issue.

Mr Hanson touched on something that we all should be quite aware of, given that the federal government is signalling a tough budget and that more cuts have to be found in our local budget, Chris Faulks, the CEO of the Canberra Business Council, said this back in 2009, "Our concern beyond that is that at the same time the ACT will be clawing back its deficit"—which is happening now—"the federal government will also be clawing back a very substantial deficit," which is happening now. She went on to say, "When those two occur at the same time, the pain for the ACT is going to be significantly compounded. The worst case scenario is a perfect storm".

You get the perfect storm when you do not plan. You get the perfect storm when you do not make allowances for the future. You get the perfect storm following 10 years of reckless spending when you make no allowance for the future.

Madam Assistant Speaker, we may well recall the way in which this government budgeted for the deficits at the height of the economic boom. ACT Labor governments budgeted for a succession of deficits from 2002-03 to 2006-07 when the building boom was enormous, when the federal government's spending was enormous, when prosperity in this country was enormous. In those years they had deficits of \$17 million, \$69 million, \$5 million and \$365 million predicted.

Let me repeat it: in 2005-06 this Labor government budgeted for a deficit of \$365 million at a time when the Australian and the ACT economies were booming, and then another \$68 million. That was not fiscal discipline. It was simply reckless spending and to cry poor now is to forget your failures, to forget your record and to forget that you made no allowance for the future.

Was this an appropriate budget policy? Of course it was not. Was it fiscally disciplined? Of course it was not. Despite what the Chief Minister, the Treasurer and any other ministers may say, Labor failed the people of the ACT and they now pay for it through their increased costs of living.

In recent weeks we have had the latest instances of how this Labor government lacks fiscal discipline. The ACT community is well aware of the difficulties that have faced all jurisdictions in dealing with and responding to the consequences of the global economic and financial crisis.

Unfortunately for the ACT, we do not have a good record of achieving savings across our budget. In February this year the Treasurer gave us the details of the revision to the outlook for the budget for 2010-11. She was able to tell us that the estimated budget deficit for 2010-11 had been reduced from \$84 million to \$6 million, which on the face of it you would have to say is an outstanding achievement.

Yet this reduction in the estimated deficit of \$78 million was not because of this Treasurer's fiscal record and management. It was because we had a one-off payment from News Ltd. It was a one-off. That is the only thing. This is luck. This is not budgeting. It is as simple as that, Madam Assistant Speaker.

Moreover, what the Treasurer did not say when she released the update is also very significant. What she did not comment on was the fact that budgeted spending by this government was estimated to be five per cent above the actual level of spending in 2009-10—a five per cent increase.

Did she say that the budget update revealed that spending would now be six per cent greater than actual spending in 2009-10? No, she did not. These increases are significantly more than the rate of increase in consumer prices and are not indicative of fiscal discipline. What is the position in the outyears? There are four per cent, five per cent and four per cent increases. This is not controlling your spending. This is merrily going along hoping that something will turn up.

We were also told that there were savings to be made, that some of these savings were identified but that further savings would be required. We were told that they would be



identified in future budgets. That was in 2009. We were told in 2010 that the remaining savings will be achieved in future budgets. So we will probably hear in 2011 that the future savings will be achieved in future budgets.

There was one neat saving that the Treasurer latched onto. That, of course, was the reduction of the provision for the Treasurer's advance. I am glad to have helped. She said earlier that we never help. She never gave me credit for that one, because when we put that out before the 2008 election, we were soundly lambasted by the Treasurer and her colleagues. But they took it when they needed it, did they not? They took the Liberal Party idea and they said, "That is a good idea." So there you go; we have helped the Treasurer. You might at least give us the credit for it.

Madam Assistant Speaker, I will conclude my remarks by quoting the findings made by our now former Auditor-General Tu Pham in her report on the 2009-10 financial audit that was delivered in December 2010. In commenting on the ACT's long-term financial position, Tu Pham said:

The Territory's long-term financial position weakened significantly in 2009-10. However, its position was stronger than estimated in the budget.

The long-term financial position is expected to further weaken over the forward years.

*(Time expired).*

**MR HARGREAVES** (Brindabella) (4.17): Listening to the Treasurer's rejoinder I am reminded of the various alternative budgets that have been proposed by those opposite since 2001. I could sum them all up by describing them as a piece of paper with "please turn over" on both sides of the page, and that would keep those opposite busy for about a week I would suggest to you.

One of the problems in this place is that some people deliver strong fiscal management and responsible fiscal management, and some people really do not know what it means. You would have expected in previous budgets, for example, that when in opposition you would promote an alternative; you would say, "Well, I am not going to expend on this, but I will expend here," or, "I will get the money to do this by getting it from somewhere else." I will give you an example of that.

I think Mr Smyth and also Mr Stefaniak—I could be wrong here—said that they would not spend \$100 million on a jail; rather, they would put \$100 million into health services and get us more nurses. You might say that that sounds like at least an alternative. The argument that I have with it, though, is that the \$100 million was capital funds in the prison and Mr Smyth wanted to apply it to the recurrent provision of extra nurses. You would expect somebody who has been around as long as those opposite have to know the difference between capital and recurrent. If you do not know the difference between capital and recurrent it means that you did not actually do your homework in budgeting 101 and so you do not really have the credibility to talk about strong fiscal management.

I thank Mr Hanson for raising this matter of public importance on the importance of fiscal discipline. As the Treasurer has indicated, fiscal discipline is a fundamental

principle of good governance and a key attribute of a good government. Fiscal discipline is a prerequisite for macroeconomic stability, it supports confidence in the economy and supports jobs and it is conducive to longer term growth. Fiscal discipline creates room to accommodate and respond to the unpredictable risks and crises while maintaining high levels of services to the community.

I am reminded of something Ms Hunter said: do not be afraid of a deficit necessarily. She also said that having an aim that we would be in surplus is laudable, and I support that view. Let me just say this: many people in this town have mortgages you cannot jump over, and their goal is to own that house; in other words, their goal is to be in surplus as a family unit. But the gauge of whether they are a strong economic household is whether they have the ability to service those loans. It is all about whether they have the income streams available to them to service their loan so that at the end of the day their dream of having a household surplus is realised.

I think we lose sight of that analogy sometimes in this place when we talk about the size of deficits that we are faced with. Certainly they are large, but I would not say they are catastrophic by a long shot—not by a long shot. And, given what we are actually getting in return in terms of the spending on social welfare projects, I think we are doing reasonably well and I congratulate the Treasurer. Having sat in the cabinet at times of need, I have to tell you that the Treasurer has done a remarkably good job to be where we are now.

**Ms Gallagher:** Thank you, John—and \$25,000?

**MR HARGREAVES:** Except for the fact that I wanted \$25,000 for a particular project and I wore out the trousers in the knees trying to get the 25 grand; but that strong fiscal management meant that I had to go find it somewhere else, which I did actually, Treasurer, but I just did not tell you about it.

The Treasurer also made a very important point that fiscal discipline is not an end in itself. Good governments exercise fiscal discipline but they do it to achieve their core objectives for the economy and for the community. There is no doubt that we have been faced with many challenges in the past 2½ years. World, national and local economies have been grappling with negative impacts of the global financial crisis, a term which seems to be missing from the speeches of those opposite, I might have to observe. We are also grappling with the continuing uncertainty in financial markets and the progressive rise in the costs of delivering services to the community.

The territory has been mindful of all these conflicting pressures on our budget, coupled with the rising costs of living and the decreasing level of consumer confidence. We have responded prudently to the financial crisis and as a government have undertaken sensible measures to address the substantial hits to the budget to ensure that essential services are maintained while adopting a measured approach to addressing the financial impacts.

This was the correct approach, as evidenced by the ACT's recent affirmation of the AAA credit rating by Standard & Poor's. The territory's AAA credit rating is an important measure that provides the community in general with confidence that the

territory's finances are being looked after. It provides confidence that financial risks are being identified and managed and that debt is manageable.

Standard & Poor's have indicated that the ACT government's management is a very positive rating factor. They have given considerable weight to the government's response to the global economic slowdown and the decisions taken in 2009. In confirming the territory's credit rating, Standard & Poor's noted:

The ACT government's management is a very positive rating factor. In 2009, in response to the economic slowdown and resulting drop in revenue, the ACT revised its fiscal strategy, with a primary focus on returning the territory's operating position to balance by fiscal 2016. Improving revenue expectations have seen the return to surplus timeline revised to fiscal 2014.

Unlike the previous Liberal government, which delivered major deficits in four consecutive years and neglected services to the most vulnerable in our community at the same time, we have a plan to restore our budget. We have improved the level of services in many important sectors, including disability services, mental health services, child protection services and public hospital beds, to name a few of the issues that we have inherited from the previous government.

This government has committed to and delivered the largest program of infrastructure investment across the territory since self-government, a program that we continue to deliver, and this investment will build a hospital system to meet the needs of the next decade, improve our transport system and urban amenities, assist in responding to climate change and meet the needs of a growing city.

We all know that delivering a capital program is not about spending dollars; it is about delivering projects. The list of projects that this government has successfully delivered is long. These include health facilities, roads, schools, family and community centres, public and social housing, parks and other water infrastructure projects. Such is the confidence in this city that we have a forest of cranes on the skyline, something that was hitherto unknown before this government took over.

This government continues to work to reduce wastage of the community and taxpayers' funds, like aeroplanes with things blazoned on them, green grass on sporting fields—those sorts of things. Any savings under our plan are redirected to front-line services that benefit the citizens of the ACT. Investments in hospital beds, teachers, police, roads, buses and the prison are not a waste of public money but an example of responsible financial management; nor are our record investments in disability services, health, education and child protection. The government was able to provide additional funding to these important areas because of the efficiencies made to its overall operations. It is extraordinary that providing more funding to address critical service delivery is seen to demonstrate a lack of fiscal discipline.

Towards the aims of our budget plan we readjusted our spending and achieved savings. However, sharp adjustments were not made and we maintained our investments in vital community services and infrastructure and supported business confidence, a fiscal strategy also employed by the commonwealth and most other Australian jurisdictions.

In fact, this government has worked hard to ensure health expenditure is sustainable and to contain growth to affordable levels. It has directed funding to areas of greatest need, including elective surgery, critical care and cancer services. There are also more doctors, more nurses and more hospital beds.

As a government we have implemented significant reforms in our public education system, investing in both new and existing schools, and we now have more teachers, smaller class sizes and more educational choice. Those opposite should commend this government for prudent financial management.

By way of comparison, the former Liberal government's lack of financial discipline and appropriate investment in infrastructure led to well-publicised and accepted failures in service delivery. These included failure to support people with health issues, failure to support children at risk of abuse, failure to support people with disabilities, failure to house the homeless and failure to adequately resource emergency services. Those opposite simply forgot that it is not possible to deliver services unless you have the infrastructure to do it.

The government's strong fiscal discipline has strengthened the economy, the local industry was supported, and the future of the ACT looks more positive because of this approach. Importantly, this government's strong fiscal management has ensured the services to the community are of a high standard and will continue to be delivered to that standard.

**MR SPEAKER:** The time for debate has now expired.

## **Public Accounts—Standing Committee**

### **Statement by chair**

**MS LE COUTEUR** (Molonglo): Pursuant to standing order 246A I wish to make a statement on behalf of the Standing Committee on Public Accounts relating to inquiries about certain Auditor-General's reports currently before the committee.

On 27 October 2010, Auditor-General's report No 7 of 2010 was referred to the Standing Committee on Public Accounts for inquiry. The audit report presented the results of a performance audit that reviewed the effectiveness of feedback and complaints management mechanisms within the Department of Territory and Municipal Services, TAMS. The committee received a briefing from the Auditor-General in relation to the audit report on 10 February 2011, and a submission from the government dated 22 February 2011.

The committee has resolved to conclude its consideration of the audit report with the tabling of a summary report. The committee expects to table its report as soon as practicable.

On 12 November 2010, Auditor-General's report No 9 of 2010 was referred to the Standing Committee on Public Accounts for inquiry. The audit report presented the results of a follow-up performance audit that reviewed progress by the Department of

Justice and Community Safety in implementing agreed recommendations from the Auditor-General's performance audit in 2005 which reviewed the efficiency and effectiveness of courts administration in the ACT and the recommendations of the Sixth Assembly's public accounts committee's inquiry into the 2005 performance audit. The committee received a briefing from the Auditor-General in relation to the audit report on 22 February 2011.

The committee reiterates previous comments it has made with regard to the importance of follow-up audits to assess whether agencies have addressed recommendations and findings arising from specific audits. This type of follow-up audit is an important exercise to inform the ACT Legislative Assembly on progress towards implementation of accepted recommendations.

The committee has resolved to make no further inquiries into the audit report. As the audit report assessed progress by JACS with regard to the efficiency and effectiveness of courts administration in the ACT, the committee believes that it may be of interest to the Standing Committee on Justice and Community Safety as per its portfolio coverage. The committee has written to the Standing Committee on Justice and Community Safety to bring the audit report to its attention.

## **Courts Legislation Amendment Bill 2010**

Debate resumed from 9 December 2010, on motion by **Mr Corbell**:

That this bill be agreed to in principle.

**MRS DUNNE** (Ginninderra) (4.31): The Canberra Liberals will be supporting elements of this bill in principle but I will be proposing amendments at the detail stage of the debate.

This bill aims to change the jurisdiction of the Magistrates Court as well as establishing the family violence list as the family violence court and the Galambany court to administer circle sentencing. Generally, the Canberra Liberals support these last two measures, the family violence court and the Galambany court, but we do not support the government's proposal in relation to indictable offences.

The government's proposal in relation to indictable offences is of serious consideration for the Canberra Liberals, and the amendments that I have foreshadowed will achieve a quite different outcome from that contemplated in the government's bill. They will be simpler and have a far lower impact on the rights of accused people to be tried by jury, especially in relation to an accused's right to a jury trial. The government's bill has the principal objective of reducing the caseload burden in the Supreme Court and give it a chance to catch up on its backlog.

The government has not proposed the major changes in this bill for any purpose of delivering a benefit to the community. Indeed, they take away the rights and privileges of the community to the extent of the right to trial by jury for offences carrying penalties of up to five years imprisonment.

The singular purpose of this bill is to relieve pressure on the Supreme Court. It is another band-aid approach to reform of the court system because the Attorney-General failed to get his beloved district court up—something he proposed off his own bat and without consultation.

This Attorney-General is too proud and too egotistical to accept the expert advice of the legal fraternity in relation to court reform. He has come up with his own idea in this case. I am sure that he will claim that this was a suggestion made by the Bar Association and the Law Society, but in fact what the minister proposes in this bill in relation to indictable offences is exactly half of the suggestion made by the Bar Association and the Law Society. Without the two components of that proposal in this bill, my understanding is that there is a general belief amongst the legal fraternity that they cannot support this legislation.

This bill seeks to change the way the Magistrates Court operates. It changes its criminal and civil jurisdictions and, as I have said before, establishes the Galambany court and the family violence court. Under this bill, an indictable offence will be redefined so that it now carries a maximum sentence of five years or more. This means that offences carrying a maximum penalty under five years will be dealt with summarily by the Magistrates Court, with no option available to a defendant to elect to go to the Supreme Court. The current threshold is two years, with an option available for defendants to elect for summary or indictment hearings for offences carrying a maximum penalty of two to five years.

The approach proposed by the government is cumbersome and convoluted and sets out amendments to 22 other acts and regulations, because there are a large number of specific offences and circumstances that relate directly to indictable offences. For instance, a number of offices that can be held can be barred to people who have been guilty of an indictable offence. The current definition of that is punishable by a term of imprisonment of more than two years. With the government's changing of the definition of indictable offence, it means that it has to go back and recast all of those barriers to people in a quite cumbersome way.

More importantly, the government's bill represents a significant diminution in the right of an accused to have their matter heard before a jury. This derogation of human rights was the centrepiece of considerable discussion in report No 32 of the scrutiny of bills committee, and it is worth summarising the position put by the committee. It is interesting that in many ways the position put by the committee and the adviser to the committee was reflected in many of the discussions that I had with members of the community about this, including the historical references that I will allude to.

It may be surprising to some that the ACT Human Rights Act does not necessarily confer a right to a trial by jury. The minister and his officials in their comments have gone out of their way to make the point that they do not believe that they are derogating from the human right of a right to a fair trial by diminishing a right to a jury trial. The early stages of development of the ACT Human Rights Act did contemplate enshrining a right to a jury trial, but over time that changed. The scrutiny of bills committee noted in report 32:

It—

the ACT Consultative Committee on the Human Rights Act—

appears clearly enough to have acknowledged that such a right would be of ‘a set of rights that would be particularly relevant to the ACT community’. But the report’s authors recommended against this course of action—

that is, enshrining in the Human Rights Act a right to a jury trial—

on the basis that there would be fewer objections to the enactment of a Territory law were it to be limited to the implementation of human rights treaties to which Australia was already a party.

The scrutiny of bills committee in its report No 32 also made lengthy historical reference to the thread and history of trials by jury, which, as those of us who care about these things know, stretch back in black-letter law to 1297. The committee noted:

It is clear that a right to trial by jury in any serious criminal matter is deeply rooted in the Anglo-Australian legal and political tradition.

The committee noted the comments of Justice Deane in the case of *Kingswell and the Crown*, in which His Honour noted:

It is, however, clear enough that the right to trial by jury in criminal matters was, by the fourteenth century, seen in England as an “ancient” right. In the centuries that followed, there was consistent reiteration, by those who developed, pronounced, recorded and systematized the common law of England, of the fundamental importance of trial by jury to the liberty of the subject under the rule of law.

Gee, I wish I had said that. The scrutiny committee also noted that section 80 of the Australian constitution acknowledges the importance of jury trials. It says:

The trial on indictment of any offence under any law of the Commonwealth shall be by jury.

As I said, the right to a trial by jury stretches back to 1297 and to that year’s version of the Magna Carta. ACT law, through the Legislation Act, adopts chapter 29 of that version of the Magna Carta. The committee noted that, in part, chapter 29 provides—and once again I quote:

Nor will we pass upon him nor condemn him, but by lawful judgement of his peers or by the law of the land.

The committee concludes by saying:

This proposed reduction in the availability of trial by jury of a criminal charge would bring about a substantial change to the constitutional arrangements of the Territory concerning the administration of justice.

I will repeat that:

This proposed reduction in the availability of trial by jury of a criminal charge would bring about a substantial change to the constitutional arrangements of the Territory concerning the administration of justice.

Once upon a time the threshold was one year for an indictable offence, then it became two. But this ACT Labor government, which claims that it upholds the human rights principle, now proposes to increase the threshold for trials on indictment to five years. This is a serious derogation of the rights of an accused to a trial by jury and this government has given little, if any, credence to this in its justification for this change in the jurisdiction of the Magistrates Court. It has merely said that it will help to reduce the backlog in the Supreme Court.

I am troubled by the government's approach and I am troubled by the government's disregard for the impact it will have on rights that extend back in our law and in the history of our law for more than 700 years.

I note from the Attorney-General's response to the scrutiny committee report that he will be tabling a supplementary explanatory statement to address the shortcomings in the initial explanatory statement which the committee identified and commented upon. I look forward to that, and I note again that, with respect to the Department of Justice and Community Safety, the Attorney-General has become a serial offender of the requirements of the scrutiny committee for more fulsome discussion of the derogation of human rights in the explanatory statement.

I also note that there is work afoot in the scrutiny committee, courtesy of the adviser, to assist officials in how to write a human rights compliant explanatory statement. I hope that we will see an improvement and that the minister will cease to be a serial offender.

The legal fraternity wanted provisions, as I said before, enabling rehearing rights for all summary matters in the Supreme Court. Civil Liberties Australia also expressed strong criticism of the government's bill and supported the approach which will be put forward in amendments that I will move in the detail stage, which will be in May.

The government rejected that proposal. The Attorney-General says that if we went down that path the process that was originally asked for by the Law Society, Civil Liberties and the Bar Association could not happen here in the ACT because it would require the involvement of an intermediate court. He thought that it would not assist with his aim of reducing the load of the Supreme Court.

As I said, the amendments I will propose in the detail stage will not completely restore the right of an accused to a trial by jury. However, it will go some way to ameliorating the derogation of that right as proposed in the government's bill, and my amendments will be subject to review.

In subjecting them to review, it is my hope that by the time these amendments have been in operation for two years and have been reviewed, we will have addressed the



backlog in the Supreme Court. If the legal community and the court community do not find that these have been efficacious in terms of delivering justice, they can be removed because their reason for being inserted will have been removed.

In addition to the changes to an indictable offence, the government bill also extends the civil jurisdiction of the Magistrates Court, enabling the court to determine matters involving claims of up to \$250,000. The current threshold is only \$50,000.

I note that there are various alternative approaches that have been suggested by the ACT Law Society and the ACT Bar Association. The Law Society has suggested a threshold of \$100,000, with \$250,000 being dealt with by the consent of the parties. The Bar Association suggests a threshold of \$150,000, or \$250,000 with the consent of the parties.

The threshold amounts proposed by the government seem to the Canberra Liberals reasonable in the context of the quantum of claims being made these days in civil matters. More importantly, the Canberra Liberals consider that the government's approach is simpler than that proposed by the legal fraternity. Given that a civil matter is already in court, negotiation as to which court should hear the matter doubtless would only add to the existing antagonism between the parties and not speed things up.

Finally, the bill also establishes two new courts: firstly, the family violence court, which is given its own status within the Magistrates Court; and, secondly, the Galambany court, which gives statutory recognition to the specialist ACT Aboriginal and Torres Strait Islander circle sentencing court. It too will operate within the Magistrates Court and will provide culturally sensitive sentencing for Aboriginal and Torres Strait Islander offenders. The Canberra Liberals will be supporting the establishment of these two jurisdictions.

I want to spend a few moments to reflect upon the work that has been done by the non-government parties, in consultation with the legal community, in coming to a better solution than the one proposed by the government. I want to acknowledge the considerable work that has been done in this regard by Mr Rattenbury and his staff in developing amendments to the government bill relating to criminal jurisdiction in the Magistrates Court.

These amendments were crafted in order to pick up an approach that was proposed by the legal fraternity. I was going to go down this path myself. Mr Rattenbury informed me that he had already started the process and I deferred to him in this regard. I was open to supporting Mr Rattenbury's amendments, but I was troubled when I saw them in their final form because I thought that they were somewhat complicated. I had some discussions with members of the legal fraternity who, while they were supportive of the approach, thought that the means were somewhat complicated.

In the course of that discussion a member of the Bar Association offered to me a simpler version. I understand that a similar offer was made at about the same time to the ACT Greens. I looked at the proposal. I thought that it had merit because it was simpler and more streamlined. We drafted an alternative set of amendments. In the

last two or three days Mr Rattenbury's office and my office have worked quite closely, quite collaboratively and in a very good spirit, I think, to come up with a consensus view about how this should go forward. This culminated this morning in a meeting with members of the legal fraternity, who gave some specialist advice on some of the wording.

I would have preferred to deal with this matter today. But as a result of a couple of issues that were raised in the meeting this morning, I thought that it would be inappropriate to rush through a few amendments to that. I thought it would be better to give everybody concerned time to look at it.

Mr Rattenbury also raised the question that, while my amendments have been through the scrutiny process, the final versions have not. By agreeing to take this to the in-principle stage, to agree to this bill in principle and then adjourn it, it gives the drafter more time, it gives members of the Legislative Assembly more time to consult and make sure that it is absolutely right, it gives scrutiny of bills an opportunity to look at the final version that I think everyone will agree upon, and it gives the legal fraternity an opportunity to comment as well. So in the course of the next week or so, a final set of amendments will be circulated widely for comment and consultation.

I want to thank Mr Rattenbury and his staff for the thoughtful and considered work that they did. I also want to thank them for their readiness to provide my office with information and material in a timely and ongoing fashion and for their willingness to discuss amendments.

I want to thank the ACT Bar Association for their contribution to making the amendments that we have before us much simpler. I would like to thank the ACT Law Society as well for their quite detailed input this morning. I particularly want to thank the parliamentary counsel's office, who set about drafting a set of amendments that reflected the advice of the ACT Bar Association.

In conclusion, I have to go back to where we started. The bill that the government presented in its present form, in the way that it relates to indictable offences, is quite unacceptable to the Canberra Liberals. It is quite unacceptable, I understand, to the ACT Greens but Mr Rattenbury can speak on that matter, and it is quite unacceptable to the ACT Bar Association, the ACT Law Society and the ACT branch of Civil Liberties Australia.

It is interesting that the proposal that I will be proposing, and that Mr Rattenbury has worked on as well, reflects the concerted view of the Bar Association and Civil Liberties Australia. If both of those organisations are singing from one hymn sheet, we have probably hit a sweet point. I thank the legal fraternity for the very concerted assistance that I have received. In anticipation, I commend the amendments that we will deal with on a later day and say that we cannot support the major elements of this bill as proposed by the government.

**MR RATTENBURY** (Molonglo) (4.51): This is a significant bill that makes three important reforms to the justice system in the ACT. The Greens understand the reasons for each of the reforms and we agree today in principle with the need for the changes.

However, the Greens disagree with the government on one critical aspect of the reforms, and as Mrs Dunne has spoken of, there will be important amendments moved in the future. I thank Mrs Dunne for her comments on the work that has been done there. I think the cross-party work that has been going on between the Canberra Liberals and the Greens on those amendments has been very effective, and I welcome that collaborative work because we believe it will deliver a better outcome for the community.

In contrast to this, I was somewhat surprised when I emailed the attorney late in February with a proposal that the Greens had prepared. It was a detailed proposal that took time to fully understand and one which we had spent time consulting the legal profession on. I emailed it through to the attorney at 3.35 pm on a Friday afternoon in February. My intent was to give the attorney and his department some time to go through the proposal in detail and come back with a considered response. The amendments did run to some many pages. You can imagine then that I was in for somewhat of a disappointment when, eight short minutes later, at 3.43 pm, the attorney replied to my email, thanking me for sharing the proposal but stating, in a single line, "It won't have our support"; eight minutes consideration before the attorney had made up his mind, eight minutes to weigh up the competing interests of the century-old right to a jury trial against the need for greater efficiency in the ACT courts in the year 2011.

That was a disappointment—not that we would not get the support but that unfortunately there was such a lack of willingness to engage in a meaningful discussion. I do prefer the approach we have been able to put together with the Canberra Liberals on this one, who have seriously engaged in this important issue.

I would like to briefly cover the two uncontentious reforms proposed by the bill before returning again to the need for the amendments. Firstly, the existing family violence list in the Magistrates Court is upgraded to official court status with the formal creation of the family violence court and, secondly, the existing Circle Sentencing Court for Indigenous offenders is also upgraded and given official court status with the creation of the Galambany court. These two reforms reinforce the good work that is already occurring in the family violence list and the Indigenous circle sentencing scheme.

At the heart of these two changes is the principle that one size does not necessarily fit all when it comes to the justice system. What we have learnt over time is that if we rigidly apply legal processes to vulnerable groups we run the risk of our justice system becoming counterproductive.

Victims of family violence and Indigenous offenders are two key examples of where the criminal justice response in the ACT has been able to be tailored to reflect specific vulnerabilities. This benefits society overall and the Greens very much support the amendments in principle contained in the bill.

Returning to the remainder of the bill, the third and final reform proposed by the bill is to enlarge the jurisdiction of the Magistrates Court to divert cases away from the

Supreme Court and free it up to work through some of its backlog. This is a goal which the Greens support. We do believe, however, that the government have overreached in how they have gone about the reform. We believe they have gone too far and as a result are taking away the long-held opportunity to a jury trial. This is a fundamental legal principle and one which the Greens are not prepared to give up as lightly as the government appear to have done.

What the government propose is to redraw the threshold between what is a summary offence and what is an indictable offence. Currently, all crimes carrying a penalty of up to two years or less are summary matters, and everything above that is an indictable offence. This largely reflects the status quo around Australia. Six out of nine Australian jurisdictions set the threshold at two years, two jurisdictions set it at three years and one sets it at 12 months. So summary offences around Australia are those that carry one, two or three years imprisonment. In the scheme of things in the criminal law, these are the low end crimes and the ones that occur with a relatively high frequency.

Trials for summary offences are carried out in the Magistrates Court around Australia where they are dealt with expertly and efficiently. Due to the frequency at which these cases are brought through the courts, the law is well settled for each. For example, any defence lawyer worth their salt will be able to cite from memory the elements of the crime of common assault, likely sentences to apply for a given set of facts and any relevant well-settled case law.

The government's bill seeks to redraw the line at five years, putting the ACT significantly out of step with the rest of Australia. In redrawing the line in this way, more serious cases with larger and more severe sentences would be diverted to the Magistrates Court where they would be tried without access to a jury.

Crimes where the defendant is open to being sent to prison for five years are of a different character, we believe, to the summary offences. They are more complex, the facts required to be proven are more detailed, and there is more case law to be taken into account. For these reasons, we believe that these more serious offences should have access to a jury trial. This is a fundamental part of the legal system that the government would seek to have us remove.

I would like to reflect on two quotes that encapsulate the importance of a jury trial. The first is from the scrutiny of bills committee report from 10 February this year. It says:

It is clear that a right to trial by jury in any serious criminal matter is deeply rooted in the Anglo-Australian legal and political tradition.

And later when quoting the 1985 High Court case of *Kingswell* it says:

... It is, however, clear enough that the right to trial by jury in criminal matters was, by the fourteenth century, seen in England as an "ancient" right. In the centuries that followed, there was consistent reiteration, by those who developed, pronounced, recorded and systematized the common law of England, of the fundamental importance of trial by jury to the liberty of the subject under the rule of law ...

Perhaps an even more succinct statement of the matter was contained in a letter written by Civil Liberties Australia and sent to the attorney, Mrs Dunne and me. Civil Liberties Australia wrote:

The right to a jury trial in the British common law world has been a basic common law right for more than 800 years, with its fundamental importance being entrenched in the Magna Carta. It is a right that has endured through major world wars, the security imperatives of the Cold War, and the threat from Irish republican Army terrorists, and later from Islamic extremist terrorists.

These are the arguments and the factors that have driven the Greens to investigate if there is not a better way to cut the backlog while at the same time protecting the right to a jury trial for serious cases that warrant one. And there is clearly a tension here between two competing rights, that of access to a jury trial and that of access to timely justice. That is something we sought to very much weigh up in considering whether there was a possible different approach to this matter, and we were pleased to find that the answer was yes, there is indeed a more responsible way through this. And, as Mrs Dunne has touched on, the Canberra Liberals and the Greens are in the process of putting that into legislative effect.

To conclude at this point I would like to touch on the criticism that I anticipate will come from the attorney when he rises to speak this afternoon, because I well imagine he is going to go back to his proposal for a district court and argue that if we wanted to protect jury trials we should have gone with the district court proposition.

The Greens did not support the district court proposal at the time for two key reasons, and I believe those reasons remain valid today. Firstly, a compelling case was not put at the time of why adding a third tier to our courts would assist in the efficiency of the court system or in addressing the backlog. It was argued that having more judges would mean the same amount of work would be spread across more judicial officers. However, a more detailed analysis raised more questions than answers and questioned whether the workload would indeed remain the same or whether having more levels of court would ultimately add to the complexity and the overall level of work.

It raised questions such as: what about appeal rights? By creating a third tier to our courts, how would the threat of increasing avenues of appeal and increasing the workload be guarded against? More courts would also raise the possibility of requiring more staff at the DPP to attend at court and progress matters through it. And what additional court staff would be required? Unfortunately, none of these questions had clear enough answers to enable us to support a district court proposal.

The second concern we had with the district court was that it risked rewarding inefficiency. The Greens made the decision that we wanted to make sure we were getting the most out of our existing two tiers of courts and judicial officers before adding to them with more. We thought there were efficiencies that could be gained through better processes, and the working group has identified some of those.

In addition, we made suggestions to the attorney on where we thought some of those efficiencies could be gained, and some of them have already been adopted. The Bail

Act which we dealt with recently is one of those examples. We took what we thought was the responsible position of ensuring that we as a community are getting the best out of our courts and judges and that they are working as efficiently as possible before we add further tiers to the legal system.

So that is where we find ourselves today. Parts of this bill reflect the decision not to move to a district court but rather to seek better ways to use our current system. As I have indicated, we agree with the government's idea that many cases carrying up to five years can be dealt with summarily. I think that is quite clear if one looks at the sort of cases that are going through. Often a penalty that potentially is very serious may well come in at the lesser end of the spectrum and is suitably dealt with at the level of the Magistrates Court because in some senses it is a like matter to many of the matters the Magistrates Court are dealing with, as I said, expertly and efficiently on a regular basis.

But we do believe that we need to put in place safeguards for the more serious matters, the matters at the end of the spectrum that could well attract a four or five-year term of imprisonment. We wanted to find a way through this that was both practical and just—practical in the sense of improving efficiency, not necessarily putting what might be considered relatively minor matters or less serious matters into the Supreme Court but ensuring that the Supreme Court is dealing with the most serious matters—but also to retain that element of justice, of thinking about the fact that somebody who does face up to four or five years of incarceration should have potentially the opportunity to be judged before a panel of their peers.

Without foreshadowing too much, as we will come to this in the detail stage, I believe that the model that will be proposed, that we have discussed extensively with Mrs Dunne and with the legal community, will deliver that in providing the Director of Public Prosecutions with an opportunity to send some matters to the Magistrates Court and, where that is not sought, for those more serious matters to go through to the Supreme Court with the prospect of a jury trial.

Mrs Dunne did touch on the collaborative work that has taken place. I similarly appreciate the spirit of that work. Unfortunately, some of the thinking on it has come quite late and we are not able to fully proceed today. But at the same time I think we are undertaking very serious reforms here and I feel more comfortable that we would take the time—some of this we were putting the finishing touches on this morning—to come in here this afternoon and present them. I would prefer to have the situation, and I appreciate Mrs Dunne agreeing to this, that we give the drafters time to just think through the final few steps.

We have the opportunity for the scrutiny of bills committee to look at the final version and also, for that matter, for the attorney to review the final version and use the resources of his department to ensure that there are perhaps not unintended consequences and there is an opportunity for that discussion to continue. It probably will not take four weeks; that is the time frame in which we sit again and so that is when we will come back to it. But I think that come May we will be able to pass this through the Assembly in an efficient and timely way.

So the Greens will be supporting the adjournment today when we get to the detail stage in order to facilitate the passage of a different way from what the government has proposed, that has that element of practicality, that element of seeking to use our court system more efficiently whilst retaining the important rights of access to a jury in the most serious of matters.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.04), in reply: This bill is not the government's preferred approach. The government's preferred approach to reduce the Supreme Court backlog was to adopt from other Australian jurisdictions the proven methodology of a district court. However, as is sometimes the case, parliamentary members have indicated that the government's preferred approach would not be acceptable; accordingly, the government has had to adopt the second-best option.

The most significant jurisdictional change proposed in the package contained in this bill is the removal of offences with two to five-year maximum imprisonment penalties from the Supreme Court to the Magistrates Court. The government did not initially propose this approach. This proposal was made to the government by the Bar Association and the Law Society as part of a number of reforms. The government implemented and introduced this bill on the basis of those suggestions.

While the government's preferred option for dealing with the Supreme Court backlog was to establish a district court jurisdiction, other parties in this place have made it clear that they will not support structural reform at this stage. This is deeply regrettable, considering that a large percentage of matters currently dealt with in the ACT Supreme Court are heard by a district court in other jurisdictions. If the ACT established a district court, the streamlined procedures of the court would have been better suited to many of the less serious criminal and civil matters currently heard by the ACT Supreme Court. Without the support of the Assembly for structural reform, the increase to the Magistrates Court jurisdiction remains the only viable option open to the government.

In addition to the reforms contained in this bill, the government has already implemented a number of measures to reduce the backlog in the Supreme Court. These measures include the appointment of three highly experienced retired judges as acting judges to assist with the Supreme Court case backlog in the short term. The government has also converted underutilised hearing rooms in the Magistrates Court building into a jury courtroom and jury retirement room. Currently, the Supreme Court is only able to list two jury trials at any one time. A third jury courtroom will increase the Supreme Court's listing capacity. It will allow the court to list 50 per cent more trials at any given time.

Late last year I introduced the Bail Amendment Bill 2010, which contained amendments to reduce the number of bail hearings in the Supreme Court. Contrary to the assertion by Mr Rattenbury, this proposal had been proposed by the government in advance of his suggestion. The purpose of the Bail Act amendments is to ensure that the issue of bail is explored fully in the Magistrates Court while still ensuring that

appropriate access to the Supreme Court is retained. As members will be aware, this bill was passed by the Assembly in February this year.

Finally, the Acting Chief Justice and I jointly requested a review of case management practice in the Supreme Court earlier this year. The review is currently underway and is examining listing practices in the Supreme Court as well as considering practices adopted in other jurisdictions. I look forward to the outcomes of the review and their timely adoption by the court.

In the absence of the Assembly's support for a district court, this bill, combined with the suite of measures already implemented and being implemented, presents the best option available to us at this time to reduce delays in the Supreme Court.

I would just like to, on that point, elaborate a little. Mrs Dunne suggests, "Where is the public interest consideration of the government?" The public interest consideration is timely access to justice in the Supreme Court. It is not in the public interest that defendants and other applicants before the court have to wait protracted periods of time to have their matters heard. That is an overriding public interest consideration in the government's view and directly engages the rights set out in the ACT Human Rights Act to a fair trial, which includes a right to a trial in a timely period.

The effect of the bill we are debating today will be to increase the summary jurisdiction of the Magistrates Court to include offences with maximum penalties of five years or less. Presently, defendants charged with offences with maximum penalties from two to five years imprisonment may elect to have these matters dealt with summarily in the Magistrates Court or heard on indictment in the Supreme Court. Appeal rights are unaffected by the reforms in this bill. Defendants will still have access to an appeal from the decision of a magistrate to a single judge of the Supreme Court and ultimately to the Full Court of the Supreme Court.

I note that the proposal to increase the summary jurisdiction was put forward by the legal profession itself. The Law Society and the Bar Association proposed an additional requirement to accompany the increased jurisdiction, being a *de novo* appeal. A *de novo* appeal would create a right to a full rehearing in the Supreme Court of all criminal matters coming before the Magistrates Court. The government cannot support a rehearing of all Magistrates Court criminal matters. It would simply undermine the government's attempt to reduce the pressure on the Supreme Court. While this type of appeal appears to work quickly and efficiently in the New South Wales District Court, there can be no guarantee that this experience would be replicated in a superior court of record such as our Supreme Court.

It has been suggested by some stakeholders that the bill limits the right to fair trial by removing the option to elect to have a jury trial in relation to these offences, which under the proposed amendments would be tried by a magistrate. I reject and the government rejects any suggestion that this limits the right to a fair trial. In fact, it supports it by reducing undue delay in bringing matters to trial.

The right to fair trial has a range of components, including right to trial without undue delay, right to a public hearing and equal access to and equality before the courts.



While the jury trial plays an important role in the criminal justice system, and is indeed a matter that I am pursuing in relation to serious matters in the Supreme Court, trial by jury is not a prerequisite component of the right to fair trial. The right to fair trial, as propounded in the international conventions and as formulated under the Human Rights Act, is concerned with the appropriateness of the adjudicative action, not the nature of the decision maker.

ACT magistrates meet the fair trial requirements of competent, independent and impartial adjudication. Through their demonstrated ability to deal summarily with a broad range of offences by consent, including indictable offences with greater penalties than those affected by the proposed increase to exclusive jurisdiction, their experience in sentencing defendants in these matters and their knowledge of the law, I have no doubt that magistrates possess the skills and experience to competently hear cases which would fall within their sole jurisdiction as a result of the proposed reforms. I have not heard any argument to the contrary from those in this place.

Increasing the summary jurisdiction supports the right to fair trial by upholding a key element of the fair trial, that is, right to a trial within a reasonable period and without undue delay. The current backlog of the Supreme Court is causing trials to be listed up to 24 months after the person is committed for trial. The right to fair trial is severely compromised by undue delays in hearing and finalisation of criminal matters. As structural reform of the court system was not supported by the Liberals and the Greens in this place, the government is obliged to take alternative action, which includes increasing the jurisdiction of the Magistrates Court.

The increased summary jurisdiction promotes greater accessibility to court proceedings through timely hearings. The rights to legal advice and representation, right to a public hearing and the right to an interpreter are unaffected by the proposed reforms. Procedural guarantees associated with the right to fair trial, such as the opportunity for defendants to present their case, are bolstered by ensuring defendants are brought before the court more promptly and are not left with the uncertainty of a lengthy remand period. This does not seem to be of such concern for other members.

A detailed analysis of how the bill supports the right to fair trial, including references to the relevant international law and commentary, is contained in the supplementary explanatory statement which I have previously provided to members but which I now table for the information of the Assembly. I table the following paper:

Supplementary explanatory statement to the bill.

The reforms contained in this bill will reduce the workload in the Supreme Court and cases will be heard in the most appropriate forum. The Supreme Court will be able to get on with the job of dealing with the most serious cases, as is the case in most other Australian jurisdictions. Court data from 2009-10 financial year indicates that 21 out of 78 Supreme Court cases, that is 26 per cent, would have been diverted to Magistrates Courts under reforms contained in the government's bill. These reforms would also have the significant effect on the present delays being experienced in bringing matters to trial. As I have mentioned previously, some defendants are waiting up to and beyond 24 months before committal and trial. The government is

confident that the workload will be reduced in the move to the Magistrates Court due to the streamlined procedures of the summary jurisdiction.

This new work can be accommodated within present magistrate staffing levels. Recent changes to the rules allow the registrar to finalise non-contested protection orders. This reform, together with the recruitment of an additional deputy registrar, will free the magistrates to hear matters in the increased summary jurisdiction.

Every Australian jurisdiction has adopted a slightly different way of dealing with this issue. Most jurisdictions use a district court to buffer their supreme courts from all but the most serious trials, such as murder, manslaughter and treason. However, even in those jurisdictions without a district court, measures have been taken to allow a wider range of matters to be dealt with summarily in their Magistrates Court.

For example, in Tasmania the Magistrates Court can impose a sentence of up to 12 months for a first offence, and up to five years for a second or subsequent offence. The Northern Territory Magistrates Court has, in addition to its exclusive summary jurisdiction, compulsory summary disposal for less serious property offences. In the absence of the Assembly's support for structural reform, the reforms contained in this bill represent the best option to further assist in reducing backlog in the Supreme Court.

As members would know, this bill also gives statutory recognition to the family violence court, which has been a successful specialist list of the Magistrates Court to date. Similarly, the bill establishes in legislation the Galambany court, which provides a culturally relevant sentencing option for eligible Aboriginal and Torres Strait Islander people who have offended.

I am aware that other members will be moving amendments to this bill. I have been engaged in discussions with both Mr Rattenbury and Mrs Dunne in relation to the bill. Officers from my department have provided briefings to both members and met with the Law Society and Bar Association. The government remains of the view that its bill is the best legislative option available in the circumstances. However, to progress the bill, the government recognises that it will need to support some amendments.

The amendments that have been put forward propose a DPP discretion in the election of the appropriate court. Based on court figures from 2009-10, assuming the DPP makes an election for summary disposal in all of the affected matters, the amendments should still reduce the workload of the Supreme Court. However, we will have to wait and see whether the DPP election process works in practice.

Some of the amendments put forward lack the clarity and simplicity of the government's approach and they also have a significant element of uncertainty. Under the government's proposal, all offences with penalties of five years or less would have been automatically heard in the Magistrates Court, whereas now there is the possibility of the DPP electing for the case to be heard in the Supreme Court. While I have full confidence in the DPP, there will be some matters with penalties of five years or less that he may consider appropriate to be heard in the Supreme Court. Under these amendments, there is a risk of leakage into the Supreme Court because of the natural discontinuity between DPP estimates and actual sentence outcomes.

Under the amendments proposed by Mrs Dunne's, where the DPP elects for matters with penalties of five years or less to be heard in the Magistrates Court and facts emerge during the hearing that warrant a longer sentence, the election precludes the matter being referred back to the Supreme Court for sentence, which is a limitation on what currently exists.

There are further difficulties with the amendments. They would reduce the existing sentencing jurisdiction of the Magistrates Court as the maximum sentencing jurisdiction of magistrates is currently five years, not two. Under the Greens' model, where the DPP does not make an election and the defendant elects for a matter with up to five years penalty to be heard in the Magistrates Court, the court's sentencing jurisdiction would be reduced to two years, and more matters may be referred to the Supreme Court for sentence. (*Extension of time granted*)

The granting of such a broad discretion to the DPP is potentially problematic, as it would give greater power to the DPP than he currently enjoys, particularly in the context of a small jurisdiction. The scrutiny committee itself has commented on this issue in its report of 4 April this year. In its report, the committee has expressed a concern, shared by the government, that it may be unfair to vest in the prosecutor a discretion to decide whether the defendant should be deprived of the capacity to decide whether the matter should be tried in the Supreme Court.

The proposed discretion also lacks transparency and there would be no mechanism for review or challenge. The discretion proposed is quite different from the existing power of the DPP to consent to aggravated robbery and burglary charges being summarily disposed of; in that case, the defendant must also consent.

I have highlighted the difficulties with the amendments. The government reiterates its firm view that the preferable approach is of course structural reform to deal with delays in our court system. We reiterate our firm view that these changes will at best prove to be an interim or temporary solution to the problems faced structurally in the case workload of the Supreme Court, and we express the fear that we will be back here in a relatively short period of time to have to again deal with ongoing delay in the Supreme Court.

That said, it is clear that, unless amendments are made to the government's bill today, it will not pass at all. And for that reason the government will engage in the discussion on those amendments and indicate its preferred way forward in those circumstances.

I commend the bill to the Assembly.

Question resolved in the affirmative.

Bill agreed to in principle.

### **Detail stage**

Clause 1.

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

## Justice and Community Safety—Standing Committee Report 2

**MRS DUNNE** (Ginninderra) (5.23): Mr Assistant Speaker, in accordance with temporary order 254A, as the chair of the Standing Committee on Justice and Community Safety, I ask the Attorney-General for an explanation for the lateness of the government's response to the committee's report No 2 into the Crimes (Murder) Amendment Bill 2008. In doing so I note that the committee reported on 27 August 2009 and the government responded on 15 September 2009 to one of the committee's recommendations. The government undertook to respond to the remaining recommendations within the time frame, but to date this has not occurred. I therefore seek an explanation.

**MR CORBELL** (Molonglo—Attorney-General, Minister for the Environment, Climate Change and Water, Minister for Energy and Minister for Police and Emergency Services) (5.23): I will have to take the inquiry on notice, Mr Assistant Speaker. I simply do not have the particulars of the matter before me at this time. I will endeavour to provide an answer to the Assembly as soon as possible.

**MRS DUNNE** (Ginninderra) (5.24): In accordance with temporary order 254A, I move:

That this Assembly notes the failure of the Attorney-General to supply an explanation for his failing to provide a Government response to Report 2 of the Standing Committee on Justice and Community Safety which was due by 27 November 2009.

Question put:

That **Mrs Dunne's** motion be agreed to.

The Assembly voted—

Ayes 8

Noes 5

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

Question so resolved in the affirmative.

## Planning—Kambah Village Statement by minister

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing: Mr Speaker, I ask leave to make a statement in response to the resolution of the Assembly of 25 August 2010 relating to master plans.

**Mr Stanhope:** Very mature, Vicki; very mature. God, you're a child. It's a bloody kindergarten.

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Is leave granted?

Leave granted.

*Members interjecting—*

**MR ASSISTANT SPEAKER** (Mr Hargreaves): Order, members!

**Mr Coe:** You're a mature person, aren't you, Jon?

**MR ASSISTANT SPEAKER:** Order, Mr Coe! Mr Barr has it. It is almost over today.

*Mr Stanhope interjecting—*

**MR ASSISTANT SPEAKER:** Chief Minister, please, Mr Barr is capable.

*Mr Coe interjecting—*

**MR ASSISTANT SPEAKER:** Mr Coe, do not end on a bad day.

**Mr Stanhope:** Really, Alastair.

**MR ASSISTANT SPEAKER:** Order, members! That will do. I will not say it again. The next person to do that—

*Mr Stanhope interjecting—*

**MR ASSISTANT SPEAKER:** Chief Minister, please do not force me into it.

*Mr Coe interjecting—*

**MR ASSISTANT SPEAKER:** Mr Coe, you are warned. I mean it, and it carries over if I know you.

**Mr Seselja:** On a point of order, Mr Assistant Speaker.

**MR ASSISTANT SPEAKER:** Yes.

**Mr Seselja:** In your ruling, you told members to be quiet. The Chief Minister clearly intervened after that. You did not warn him and you warned Mr Coe. Could I seek your rationale—

**MR ASSISTANT SPEAKER:** The reason? Yes, certainly.

**Mr Seselja:** as to why Mr Coe's interjections merit a warning and the Chief Minister's far more persistent interjections do not?

**MR ASSISTANT SPEAKER:** Certainly. Thank you very much, Mr Seselja. The answer to your question is that I asked Mr Coe forcefully three times to desist and the Chief Minister twice. I also told—

*Opposition members interjecting—*

**MR ASSISTANT SPEAKER:** Members! Mr, Hanson, would you like to dispute the ruling? I invite you to dispute the ruling.

**Mr Seselja:** Well, can we dissent?

**MR ASSISTANT SPEAKER:** You can do what you like. I have not finished making my explanation. Just resume your seat for a second and then you get the floor. Mr Seselja, I also said, and you were listening, that I was fed up with up it—it was the end of the day—I asked both sides of the chamber, and I did ask the Chief Minister twice to desist and I asked Mr Coe three times to desist, and I was halfway through it saying the next person would cop a warning. I delivered on that promise. I have been even-handed in all of my rulings, Mr Seselja. If you wish to dissent from that, I invite you to do so. Mr Hanson has the floor.

### **Dissent from ruling**

**MR HANSON** (Molonglo) (5.30): Mr Assistant Speaker, I dissent from your ruling. The point is that you may have warned the Chief Minister only twice and Mr Coe three times, but—

**MR ASSISTANT SPEAKER:** Excuse me a second, Mr Hanson. I have just taken some technical advice. I do not wish to interrupt you mid-stream, but I am advised that you need to do it in the context of a dissent motion. So you need to seek leave to move such a dissent motion. It is just a procedural thing; I am sorry about that.

**MR HANSON:** Certainly, Mr Assistant Speaker. I seek leave to move a motion of dissent on your ruling.

**Mr Barr:** On a point of order, Mr Assistant Speaker, on a clarification. Is a warning a formal reprimand under the standing orders or is that something at the Speaker's discretion and it has no actual basis until you name a member?

**MR ASSISTANT SPEAKER:** Thank you very much, Mr Barr. The answer to Mr Barr's question in his point of order is that there is no mention in the standing orders of a warning and what it constitutes. It is a convention in this place. It has been a convention in this place since 1989—

**Mr Barr:** There is no actual ruling to—

**MR ASSISTANT SPEAKER:** Mr Barr, I am not finished. The convention in this place is that on the receipt of the second warning it is a naming, in accordance with the standing order. The warning is a flag; it is a conventional flag to say that a

member's disorderly conduct is getting towards being required to be named according to the standing orders. Mr Hanson.

**MR HANSON:** I thank Mr Barr for that point, because it actually goes to the point I am going to make, which is—

**MR ASSISTANT SPEAKER:** Mr Hanson, you have sought leave. Is leave granted?

Leave granted.

**MR HANSON:** Thank you. My point is that, regardless of the warnings that you gave to Mr Coe or Mr Stanhope when you were saying it was three to one—

**MR ASSISTANT SPEAKER:** I am just advised again, Mr Hanson, and I did answer you earlier on, that you need to move a motion of some type—like a motion of dissent.

**MR HANSON:** Mr Assistant Speaker, I move:

That the Speaker's ruling be dissented from.

**MR HARGREAVES:** Thank you.

**Mr Barr:** On a point of order, Mr Assistant Speaker, can I clarify whether you have actually made a ruling, or just issued a warning?

**MR ASSISTANT SPEAKER:** I have issued a warning, Mr Barr. Mr Hanson can move any motion he likes and it will be at the pleasure of the chamber. Mr Hanson, you have moved the motion. The question now is that the motion be agreed to. Mr Hanson, you have the floor.

**MR HANSON:** Mr Assistant Speaker, the point is that the form of this place has been that when members are warned then essentially the next action that comes from the Speaker's chair is that the member gets ejected. So it does carry some weight in this place. I think that the point is not necessarily on this particular warning, but it is the balance that you have shown towards the interjections between Mr Coe and Mr Stanhope. Although you said that you had spoken to Mr Coe three times and you had spoken to Mr Stanhope two times, the point is that the interjections from Mr Stanhope were far more persistent in their manner. He actually started with the interjections, calling Mrs Dunne immature, describing the Assembly as a kindergarten, I think it was. He continued on with his interjections to which Mr Coe then responded. But it was actually Mr Stanhope who was the main protagonist and the instigator of the interjections.

So your decision to basically pick on Mr Coe, to warn him, to focus on him and name him from the Speaker's chair was entirely inconsistent. That is my point. Mr Assistant Speaker, I did sense in your decision to warn Mr Coe an inconsistent application from the chair of warnings and of your treatment of the opposition benches, as opposed to the government benches. I think that if you were to review the *Hansard*, or certainly the daily on demand, you would note that Mr Stanhope was far more prolific with his

interjections—far more, I would say, controversial and objectionable—and Mr Coe was simply responding to those. But it is Mr Coe that you cracked down on in this place and I think that is inconsistent. I think that you should either withdraw your warning to Mr Coe or you should apply it consistently and warn Mr Stanhope.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.34): Mr Assistant Speaker, you are discharging your responsibilities in the chair in a most impartial manner. As I go to the points I have been raising, the issuing of a warning is a courtesy that the occupant of that position extends to members in this place. The occupant of the Speaker's chair is perfectly entitled—

*Members interjecting—*

**MR ASSISTANT SPEAKER:** Order, members! You were heard in silence. Mr Barr.

**MR BARR:** The occupant of the Speaker's chair is perfectly entitled to move straight to a naming if that person believes that the behaviour of a member warrants such an action. Then we can formally have a ruling from which to dissent. This is possibly the most ridiculous conversation we have had in this chamber this week. I say "possibly". We do not know what is still to come. In my view, you have not made an actual ruling, Mr Assistant Speaker. You have simply issued a warning to a member. The Liberal Party do not like the fact that one of theirs has been issued with a warning—a courtesy that you have extended that the behaviour of that member was approaching the point of formally being named. That, I think, is entirely appropriate and a very generous courtesy that you extend in your role as Assistant Speaker—

*Mr Hanson interjecting—*

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

**MR BARR:** in this place. In fact, I think the guidance that you provide in terms of that role and being clear and even-handed to all members in this place ensures the orderly functioning of the Assembly. Now, it is 25 to six. I know members would like to discuss the master planning process. I know I have been waiting all day to deliver a speech, Mr Assistant Speaker. I know the Greens' planning spokesperson is interested in contributing to this debate. I am sure that the Leader of the Opposition, if he could bring himself just for a moment to focus on his shadow portfolio responsibilities rather than the theatrics of this place, might also have a contribution. We have 24 minutes to go before the adjournment, Mr Assistant Speaker, and there is no basis on which to support Mr Hanson's motion. Accordingly, the government will not.

**MR SESELJA** (Molonglo—Leader of the Opposition) (5.36): Mr Assistant Speaker, you must be very grateful for that show of loyalty from Mr Barr in seeking to defend your ruling. I think it is unfortunate that Mr Barr focused as he did on his desire to speak on planning and on a technicality rather than dealing with the substance of the motion before the Assembly right now. The substance of the motion is very clear. The reason that Mr Hanson has moved it is that it was very clear that there was one main protagonist there who was not being brought to order—and that was the Chief



Minister. Also, after eventually during that exchange you sought to bring the house to order and you said that the next member to speak out of turn would be warned, the Chief Minister continued and was warned. He continued interjecting, and it was only then when Mr Coe responded again that he was warned. Mr Assistant Speaker, it is absolutely clear—

*Members interjecting—*

**MR ASSISTANT SPEAKER:** Order, members, please!

**MR SESELJA:** It is absolutely clear that the Chief Minister—

**MR ASSISTANT SPEAKER:** Mr Seselja, please stop. Stop the clock. Members from both sides of the chamber will stop this, please. Let us have a discussion like adults. I have asked the opposition to stop interjecting. Mr Hanson was a repeat offender while Mr Barr was making his speech and I tried to pull him up. I do not want to have to do the same thing to the government as well. Mr Seselja, you have the floor.

**MR SESELJA:** Thank you, Mr Assistant Speaker. That is why it is absolutely clear that the Chief Minister was not treated in the same way that Mr Coe was. A far sterner standard was applied to Mr Coe. This has been a concern for some time. That is why this does, from time to time, come to a flashpoint when the opposition gets shut down during debates in interjecting in far lesser ways than members of the government. Members of the government consistently interject. The Chief Minister is one of the worst offenders when it comes to this. He should also be brought to bear. They should be warned and they should be thrown out when they go beyond what the ordinary standard of behaviour in this place should be.

Mr Assistant Speaker, this motion should be supported. We expect that there will be an impartial chair in delivering warnings and in keeping order in this place. That was not the case here. The Chief Minister did get special treatment, and that is why this motion of dissent should be supported.

**MS BRESNAN (Brindabella) (5.39):** We will not be supporting this dissent motion because, frankly, Mr Barr is correct: there actually is no ruling to dissent from. The chair was discharging his duties as he saw fit in the circumstances and the situation at the time. As Mr Barr said, the occupant of the chair at any time can actually warn someone. It is a courtesy. Under the standing orders, you can actually go straight to naming somebody; he did not do that. It is actually a courtesy to put in place a warning. There is nothing to dissent from; there is no ruling here. Frankly, it is a ridiculous situation that we find ourselves in at the moment.

**MR COE (Ginninderra) (5.40):** If order in the house was being upheld then Mr Stanhope's interjection would have been clamped down on right away and there would have been no subsequent banter across the chamber—if that had happened. But that did not happen and then there was gross inconsistency in the 30 seconds that followed, resulting in my warning. Perhaps if order was upheld—and in actual fact I ask you to review the *Hansard* to see whether he actually did say anything out of

order about Mrs Dunne across the chamber, which is something which was not brought up at the time. If it had been so, perhaps we would not be in the situation that we are in right now.

**MR ASSISTANT SPEAKER:** Thank you, Mr Coe. I would ask, in the interests of impartiality, that the Speaker review the *Hansard* with respect to that, rather than that I review it and then make a ruling. The Speaker will review it in his own good time and come back to the chamber.

Question put:

That **Mr Hanson's** motion be agreed to.

The Assembly voted—

Ayes 4

Noes 9

Mr Coe  
Mrs Dunne  
Mr Hanson

Mr Seselja

Mr Barr  
Ms Bresnan  
Ms Burch  
Mr Corbell  
Mr Hargreaves

Ms Hunter  
Ms Le Couteur  
Mr Rattenbury  
Mr Stanhope

Question so resolved in the negative.

**MR BARR** (Molonglo—Minister for Education and Training, Minister for Planning, Minister for Tourism, Sport and Recreation and Minister for Gaming and Racing) (5.43): In August last year the Assembly resolved that, among other things, the government develop a priority list of areas to be master-planned and subject to further localised planning. The resolution also called on the government to undertake localised planning and consultation in suburban areas and town, group and local centres where significant changes are anticipated and to incorporate these master plans and precinct plans into the territory plan. The Assembly resolved that the government report back to the Assembly by the end of June 2011 with the results of the priority list.

I want to take the opportunity today to provide the Assembly with the government's response on the master plan priority list and the way this program will be managed over the ensuing years.

Master plans are important tools to implement strategic initiatives, such as reinvigorating our centres, identifying opportunities for appropriate development and improving access to services and public transport for all of the community. Master plans are important tools in identifying the intrinsic quality of a precinct and are even more important as tools to manage change.

Clearly, those areas that are likely to experience significant change or are in need of reinvigoration will be high on the priority list. It will also be important to include a range of centres—town, group, local and rural—if we are to begin to deliver on the themes of “time to talk”.

The government envisages an ongoing program of approximately four master plans each year for the next six years, subject to annual budget funding. This represents an ambitious program that responds to community needs and government policy for urban renewal. The 24 places included in the preliminary priority list of a master plan program have been selected from the 17 group centres, five town centres, five rural villages and six transport corridors, noting the master plans already completed and currently under development.

It is intended to consult on the broad priority list during the public consultation on the revised planning strategy, which is anticipated later this year. However, as the program will commence in the new financial year, a selection of the highest priority areas for the first year of the program has been established.

This selection was based on the following criteria: places that are likely to experience the greatest pressures for change from current government policies or other works projects; places that support the delivery of transport for Canberra network 12; and places that support the redevelopment of public housing assets by the Department of Disability, Housing and Community Services.

Accordingly, the priority list for the 2011-12 financial year is: Oaks Estate, which is already committed and some work is being undertaken in the preparation of the master plan; the Weston Cooleman Court group centre; Athllon Drive, a major transport corridor; and a part of the Belconnen town centre as part of that centre's renewal process. The priority listing for subsequent years is based on most need as determined against the set of criteria. The nomination by the Department of Disability, Housing and Community Services of centres for inclusion on the priority list will also be considered where it would support public housing redevelopment.

Community consultation on the priorities for the list of places in accordance with this Assembly resolution will be through the refreshed "time to talk" website. I believe this is an invaluable vehicle for consultation. It provides government with the opportunity to display information and plans that can illustrate the intent, but more importantly it allows people from across Canberra, people of all ages and people who are often time-poor, to contribute to the overall planning of our city and to the planning of local areas.

However, I believe the Assembly needs to be realistic in acknowledging that, given the multiple communities of interest, it is unlikely that this process will arrive at a consensus position and it will be necessary for the Planning and Land Authority to evaluate and recommend the final list, having regard to community input alongside a range of objective criteria.

I will now briefly outline the process for the master planning projects under the proposed priority list. Each master plan will follow a standardised process that meets the government's community engagement guide, similar to that currently being applied to the Tuggeranong, Erindale, Kambah and Pialligo projects, but tailored where necessary to meet particular circumstances. The consultative nature of the proposed process provides an opportunity for the local community and stakeholders to influence the outcomes and guide the nature of future changes.

The master planning process will build on what we have learnt and what we are learning from engaging the community on Kingston, Dickson, Tuggeranong, Erindale, Kambah, Gungahlin and Pialligo. Through the master planning process, we will actively seek the views of different groups, but most particularly the views of young people. We will continue to include schools and youth organisations in our processes, which has been a very successful part of the Tuggeranong and Erindale exercises to date.

Our engagement with the community on master plans will also deepen the conversations that have commenced about the future planning of our city. The process of preparing master plans is an iterative one that seeks to identify the issues, the opportunities and a way forward to manage change. The community's input will be sought at all of these stages.

The master plan process will be documented in four component parts: firstly, the master plan itself, which will include a vision statement, place-making considerations, opportunities and constraints analysis, and planning options with a preferred plan and implementation plan; secondly, a consultation report, which will document the engagement activities, stakeholder lists and findings; thirdly, a list of investigation and background reports; and, finally, an action plan, which will be a companion text that identifies the next steps required to implement the master plan.

The realisation of many of the desired outcomes from master plans will, though, be incremental and, it is worth noting, will mostly not be the responsibility of the ACT Planning and Land Authority. This will be enunciated clearly through the community consultation. Any territory plan change that may be required for the master plan to be executed is a subsequent and separate process.

In response to some concerns raised about the time taken to deliver the Kingston and Dickson group centre master plans, ironically in large part because of the methodical consultation ACTPLA conducts for these exercises, it is proposed that the master plans will be adopted using the following process: that it will undertake a master plan process as I have just outlined; that a precinct code will be prepared for incorporation into the territory plan; and that the government will initiate a variation to the territory plan. Whilst this process responds to part (2)(e)(iv) of the Assembly resolution, it is important to stress that the territory plan is limited in the nature of policy it contains as a land use and development instrument. As such, it will only be applicable to the spatial and land use planning actions from the master plans that will be incorporated into the territory plan.

The planning process to this point will have been supported by extensive consultation, including the consultation completed as part of the “sustainable futures” and “time to talk” work, the community consultation that will occur in the development of the master plan itself and the consultation that will accompany any territory plan variation.

The proposed process which would produce a precinct code would mean that those development proposals that are in accordance with the relevant precinct code could be assessed in a development application code track. This removes—and it is important

to note this, Mr Speaker—third-party appeal rights for developments that are undertaken that are consistent with that precinct code, taking advantage of the COAG Development Assessment Forum leading practice model that is built into our Planning and Development Act.

This is premised on one of the key principles embedded in the model and in our act whereby investment is made in consulting on policy which is then used to assess developments that are notified, but where the policy debate is not re-prosecuted for each and every development application that is lodged. This provides certainty to the community and an incentive to the development sector to work within the policy framework.

This means that whilst there is a lead time to arrive at the point of a precinct code, the gains for the territory are at the back end, where development proposals that accord with the code are not delayed through objections and appeals, except where they depart from the code, in which case the development application would be considered in the merit track.

The program I have outlined today is in addition to ACTPLA's current program of master plans, which includes the Dickson and Kingston group centres, which are nearing completion after an extensive period of community consultation; the Gungahlin town centre master plan, which is now the subject of a draft territory plan variation; the Tuggeranong town centre and Erindale group centre, with Erindale Drive transport corridor master plan, which commenced in 2010 and are due for completion later this year; the Kambah group centre master plan—which is the subject of an Assembly resolution that I am partly responding to today—which has commenced, noting the time line for reporting to the Assembly is September 2011; and the Pialligo rural village master plan, which is about to commence, again with completion this year.

In conclusion, this ongoing program of master plans will provide greater certainty to the community on where and how we are going to be addressing key issues facing the territory. It presents a meaningful opportunity for the community to engage not only on the development of their local areas but importantly on how we plan, build and manage our city's growth and change.

**Mr Hargreaves:** Mr Speaker, could I ask that the minister move that the statement be noted and perhaps tabled?

**MR SPEAKER:** Minister?

**MR BARR:** Thank you, Mr Hargreaves. I present the following paper:

Master plans—Statement by Minister.

I move:

That the Assembly takes note of the paper.

Debate (on motion by **Ms Le Couteur**) adjourned to the next sitting.

## **Adjournment**

Motion by **Mr Barr** proposed:

That the Assembly do now adjourn.

### **Canberra City Pipes and Drums**

**MR HANSON** (Molonglo) (5.56): It gives me great pleasure tonight to stand up and speak about an activity that has been coordinated by the Canberra City Pipes and Drums, which are also the Australian Federal Police Pipes and Drums. I refer to a thank you T-shirt which has written on it the words: “Thank you. Remember them. 25 April.” The aim of that T-shirt is to promote, to remember and to honour Australian veterans on Anzac Day so that people can wear that T-shirt with pride, be it at the dawn service, whilst the parade is on or at their local club having a beer and a game of two-up.

For those that are unaware, the Canberra City Pipes and Drums is a commemorative pipes and drums. It plays at a number of ceremonial events. These might include our Vietnam Veterans Day, National Police Remembrance Day, Anzac Day and so on. The reason that the Canberra City Pipes and Drums is doing this is principally to try and promote the veterans in our community and the link between our community and veterans in a way that the community can say thank you to veterans on Anzac Day.

It is also a way that the pipes and drums can raise funds for both themselves and more importantly for the RSL. The money that is raised will either go to the RSL or to the Canberra City Pipes and Drums so that they can participate in the events that are so important to our community and so that they can represent our community overseas. The intent is that they will get back to the Royal Edinburgh Military Tattoo in November 2012 so they can represent our great city at that wonderful event. I think that is a great thing that they are doing.

The T-shirts are available from a number of outlets, including the Bendigo Bank in a number of areas—Bungendore, Calwell, Wanniassa, Canberra City and Jamison. They are available from the Bungendore post office and the Canberra Services Club or you can go online to [www.rememberthem.com.au](http://www.rememberthem.com.au). I am very pleased to say that this is a bipartisan measure. I thank the Chief Minister for his generous donation of \$2,500 towards this initiative to support the pipes and drums.

The inspiration for this event has come principally from Pipe Lance Corporal Jenni Hamer, who came up with the idea and has been the force behind it, obviously supported by a number of people in the pipes and drums, including the Pipe Major Dina Kinsman, her media representative Fiona Irvine and the pipes and drums.

They were playing the other day at a media event on 1 April at City Walk in Civic. It was great to see the pipes and drums out there making the great music that they do. At the event it was also good to see the support from representatives of the AFP. Jeremy Lasek was there representing the Chief Minister and spoke at the event, as did the

RSL Deputy President, Mrs June Healey. There were a number of other representatives there, including Christine Coulthard from the RSL and a number of veterans, including representatives from the Vietnam Veterans Motorcycle Club.

I think it is a great initiative. I congratulate the members of the Canberra City Pipes and Drums. I hope that they raise lots of money. I hope that we see lots of those black T-shirts on Anzac Day. I hope that they raise funds for the RSL and the great work that they do but also that they raise enough money to get themselves back to the Royal Edinburgh Military Tattoo where I know that they will represent our city with great distinction.

### **Heritage Festival**

**MR COE** (Ginninderra) (6.00): I rise today to put on the record my thanks and congratulations to all the people at the Heritage Unit for the work they are doing in putting together the 2011 Heritage Festival. It really is a superb event and one that I am very pleased to see the government continually support and one that really is going from strength to strength. In particular I would like to thank Gerhard Zatschler but also Linda and Penny in the Heritage Unit for their work in coordinating the events.

There are so many events happening over the next couple of weeks and I encourage as many members as possible to get along to whichever ones they can. In particular, I think there are some events that are really out of left field that otherwise you would not necessarily get a chance to learn about.

They include things such as the Goulburn Brewery, the Acton walkways; Coolamon Ridge; the Hyatt Hotel; the National Archives; the National Trust; Benedict House; of course the Canberra District Historical Society; TAMS are running quite a few different events; Cooma Cottage; and many, many, other events. The Rolls-Royce Owners Club is showing off some of their vehicles. It really is a fantastic event and one that I think should be supported as widely as possible by the Canberra community.

I would like to put on the record my thanks to the work at the Heritage Council, in particular the chair, Dr Michael Pearson; the deputy chair, Dr Dianne Firth; and the other members of the council: Dr Louise Brown, Dr Lenore Coltheart, Mr David Johnston, Mr John Kemister, Dr Warren Nichols, Mr Colin Stewart, and Mr Josip Zivko.

I think they do a very good job. It is not always the easiest job. There are certainly some controversial decisions that they have to make. But I thank them for the service they give to the territory in being on that council and the important decisions that they make.

Question resolved in the affirmative.

**The Assembly adjourned at 6.02 pm until Tuesday, 3 May 2011, at 10 am.**

## Answers to questions

### ActewAGL—online suggestions (Question No 1398)

**Mrs Dunne** asked the Treasurer, upon notice, on 15 February 2011:

- (1) In relation to Table 3.3 in Auditor-General's Report 7/2010, Management of Feedback and Complaints, what were the four suggestions made on-line during 2008-09 to ActewAGL.
- (2) What consideration did ActewAGL give to those suggestions referred to in part (1).
- (3) What feedback did ActewAGL give to the constituents who made the suggestions.
- (4) Which of the suggestions were implemented.
- (5) To what extent did implementation of those suggestions improve administrative efficiency or service delivery.
- (6) If some of the suggestions were not implemented, why not.

**Ms Gallagher:** The answer to the member's question is as follows:

- (1) I am advised by ACTEW that the four suggestions made on-line and sent to ActewAGL by Canberra Connect were:
  1. A suggestion to extend energy concessions to ACT Seniors Card holders.
  2. A suggestion for better lighting in a street in Griffith, ACT.
  3. A suggestion that the ACT should consider combined heat and power generation.
  4. A suggestion to offer free workshops to Canberrans on how to save water in their gardens.
- (2) I am advised by ACTEW that:
  1. The matter was not considered by ActewAGL and was referred to the Department of Disability, Housing & Community Services as the responsible policy department.
  2. The matter was not considered by ActewAGL and was referred to the Department of Territory and Municipal Services as the responsible policy department.
  3. The matter was not considered by ActewAGL and was referred to the Department of Environment, Climate Change, Energy and Water as the responsible policy department.
  4. The matter was not considered by ActewAGL. The person was directed to information on ACTEW's web-site in relation to water wise gardening workshops which have been conducted by ACTEW since 2003.



- (3) See response to Question 2.
  - (4) Not applicable.
  - (5) Not applicable.
  - (6) See response to Question 2.
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**Public service—feedback and complaints  
(Question No 1424)**

**Mrs Dunne** asked the Minister for Disability, Housing and Community Services, upon notice, on 15 February 2011:

- (1) In relation to Table 3.3 in Auditor-General's Report 7/2010, Management of Feedback and Complaints, what were the six suggestions made on-line during 2008-09.
- (2) What consideration did the department give to those suggestions referred to in part (1).
- (3) What feedback did the department give to the constituents who made the suggestions.
- (4) Which of the suggestions were implemented.
- (5) To what extent did implementation of those suggestions improve administrative efficiency or service delivery.
- (6) If some of the suggestions were not implemented, why not.

**Ms Burch:** The answer to the member's question is as follows:

- (1) The six suggestions are:
  - 1. Providing information about a small handbook on Domestic Violence, available online, written by community member;
  - 2. Information about the Superannuated Commonwealth Officers' Association provided by Federal President, Annette Barbetti.
  - 3. Suggestion for Housing ACT to introduce an online account/application/payment monitoring system, similar to Centrelink and the Family Assistance Office;
  - 4. Letter to (then) Minister Hargreaves regarding an article in The Canberra Times on 23 December 2008 about The Hon Bill Shorten, MP, the then Parliamentary Secretary for Disabilities and Children's Services;
  - 5. Update of DHCS website information about the ACT Ministerial Advisory Council on Ageing; and
  - 6. Suggestion that the Community Consultations on Positive Ageing (held in March 2009) be held at different times of the day and locations around Canberra to improve accessibility for seniors still in the workforce.

- (2) The six suggestions referred to in Question 1 were forwarded by Canberra Connect to the relevant areas in the Department for information and action, where required.
    1. Suggestion 1 was forwarded to the Women's Information and Referral Centre who offer, and link to, similar resources.
    2. Suggestions 2 and 5 were actioned by the Office of Ageing and are published on the DHCS website.
    3. Suggestion 3 was actioned by Housing ACT, who is examining an online client account portal as part of the establishment of the Central Access Point at Nature Conservation House. Housing ACT is continuing discussions with Intact on the implications and development of this proposal.
    4. The Department is unable to confirm the response provided to Suggestion 4.
    5. Suggestion 6 was forwarded to the Office of Ageing. The Office of Ageing now factors this suggestion in the planning of community consultations.
  - (3) The six suggestions were logged by Canberra Connect as not requiring a response to the constituents. Individual areas of the Department contacted the constituents, as required, in the course of actioning suggestions.
  - (4) See response to Question 2.
  - (5) The Department accepts suggestions received by stakeholders and implements improvements if appropriate. Suggestions 3 and 6 have informed future processes in how the Department works with the community.
  - (6) All suggestions were actioned and implemented as appropriate.
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**Childcare—government-owned premises  
(Question No 1427)**

**Mrs Dunne** asked the Minister for Children and Young People, upon notice, on 15 February 2011:

- (1) What are the names of the community child care centres that occupy government-owned premises.
- (2) What is the annual rent per square metre that each centre pays.
- (3) What is the expiry date for each centre's rental agreement.
- (4) What, if any, are the options for rental agreement extensions for each centre.
- (5) In relation to each centre whose rental agreement expires, including extension options, either in 2010-11 or 2011-12, what indication has the Government given to the centre as to the centre's future tenure of the premises.
- (6) If the Government has given no indication, why not.

**Ms Burch:** The answer to the member's question is as follows:

- (1) The attached list provides names of the community childcare centres managed by the Department of Disability, Housing and Community Services under a sub-lease, or under a Department of Education and Training licence.
- (2) Rent for all sites is set at \$0.05 per annum on demand.
- (3) See attached list.
- (4) Currently, community childcare operators occupy Department of Disability Housing and Community Services managed premises under a 5 year sub-lease. Under normal circumstances the sub-lease is automatically renewed with the incumbent community childcare provider. The renewal also includes input from the Children's Policy and Regulation Unit.
- (5) A small number of sub-leases will or have expired, but the tenants will continue to occupy the premises on a month-to-month basis on the original terms of the existing sub-lease until a new sub-lease is executed. All childcare operators that are on month-to-month tenancy have been advised of their continuing tenancy.
- (6) The Department advises those tenants who have a lease that will expire in 2011 that they will continue to occupy the premises on a month-to month tenancy on the same conditions as the existing sub-lease pending the execution of a new sub-lease.

*(A copy of the attachment is available at the Chamber Support Office).*

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**Bimberi Youth Detention Centre—assaults  
(Question No 1428)**

**Mrs Dunne** asked the Minister for Children and Young People, upon notice, on 15 February 2011 (*redirected to the Minister for Disability, Housing and Community Services*):

- (1) In relation to the answer to a question without notice taken on notice on 18 November 2010 in relation to assaults at the Bimberi Youth Detention Centre, what was the incident that led to the one Segregation Direction in 2009-2010.
- (2) What was the period of the Segregation Direction.
- (3) For how long did the resident occupy the Safe Room.
- (4) What counselling or other rehabilitation services were provided to the resident during the period of the Segregation Direction.
- (5) To what extent and for how long was the resident's reintegration to the general Bimberi population monitored.
- (6) What action did the Minister take upon receiving the report of the Segregation Direction.

- (7) What follow-up action did the Minister take during (a) the period of the Segregation Direction and (b) the resident's reintegration to the general Bimberi population.
- (8) How many Segregation Directions were ordered during the period 1 July to 31 December 2010.

**Ms Burch:** The answer to the member's question is as follows:

- (1) to (5)  
The information requested is protected information under the *Children and Young People Act 2008 (the Act) s844* and under the *Act s851(1)*. It is not considered to be in the young person's interest to release the information.
- (6) Minister Barr as previous Minister for Children and Young People was briefed regarding this segregation direction and the Minister discussed the matter with the Department.
- (7) The operational management of Bimberi residents is the responsibility of the Chief Executive of the Department of Disability, Housing and Community Services.
- (8) There were no segregation directions issued during the period 1 July to 31 December 2010.

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### **Labor Party—electoral commitments (Question No 1490)**

**Mr Hanson** asked the Minister for Aboriginal and Torres Strait Islander Affairs, upon notice, on 16 February 2011:

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment in relation to designing and implementing a program to better support Indigenous grandparents who are primary carers for their grandchildren; if not, why not; if so, for (a) 2008-09, (b) 2009-10 and (c) the period 1 July to 31 December 2010, what projects and programs were undertaken towards the delivery of this commitment and how much was spent on each project or program.
- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12 what projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.
- (3) If actual and committed expenditure for (a) 2008-09, (b) 2009-10, (c) 2010-11 and (d) 2011-12 did not equate to the Treasury costings for this commitment, why not.
- (4) What evaluation has been undertaken of this program and can the Minister provide a copy of this evaluation.

**Mr Stanhope:** The answer to the member's question is as follows:

Details of the implementation of Government programs is routinely provided in relevant Budget papers, Annual Reports and the mid-year Budget Review.

Further advice is made available to members through the Budget Estimates and Annual Report hearings processes.

Relevant information is also available in the Mid-Term Report on Achievement of Election Commitments released in October 2010. The Report is available at [www.chiefminister.act.gov.au/uploads/ot/election\\_commitments\\_report.pdf](http://www.chiefminister.act.gov.au/uploads/ot/election_commitments_report.pdf).

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### **Budget—program management and funding (Question No 1492)**

**Mr Hanson** asked the Minister for Health, upon notice, on 16 February 2011:

- (1) What programs are managed and/or funded within each output under each output class for the department/agency, as listed in Budget Paper 4 for the 2010-2011 Budget.
- (2) If no output or output classes, can the Minister list the programs applicable for the department/agency.
- (3) What is the budgeted cost for each program for 2010-2011.
- (4) How much was spent on each program during the period 1 July 2010 to 31 December 2010.
- (5) What was the budgeted full-time equivalent (FTE) staffing for each program for 2010-2011.
- (6) What was the actual FTE staffing for each program as at 31 December 2010.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1 to 4) The programs by Output for ACT Health, the budgeted cost and the expenses for the period 1 July 2010 to 31 December 2010 are provided at Attached A.
- (5 to 6) Budgeted and actual FTE staff by program are provided at Attachment B.

*(A copy of the attachment is available at the Chamber Support Office).*

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### **Health—specialist appointments (Question No 1493)**

**Mr Hanson** asked the Minister for Health, upon notice, on 16 February 2011:

- (1) What is the total number of people currently waiting for a health specialist appointment in the ACT.

- (2) What is the median waiting time for people to attend an appointment with a health specialist in the ACT.
- (3) Of the total number of people currently waiting for a specialist appointment in the ACT, what is the number waiting for a specialist in (a) cardiology, (b) ear, throat and nose, (c) gynaecology, (d) neurosurgery, (e) ophthalmology, (f) plastic surgery, (g) urology, (h) vascular, (i) orthopaedics and (j) other.
- (4) What is the median waiting time for a specialist appointment for (a) cardiology, (b) ear, throat and nose, (c) gynaecology, (d) neurosurgery, (e) ophthalmology, (f) plastic surgery, (g) urology, (h) vascular, (i) orthopaedics and (j) other.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) 27,886 people are currently waiting for an outpatient appointment. However, it should be noted that in 2009-10 a total of 349,179 people accessed outpatient services at ACT Public Hospitals.
- (2) 12 days
- (3) As at 31 January 2011:
  - (a) 1,831 waiting for the medical specialty "cardiology" as requested, as opposed to the surgical specialty of cardiothoracic surgery.
  - (b) 455
  - (c) 696
  - (d) 246
  - (e) 788
  - (f) 225
  - (g) 620
  - (h) 545
  - (I) 1,240
  - (j) 520, which includes general surgery, cardiothoracic surgery and paediatric surgery.

The remainder waiting for specialist outpatient (to make up to the 27,886 waiting) are waiting for a range of medical, women and children's, cancer services, and aged care services.

It should be noted that people waiting to see specialist surgeons in outpatient clinics are not necessarily waiting for an appointment to determine the need for surgery. Many patients have appointments for follow-up care following surgery or for consultations for reasons other than preparation for a surgical procedure (such as discussion of other options for care).

(4) For the period from 1 July 2010 to 31 January 2011:

- (a) 56 days, for the medical specialty “cardiology” as requested, as opposed to the surgical specialty of cardiothoracic surgery
- (b) 27 days
- (c) 51 days
- (d) 74 days. While this appears high for neurosurgery, this specialty includes less urgent surgical procedures such as release of carpal tunnel as well as urgent brain tumour cases. Urgent cancer patients always receive priority access to care.
- (e) 18 days
- (f) 26 days
- (g) 35 days
- (h) 27 days
- (I) 82 days
- (j) 21 days, which includes general surgery, cardiothoracic surgery and paediatric surgery.

This information only includes data for outpatient services provided at public hospitals. ACT Health does not have access to data for patients referred to surgeons’ rooms for assessment prior to surgery or for follow-up care following a procedure.

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**Health—nurse walk-in clinics  
(Question No 1494)**

**Mr Hanson** asked the Minister for Health, upon notice, on 16 February 2011:

Since commencement of services at the Nurse Walk-in Clinic, what is the (a) total number of presentations to the clinic, (b) total number of people that were referred to other services for treatment, (c) total number of people that were referred to the Emergency Department for treatment, (d) total number of people that were referred to a general practitioner for treatment and (e) mean waiting time between presentation at the clinic, and consultation with a nurse.

**Ms Gallagher:** I am advised that the answer to the member’s question is as follows:

- a) The total number of presentations to the Walk in Centre as at the end of February 2011 was 11,666.
- b) The total number of people that were referred to other services for treatment following assessment by a nurse, including Emergency Departments, as at the end of February 2011 was 3,947.

- c) The total number of people that were referred to the Emergency Department for treatment following assessment by a nurse, as at the end of February 2011 was 729. This includes referrals to the Canberra Hospital, Calvary and Queanbeyan Hospital.
  - d) The total number of people that were referred to a general practitioner for treatment following assessment by a nurse, as at the end of February 2011 was 2,379.
  - e) The mean waiting time between presentation at the clinic, and consultation with a nurse as at the end of February 2011 was 37 minutes.
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**Labor Party—electoral commitments  
(Question No 1519)**

**Mr Coe** asked the Minister for Disability, Housing and Community Services, upon notice, on 16 February 2011 (*redirected to the Treasurer*):

- (1) In relation to ACT Treasury's Summary of Labor Election Commitments dated 17 October 2008, has the Government implemented its 2008 election commitment in relation to establishing a mortgage relief fund; if not, why not; if so, for (a) 2008-09, (b) 2009-10 and (b) the period 1 July to 31 December 2010, what work was undertaken towards delivery of this commitment and how much was spent on that work.
- (2) For (a) the period 1 January to 30 June 2011 and (b) 2011-12, what work projects and programs are planned to be undertaken towards delivery of this commitment and how much money is committed for each project or program.
- (3) If actual and committed expenditure for (a) 2008-09, (b) 2009-10, (c) 2010-11 and (d) 2011-12 did not equate to the Treasury costings for each year, why not.
- (4) What evaluation has been undertaken of the implementation of this program and can the Minister provide a copy of this evaluation.

**Ms Gallagher:** The answer to the member's question is as follows:

I refer the Member to pages 9 to 12 of the Transcript of Evidence of the Standing Committee on Public Accounts (Reference: Annual and financial reports 2009-2010) dated 4 November 2010, in which the issues raised are discussed in detail.

- (1) The Commitment was implemented in 2009, with the Mortgage Relief Fund commencing on 9 October 2009. The implementation costs were absorbed by Treasury and no additional funding was provided. Treasury commissioned a paper from the ANU's Centre for Commercial Law at a cost of \$5,000. This expenditure was incurred in 2008 09.
- (2) Refer to response to question 1 above; the initiative has been implemented. No further projects or programs are planned in this regard.



- (3) The Government committed funding levels of \$1.2 million over four years (commencing in 2009-10) to be made available for the Mortgage Relief Fund. This equates to \$300,000 being made available in each of 2010-11 and 2011-12 to service this commitment.

The actual expenditure for this program has been below the committed expenditure levels to date. To 31 December 2010, there has been one loan approved. The success or failure of the fund should not be determined on the basis of the number of loans provided. The fund is meant to act as a safety net. The number of loans is but one measure.

- (4) A formal evaluation will be conducted in 2011-12.

### **Information technology—software licences (Question No 1573)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 17 February 2011:

- (1) Is Microsoft software provided to ACT Government staff under a whole of government licence.
- (2) What (a) is the cost of the licence, (b) is the number of licences and (c) products does it cover.
- (3) Does the same licence cover students in our educational institutions.
- (4) Where can the details of the software licence(s) be found on the Procurement Solutions website given that at present only the consulting and services contract can be easily found.

**Mr Stanhope:** The answer to the member's question is as follows:

- (1) Yes excluding Department of Education and Training (DET) and Canberra Institute of Technology (CIT) who have separate educational licensing agreements with Microsoft.
- (2) (a) Individual licence costs are commercial in confidence. The total cost spent on licensing under the agreement is \$5,254,008.79 including GST from 1 June 2009 (the start of the current contract period) to 9 March 2011.
- (b) 11,000 licences excluding DET and CIT.
- (c) Software Developer w/MSDN Premium  
Visual Studio Team Edition Tester w/MSDN Premium  
Visual Studio Team Suite w/MSDN Premium  
Commerce Server Standard  
Exchange Server Enterprise Device CAL  
Exchange Server Enterprise  
ILM Server

ISA Server Enterprise  
ISA Server Standard  
Lync Enterprise Device CAL  
Lync Standard Device CAL  
Lync Enterprise User CAL  
Lync Standard User CAL  
Project Server  
SharePoint Enterprise Device CAL  
SharePoint Internet Server  
SQL Server Enterprise  
SQL Server Standard  
SQL Server Workgroup  
System Centre Configuration Manager w/SQL  
System Centre Management Suite Enterprise  
System Centre Operations Manager  
System Centre Operations Manager w/SQL  
Visual Studio Team Foundation Server  
Visual Studio Team Foundation Server CAL  
Windows Server DataCentre  
Windows Server Enterprise  
Windows Server Standard  
Windows Terminal Server User CAL  
Desktop Optimisation Pack  
Exchange Server Standard User CAL  
Windows Server User CAL

(3) No.

(4) The Microsoft Software, Licensing and Related Services - ACT Government Enterprise Agreement is available on the Procurement Solutions contract register and can be found at:  
[http://www.procurement.act.gov.au/contracts/contracts\\_register/contracts/2009/2010.12508.210](http://www.procurement.act.gov.au/contracts/contracts_register/contracts/2009/2010.12508.210)

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### **Copyright—government information (Question No 1569)**

**Ms Le Couteur** asked the Chief Minister, upon notice, on 17 February 2011  
(*redirected to the Minister for Territory and Municipal Services*):

- (1) Is there a standard copyright arrangement for publishing government information.
- (2) What types of publications are subjected to copyright.
- (3) What type of copyright licence is applied to publications and how is this decided.

**Mr Stanhope:** The answer to the member's question is as follows:

- (1) All published material, including that of the ACT Government, has copyright protection under provisions of the Commonwealth *Copyright Act 1968*.
- (2) All forms of publication, irrespective of format, are subjected to copyright.

- (3) Most use of ACT Government publications is made within the “fair dealing” provisions of the *Copyright Act 1968* where the material is for study or research. The ACT Department of Education and Training participates in a national scheme to share the educational materials it produces through the ‘NEALES’ scheme. Other requests for more extensive use of ACT Government material is decided on application, but in the majority of cases, where there is a perceived public benefit and other copyright rights are not infringed, use is freely given.

### **Bimberi Youth Detention Centre—vocational and educational programs (Question No 1581)**

**Ms Hunter** asked the Minister for Children and Young People, upon notice, on 8 March 2011:

In relation to the vocational and education programs within Bimberi Youth Detention Centre, can the Minister provide a full list of (a) the organisations who provide vocational and educational programs within Bimberi, (b) the type of training they provide, (c) the (i) number of training courses ran during the 2010 calendar year, (ii) duration of the programs, (iii) type of training and (iv) number of participants and (d) training programs that have been organised for the 2011 calendar year.

**Ms Burch:** The answer to the member’s question is as follows:

(a) and (b) All young people at Bimberi Youth Justice Centre are required to attend educational and vocational day programs through the Murrumbidgee Education and Training Centre. These programs are delivered by the Department of Education and Training in association with the Canberra Institute of Technology with the assistance of the Department of Disability, Housing and Community Services.

Education programs delivered include Learning Options, a CIT accredited sub-year 10 program; Access 10, a CIT accredited Year 10 equivalent program and Year 11 and Year 12 Certificate available through distance education.

Additional programs are provided by internal and external agencies and are coordinated to align with the daily program of the Murrumbidgee Education and Training Centre.

The organisations and the type of training provided at Bimberi during 2010 is as follows:

#### **Vocational and Education Programs at Bimberi Youth Justice Centre**

##### **2010 Programs**

<b>Organisation</b>	<b>Training Provided</b>	<b>Duration</b>
Department of Education and Training	Alternative education program providing numeracy and literacy, woodwork, metalwork and art	Ongoing during school terms
Canberra Institute of Technology	Learning Options (an accredited sub Year 10 program)	Ongoing during school terms
Canberra Institute of Technology	Access 10 (an accredited Year 10 equivalent program)	Ongoing during school terms

Karabah High School, Queanbeyan, NSW	Year 11 and 12 (through distance education)	Ongoing during school terms
Department of Education and Training	Indigenous Tutoring Program	Ongoing during school terms
Gugan Gulwan Youth Aboriginal Corporation	Arts Healing Program	Three school terms in 2010
Australian Brick and Block Training Foundation	'Bricks and Blocks' bricklaying Program	September/October school holiday period & Christmas school holiday period
Police Citizens Youth Club	H2O Canoe Building Program	Christmas school holiday period
	'Shove it' Skateboarding Program	Christmas school holiday period
Warehouse Circus	Circus Skills	Christmas school holiday period
Raiders Football Clinic	Football	Christmas school holiday period
Warehouse Circus	Unicycling	Christmas school holiday period
Canberra Institute of Technology	Horticulture/Gardening Program	Ongoing
Australian Children's Music Foundation	Music program	Ongoing during school terms
Canberra Institute of Technology	White Card Training	Semester 2
Parasol	First Aid Training	December 2010
Bimberi Youth Justice Centre	Barista Skills	Ongoing
Australian Children's Music Foundation in conjunction with Bimberi Youth Justice Centre	RAP music program	Christmas school holiday period
Bimberi Youth Justice Centre	Arts and crafts – stenciling	Christmas school holiday period

(c) See the response to (a) and (b) for the number (i) and duration (ii) and type of training (iii) of programs.

(c) (iv) Given that the resident population of Bimberi includes both sentenced and remanded young people varies on a daily basis it is not possible to identify the number of participants (iv) for each program without reviewing the daily program sheets for each school day.

(d) The training programs that have been organised for 2011 are outlined below:

### 2011 Programs

Organisation	Training Provided	Duration
Department of Education and Training	Alternative education program providing numeracy and literacy, woodwork, metalwork and art	Ongoing during school terms
Canberra Institute of Technology	Learning Options (an accredited sub Year 10 program)	Ongoing during school terms
Canberra Institute of Technology	Access 10 (an accredited Year 10 equivalent program)	Ongoing during school terms
Karabah High School, Queanbeyan, NSW	Year 11 and 12 (through distance education)	Ongoing during school terms

Canberra Institute of Technology	"Vocational Options" Programs	3 or 6 weeks (for 2 days a week)
Canberra Institute of Technology	Cooking Program	Ongoing
Construction Industry Training and Employment Association	Certificate II in Construction Pathways (Equivalent to first six months of an apprenticeship in construction)	8 weeks
Royal Life Saving Society	Bronze Medallion Training	1 day

### Health—breast cancer nurses (Question No 1582)

**Mr Hanson** asked the Minister for Health, upon notice, on 8 March 2011:

- (1) What is the total amount of funding allocated to the operation of specialist breast cancer nurses in the ACT for (a) 2005-06, (b) 2006-07, (c) 2007-8, (d) 2008-09 and (e) 2009-10.
- (2) What is the total number of specialist breast cancer nurses operating in the ACT in (a) 2005-06, (b) 2006-07, (c) 2007-8, (d) 2008-09 and (e) 2009-10.
- (3) What is the total number of clients that accessed the specialist breast cancer nurses in (a) 2005-06, (b) 2006-07, (c) 2007-8, (d) 2008-09 and (e) 2009-10.

**Ms Gallagher:** I am advised that the answer to the member's question is as follows:

- (1) What is the total amount of funding allocated to the operation of specialist breast cancer nurses in the ACT for:
  - (a) 2005-06 - \$350,000
  - (b) 2006-07 - \$350,000
  - (c) 2007-08 - \$350,000
  - (d) 2008-09 - \$358,903
  - (e) 2009-10 - \$462,685
- (2) What is the total number of specialist breast cancer nurses operating in the ACT in:
  - (a) 2005-06 - 3
  - (b) 2006-07 - 3
  - (c) 2007-08 - 3
  - (d) 2008-09 - 3 + (1 from 28 May 2009 - 30 June 2009).
  - (e) 2009-10 - 4
- (3) What is the total number of clients that accessed the specialist breast cancer nurses in:
  - (a) 2005-06 - 360
  - (b) 2006-07 - 479
  - (c) 2007-08 - 552
  - (d) 2008-09 - 506
  - (e) 2009-10 - 687

### **Alexander Maconcochie Centre—prisoners (Question No 1584)**

**Mr Hanson** asked the Attorney-General, upon notice, on 8 March 2011:

- (1) What was the total number of prisoners held on remand at the Alexander Maconcochie Centre (AMC) as at 24 February 2011.
- (2) Of the total number of prisoners referred to in part (1), what is the total number who have identified as an Aboriginal and Torres Strait Islander.
- (3) For each of the prisoners referred to in part (2), what is the total number of days each prisoner has spent on remand at the AMC.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) 93
- (2) 20
- (3) For each of the prisoners referred to in part (2) i.e. prisoners held on remand as at 24 February 2011, the total number of days each prisoner has spent on remand at the AMC is shown in the table below.

Prisoner 1	697 days	Prisoner 11	79 days
Prisoner 2	519 days	Prisoner 12	78 days
Prisoner 3	312 days	Prisoner 13	65 days
Prisoner 4	310 days	Prisoner 14	38 days
Prisoner 5	263 days	Prisoner 15	28 days
Prisoner 6	241 days	Prisoner 16	22 days
Prisoner 7	221 days	Prisoner 17	22 days
Prisoner 8	123 days	Prisoner 18	17 days
Prisoner 9	106 days	Prisoner 19	11 days
Prisoner 10	79 days	Prisoner 20	8 days

### **Housing ACT—properties (Question No 1586)**

**Ms Bresnan** asked the Minister for Disability, Housing and Community Services, upon notice, on 9 March 2011:

- (1) How many properties does Housing ACT currently own.
- (2) What is the number of properties that have had energy efficiency improvements in (a) 2007-08, (b) 2008-09, (c) 2009-10 and (d) 2010-11 to date and expected for the financial year, and what was the total cost to Government in each year.
- (3) What is the total number of properties that have been identified as still requiring energy efficiency improvements.
- (4) How does Housing ACT prioritise which houses to make improvements to.

- (5) How many Housing ACT properties have an energy efficiency rating of (a) unrated, (b) zero stars, (c) one star, (d) two stars, (e) three stars, (f) four stars, (g) five stars and (h) six stars.
- (6) What mechanisms does the Government use to assess the energy efficiency of properties that do not have an energy efficiency rating.

**Ms Burch:** The answer to the member's question is as follows:

- (1) 11,572 as at 28 February 2011.
- (2) The following table represents, by financial year, the number of properties that have received energy efficiency improvements from 07/08 to end of February 2011:

Financial Year	Number of properties	Cost to Government
2007/2008	255	\$0.978 million
2008/2009	1219	\$3.253 million
2009/2010	1353	\$1.855 million
2010/2011 year-to-date	1011	\$1.638 million

\* Please note a large number of properties have had improvements carried out in more than one financial year.

It is expected that approximately 80 more properties will receive energy efficient improvements in the remainder of the 2010/11 financial year.

- (3) To date some 22% of the current portfolio has had energy efficiency improvements made to the property.
- (4) Properties are prioritised for improvement based on criteria which has the most significant impact on improving energy efficiency and the thermal quality of the building shell. The criteria are:
- Properties without adequate ceiling insulation;
  - Properties with electric storage water heating (pre-1999 highest priority);
  - Large brick veneer properties without wall insulation;
  - All separate properties; and
  - Remainder of properties.
- (5) Housing ACT only has these details available for acquisitions from the last 10 years. The following table represents the energy star ratings of properties where known and how many properties where the rating is unknown:

Star Rating	Number of Properties
Unknown	9 904
0	17
0.5	7
1.0	64
1.5	16
2.0	71
2.5	20
3.0	312
3.5	104
4.0	579

Star Rating	Number of Properties
4.5	118
5.0	189
5.5	45
6.0	105
6.5	10
7.0	11

- (6) The energy efficiency rating of dwellings in the ACT is assessed according to the Nationwide Housing Energy Rating Scheme (NatHERS). Apart from requiring energy ratings to be provided upon sale/purchase of a dwelling, there is no mechanism requiring landlords with properties with no (including unknown) energy rating to have an energy rating undertaken. Work to improve the energy efficiency of public housing is based upon the criteria set out in 4) above.

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### **Drugs—cannabis (Question No 1588)**

**Ms Bresnan** asked the Minister for Health, upon notice, on 10 March 2011:

- (1) In relation to the 2005 report circulated by the then Minister for Health entitled *Report on the Medicinal Use of Cannabis* and the five options discussed on page 26 that “may be considered to allow improved access to cannabis and/or cannabis derivatives for medicinal use in the ACT”, has ACT Health conducted any further analysis of those five options since 2005; if so, what is that work and what are its conclusions
- (2) Is ACT Health aware of any other new options that have arisen since 2005 that warrant inclusion onto the list of options for consideration; if so, what are those new options and what factors should be taken into account when considering them.
- (3) Is ACT Health aware of the emerging new option of topical application of a non-psychoactive cannabis extract as a means of combating skin cancer; if so, has ACT Health performed any work in determining what factors should be taken into account when considering it as an option and what are those factors.

**Ms Gallagher:** I am advised that the answer to the member’s question is as follows:

- (1) Options available to the ACT for ‘improving the value of cannabis for medicinal use in the ACT’ were canvassed in the Legislative Assembly in October 2005 by the then Minister for Health, Mr Simon Corbell (Hansard, 18 October 2005, pp. 3771-3773). The five options were:
  1. Improving access to nabilone by providing specific funding to appropriate persons. This option was dismissed on advice that other drugs more effective than nabilone had become available.
  2. To participate in a NSW trial of cannabis if it were to occur. The trial did not occur.
  3. The ACT to move to exempt cannabis use from prosecution. This option was not supported.



4. The ACT to establish a medical cannabis program with cultivation and/or supply of cannabis. This option was not supported due to the difficulties associated with policing the program.
5. The ACT to seek to obtain Sativex for use for a select patient group after further testing overseas. At the time, the government's view was to wait to see the results of further studies into Sativex, its safety and effectiveness. This option is discussed further under (2).

No further analysis of options available to the ACT has been undertaken by ACT Health since 2005.

At the National level, in October 2009 the scheduling status of a defined list of botanical cannabinoid extracts called 'nabiximols' in a mouth spray for human therapeutic use was changed to that of a 'controlled medicine'. No Nabiximol spray products are marketed in Australia, however clinicians may apply to prescribe an unregistered Nabiximol product under the Special Access Scheme of the national medicines regulator, the Therapeutic Goods Administration.

- (2) The preparation called Sativex®, comprised of two cannabinoids primarily, is now approved in a number of other countries, including Britain, Spain, Canada and New Zealand. As discussed in (1) one possible option was for the ACT to seek to obtain Sativex® for a select group (Hansard, 18 October 2005, p. 3773). The decision at the time was to await further studies into the safety and effectiveness of this product. Apart from noting the increased international uptake of this product, and studies suggesting its effectiveness in relieving spasticity for those suffering from Multiple Sclerosis, ACT Health is not aware of new options for consideration with regard to the medicinal use of cannabis in the ACT.
- (3) ACT Health is aware of work being conducted on the possible therapeutic effects of topical cannabinoids for skin conditions, however further research is still needed in this area. Published research by Liu et al. (2010) 'Cannabis-derived substances in cancer therapy – an emerging anti-inflammatory role for the cannabinoids' *Current Clinical Pharmacology* 5(4): 281-7 reports that 'research into cannabinoids as anti-cancer agents is in its infancy.' In addition, Kupczyk et al. (2009) 'Cannabinoid system in the skin – a possible target for future therapies in dermatology', *Experimental Dermatology* 18, 669-679, concludes that:

“our understanding of the role of cannabinoid system in the skin is still not completed, and next studies evaluating this exciting aspect of cutaneous biology are highly required.”

Other than noting this research, ACT Health has not performed any work on this area.

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### **Environment—cigarette butt litter (Question No 1590)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 March 2011:

- (1) What is the Government doing to address cigarette butt litter, particularly as it is often identified as the most common litter in the ACT.
- (2) Has the Government taken specific measures to deal with litter hot spots that have arisen as a result of the new smoking bans in the ACT.
- (3) How many new cigarette butt receptacles has the Government provided in the last two years, where were they constructed and how were the locations chosen.
- (4) What plans does the Government have for new cigarette butt receptacles and how is it identifying the most appropriate locations.

**Mr Stanhope:** The answer to the member's question is as follows:

- (1) The ACT Government has a number of legislative, maintenance and education measures in place to reduce cigarette butt litter.

Under the *Litter Act 2004* - on the spot fines of \$60 can be issued for unlit or extinguished cigarettes or \$200 for discarding a lit cigarette.

The Butt Free City education campaign was launched in 2005 to encourage smokers to responsibly dispose of their cigarette butts. In partnership with Butt Free Australia, the ACT Government ran the annual Butt Free City campaign in Canberra in June 2010 to reduce butt littering in central business districts. Educators from Territory and Municipal Services (TAMS) and Butt Free Australia toured the City, focusing on 'hotspots', approaching smokers about their butt littering behaviour and gaining pledges from smokers to facilitate a long term commitment to continually place their cigarette butts in a bin or a personal ash tray.

TAMS removes litter, including cigarette butts, when cleaning public places such as shopping centres, bus stops and interchanges.

- (2) In April 2011, a partnership between the Department of Environment, Climate Change, Energy and Water (DECCEW) and TAMS' ACT NOWaste and City Services Branches is funding an audit of the 68 bins in the City retail core area. The contents of the bins will be analysed on a weekday and a weekend and divided into all of the waste streams. Cigarette butts have been identified as a waste stream.

The audit also entails an analysis of the content of litter in the public realm within the Canberra Central Business District, i.e. City Walk and its connecting pedestrian corridors bounded by Bunda Street, East Row, Binara Street and London Circuit. The information gained from these audits will inform decisions and actions to address the management of litter, including cigarette butts.

TAMS' City Rangers also approach building lessees, including Government departments, within the Canberra Central Business District (CBD) to ensure patrons and/or staff are appropriately disposing of their cigarette butts. Business owners are encouraged to provide butt bins for use by their patrons and/or staff.

- (3) Nil. The approach taken by Government is to provide specially designed bin shrouds within high use public areas, such as shopping centres, which are suitable for the stubbing out of cigarettes prior to disposing of them in the bin. Litter bins are strategically located to maximise use by the public.

Owners of businesses within the Canberra CBD are also encouraged to provide butt bins for patrons and/or staff. These butt receptacles are maintained by the building lessees.

- (4) The litter audit being undertaken in the Canberra CBD in April 2011 will better inform decisions about the types of waste bins required, appropriate locations and frequency of emptying. If the litter on the ground presents problematic findings, then feasible options - including installing butt receptacles - will be considered.

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### **Waste—recycling (Question No 1592)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 March 2011:

- (1) What is the Government's policy regarding the use of remanufactured printers and toner cartridges in (a) the ACT Government in general and (b) ACT schools.
- (2) Has the policy referred to in part (1) changed in the last eight years, in particular, (a) were remanufactured printers and cartridges permitted in schools, and now they are not and (b) were remanufactured or second hand printers allowed to be connected to the network and now they are not; if so, what is the rationale for the changes.
- (3) How many printers purchased in the last eight years by schools have been classified as (a) new, (b) remanufactured and (c) second hand, in particular printers redistributed from other parts of the ACT Government.
- (4) When did InTACT start managing information and communication technology policy for the Department of Education and Training.
- (5) Did the Department of Education and Training have a different policy than InTACT in regard to remanufactured printers, remanufactured toners and connecting printers to the network; if so, what was this policy.
- (6) What is the policy regarding repairing printers once they have passed the end of their warranty period and (a) does it involve environmental and social cost as well as economic and (b) has it changed in the last eight years; if so, how has it changed.

**Mr Stanhope:** The answer to the member's question is as follows:

- (1)(a)(b) The ACT Government's policy is to use new printers and toner cartridges, and recycle used toner cartridges. The exception to this policy is that ACT Government schools may choose to use remanufactured printers and toner cartridges (if available) on school networks - i.e. networks not connected to the ACT Government network.
- (2) There has been no change to this policy.
  - (a) Remanufactured printers and toner cartridges may be used on school networks at the school's discretion.

- (b) Only new printers and toner cartridges may be used on the ACT Government network.
  - (3) It is not possible to provide a comprehensive answer to the question as individual schools' purchase of second hand IT equipment is undertaken separate to the centrally managed Government printer contract.
  - (4) Mid 2006.
  - (5) The Department of Education and Training's policy was the same as InTACT's policy as detailed in (1)(a)(b) above.
  - (6) Individual business units have the discretion to either repair or replace faulty printers which are out of warranty. The decision to repair or replace a printer is based on value for money considerations.
    - (a) No.
    - (b) Yes. Prior to 2006, printers were rented. Under the terms of the rental agreement, printers were required to be returned to the provider in working condition at the end of the rental period. As such, faulty printers were required to be repaired prior to being returned.
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**Environment—weeds  
(Question No 1594)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 March 2011:

- (1) What are the criteria used to determine whether a weed is classified as either notifiable, must be suppressed, must be contained or prohibited.
- (2) What impact do the resources available to the Department of Territory and Municipal Services (TAMS) and Parks, Conservation and Land (PCL) have on whether weeds are placed in certain categories.
- (3) If TAMS had further resources, which weeds, if any, would be the priority to move into a different category.
- (4) What process is undertaken to update the list referred to in part (3).
- (5) Which plants have been added to the suppressed or contained categories in the last six years.
- (6) What is the justification for keeping easily spread weeds such as privet or cotoneaster in the prohibited category rather than the suppressed or contained category.
- (7) Does PCL undertake any special activities in regard to prohibited plants, for example, an annual blitz on removing such plants from public land.

**Mr Stanhope:** The answer to the member's question is as follows:

- (1) A Weed Risk Assessment, undertaken by the ACT Weeds Advisory Group, considers the invasiveness, environmental impact and potential distribution of the weed. The ACT Weeds Advisory Group is a technical panel comprising a Horticulturalist, Ecologists and Park Rangers.

Potential new weed incursions are listed as 'notifiable' (Category 1) to ensure a prompt response to their control when they are initially detected in the ACT. 'Must be suppressed' (Category 2) environmental weeds or pest plants need to be controlled until they are rare or absent. However, for some species this is unfeasible due to their high rates of spread and the ease with which re-infestation takes place. These species are included in the 'Must be contained' (Category 3) listing. If an environmental weed is likely to be sold or propagated, it may also be listed as 'Prohibited' (Category 4).

(2) None.

(3) None.

- (4) The ACT Weeds Advisory Group assesses whether new weeds need to be included on the lists or when existing listings need to be reviewed.

- (5) Two weeds have been added to the list or Schedule of Pest Plants since commencement of the *Pest Plants and Animals Act 2005* was enacted. They are Mexican Feather Grass (Category 1 and 4 listing), and African Fountain Grass (Category 1 and 4 listing).

- (6) Some plants such as Cotoneaster are listed as 'Prohibited'. These are common in the urban backyards of older suburbs. The ACT Government runs the Weed Swap awareness program twice a year. It offers free replacement plants if householders remove weeds like Cotoneaster from their gardens and raises awareness of the environmental impact of some exotic garden plants.

- (7) Weed control priorities, including the treatment of prohibited plants, are largely determined by the annual Environmental Weed Control Operations Plan (EWOP). The EWOP is produced annually by the ACT Parks & Conservation Service (formerly PCL) after consultation with the ACT Weeds Working Group. All factors are considered in setting out the priorities for treatment and ensuring that the best use is made of available resources. Weeds with the greatest environmental danger ratings that are invading high conservation value areas receive top priority.

## **Waste—recycling (Question No 1595)**

**Ms Le Couteur** asked the Minister for Territory and Municipal Services, upon notice, on 10 March 2011:

- (1) What is the number, or the estimated number, of compact fluorescent light globes (CFLs) and domestic batteries that are unrecycled in the ACT and that currently enter landfill, in terms of (a) raw numbers and (b) percentage of overall batteries/CFLs.

- (2) What work has the Government done to assess the provision of domestic battery and CFL recycling points at convenient places such as Government shopfronts and libraries.
- (3) What are the costs, or approximate costs, of providing such as service.
- (4) What analysis has the Government done of similar services provided by governments in other Australian and international jurisdictions, as well as by private companies.

**Mr Stanhope:** The answer to the member's question is as follows:

- (1) There are no separate charges for sending batteries and fluorescent lights to landfill and no means of tracking these individually. This means that there is no precise data on how many items or tonnes are sent to landfill each year.
- (2) TAMS has submitted a bid for consideration in the 2011-12 Budget. That bid will be considered as part of the usual Budget process.  
As advised to you in a letter from Mr Corbell MLA dated 15 December 2010, the ACT Government is also supporting national approaches to manage fluorescent lights and end-of-life batteries. For instance, in May 2009 the Environment Protection and Heritage Council (EPHC) announced support for FluoroCycle, a voluntary partnership between government and industry to increase recycling of lamps containing mercury by the commercial and public lighting sectors. That scheme is expected to be rolled out in 2011. Its initial focus is on those sectors that account for the largest consumption of lamps containing mercury, namely the commercial and public lighting sectors. The scope of the program is expected to expand to include lamps from the domestic or household sector.
- (3) The Department has made costing assessments for the purposes of preparing its Budget bid. Costs are indicative only. Exact costs will not be known until and unless the programs go ahead and contracts are awarded.
- (4) The Department has not conducted a comprehensive analysis of similar services provided by governments in other Australian and international jurisdictions and by private companies. Detailed work would be conducted as part of the Budget proposal mentioned above, if the ACT Government approves it.

Preliminary inquiries were made of several councils and some businesses in late 2009 and early 2010. Those inquiries indicated that different services were offered in different places, but few were offering drop-off services in places like libraries and shopfronts. There was little information available about risks involved and no consensus about whether such services should be offered.

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**Environment—solar flares  
(Question No 1596)**

**Ms Le Couteur** asked the Minister for Energy, upon notice, on 10 March 2011:

- (1) Are the powerlines and transformers in the ACT vulnerable to being affected by Geomagnetic Induced Currents (GICs) resulting from solar flares.

- (2) Does ACTEW have a system to receive (a) satellite warnings of solar flares and (b) long-range forecasts on the probability of magnetic disturbances.
- (3) What safeguards are in place to prevent GICs interrupting electricity supply in the ACT in the event of a significant solar flare.

**Mr Corbell:** The answer to the member's question is as follows:

- (1) I am advised that transmission lines need to be very long for there to be substantial impacts from GICs. Compared to other jurisdictions, the ACT has a small, compact network and therefore the impact from a GIC event on the ACT's network infrastructure would be relatively minor compared to that experienced by other jurisdictions. The Territory could, however, be affected by impacts on NSW transmission networks. TransGrid, the operator of NSW's electricity transmission network, has Corporate and Regional Emergency Management Plans that are tested regularly through simulations of emergency incidents.
- (2) ActewAGL is the only electricity network business operating in the ACT. I am advised that ActewAGL monitors magnetic storms through specialised internet sites and receives email alerts concerning solar activities directly from NASA.
- (3) ActewAGL tests an emergency plan each year that is approved by the ACT Planning and Land Authority. These exercises are part of National Electricity Market emergency management arrangements and aim to ensure that the emergency management system works effectively. Testing sometimes involves the participation of other parties such as the Australian Energy Market Operator and the Department of the Environment, Climate Change, Energy and Water.

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### **Housing—ceiling insulation (Question No 1598)**

**Ms Le Couteur** asked the Minister for Planning, upon notice, on 10 March 2011:

- (1) When (a) building certifiers and (b) auditors of energy assessments inspect a site, is there a requirement for them to go into the ceiling space to ensure that insulation has been correctly laid across the whole ceiling and (i) not just put in a pile in the ceiling cavity or (ii) is not being used within 400mm of a halogen downlight.
- (2) What reporting is required on the issues referred to in part (1).

**Mr Barr:** The answer to the member's question is as follows:

- (1) There are a number of stages of construction that may be inspected during the building process. Not all of these inspections relate to energy efficiency or are made at a stage where installation of insulation has occurred. It is a general requirement that building certifiers ensure that a building is compliant with all relevant building regulations, including those that relate to energy efficiency and the installation of insulation. The regulations do not list all individual sub-regulations or building elements that must be checked on final inspection.

On-site auditing of construction relates to compliance with building approvals and relevant building regulation, rather than the initial accuracy of the pre-construction assessment. Where feasible, ACTPLA building inspectors check for appropriate installation as part of general auditing. The final electrical inspection also considers clearances from electrical appliances and equipment. Please note that the clearance for downlights is 200mm not 400mm.

- (2) Building certifiers must report work that unreasonably contravenes a building approval to the Construction Occupations Registrar. There is no specific reporting requirement on compliance with sub-regulations relating to installation of insulation.

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### **Housing—lighting regulations (Question No 1601)**

**Ms Le Couteur** asked the Minister for Planning, upon notice, on 10 March 2011:

- (1) What compliance with the Building Code of Australia (BCA) lighting regulations will be required for renovations involving more than 50% of the existing house, noting that the new BCA rules regulate the lighting wattage in new houses and that this is expected to significantly reduce the use of halogen downlights in new houses.
- (2) Will this mean that halogen lights need to be replaced in such renovations.

**Mr Barr:** The answer to the member's question is as follows:

- (1) The Building Code does not regulate lighting in a quantified way, but provides a non-mandatory quantified solution deemed compliant, thus—house lights not controlled by motion detectors, timers, sensors or dimmers etc, must be 5 watts/m<sup>2</sup> or less. Halogen lamps must be separately switched. Under the *Building (General) Regulation 2008*, the code requirements apply to both new construction and to all of the existing part of a house that has its floor area altered by more than 50% within a 3-year period, excluding internal alterations that do not extend the floor area.
- (2) No, code compliance does not ban halogen lamps, but does in effect limit their use. In practice, this will largely force their replacement with low power units.

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### **Sport—grants (Question No 1603)**

**Ms Bresnan** asked the Minister for Tourism, Sport and Recreation, upon notice, on 30 March 2011:

- (1) What are the key evaluation criteria applied to applications received for the Sport and Recreation Grants Program.
- (2) Are membership numbers used as a determining factor in the amount successful applicants receive.

**Mr Barr:** The answer to the member's question is as follows:



(1) The key evaluation criteria include:

- demonstrated need;
- demonstrated benefits;
- value for money; and
- application quality and organisation history.

Even though an application may meet the above criteria, approval will depend on the number of applications received, the relative merit of the application, government priorities and available funds.

(2) Membership numbers are part of the assessment process but not the determining factor for funding.

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## Questions without notice taken on notice

### Bimberi Youth Justice Centre—assaults

**Ms BURCH** (*in reply to a supplementary question by Ms Hunter on Wednesday, 9 March 2011*): There has been a reduction from three to two MSS Staff rostered on duty each night shift. This is as a direct result of recent recruitment activity. MSS staff are still currently required whilst new staff are fully integrated into the Centre's roster. I expect the use of MSS staff on night duty to be fully phased out by mid April.

Yes, the Centre now has a full complement of permanent staff.

### Bimberi Youth Justice Centre—detainees

**Ms BURCH** (*in reply to a supplementary question by Mr Smyth on Thursday, 10 March 2011*): I would like to advise Members that \$77,242 was spent on energised security and a further \$32,708.50 was spent on other security measures relating to the electrification upgrade.

### Housing—affordability

**Mr STANHOPE** (*in reply to a supplementary question by Mr Seselja on Thursday, 10 March 2011*): Since December 2008, the level of land release in Greenfield and infill areas has boosted building activity in the ACT to historic highs with 8,853 dwellings commenced over this period. On an annual basis the number of dwelling commencements in 2010 was 4,808, the highest level on record. This was 37 per cent higher than 2009 and exactly double the commencements recorded in 2008.

As part of the Government's accelerated land release program and Affordable Housing Action Plan, a further 17,000 dwelling sites are to be released between 2010/11 and 2013/14 with 20 per cent of sites in new Greenfields estates being made available for affordable housing under \$328,000 (in the current year).

The time lag between land release and dwelling completions needs to be appreciated. The Government's responsibility is to get land released. Thereafter, it is up to developers to obtain estate approval, develop the infrastructure, and on-sell blocks to builders and the general public. This process can take 1-2 years before a dwelling is commenced and a further 6 to 12 months for the dwelling to be completed. Additionally, even with a record 13,800 persons employed within the ACT construction industry, there is a finite level of home construction that can be achieved in any year.

Taking these factors into account, the unprecedented levels of land release are necessarily taking some time to translate into dwelling completions. In relation dwellings built on the 10,400 specific dwelling sites referred to in my answer it is estimated that 3,250 are either completed or in the final stages of construction.

**Bimberi Youth Justice Centre—lockdowns**

**Ms BURCH** (*in reply to questions by Mr Coe and Mrs Dunne on Wednesday, 30 March 2011*): I would like to provide Assembly members with the following information in relation lockdowns at Bimberi since it opened.

- Lockdowns are utilised as a last resort and for the shortest time possible.
- There is a safe guard under the Children and Young People Act 2008, Part 6.5 Living conditions at detention places (172). Young detainees must have access to the open air for at least 2 hours each day and can exercise for at least 2 hours each day. Since Bimberi Youth Justice Centre opened in September 2008, no breaches of the Children and Young People Act 2008, have occurred and every effort is made to minimise the use of lockdowns.
- As part of the routine for young detainees at Bimberi Youth Justice Centre, young people are confined to their cabins from 7.30pm until 8.30am each day. This routine confinement of young people overnight to their cabins is not included in the definition of lockdown.
- On occasions individual young detainees are separated and confined to their cabins for short periods due to behaviour issues including conflict with other young detainees.
- On a number of occasions during 2010 young people were confined to their cabins for operational reasons including coverage of lunch breaks for Youth Detention Officers and in the event of an incident within the Centre. The lunch break issue has been resolved with a staggered lunch break of Youth Detention Officers.
- There have been no centre or unit wide lockdowns of young detainees in 2011. There have been individual separations of young people over behaviour issues.

**Climate change—impact assessment tool**

**Mr STANHOPE** (*in reply to questions by Ms Le Couteur on Tuesday, 5 April 2011*): I am responding to your questions in the Legislative Assembly on 5 April 2011 about climate change impact assessment.

You asked “...what progress has there been in the development of a climate change impact assessment tool to help evaluate new policies and programs to ensure that they are consistent with the ACT climate targets, and when will the tool be finalised?”

The ACT Government is developing a triple bottom line assessment framework to assess the environmental, social and economic aspects of new proposals. Assessing climate change impacts will be an explicit element of the framework. Development of the framework is advanced and is expected to be finalised by mid-2011.

You also asked "...is the government looking at other jurisdictions where such impact analysis tools are used and seeing whether we could adapt their tools for the ACT's purposes?"

Development of the triple bottom line assessment framework is being informed by a national and international review of relevant approaches.

Thank you for asking about this important matter.

### **Bimberi Youth Justice Centre—youth workers**

**Ms BURCH** (*in reply to questions by Mr Coe and Mrs Dunne on Wednesday, 16 February 2011*): During Question Time on 16 February 2011, Mr Coe MLA asked me, as the Minister for Children and Young People a question in relation to a speech I made in the Assembly on 8 December 2010 which referred to nine youth detention workers being recruited to Bimberi.

The nine youth detention workers commenced duties at Bimberi during the week beginning Monday 13 December 2010. Of these nine youth detention workers, eight are still employed at Bimberi with one choosing to return to his previous employment in the community for personal reasons.

Also during Question Time on 16 February 2011, Mrs Dunne MLA asked me, as the Minister for Children and Young People a question in relation to how many other youth workers have been recruited since the beginning of December 2010. I advised Mrs Dunne that I would bring back the number of youth workers who began their employment in December 2010, January and February 2011.

By the end of March 2011, a further 12 new youth detention workers were operational.

### **Transport—greenhouse gas emissions**

**Mr STANHOPE** (*in reply to a question by Ms Bresnan on Wednesday, 30 March 2011*): You asked, "are your current targets for modal shift in transport specifically tailored to the 40 per cent emissions reductions target? If not, on what basis have modal shift targets been developed?"

The ACT's transport mode shift targets were set in the 2004 Sustainable Transport Plan (STP), while the emissions reduction targets were adopted in late 2010.

The public transport targets were developed based on modelling in the *Public Transport Futures Feasibility Study* (2003), which showed that transitway developments connecting the city to each town centre had the potential to increase public transport to 16% of work trips by 2026. The cycling and walking targets were developed based on trip lengths, housing density and behavioural choice curves (i.e. the distance people are likely to travel by each mode) as illustrated in figure 13 on page 13 of the STP.

*7 April 2011*

*Legislative Assembly for the ACT*

The mode shift targets are currently being updated as the Government develops its Transport for Canberra policy, Weathering the Change Action Plan 2 and revised ACT Planning Strategy.

I trust that this information is of assistance.