Debates

WEEKLY HANSARD

SEVENTH ASSEMBLY

Legislative Assembly for the ACT

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Wednesday, 21 September 2011

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The Assembly met at 10 am.

(Quorum formed.)

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

Crimes (Sentencing) Amendment Bill 2011

Mr Rattenbury, pursuant to notice, presented the bill and its explanatory statement.

Title read by Clerk.

MR RATTENBURY (Molonglo) (10.03): I move:

> That this bill be agreed to in principle.

I am pleased to present this bill today. It sets up a comprehensive review of sentences being imposed in the ACT. The review will inquire into how well the current sentencing regime is achieving the goals the Assembly set six years ago when the act came into effect. The review is a considered and responsible way for the ACT to undertake sentencing reform. I say at the outset that the review may well demonstrate that there is the need for important changes to the sentences our courts impose.

However, the Greens do fear to date that the Assembly has been taking an ad hoc approach to this very serious issue. We have seen no fewer than four separate sentencing bills either presented or promised by the government and the Canberra Liberals. Each proposes to increase maximum sentences for certain crimes. Civil Liberties Australia expressed their concerns very succinctly in a letter to Mr Corbell, Mrs Dunne and myself when they said, "We are concerned that the draft bills appear to be a rather over-speedy response to one off situations and to be incident based rather than evidence based." I will repeat that—"incident based rather than evidence based"—because it sums up the situation quite well in the eyes of the Greens.

As it stands at the moment, the proposals are to increase sentences across four crime categories and more than 20 individual crimes. The Canberra Liberals have also foreshadowed that there is another bill that is close to finalisation. However, I think that these bills are something of a departure from how the ACT normally approaches issues like this. We do have a history of being more considered and seeking to act in a comprehensive way and in light of all the evidence. Indeed, over the last couple of years there have been election promises and committee recommendations for an evidence-based approach to sentencing reform.

At the last ACT election the ALP made the election commitment to spend $633,000 to set up a sentencing advisory council to provide evidence-based recommendations to government on sentencing. This has not been actioned by government in this term due

to concerns about value for money of a stand-alone ACT sentencing advisory council. That may be the case but the fact remains that at the last election the ALP thought it necessary to pledge a commitment to gathering evidence that informs the government when it comes to sentencing in the territory.

A year later in 2009 the tripartisan Standing Committee on Justice and Community Safety unanimously recommended that the ACT government consider the need to undertake a general review of sentencing in the ACT. What this bill will do is turn that talk into a reality. It will deliver the review and it will assist the Assembly adopt an evidence-based approach to sentencing law reform, and an evidence-based approach is important.

Before turning to the detail of the bill, I would like to stress exactly why an evidence-based approach to sentencing law reform is so important and why the Greens are concerned about the ad hoc nature of debate so far. In essence, evidence allows us to be smart on crime rather than falling into the old trap of being tough on crime. Evidence allows us to really tackle the problem of crime in a preventative way that works.

I would like to give two very practical examples of how evidence can tell us how well we are achieving the purposes of sentencing set out in the act five years ago. Purpose No 1 of sentencing under section 7 of the act is to "ensure that the offender is adequately punished for the offence in a way that is just and appropriate". The last three words of that sentence are important—"just and appropriate." The Greens agree with the starting principle that just and appropriate refers to a measure of community standards and we agree that courts should reflect community standards in the sentences they impose.

Recent research from Tasmania has given a very practical way of measuring whether or not sentences being impose actually are just and appropriate in the eyes of the community. I note that the Chief Justice of the Supreme Court recently circulated the same research to all members in an email. It has also been the subject of an in-depth analysis on the ABC program *Media Watch*. What the research drew out was the importance of listening to informed community standards as opposed to perhaps community standards that are shaped by media commentators.

What the research showed is that when jurors were asked in the abstract what they thought of sentencing, they thought that judges were too lenient in the sentences was imposed. Too lenient was their first reaction. However, when the jurors were asked what they thought of the sentence imposed in the specific case that they sat through after they had heard all the facts, the results were vastly different. What was found was that in broad terms half of the jurors thought that the judge was too harsh in their sentence and the other half thought the judge was too lenient.

I think what this shows is that judges in Tasmania are hitting the middle of the spectrum of community views. Really, the judges in Tasmania perhaps deserve accolades because they, in some sense, are hitting the place exactly that the community expects when you look at the overall picture. This work could be replicated in the ACT in some form and this would give us a good indication of how well sentences are achieving purpose No 1 under the sentencing act.

A second practicable example of where evidence would be valuable is in purpose No 2 of the sentencing act, which is to prevent crime by deterring the offender and other people from committing the same or similar offences. Part of the rationale behind the current raft of sentencing bills is that we need to send a clear message to would-be offenders. The message is that you should not commit the crime because we do not accept crime and we will lock you up for longer.

At the outset it is important to state what the ACT government guide to framing offences has to say on this issue. I quote from the government guide to framing offences:

> Despite popular perception, research suggests that increasing penalties does not act as a significant deterrent or prevent crime. Strategies that look at reducing the incidence of crime (such as targeted education and awareness raising) and improving detection, arrest and prosecution of offenders are generally more effective.

So in light of that quite definitive statement the Greens are concerned to ensure we investigate just exactly what effect will be achieved by increasing sentences and ensure we are being smart on crime. If the aim of the bills is to send a clear message to offenders and reduce the rate of offending, then we may need the review to look more closely into the issue and give us some evidence on whether that will work or not.

I would like to reflect on some recent media reports that 30 per cent of drink drivers in the ACT are repeat offenders. If the review were to confirm these statistics that would show that the current sentences being imposed are not acting as a deterrent. However, we would advocate for the review to look more closely at the options in addition to simply increasing the maximum sentences.

Other jurisdictions do empower the courts with other sentencing options in relation to drink drivers. We would like to see the evidence of how effective they have been and whether it has been found that is more effective in deterring repeat offenders for drink driving than seems to be the case in the ACT at the moment. In a similar vein, the government's guide to framing offences makes clear that increasing the chances of apprehension and conviction are a greater deterrent than increasing the maximum potential sentence.

Mechanisms to increase apprehension and conviction would involve greater investment in our police force and perhaps the DPP. The review may show that if it came down to a choice to spending money either on prisons—locking people up for longer—or spending more money employing police, the money may be best spent on the police.

I would like to respond to some of the comments of the Attorney-General that have been made in the media in response to our suggestion for a review. The attorney has said publicly that sentencing in the ACT was reviewed in 2004 and that he does not think another review is necessary at this stage.

I do hope he can reconsider because there are a couple of important points to put on the record about that review he refers to. Firstly, that review stemmed out of an election promise in 2001 from the ALP to review sentencing procedures and the criteria used by judges when sentencing. In fulfilment of this promise the government established a sentencing review in 2002 which reported in 2004.

The review was asked to look at three things: first, to consider expanding the number of non-custodial sentencing options in the ACT; second, to assess sentencing options for specific offender groups such as the elderly or chronically sick; and, third, in light of the first and second points, to make recommendations about the consolidation of relevant legislation.

The result of the review was the consolidation of 12 separate pieces of legislation into the Crimes (Sentencing) Act and the Crimes (Sentence Administration) Act, both of 2005. So the review essentially looked at non-custodial options and consolidated the law. These are good things to have happened; no doubt about that. But I make the point that the review proposed in our bill is more broad and far reaching. As I have already set out, it is a review that gathers data on how well sentences are working in meeting the objectives, not just a desktop-based approach to reviewing what options are available to courts.

Before I conclude I would like to set out exactly what the bill will do. It is a relatively simple bill with two provisions. The first provision will require the government to report annually on rates of reoffending in the ACT. We know that the government is already preparing this and the provision is intended to simply capture the government's existing intent.

Reoffending data is a critical indicator of how well our sentencing regime is operating. If there are high rates of reoffending this would indicate that sentences are neither deterring offenders nor rehabilitating. In contrast, a low rate of reoffending would suggest that sentences are having the desired effect. I certainly look forward to the Assembly having the benefit of annually reported data on reoffending rates.

The second provision of the bill is to require that the government undertake a six-year review of the Crimes (Sentencing) Act 2005. Review clauses themselves are certainly not unheard of in the ACT, especially for new pieces of legislation. Of course, while I was not in the Assembly five years ago, I am somewhat surprised that a review clause was not included back then. I am sure it perhaps crossed the mind of some members of the Assembly.

There are 14 current acts that have review clauses in them. They range from being three-year reviews to five-year review clauses. So in proposing a six-year review we are hardly being onerous. Review clauses give the government and the Assembly the opportunity to measure how a new piece of legislation is operating and to consider any further improvements that are necessary.

Turning to the review itself, the bill requires that the review look at four things: firstly, how well sentences imposed in the ACT are achieving the purposes of sentencing as

described in section 7 of the sentencing act; secondly, what sentencing options the ACT currently does not have access to and how well those options are working interstate; thirdly, what the attitudes of the community are to sentencing currently; and, fourthly, any options that exist to improve the general level of knowledge and understanding that exists in the community about sentencing.

In undertaking that work, the bill does require the minister to consult with a range of groups, including the Director of Public Prosecutions, the police, groups representing victims, the legal profession, civil liberties and offenders groups. Then there is provision for the minister to consult with others that he considers might have a view. I think that provides quite a breadth of perspectives that will give that review real substance and real insight from those who have day-to-day experience.

In conclusion, I am pleased to present this bill today. The need for an evidence-based approach to sentencing reform has been talked about for some time now and this bill delivers on that talk. I look forward to discussions with the Canberra Liberals and the government about the bill and I am hopeful of being able to set up this important review with their support. I commend the bill to the Assembly.

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

Planning—shopping centres

MS LE COUTEUR (Molonglo) (10.16): I move:

That this Assembly:

(1) notes:

(a) that the ACT Government approved a development application (DA) in Giralang for a shopping centre development in a local centre:

(i) which was called-in on 11 August by the Minister for Environment and Sustainable Development;

(ii) despite an application for a substantially similar proposal having been withdrawn by the proponent on a previous occasion when an appeal of the DA was lodged in the Administrative and Civil Appeals Tribunal (ACAT);

(iii) which cannot undergo a merits review in ACAT due to its having been called in; and

(iv) which seems to allow the size of the Giralang Shops to be inconsistent with the existing retail hierarchy;

(b) that the approval of this development has had unintended consequences, including:

(i) the acceptance of an increase in the size of a local centre with minimal analysis of the impact on other centres, creating confusion around the

application of the concept of a retail hierarchy for Canberra retail centres; and

(ii) an interpretation of the Gross Floor Area (GFA) definition which could lead to potentially large increases in supermarket GFA at other local centres and could create a precedent for alternative approaches to be taken to the interpretation of GFA in all future commercial development applications;

(c) that an appeal has been lodged in the Supreme Court calling for a review of the Giralang Shops development application approval which seeks:

(i) to void the approval for the development;

(ii) an injunction on the demolition and building on the site; and

(iii) an injunction on the granting of a direct sale of a parcel of unleased land which the Giralang proposal is dependent on;

(d) that the appeal challenges the DA decision on the grounds of:

(i) consistency with the Territory Plan's Local Centres Development Code;

(ii) consistency with the Territory Plan's Statement of Strategic Directions regarding commercial areas;

(iii) consistency with the Local Centres Zone objectives of the Territory Plan; and

(iv) failure to properly consider significant adverse economic impact of the proposal on other local centres;

(e) that the Supreme Court case may take two years to resolve;

(f) that the Government is currently reviewing their Supermarket Competition Policy, which has limited practical applications in the ACT planning and land system for existing sites;

(g) that ACT Planning and Land Authority (ACTPLA) is currently undertaking a review of the Commercial Codes in the Territory Plan;

(h) that planning decisions are being made in the absence of a publicly available inventory of up-to-date retail GFA and supermarket GFA in the ACT;

(i) that current business impact assessment, if undertaken, is inadequate in assessing impacts on small businesses;

(j) that the Government is intending to increase the number of sites for supermarkets in the ACT; and

(k) that there are numerous issues in regard to market power in the retail market, in particular:

(i) Coles and Woolworths dominate Canberra's supermarket sales with 72.2 per cent, and that Woolworths alone has 51.6 per cent of ACT supermarket turnover;

(ii) significant retail developments at the airport, which falls outside of the ACT planning system, including a full line Woolworths supermarket;

(iii) Coles and Woolworths subsidiary companies in hardware, liquor, clothing, department stores etc, reflect this trend; and

(iv) that Coles and Woolworths have recently acquired most petrol station operators in the ACT; and

(2) calls on the Government to:

(a) review the implications of the recent approval of the supermarket at the Giralang local centre in light of the unintended consequences of this decision;

(b) suspend consideration of any applications not already determined for direct sales of land in existing shopping centres for the purpose of expansion of supermarket use, until an inquiry has been concluded and the Assembly has noted the Government response to an inquiry report;

(c) clarify the definition of GFA and its consistent application in all Government policy and decisions for all types of commercial operations;

(d) calculate, maintain and publish an inventory of the up-to-date retail GFA and supermarket GFA in the ACT, including the airport;

(e) ensure that ACTPLA's review of the Territory Plan's commercial zones codes:

(i) takes into account the Supermarket Competition Policy, and its application in local centres and other places;

(ii) clarifies the retail hierarchy in the Territory Plan; and

(iii) makes submissions to the codes review public unless otherwise requested;

(f) write to the Federal Minister for Transport seeking co-operative approach on retail development at the airport; and

(g) report back on these issues to the Assembly by the August 2012 sitting week.

I raise some significant issues about supermarket competition in the ACT in my motion today. When, in 2009, the government engaged Mr John Martin, former ACCC commissioner, to look at an appropriate supermarket competition policy for the ACT, it seemed that they were serious about addressing some of the competition issues in the ACT, finding sensible and appropriate ways to resolve the issues and

applying them to relevant government policies and plans. However, it now looks like the government have not quite figured out how to apply the results in supermarket competition policy in many meaningful ways. I will come back to this, as I want to outline a number of areas where the government could improve their processes, which would help all stakeholders in the ACT supermarket system, including all operators, large and small, as well as the ACT community generally, and suppliers. I previously raised some of these issues in my motion about supermarket competition in 2009, but the issues have not been resolved and, hence, we are revisiting the issue.

As was made clear in the 2009 Martin review of ACT supermarket competition policy, there are significant market power issues in the supermarket sector, largely due to the market dominance of the major supermarket chains. In 2009, the last official collection of figures, Coles and Woolies dominated Canberra supermarket sales with about 72.2 per cent of ACT supermarket turnover. It is worth noting that, of that, Woolworths alone has 51.6 per cent of the market share, and for the south side of Canberra it is closer to 55 per cent. According to the *Sydney Morning Herald*, Coles and Woolies have 80 per cent between them of Australia's supermarket turnover.

I understand that some of the parties here today are not concerned about who the operators of supermarkets are, as long as they continue to provide groceries to ACT residents at what they hope will be competitive prices. However, ownership and control of markets matter to consumers and suppliers. As UNSW Associate Professor Zumbo said, Coles and Woolies charge higher prices where they are the only two players. However, they charge less for the same products where there is a viable third-party player, such as Aldi. Professor Zumbo also stated that the Coles-Woolies duopoly was the reason Australia had the fastest growing food prices in the world as of 2009 when the OECD did a survey. The situation is so bad that competition minister Craig Emerson said in 2009:

> We're taking on hard measures by taking down the barriers to competition with Coles and Woolworths.

However, as yet, the commonwealth has not taken effective action. In fact, the situation is worse. Cole's and Woolworths' subsidiary companies in hardware, liquor, clothing and department stores are expanding, and Coles and Woolies have recently acquired most of the petrol station operators in the ACT.

The ACCC also found that, if independent stores could achieve better wholesale terms of supply for dry groceries, that, combined with the existing quality and keen pricing of fresh product, could make largely independent stores in particular a more telling force against the major chains.

In his review, John Martin sought specifically to ensure that there was viable competition for Woolies and Coles in Canberra for the benefit of Canberra consumers. This requires viable alternatives for Canberra supermarkets, and Mr Martin was particularly keen to ensure that alternatives were big enough to have a competitive wholesale supplier. So far this does not appear to have happened.

There are around 10 other companies in the ACT's supermarket space, including a large number which are franchises run by family-owned businesses, largely, but not

always, IGAs. By supporting these businesses to run, we ensure that locally operated businesses which are immersed in our local communities can continue to provide the local services in our local centres.

The other victim in unfair competition is suppliers. The market power of the supermarkets is so much greater than that of most suppliers, especially local farmers, that we often read stories about the prices paid to them being squeezed below the cost of production. The 2008 ACCC inquiry into the competitiveness of retail grocery prices found, and Mr Martin repeated, that zoning and planning-related regulations and decision-making processes can create barriers to new supermarkets entering particular market areas and recommended that decisions affecting additional supermarket space should take into account the impact on competition between supermarkets in an area.

Traditionally, the major chains—Coles and Woolworths—have only been present in town and group centres. Allowing Woolworths to open a larger supermarket in Giralang will have a significant effect on how supermarket operators view Canberra's retail hierarchy. The existing retail hierarchy has been well entrenched in the ACT planning system through our territory plan, and it has been well and broadly accepted that it works well and delivers for both the retail sector and community needs of Canberrans.

Essentially, the idea is that town centres have a broad range of speciality shops, services and a full range of chain stores, group centres provide for local needs and cater for your weekly shopping needs, and local centres cater for your daily shopping needs. Canberra local shops are in the centre of suburbs, not on main roads like in Sydney and Melbourne, so it means that if your suburb loses its shops, it is inconvenient to go to another.

Local centres are also an important part of people's local communities—a place you can walk or ride to from home to pick up a few things and run into your neighbours. The local shopping centre is often the backbone for community, especially when it is adjacent to a school and other services. With the impact of two-car, two-job families, the role of local shops has changed. However, as people age in their suburbs they are more likely to want to walk to their local shop as part of their daily exercise regime, or young parents may want to go for a walk to the shops incorporating that with their trip to the local park. A significant number of Canberra people have mobility issues, and they find that their local shops are the only practicable alternative.

As people who live in suburbs without shops, like Giralang or Downer—which is where I live—can tell you, it makes a big difference to have a local shop. Yes, a small Woolies in a local shopping centre could work. But, unfortunately, the Giralang proposal is not your standard small local centre proposal. At present, of all the local centre supermarkets, only two of them out of about 60 are over 1,000 square metres. On average, a local centre store is about 424 square metres. In comparison, the supermarket component of the recently approved development in Giralang is 1,500 square metres, which is much closer to the average size of a group centre supermarket, which is around 2,127 square metres.

This is a key concern and is exacerbated by the fact that the approved centre overall is larger than other local centres, and it does not seem to be supported by a reciprocal growth in the number of local residents. Giralang is a fairly stable suburb, not a high growth area such as Braddon, Turner or Kingston. The issues are further exacerbated by the fact the apparent size of the supermarket is 1,500 square metres. But the definition of "floor area" which has been applied to this development appears to differ from that applied to other supermarkets, depending on how you define "ancillary use". Other operators' comparisons state that the Giralang supermarket is actually closer to 2,800 square metres if you include ancillary use and also spaces which are expected to be operated by the same basic owner.

I understand that it is not only the smaller supermarket operators who are concerned by the apparent change of approach by the government to developments in local centres. Coles has also written to all three parties to express their concern about the change in the longstanding policy. They note that Coles are not present in any local centres and it is only recently that Woolworths have started entering into the local centre market in Downer—sorry, not Downer; a Freudian slip wishing for it—in Bonner and Dunlop. They believe local centres are best left for smaller operators to ensure ongoing retail diversity, financial competitiveness and viability. They also state that, in their opinion, competition is best served by co-locating Coles and Woolworths in group centres, and that was one of the pushes of the Martin report.

When the majority of stakeholders, barring one major company, agree on a planning policy which would work for Canberra residents and the companies involved, it means that, if the government is going to step outside existing policies, including the intent of the territory plan, we need a significant public discussion on this rather than the calling in of one particular DA which has, in effect, made new policy on the run.

My motion also raises the fact that ACTPLA are in the process of undertaking a review of commercial codes in the territory plan, including asking the broader public about whether they support the existing retail hierarchy. It is thus highly questionable that decisions are being made which depart from this general understanding of what constitutes a local centre and an appropriately sized supermarket.

It is worth noting that this development cannot undergo a merits review in the administrative and civil appeals tribunal due to it having been called in by the minister. This is particularly frustrating to many of those concerned by this decision, as an application for a substantially similar proposal was withdrawn by the proponent on a previous occasion when an appeal of the DA was lodged in ACAT, and thus it has not been tested on its merits. As a result, and as outlined in my motion, an appeal has been lodged in the Supreme Court which calls into question the validity of the basis of the Giralang shops development approval.

I am sure that when the minister called in the DA he thought it would settle the issue once and for all and he thought this would solve the problem for Giralang. However, because the decision sets such a precedent, it could well be two years in the Supreme Court. Thus, it will not, in fact, have solved the problem for Giralang in the short term.

I understand that the court case will address the matters of interpretation, application of the gross floor area definition, the interpretation adherence to the local centres development code and also examine whether the economic impact assessment was adequate. However, there are a number of broader issues which need to be addressed by the government outside any implications of the court case either way. These include examining how the supermarket competition policy can be better integrated into the territory plan and its subsidiary codes, most significantly in this case into the local centre development codes.

We know that the government are currently reviewing their supermarket competition policy and its implementation. This is a positive thing, and I sincerely hope that the review is able to identify some further practical applications in the ACT planning and land system, particularly for existing supermarket sites. The fact that there could be a two-year hiatus on development in Giralang gives the government a clear opportunity to put a moratorium on consideration of any applications which are not already determined for direct sales of lands in existing shopping centres for the purpose of expansion of supermarket use until these issues are addressed.

I do not believe this will, in fact, make any impact on any actual development, but it gives the Assembly, the government and the community a chance to look at the issues. It will certainly not impact on Giralang, because the Supreme Court process is already producing a significant hiatus. I believe the other potential places where a direct sale could be made are all involved in master plans and certainly do not have active DAs in front of the government.

I note that tomorrow I will be moving a motion to inquire into some of the other supermarket policy issues. This was a motion that was on the notice paper in the last sitting period, but, unfortunately, we did not have time in Assembly business to deal with it. As I said, my motion's moratorium on direct sales does not impact on any supermarkets in new suburbs, only those in existing suburbs, which is where the major issues are around lack of competition. Given the other planning issues involved, it will not impact in practice on their proposals, I believe.

In the process of investigating this issue, my office has been incredibly frustrated by the lack of a publicly available inventory of up-to-date retail GFA and supermarket GFA in the ACT. Sadly, the various sources of data we have managed to find so far do not align. Not only are our planning decisions being made in the absence of this information, but it also means that new businesses and existing business operators are relying on old information and are not in a position to easily or cheaply be able to calculate their best business model. This could be setting up businesses to fail, which is unfortunate. It should be the government's responsibility, as the party who approves new commercial developments and thus has the knowledge, to calculate, maintain and publish an inventory of up-to-date retail GFA and supermarket GFA in the ACT.

There are a lot of issues to consider, which is why, as I mentioned earlier, I will be moving a motion tomorrow to set up a select committee on the subject. I commend this motion to the Assembly and I look forward to leadership from us for the benefit of Canberra consumers, Canberra residents, Canberra supermarket operators and

suppliers to supermarkets, including, in particular, local suppliers. I commend the motion to the Assembly.

MR SESELJA (Molonglo—Leader of the Opposition) (10.32): I would have expected that the government would want to respond to this, but in order to stop the motion from dying before we debate it, I will get up.

MR SPEAKER: Thank you.

MR SESELJA: The Liberal Party will not be supporting this motion today, for a number of reasons, not least of which is that we will be having a substantive debate tomorrow with my motion to establish a select committee. I think that having a parallel process has not been thought through by the Greens. This motion is all over the place; it would have been better if we had just had a sensible debate tomorrow about establishing a committee rather than rushing this motion through, which is what the Greens appear to have done.

There is no doubt that the supermarket policy is a problem. We have identified that from a very early stage in this process. This is a policy that was about picking winners. This is a policy that we said from day one would hurt small operators. We said that IGAs and other small operators in Canberra would suffer as a result of this policy, and there is no doubt that that is the case. I think, though, that we have to take with a grain of salt the claims by the Greens and the new-found support of the Greens for small supermarket operators, given their cheerleading of the government on this issue.

I do not think that we can allow this kind of duplicity to go unremarked. The Greens have been duplicitous on this question. On the one hand, they claim to support small business, but at every opportunity that they have had—we have had motions in this place where they have had the opportunity to improve this policy or to protect small business—they have voted with the government and they have sided with the government. That is one of the most unfortunate things about this debate.

We never would have been in this situation if the Greens had not given the green light to their coalition partners to pursue this flawed supermarket policy. We are where we are because of this government—this coalition government. That should not go unremarked. Ms Le Couteur comes here today and somehow pretends to be the friend of small business. We have had votes in this Assembly to protect IGAs. We voted for it. The Labor Party and the Greens voted against it. When Ms Hunter, as leader of the Greens, had put to her on radio the question of whether she supports the locking out of IGAs, she said that yes, she does. I will get to the detail of that.

It was not that long ago that the Greens were encouraging IGA operators to start a petition against the ACT government's supermarket policy, yet at the same time—this was in June last year—Ms Hunter confirmed that the Greens agreed with the ACT Labor government's policy on locking in local operators through direct grants to selected operators. In an interview on ABC 666, when asked whether the Greens supported the exclusion of some local operators from supermarket sites, Ms Hunter very clearly said, "We support the government's strategy." That was on 18 June 2010. So let us get some facts on the table. Let us get some facts on the table as to why we

are facing the situation we face, why we now see a situation where small operators feel particularly vulnerable.

The Greens have been massive supporters of this policy right through. They said they were being tardy, and they pushed for it. Then we brought to the Assembly concerns about this. We brought concerns to the Assembly in 2009. As I noted in my press release of 12 November 2009, ACT Labor and the Greens voted against a Canberra Liberals motion which went in to bat for local independent supermarket operators. The motion called on the government to have a competitive and transparent process that did not exclude independent operators in the allocation of new supermarket sites in the ACT. ACT Labor and the Greens refused to support this motion. They hung out the independent operators. On the one hand, they told them to start a petition, but when it came to a vote in the Assembly they backed the Labor Party; they backed the policy.

That is at the heart of why we have a problem today. This could have been stopped a lot earlier. This is a flawed policy. I will go into some of the reasons why it is a flawed policy in just a moment.

We have heard some mixed views from Giralang residents. There have been frustrations from Giralang residents at the games that have been played at Giralang shops. There is no doubt that the government's interference—the interference which was raised by Neil Savery in relation to the Giralang process—undermines our planning system. There is no doubt about that. It undermines our planning system because we had a government trying to come in over the top of a development application. There is a proper way to do that; the call-in was the only proper way to do that. That was where the minister in the end had no choice, because that process had become so compromised by the political interference of the Labor government in that process that Neil Savery said that there was no choice but to call that in. That is a very poor reflection on the government, and in our debate tomorrow we will get to discuss why it is important that we have a committee inquiry to look at a number of these issues around the supermarket policy, around the application of that supermarket policy.

Make no mistake: this supermarket policy, as applied, allowed this outcome. If you doubt that, have a look at what John Martin had to say about it when he was asked about it. John Martin said that this supermarket in Giralang did not offend against the supermarket policy. And, as we suggested at the time, this was going to have all sorts of unintended consequences, not least of which was picking winners.

I will go into some of the concerns that were raised at the time—immediately—on competition grounds. This is a policy that was apparently about providing more competition, but at the same time as doing that it used highly anticompetitive processes in its implementation. Hence the ACCC raised serious concerns about it. We had the former ACCC chairman, Graeme Samuel, at the Senate estimates hearing saying that the supermarket policy recommendations "would not be consistent with the principles of competition and opening up markets to competition".

We have got a policy that is apparently about opening up competition, but the body in Australia tasked with promoting competition says it goes the other way—that it would

not be consistent with the principles of competition and opening up markets to competition. Former minister for finance Lindsay Tanner and current Labor minister Craig Emerson strongly urged the former ACT Chief Minister to reconsider the ACT government's position. And we saw their intervention in a public way: they called on the ACT government, if it was serious about competition, to publicly release the competition analysis in support of the direct grant decisions that were announced. It did not do that, because it did not do the work.

This was always a policy about picking winners. That has been the problem. They have picked winners, and when you pick winners there are a lot of losers. In this case, small independent operators are the biggest losers as a result of this policy—make no mistake. When we tried to stand up for them in this place, the Labor Party and the Greens voted against the IGAs, against the small supermarket operators.

We cannot let this debate go on without highlighting that duplicity from the Greens on this issue. The government has been clear. The government has been clear about its position, which is wrong. Its position when it comes to supermarket policy is to pick winners. That picking of winners meant going against the ACCC. It meant excluding IGAs and other independents from coming in and bidding on sites. It meant picking individual winners. As I said, when you pick winners there are also losers, and that is what we are facing.

The substantial debate will happen tomorrow when we look at establishing this committee and why this committee should be established. This is a motion which is pre-emptive. It does not deal with the issues. It goes all over the place. I do not think it has been properly thought through. If we are going to have these debates in the Assembly, let us do them seriously.

That is why I am not really sure of the motivation for this motion today, other than the Greens pretending that they want to do something to protect small operators when everything they have done as the alliance partners of the Labor Party has been in the opposite direction. They have worked actively against these small businesses. They have voted in this place against them. They have endorsed publicly the government's policy of locking them out. And now we are seeing the consequences.

When we look at the issue at Giralang, there are serious questions to be asked—serious questions for the government to answer. They will need to answer the question as to why they interfered in that process—why there was so much direct interference, to the extent that Neil Savery felt the need to publicly, or certainly in writing, put very clearly his concerns about the compromise of that process, about politics compromising that process, about the government compromising that process.

At the end of it all, we have an unsatisfactory supermarket policy. This motion, and putting in place a parallel process, will not assist things. It will not ensure that we get the better outcomes we need. Tomorrow's debate on my motion to establish a committee will be useful. It is very important that we do establish a committee. Putting in place a parallel process, as is being asked for today, is misguided, and it is duplicitous given the Greens' selling out of IGAs and small businesses on this issue over a period of years. The Greens have backed the government on this and they are

now trying to back-pedal as the serious implications of that flawed policy become apparent.

We look forward to inquiring into this policy—how it was established, how it is being implemented and how we can now fix the mess that the Labor Party and the Greens have together created.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (10.44): The government will not be supporting this motion today. The motion is confused, incredibly complex and lacking a clear focus as to the way forward on this important issue of providing for competition in the retail supermarket sector, a sector which is dominated by large operators, operators in a monopoly or geopoly environment and one which is not to the great benefit of all Canberrans.

The government is committed to continuing to review and improve its policy settings around supermarket policy. My colleague Mr Barr will be talking more about this in coming days. But I think we have to recognise that there is a complex interaction between planning policy and competition policy because in the ACT, with the development of a clear retail hierarchy, as it has been known, the allocation of land for uses and the variety of opportunities that that presents for a competitive environment has created a situation which is perhaps unique in Australia.

That said, the efficient and equitable provision of retail goods and services to the community has been and continues to be an important principle in Canberra's planning. With efficiency, planning must encourage competition to obtain lower prices for goods and services, provide a system that accommodates change and seeks to ensure the best use of public and private funds. With regard to accessibility and equity, it is necessary to provide retail facilities at various locations that are convenient and easy to get to. In the context of sustainability and amenity, it must also support the development of an urban pattern that reduces the overall need for journeys or makes those journeys short and convenient and also ensures that they are safe, attractive and comfortable and that the centres themselves have these characteristics.

What we are also conscious of is that, since the ACT's retail hierarchy was first entrenched, effectively in the planning of the city in the 1950s and 1960s, a lot has changed in terms of retail. We used to have restricted shopping hours, no Sunday trading and no late night trading. All of those things have changed. We now have long retail trading hours, effectively 24/7. We have increased the labour force with a much greater participation of women in the labour market. This means that that segment of our community that was perhaps more traditionally viewed as being the segment that could have had the time and the opportunity to shop at a local centre no longer has because they work.

The growth of e-commerce has changed the way people get goods and services delivered to them. As a consequence, there has been a decline of trade and market share from both small convenience centres and department stores as people go towards larger centres with the convenience that comes from one visit to meet all of

their shopping needs and the emergence of larger supermarkets, discount department stores, regional shopping malls, bulky goods outlets, factory outlets and homemaker centres. All of these have driven a change in the way people shop and where they shop, and this has also increased concentration of retail ownership.

Canberra's retail hierarchy needs to accommodate these economic changes and, indeed, social changes in our community. The commercial centres structure of city, town, group and local centres, supplemented by the speciality retailing found at places like Fyshwick, Hume and Mitchell, mean that we can consider where retail facilities and services are best located to serve the Canberra community. The challenge we must confront is how to best respond to the needs of an increasingly affluent and mobile population while considering the social and environmental consequences of development.

The centre's hierarchy policy has been and remains an important tool, but it cannot remain static in the context of this variety of social and economic changes which I have just outlined. It must continue to ensure that retailing is available at convenient locations and is located in diverse mixed-use centres, but it must accommodate changing retail formats—for example, larger supermarkets and "big box" retailing.

The intention of the retail hierarchy is not about protecting individual businesses from competition, but it is about providing certainty to commercial investors about where to invest. It is also intended to ensure the community has good accessibility to retail facilities and that residential areas are not compromised by retail or commercial developments that have unacceptable noise or traffic impacts.

The retail hierarchy does not remain static. It must be modified and be flexible enough to respond to social and economic changes. The policy itself is well set out in the territory plan's commercial policies. These policies set out the city's role as Canberra's central business district and premier location for high-end retailing, entertainment and community and business facilities. But it also serves the function as a district town centre for Canberra central—that is, north and south Canberra.

The retail function of the town centres is to provide comparison goods shopping and personal services to their surrounding district populations. Consistent with this role, they are the locations of department and discount department stores. Like the city, they benefit from the trade generated by the workforce at these centres. Over the last 20 years we have seen our town centres grow to provide an increasing expansion of additional services and facilities, such as cinema complexes, restaurant strips, coffee shops, as well as an expansion of large supermarket retailing. The location of the major town centres in each of Canberra's towns supports the balanced delivery of retail services across the city. These centres can be easily accessed by car, bus or bicycle, and assist us in providing for a decentralised pattern of development and greater flexibility in choices of journeys.

The function of group centres is to provide weekly grocery shopping opportunities and business and community services to a neighbourhood group of suburbs with a catchment of around 15,000 to 20,000 people. These were introduced in the early 1960s in response to the emergence of supermarket retailing. The group centres are

often located near high schools, district playing fields and community facilities. The contraction of services such as banks and increased competition in supermarket retailing has led to a changing role for Canberra's group centres. As a result, planning policies were revised in 2002 to increase the opportunities for retail and residential uses within the group centres and to help them retain their viability.

The function of local centres is perhaps the function most dramatically impacted upon by changes in the social and economic area. The function of local centres to meet convenience shopping needs and provide community and business services to meet the daily needs of the neighbourhoods has been put under pressure by changes in the way retailing delivers its services. This has meant often a reduction in the capacity of those centres to be viable. We have seen closures and we have seen a reduction in services. These have been driven by economic factors, not planning policies, and by social changes about where people choose to shop and the range of services and choice they expect when they do shop.

Of course, this has been to the detriment of those in our suburbs who do not have the same opportunities to get to larger centres. Those who are challenged in terms of their mobility in particular face real challenges in accessing services beyond their local centres because of these changes in service delivery. The size of local centres will no doubt change again as grocery shopping at local centres has declined. We will see further changes in the way retailing delivers its services to the community and in the way local centres operate.

In 1983 all local centres in Canberra central, Woden-Weston Creek and Belconnen had a supermarket—all of them in 1983. Ninety-five per cent had a butcher, three-quarters had a chemist, 80 per cent had hairdressers and 60 per cent had restaurants and cafes. Now, about 30 years later, only 20 per cent of local centres in these areas have a butcher, 40 per cent a chemist and 80 per cent a local supermarket. These are the impacts of the social and economic changes being brought on our local centres. As a result, the government has recognised the changed trading environments at local centres and has introduced a variety of measures to continue to support them. These include the widening of lease purpose clauses and the land uses permissible, incentives to undertake redevelopment, the development of vacant land, programs to upgrade public spaces and the provision of business advice.

Higher density housing adjacent to local centres is now supported to provide more people with good access to these centres. The government also considers the best way of assessing the impact of major new development proposals is through the independent development assessment process, as administered within the Environment and Sustainable Development Directorate. The assessment is aided by the availability of the commercial centres and industrial areas floor space inventory, which has been undertaken by our planning agencies since before self-government. Summaries of the 2009 and 2007 inventories are available on the ESDD website. A 2011 update of the inventory is currently being prepared and will be available before the end of this financial year.

So you can see, Mr Speaker, some of the challenges and some of the issues that are presented. I think it is entirely appropriate that the government work through its

planning policies and through other policies to encourage greater competition when it comes to food retailing in the ACT. We know what the dominance is of the major retail players, and we know that we need to continue to provide for opportunities for greater competition in the market.

The government does not resile from the steps it has taken to date, but it recognises that those steps will need to continue to be refined and improved in response to changes in the market and to changing perceptions in the community. But this government has been prepared to make supermarket competition policy an issue. It has been the Labor government that has been prepared to put it on the agenda and it has been the Labor government that has been prepared to show the leadership on the issue of trying to create greater competition when it comes to supermarket retailing, because that is what our community expects.

There is a lot of discussion in Ms Le Couteur's motion about the recent approval that I made as the responsible minister for the redevelopment of the Giralang local centre. I think it is entirely inappropriate that Ms Le Couteur seeks, through the Assembly, to have some sort of review or examination of the decision making in relation to that matter. It is inappropriate because, as Ms Le Couteur knows and as she knew before she put this motion on the notice paper, this matter is subject to an application before the Supreme Court for a review of my decision.

That is an entirely appropriate course of action for those who are dissatisfied with my decision to seek. The government stands by its decision. It will reiterate to the court that we believe the decision is valid and it will be up to the court to determine those matters. But it is not the place of this Assembly or the Greens to try to use an inquiry or a debate in this place to second-guess or pre-empt the outcome of the Supreme Court application. The government will not be supporting the motion for that reason, as well as the other reasons that I outlined.

The government is undertaking a review of the way our commercial zones in the territory plan currently operate. That review will consider the uses permitted within various commercial zones, the geographic coverage of each of the zones, building heights, parking and access, as well as the introduction of a limit on the size of supermarkets at local centres. I anticipate that a draft variation to the territory plan's commercial policy will be released for public comment in 2012.

The government is not standing still on this space. The government has been taking a broad range of actions to look at its policy settings and to encourage greater competition in the ACT supermarket market. We have done this through direct grants of land and sales to other competitors, such as Aldi and Supabarn, as well as to IGAs to encourage their future development and strengthen their role in the market.

We have approved redevelopments that include the development of new supermarkets, such as Aldi at Jamison and at Cooleman Court, and we have identified the release of sites for other supermarket development that preclude further acquisition of those sites by the big, dominant retailers of Woolworths and Coles. These are policies that we stand by because they are encouraging greater diversity in our supermarket offer here in the ACT, and we believe that is ultimately to the benefit of consumers. The government will not be supporting this motion today.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (10.59): It is unfortunate, I believe, that Ms Le Couteur's motion will be not be supported by the opposition or the government. There are just a couple of matters to address from Mr Seselja's speech when he tried to make out that this was all the fault of the supermarket policy. The supermarket policy is irrelevant in this debate as it has not been implemented. This is a motion about Giralang, and I do not think I heard Mr Seselja mention Giralang at all. As we know, Giralang has been an issue for seven years.

Mr Seselja: Yes, I did. You weren't listening. You've got to tell the truth, Meredith.

MS HUNTER: Well, if you did, it was in passing because you were—

MR ASSISTANT SPEAKER (Mr Hargreaves): Excuse me, Ms Hunter. Stop the clock, please. Mr Seselja, can I invite you to reflect on your suggestion that Ms Hunter might like to tell the truth? I think that is bordering on something in the unparliamentary comment list. I am not going to call you for it but I would just like to remind you that you are skating very close to the ice. Ms Hunter, you have the floor.

MS HUNTER: As I said, this is about Giralang and what is happening at Giralang. We know that it has been a very sad, sorry tale for seven years. It has been a derelict site. We also, I think, would agree on, and certainly the Greens are out there pushing to get, a good outcome for the people of Giralang. They deserve local shops. Of course, we need to look at that in the context of other shops that are around and that we need to ensure do not suffer because of what may end up happening at Giralang.

We also need to look at the retail hierarchy that the minister spoke about. What does that mean? "Local shops" used to mean a smaller supermarket with maybe a few other businesses alongside. We seem to be moving to a new era which has not taken the community along with us and which seems to lack any consultation with people in those neighbourhoods.

Mr Seselja talked about his motion tomorrow about a select committee, as though he was leading the charge. As we all know, Ms Le Couteur had a motion on the notice paper last month to set up a select committee. So the Greens have not come to this at the last minute. We have been working very hard, and Ms Le Couteur has been working very hard on this issue for a long time now, because the Greens do understand the importance of small business in our community. And we will continue to stand by and work with small businesses—businesses such as the IGAs. These seem to be businesses that Mr Seselja and the Canberra Liberals have abandoned.

As the Greens member for Ginninderra I would like to raise a few issues which have been raised in my electorate relating to the Giralang development proposal. It is clear that the Giralang community is quite split over this issue, which can be easily seen by the fact that there are two residents groups which are vocal on the shops but which fall on different sides of the fence as to whether or not they support this recent proposal.

Both positions are completely understandable. Everyone wants to have a fully functional local shopping centre, one which includes a supermarket, a cafe or a

takeaway, and maybe a few other services such as a post office, a chemist, a baker or a hairdresser. However, the residents of Giralang have instead had to live with a fenced-off eyesore in the middle of their suburb and have had to go elsewhere for their supermarket supplies. I can fully understand their increasing frustration at the continued lack of a functional local shopping centre.

Mr Assistant Speaker, I would like to share with you some of the feedback that Ms Le Couteur and I have recently received in the last fortnight or so from local residents. The first of the feedback was a comment that "had the ACT government enforced the original lease purpose clause the Giralang local supermarket would have been redeveloped years ago".

There were comments from people about having lived in the neighbourhood for many years and their frustration at seeing the shops being run down, businesses more or less being forced out and then the ultimate closure of those shops. As I said, they are sitting derelict. And it is a terrible eyesore to have in anybody's neighbourhood. Another piece of feedback reads:

> I am concerned for the viability of the Evatt shopping centre in particular. It is currently healthy but each of the shops there benefits from the custom of the others. A centre needs people coming to it, and when people go there they see opportunity in other shops for purchases. A smaller centre in Giralang would be greatly preferred.

There are a number of pieces of feedback from people about their concern about the dominance of Woolworths and how they take up so much of the supermarket share. Ms Le Couteur went into the very worrying statistics that across Australia 80 per cent of the supermarket share goes to Woolworths and Coles. This really is putting the squeeze on other supermarket chains—our local one, Supabarn, but also on our smaller, mum and dad operated businesses, the IGAs.

Another piece of feedback was:

> I am concerned that the size of the development threatens other local Belconnen centres. These smaller centres are important not just for the businesses in those areas, but for keeping suburbs alive, safe and "centred". The current balance should not be disrupted in this way without a proper investigation of likely impacts on local business centres, community cohesion and traffic flows.

That was another issue that was raised—the fact that this site is right next to the primary school and the impact of a much larger supermarket on children's safety in going to school. My understanding was that traffic flows and studies that were done were based on a smaller development. So we do not even have up-to-date traffic flows and studies that are based on the size of this development and the impact that this development is going to have on people who live in the area, on the safety of older people and children.

One person did point out that if you go there on a Saturday when soccer is on—and I have certainly been there many times on a Saturday when soccer is on—it is absolutely packed out along those streets. So people do have an understanding of what

sort of traffic flows this development could bring into their neighbourhood. Another person said:

> … we are keen to see a shopping centre in Giralang. Priority number one is to have something done with the current dilapidated site. As to what happens at the site: the fact that the proposal is to introduce a large supermarket also doesn't alarm us. Having said that, we wouldn't be too concerned either if the proposal was only for a couple of cafes and a restaurant.

Another said:

> I have heard both sides of this debate and have a strong view that small local neighbourhood shops offer the right blend of convenience and price to customers, not the dominance by Woollies and Coles across Canberra. Such larger chain supermarkets should only be allowed to trade in large shopping complexes, so the traffic and development associated with them does not impact upon neighbourhood centres. We should be encouraging smaller family owned supermarkets existing in neighbourhood centres, and giving these business owners our support.

Another comment was:

> The Kaleen IGA/shopping centre has strong patronage and community feel, partly as it's next to a primary school. Giralang residents should have the same, but not a larger monstrosity that sucks the life out of the retail communities in the surrounding suburbs.

And finally:

> I live in Giralang and have concerns about the proposed shopping centre. We were influenced to buy in Giralang by the availability of a small, lively shopping centre. Within months of moving in everything closed down! I welcome the return of a local shopping centre. However, I am very concerned at the scale proposed. It would be lovely to be able to walk to the shops and pick up some groceries or some fresh bread or have a meal with my family. However, I don't need another Woolworths. I will continue to do the bulk of my grocery shopping outside of Giralang—Kaleen, Belconnen and Gungahlin are all conveniently located when a large supermarket is required. Surely the purpose of the local shops is to be a community hub, to encourage residents to walk to the shops and make small purchases that can be carried home, to sit and enjoy a drink or a meal, to provide something different from the large supermarket chains.

That is what I think we should be aiming for in the area of Giralang. And not just Giralang; there will be other neighbourhoods across the ACT where we need to be looking at what is right to build this community hub.

MRS DUNNE (Ginninderra) (11.10): There are a few matters that need to be put on the record in response to some of the comments from Ms Hunter. First of all, she said that Ms Le Couteur's motion was not about the supermarket policy. I think it would be useful, before Ms Hunter spoke to motions, if she read the motion or at least talked to her colleague about it, because when we get to the guts of the issue—and yes, of course, there is a lot in this about Giralang, and the issues in relation to Giralang are

important ones. But I draw your attention to paragraph (2), which calls on the government to do a range of things and then says:

> (e) ensure that ACTPLA's review of the Territory Plan's commercial zones codes:
>
> (i) takes into account the Supermarket Competition Policy …

So we are talking about supermarkets, and particularly the supermarkets in Giralang, simply because of the changes to the government's supermarket policy. There are substantial issues which Ms Hunter has touched upon—well, more than touched upon; that is ungracious. Ms Hunter spent a lot of time talking about the significant issues that the people of Giralang have experienced over years of mismanagement of this whole issue by this government.

It is interesting to see that we have come full circle. Minister Corbell was the minister responsible when this whole issue blew up in 2002 and here we are in 2011, nine years later, waiting to see a resolution of this matter, which, for better or worse, has been put off again because of matters in the courts. All along, whatever the merits of the argument on one side or the other, the people of Giralang are the people who are suffering most in this.

People in my electorate have been dealing with this festering sore of a wrecked building in the heart of their suburb for the best part of nine years. It is unreasonable that our constituents, the people who pay our salaries, have had this eyesore, this wrecked building—it has been vandalised, it is boarded up. It makes Giralang look like some rustbelt town, and it does not deserve that. There have been proposals over time to at least clear the block and to take away this festering sore, but the government cannot get itself together to do this.

There are some issues that Ms Hunter touched upon in a slightly indignant manner which I think need to be clarified. Ms Hunter seems to be labouring under the misapprehension that Ms Le Couteur has had a motion on the notice paper for some time in relation to the setting up of a select committee. I know that there has been discussion around the corridors of this place for some time in relation to supermarket policy and an inquiry into it, but I note that the notice paper says that Ms Le Couteur gave notice only yesterday of a motion in relation to supermarket policy. There was some confusion yesterday as to whether there was a motion on supermarket policy and when it would be dealt with. But notice of the motion was given yesterday.

Ms Hunter was also very concerned about Mr Seselja having the audacity to criticise them for their approach. The issue of the supermarket competition policy goes back a couple of years now. We have seen, all through this, the Greens and the Labor Party working in coalition on this matter. In November 2009, we had a debate in this place in relation to supermarket policy. Mr Seselja moved a motion calling on the government to have a competitive and transparent process that did not exclude independent operators in the allocation of new supermarket sites in the ACT.

Labor and the Greens refused to support that motion and Ms Hunter went on the radio to say that she supported the government approach and that the ACT Greens therefore

refused to support a motion that would bring about independent operators and prevent them from being excluded from bidding for new supermarkets. Later, in June 2010, Ms Hunter again shut the door on independent operators bidding for supermarket sites.

It is quite apparent that Ms Hunter is trying to walk on both sides of the road. Today she has talked about the concerns of local IGA operators. She talked about the concerns of people at the Evatt shops and about the impact that changes in Giralang may have on their shops. But at the same time that she is doing this, Ms Hunter steadfastly stuck to the then Stanhope line on supermarket policies. Ms Hunter went on 666 radio on 18 June 2010 and, amongst other things, said, "We support the government's strategy."

Ms Hunter has to work out what it is that she and the Greens believe. Do they believe that local independent supermarket operators should have a reasonable opportunity to bid for supermarket sites? Do they believe that we should uphold and support local independent supermarket operators or do they believe in supporting the government's policy? You cannot walk on both sides of the road and be consistent. You cannot go to your constituents in Evatt—even though you do not live in the electorate—and say, "I support you," if you supported the then Stanhope government's policy, and now the Gallagher government's policy.

Ms Hunter, on behalf of the Greens, is sending, at the very best, a confused message. She and the Greens are compromised in this place because they do not have the courage to stand apart from the government and to do as the Canberra Liberals have done—stand up for independent supermarket operators in the ACT. And when the issues come to the crunch, Ms Hunter says, "It's not really about that; let's not talk about that, let's talk about Giralang."

They are all inextricably linked. We are in this mess in Giralang because of the government's supermarket policy and we are in this mess across the board because of the Greens' complicity in the government's supermarket policy. Between now and tomorrow, the Greens need to sort out exactly what it is they believe and who they are going to stand up for. Are they going to stand up for Labor or are they going to stand up for supermarket competition in the ACT and independent supermarket operators in the ACT?

MS LE COUTEUR (Molonglo) (11.18), in reply: I will comment on various comments from my Assembly colleagues. Mr Seselja and Mrs Dunne, I put a motion on this matter on the notice paper for the last sitting period and it was tabled for Assembly business. As we all remember, Assembly business ran out of time in the last sitting period.

I will agree there was one significant difference, insofar as I was looking at a standing committee rather than a select committee, but that was the significant difference and that was why my changed motion was tabled only yesterday. The change was principally about "standing" versus "select". The reason that I have decided to split the motion into two this week is that last time we simply did not have time in Assembly business for a substantive discussion on the merits of supermarket policy and the decision in Giralang and, given that it is quarter past 11, it was probably the correct decision, because we have not in fact gone to most of the issues as yet.

I am very pleased that we will hopefully have a more productive discussion tomorrow, because it has been incredibly disappointing to me how little either the Liberal Party or the Labor Party were prepared to engage in the issues on this. Supermarket policy and what happens to our retail hierarchy is actually a substantive issue.

I also think that the Liberal Party are not paying attention to what is actually happening if they think that the major problem is the government's supermarket policy. I think you could say what you like about the government's supermarket policy but one thing is fairly clear: it does not appear to me it has been implemented in the ACT to any particular degree. Mr Martin, in his document, had a lot of general principles but, in terms of application of those, I challenge the Liberal Party to identify where they have actually been identified.

Giralang is certainly not one of them because it was a direct sale to Woolies as a local supermarket. That was not what Mr Martin was talking about. I would have thought, though, if the Liberal Party wished to be consistent in what it was saying, that the major point that the Martin review was talking about was competitive tension within the group centres. A lot of work was being put into ensuring that there was a Woolies and a Coles or an Aldi in group centres, and if direct sales is where the Liberal Party has an issue, I would strongly recommend that the Liberal Party actually re-reads my motion and supports at least (2)(b) which is to:

> suspend consideration of any applications not already determined for direct sales of land in existing shopping centres for the purpose of expansion of supermarket use, until an inquiry has been concluded and the Assembly has noted the Government response to an inquiry report;

Direct sales were the major issue that came out of the John Martin review and that would be the major thing that he presumably was talking about.

The other thing that I should say very strongly is that one of the emphases of the Martin review was on supporting small businesses. What John Martin said very strongly—and I did have a number of private briefings with Mr Martin—was that what he was trying to do was ensure that the smaller operators, Supabarn and IGA, were of a viable size so that they were big enough to have effective wholesaling and cheaper supplies to the IGAs and Supabarns so that they could provide viable competition. He was very considerate of the IGAs' feeling that their biggest problem was lack of decent, competitive wholesaling supplies.

Our understanding of John Martin's strategy was that it was aimed at supporting small, independent businesses. The Greens certainly aim to support small, independent businesses and we definitely reject Mr Seselja's attempts to say anything else about the Greens' policy. I would also like to point out to the Liberal Party that we had a number of discussions with them about this policy between the previous sitting week and now. Unfortunately they did not indicate any support at that stage for any consideration of anything. But I am glad to at least know we will have a select

committee established and I think that will be a step forward for supermarket policy in the ACT.

As to Mr Corbell's speech, I agreed with almost everything he said. I agreed with him very much that the existing supermarket duopoly is not to the benefit of Canberrans. And I noted he said that the retail hierarchy having certainty for operators was highly desirable. Certainty about the retail hierarchy was also highly desirable to residents. So I would ask Mr Corbell why he chose not to agree to anything in my motion. I can understand that he might have problems with (2)(a):

> review the implications of the recent approval of the supermarket at … Giralang …

Clearly the implications are needing to be reviewed. This is why we have got the Supreme Court challenge, but a legal challenge is not a really good way of working out policy. I regret that he would not agree with (a) but I understand that.

I think he could have easily agreed to (b). As I said, the direct sales in question are not likely to be concluded in the next few months because they have other processes that they are waiting on.

Paragraph (c) states:

> clarify the definition of GFA and its consistent application in all Government policy and decisions for all types of commercial operations …

Mr Corbell's speech argued in favour of this. I cannot understand why he opposes it.

As to (d), the GFA inventory, I am glad to hear that ACTPLA intend to do this. I would like them to add in the areas at the airport because they, while not under ACTPLA's control, are clearly part of the retail issue.

As to (e), the commercial zones, I cannot see why the government do not agree with this. I am hopeful they would do it anyway.

In (f), I am talking about writing to the minister for transport, who is the control authority as far as the airport is concerned, to seek a cooperative approach to retail development at the airport. One of Canberra's significant problems from a retailing point of view is that we have an area in the ACT that is quite close to significant parts of Canberra and is totally out of the ACT government's planning controls. And this is why we have just had Costco open there. I think this is a major problem and I would like to see the Assembly as a whole agree to write to the federal transport minister seeking a cooperative approach on this.

Reporting back on these issues by August next year would, I think, be a very useful thing for the government to do. I regret that the government is not doing this. I guess I can say that at least the positive thing is that we are now going to have a second bite of the cherry tomorrow with Mr Seselja's motion and my motion to establish a select committee to deal with these issues. And given that both Liberals and Greens support this, I am confident there will be a committee.

In the brief time I have left, I have to say I largely agree with Mr Corbell's comments that the retail hierarchy and shopping in Canberra cannot be set in stone. What worked in the 1950s is not necessarily what will work in 2011. The Greens are not going to do this. This is one of the reasons why our motion does include setting up a committee, and that can be dealt with tomorrow, because we think we need a better public debate on the subject. We think it is good that John Martin started the debate and that he did make some comments about competition and the need to support independent small businesses as a part of it.

We need a wider community debate about what the role of local shops is. What scale should local shops be? We all know that in Canberra a suburb ain't a suburb. Some suburbs have only a couple of thousand households, some are closer to 10,000 households. So it is really unclear what a local shopping centre in Canberra is. And it has become significantly less clear by the decision in Giralang, which is what has brought this unfortunate situation to a head.

So I do commend this motion to the Assembly and look forward to further discussion tomorrow on the subject.

MR SESELJA (Molonglo—Leader of the Opposition): Under standing order 47, I seek leave to make a statement to explain certain words.

MR ASSISTANT SPEAKER (Mr Hargreaves): I understand that under standing order 47, Mr Seselja, you believe that in your speech you have been misunderstood by another member. In that case, leave is granted.

MR SESELJA: Just in response to Ms Le Couteur, Ms Le Couteur seemed to be misunderstanding what I was saying in relation to how the supermarket policy operates at Giralang. And I would simply very briefly make this point to clarify. The supermarket policy was applied at Giralang and in fact the supermarket competition committee advised the government in relation to the policy that it was actually—

Mr Corbell: On a point of order, the application of the standing order is extremely narrow and requires the member simply to explain words, not to explain a debating point, an argument, but words. I think Mr Seselja needs to be reminded of that.

MR ASSISTANT SPEAKER: Mr Seselja, have you concluded?

MR SESELJA: I believe I had. I do not know whether the last part was heard but—

MR ASSISTANT SPEAKER: Thank you.

MR SESELJA: I believe that I had concluded.

Question put:

> That **Ms Le Couteur's** motion be agreed to.

The Assembly voted—

Ayes 4		Noes 11	
Ms Bresnan	Mr Rattenbury	Mr Barr	Mrs Dunne
Ms Hunter		Dr Bourke	Ms Gallagher
Ms Le Couteur		Ms Burch	Mr Hargreaves
		Mr Coe	Mr Seselja
		Mr Corbell	Mr Smyth
		Mr Doszpot	

Question so resolved in the negative.

Children and young people—care

MRS DUNNE (Ginninderra) (11.34): I move:

That this Assembly:

(1) notes that:

(a) the Child Care and Protection Group (CCPG) within the Community Services Directorate has apparently assigned residential care placements for children or young people in the care of the Director-General to at least one non-government organisation (NGO) when the NGO apparently was not approved as a "suitable entity" under the Children and Young People Act 2008;

(b) the CCPG apparently has made similar placements on more than one occasion;

(c) on at least one placement occasion, the residential premises to be used for the purpose appeared to be unsuitable; and

(d) the Director-General of the Community Services Directorate has requested the Public Advocate of the ACT to investigate and report on the circumstances of these matters;

(2) calls on the Minister for Community Services to:

(a) by close of business this day, table the letter from the Director-General appointing the Public Advocate of the ACT to conduct the investigation noted above, including the terms of reference; and

(b) ensure that the Public Advocate is properly resourced to carry out this investigation; and

(3) requests the Public Advocate to:

(a) submit any and all reports directly to the Legislative Assembly; and

(b) if the Assembly is not sitting when reports of the Public Advocate are received, the reports may be sent to the Speaker or, in the absence of the Speaker, to the Deputy Speaker, who is authorised to give directions for its publishing and circulation.

I was proposing to move to amend my motion to delete paragraph (2)(a), which reads "by close of business this day, table the letter from the Director-General appointing the Public Advocate of the ACT to conduct the investigation noted above, including the terms of reference", because the minister tabled this letter in question time yesterday. But when I acquired a copy of it from the Clerk's office I realised that the minister had tabled an unredacted version of the letter. In at least two places, the letter names the organisation and puts in the public domain the name of the organisation—something that I have been criticised for inadvertently doing. So I am not going to remove that part but rather call upon the minister to withdraw the one that she tabled yesterday and to table a redacted version before it gets out into the public again.

That said, this is a very serious motion and it again leads to questions about the competence of this minister. I ask the question: does the incompetence of this minister know any bounds at all? Once again we find ourselves considering the failures of this minister. Sadly, this time it is a failure in the care and protection system.

We have previously dealt with a litany of failures over the last year or so of this minister's tutelage of this department. We have seen failures that affect the most vulnerable people in our community. We have seen failures in the childcare sector where children and even babies are in a system that their families cannot afford; that is just about money. We have seen failures at the Bimberi Youth Justice Centre, where children and young people have been exposed to bullying, physical abuse and inadequate security. We have seen failings in the grandparent and kinship care program, where grandparents, sometimes in their 70s and 80s, are looking after their grandchildren, with little or no government support but with a convoluted system of red tape.

Now we have got children and young people who for all purposes have no family because the territory is their parent. But this is a territory that as a parent is complacent about their welfare. As their parent, the territory expects these neglected and abused children and young people to sometimes live in accommodation with no beds, no hot water, inadequate electricity and in freezing conditions with broken glass in the windows.

Let me make a few points about this very succinctly so that this minister will understand, because at the moment she is in another place; she is aloof from reality. I want to make a point so that she can understand and grasp the import of the situation.

Within the Community Services Directorate we have the care and protection group. This group carries particular responsibilities for the welfare of the children in the care of the director-general. These are children whose natural family either cannot or will not look after them. They may have been subjected to abuse, to neglect and even

abandonment. Their parents may be in jail, on drugs or have simply disappeared. These are children who do not know where to turn. These are children whose natural advocates are not there when they need them. They do not necessarily know where their next meal is coming from They do not know whether they will have a roof over their head tonight. They do not know whether the clothes that they are growing out of will be replaced. They do not know whether they will get to school tomorrow. They do not know how to be children for the most part, and often there is no-one there to hug them when they cry. These are the children for whom the care and protection group and ultimately this minister are responsible. But in this case that we are talking about today they have failed in that responsibility.

The Children and Young People Act sets out the requirements for caring for these young citizens in our community. The directorate, and in particular the care and protection group, are responsible for the administration of that act—and we have got senior executives in that group who do not know whether the act applies in particular situations. On Wednesday two weeks ago, so a fortnight ago today, for a bit over an hour and a half I had senior officials in my office briefing me on the situation that had arisen. I understand that Ms Hunter has had a similar briefing. In that briefing it became clear to me that I was not getting straight answers—not because people particularly wanted to hide things from me but because they did not know. I asked the question: "Does an organisation have to be approved as a suitable entity"—it is a technical term under the act—"to provide transport and supervise contact services for children and young people?" The answer was: "Yes. Perhaps. No. We will really have to check the legislation."

I asked, "Can an organisation be given residential care assignments for children and young people under the care of the directorate without being approved first of all as a suitable entity?" The answer was, "Apparently so." The directorate has given several such placements to an organisation, and that organisation brought this issue to light with me, with Ms Hunter and eventually with the minister when the minister deigned to meet with them.

Just as an aside, this organisation had been trying to get a meeting with the minister for two weeks before they came to me, and it was only after it was clear that I had met with them and Ms Hunter had met with them that the minister deigned to meet them. That is what the time line will show. Ms Burch here only really gets involved when she suddenly realises that she is in political hot water. And you do not do that when you are dealing with vulnerable children.

I asked the directorate in that briefing whether they could justify placing children with an organisation which was not a suitable entity when this was an emergency situation. According to them and to the minister, yes, they can do that. The officials told me that also about two weeks ago. Certainly the act contemplates emergency situations, but it sets out a process to be followed to formalise arrangements made in emergency situations. However, there is no evidence that this happened in this case or in the cases that are before us now. Just how many times would the directorate give emergency placements to an organisation not approved as a suitable entity before following the legislated process? It is quite clear it has happened a number of times.

Let me turn briefly and, again for the benefit of the minister, succinctly to other issues related to this organisation. There are a number of service providers who employ a practice of supervised work for new employees who are going through induction and approval processes, and it is called in the industry "shadow shifts". The directorate has told the organisation that we are all talking about, and the one that brought all of these bad practices to light, that shadow shifts are not a good practice. Yet when I asked directorate officials if there was a stated policy on this matter I was told that there was not. So the government is telling an agency service provider that it should not do something—when there is no policy to underpin or support that instruction.

Furthermore, the working with vulnerable people bill, which has been languishing for some time and which, if it had been passed, may have solved some of the problems that this organisation has been facing, is currently before the Assembly and actually contemplates the validity of shadow shifts and proposes to legislate for them. Presumably the directorate had a hand in developing that bill, so the obvious question arises: if there is a policy position for the purposes of the working with vulnerable people bill, why would the directorate tell an agency that such a practice should not be encouraged? I am unable to resolve this conundrum and perhaps the minister will be able to do so when she responds. But for the service provider there is a serious case of mixed messages from the directorate and there has been a serious case of mixed messages from this directorate to this service provider from the outset.

On the back of policy failures within the directorate and on the back of clear breaches of the law by the directorate we have a directorate reviewing the policies and procedures of the organisation in question. There were two visits that the directorate made which showed that they were reasonably satisfied with the operation of the organisation, although by their own admission the directorate told the organisation that there was no formal policy and procedure for approving an organisation to provide the services that it provided. That notwithstanding, after these two visits and after some modifications to practices, the government started to contract the organisation to provide services on a fee-for-service basis, which rather indicated to the organisation that it had got the tick. To any common man that would indicate that you had got the tick.

But all through this we saw a surprising ignorance on the part of the directorate about how policies should work in this area. I hope that Minister Burch can answer some of the questions about this. We do know, for instance, and this is a very important question that Ms Burch needs to answer, that as a result of her answers in question time yesterday it seems that Minister Burch knew about residential care placements with an inappropriate provider in July this year. And what did she do about it? I quote from yesterday's question time:

> I continued to ask for assurances from that point that these placements met our standards.

I do not know what that means. So for more than six weeks Minister Burch has "continued to ask for assurances". Did she get them? We do not know. Clearly she did not get them before 8 September when I asked the directorate why they were making

placements in this way and I was told, "Well, it was an emergency, Mrs Dunne." That answer covered the real truth, and perhaps the real truth has been withheld from the minister.

There are real issues here about the administration of the care and protection system in the ACT. I had occasion on the weekend to refresh my memory about the contents of the Vardon report called *The territory as parent*. I picked it up because I feared that what I was experiencing could be called a deja vu experience so I went home and spent some time on the weekend reading the Vardon report *The territory as parent*, and all of those fears about deja vu were confirmed. I cannot help feeling that this Labor government learned nothing from that report except how to spend money. I cannot help feeling that the sector dealing with the significant problems of children and young people in care is still facing the same challenges.

That brings me to the reason for my motion today. It calls for the Public Advocate to report directly to this Assembly so that this Assembly can be assured that what is happening in the care and protection system that looks after our most vulnerable is above board. I know that Ms Hunter has a proposed amendment—and I think she does this quite rightly and I will be proposing an amendment to it—to seek to protect the privacy of the people, the confidentiality of protected information and the identity of the organisation concerned. In that connection I will have to point out again that the minister has already revealed, by tabling in this place an unredacted version of the letter, the name of the organisation.

It is important to ensure that the Public Advocate's report does not fall into a departmental or ministerial black hole. It is important that the Assembly is briefed fully on the Public Advocate's findings and recommendations. It is also appropriate that such an important independent statutory office holder should report to the Assembly on such an important issue.

It is no wonder that children and young people in the care and protection system in this town are crying—when you see the maladministration and the lack of care from this minister and the people under her. It is sad that there is a minister whose attitude is one of such complacency, that she is so incompetent and that the directorate that she oversees is apparently so ignorant of the act that they administer. I commend the motion to the Assembly.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (11.49): I thought that the minister would want to speak first but I am happy to go as the next speaker. As Mrs Dunne just mentioned, I do have some minor amendments to Mrs Dunne's motion but essentially we will be supporting the motion in this place today. The incident in question has highlighted a range of problems. The Greens believe, as I am sure everyone else does, that we need to resolve these issues as quickly as possible.

We certainly agree that the most appropriate person to do this at this point is the Public Advocate. The Public Advocate is independent and I believe will be able to perform this task very well. It has been said many times that children in the care and protection system are amongst the most vulnerable in the group of young people and children we have in our community.

There are a range of protections in the Children and Young People Act. Even though at times they might be said to be administratively heavy, they are all important and it is essential that we have all the checks being properly followed. That includes ensuring that those organisations who are contracted or who are performing a task on a fee-for-service basis are achieving all of the sorts of qualifications, achieving all of those benchmarks that need to be done to ensure that we do have providers out there who have qualified and have shown that they are a safe pair of hands to care for these children and young people.

It is of great concern that this issue has arisen. It appears that the correct process has not been followed in this case. It is appropriate that the Assembly be given a copy of the Public Advocate's findings so we all have the opportunity to understand what went wrong and then address how best we might rectify it.

We have standards within our community about how people, whether young or old, should be treated. It is my understanding that the circumstances surrounding the reported breaches are not in keeping with these community standards. Regardless of social standing or vulnerabilities, we have a responsibility to protect and assist those who are less fortunate and find themselves in crisis.

I believe it is crucial that this type of investigation is given the opportunity to report back to the Assembly on issues such as why an organisation that has not yet been assessed as a suitable entity by the Community Services director-general and has no previous history of providing residential care in the ACT was asked to provide emergency care for five children. I believe some were not younger children; some could be classified as young people.

I will briefly turn to the residential property that has been part of this conversation and part of the public conversation. I am very disappointed that that property was publicly revealed. We saw a picture of that property on the front page of the *Canberra Times*. It means that that property has now had to be taken out of circulation. I think that we always need to be very careful when matters occur, particularly matters around care and protection, that we are very circumspect about what we say and what we say publicly, particularly in the media.

Mrs Dunne talked this morning about the redacted letter being tabled yesterday. It seems to be the latest, because the first version—well, there was some correspondence, I believe, that was put out publicly. Mrs Dunne, I believe your office did it. I understand that there was an attempt to try and cover the name of the organisation, but because it was sent electronically, that disappeared and so the RiotACT had that letter up along with the name of the organisation within a very short time. These things do happen. I understand also that it was a member of this place who did tell the media the location of the house. I think we need to be quite circumspect when we do talk in this area.

I would like to turn to the residential property. I understand that this was quite a good property for children and young people in care. It is a shame that the qualities of this property will no longer be able to be enjoyed by many children. It had very wide open

spaces. I understand from the organisation that was looking after that property that it had a very therapeutic value for many children who had to be removed from their parents.

I think it is most unfortunate that there were some issues. Apparently, it is an older place. Many of us have lived in older places in Canberra. Certainly, I spent many years in group houses in older properties where the electrical circuits meant in winter if you had a few heaters on and then you put on the jug, the whole thing blew. I think that this may well be the issue with this particular property.

Certainly, I do think we need to ensure that we have properties that are of a high standard but I guess sometimes we do balance that a bit as long as there is safety. That is the primary thing here. But we might balance a bit of that also with some of the other values that a property can bring, particularly for traumatised children. In this case it was the wonderful open space that surrounded that property.

There is an element of "he said, she said" about the property, but certainly it is something that should be resolved. As I said, we need to ensure that we do have the appropriate accommodation and that it is up to standard. My concern at this stage is that again, this is a symptom of a system under extreme pressure. Whenever a system of any kind is under strain, mistakes can be made and contingency plans tend to be in the best interest of the system rather than necessarily in the best interests of the child or young person.

How do we maintain child safety within this system when decisions seem to be made on the run and without regard to the safety and wellbeing of the children and young people? While I understand that an inquiry has been ordered into this incident and the placement of all children in care—I keenly await the outcomes of that investigation—I also have grave concerns about how the Minister for Community Services is going to ensure that in future full and frank information is received about these types of issues within the area of out-of-home care.

I will touch again on some comments made by Mrs Dunne in these briefings. I know that my office came away feeling that there had been less than comprehensive answers given and that in fact, in checking up on information, it could be said that some of the information and answers given were probably not what you would say was 100 per cent accurate.

It is incredibly important in this area that people do get frank and fearless information and that they also get accurate information. That also includes a minister. Mrs Dunne talked about going back over the weekend to read through *The territory as parent*, the report of the Vardon inquiry. At that time I was out there in the community sector heading up the Youth Coalition of the ACT. I know that inquiry very well. I remember lobbying a previous minister for children and young people that we really did need an inquiry into the care and protection system because there were many problems and issues with it. At that time that was not taken up. I believe the 2003 bushfires then intervened and a lot of focus of the department at the time was in that area.

We continued to lobby for a full inquiry. An inquiry was set up that Mr Hargreaves in fact was involved with. That was the inquiry into the interests, rights and wellbeing of children and young people. The position was finally revealed. The minister at the time, Katy Gallagher, to her credit, took it on and just went out and said, "Right, we need to do a full inquiry because things are not right with our system." That was a thorough inquiry, a very thorough inquiry. It looked at all of the cases involving children and where they were. We knew from the first get-go that the government and the department were not able to guarantee the safety of all children in the system because they did not know where all those children were. That is where we were early on in that inquiry.

There were many recommendations that came out of that inquiry and there was a community-government type of group that was put together to oversee the implementation of the Vardon recommendations. Many of them were put in place. What was also recognised was that this was a system under pressure. These were workers that needed a heck of a lot more support than they were getting from management. We also knew that there were increasing numbers of children coming into the system. We needed to ensure that we matched workers with that demand. We also matched professional development and, as I said, debriefing and support.

I was interested to hear the minister say in here yesterday that workers in the system have talked about it being a very tough job. It is. None of us should underestimate what a tough job it is. The minister said that the workforce had said to her that they wanted a debriefing, they wanted that professional supervision and so forth. I hope that that is in place and what the minister was meaning was that it will be, that they will be increasing that resource. That is very much something that has been known for many years. If you want to retain the workforce and keep a healthy workforce, you need to put in place the sorts of debriefing and professional supervision around that workforce to keep them well and to keep them safe.

We also know that what came out of that Vardon inquiry was an incredible amount of money that went into the system. It was justified and we still need to make sure that we properly resource that system. We also knew that, as I said, we did not have enough workers. We could not source those workers locally and we could not source those workers across Australia. Over several years the government, through the department, has been going overseas to do massive recruitment drives. Many workers have come from the UK into Canberra and have joined that system.

One of the things that I picked up along the way was that because of these numbers of new workers and so forth coming in, they do not know all of the systems. They do not know all of the checking processes, admin processes and so forth. Massive recruitment drives are now part of our care and protection system in order to be able to maintain this workforce.

We should not see this as a strange thing that happens once in a decade. This is now going to be a regular part of how we have to build and maintain that workforce. Therefore, we need to set the whole system up to ensure that that regular wave of new workers coming in are given the proper support and time to be able to get right on top

of what all of the different policies and procedures are, what all the different parts of the Children and Young People Act are. They need to know these things inside out.

We have seen this recently at Bimberi where workers really did not know policies and procedures. There is no way that I would put this at their doorstep as being their fault. We do need complicated policies and procedures. It is an important area. You need to make sure that you put in place systems and people learn what they are, are practised in what they are and know who they can go to when they may be unsure. All these things are so incredibly important. We do need to see this as a new system where we are going to have these massive waves of workers coming in at certain points. We need to build our system around that.

In closing, I turn to my amendment. As I said, it is relatively minor. It is important that we do acknowledge that this is a very difficult area. While mistakes will always be made, care and protection staff do have the best interests of the children and young people in care very close to their hearts. We should acknowledge the hard work they do and ensure that we convey our appreciation for that hard work.

My amendment also changes some of the language very slightly. I think this better reflects the circumstances. Finally, it clarifies the expectation that we have of the Public Advocate. It ensures that confidential information is protected. That is very important and Mrs Dunne referred to that. We will be supporting the motion, with my amendment. I move:

> Omit all words after "That this Assembly", substitute:
>
> "(1) notes:
>
> (a) the dedication of care and protection staff and the challenges they face in their role;
>
> (b) the concern that Child Care and Protection Group (CCPG) within the Community Services Directorate assigned a residential care placement for children and young people in the care of the Director-General to a non government organisation (NGO) when the NGO was not approved as a 'suitable entity' under the Children and Young People Act 2008;
>
> (c) the concern that CCPG has made similar unapproved placements on other occasions;
>
> (d) the concern that a residential premises used for residential placements was unsuitable; and
>
> (e) the Director-General of the Community Services Directorate has requested the Public Advocate of the ACT investigate and report on the circumstances of these matters;
>
> (2) calls on the Minister for Community Services to ensure that the Public Advocate is properly resourced to carry out this investigation;

(3) requests the Public Advocate submit a copy of all reports to the Speaker of the Legislative Assembly ensuring that any sensitive information as outlined in Section 19 of the Auditor General Act 1996 is omitted from the report; and

(4) if the Assembly is not sitting when the report of the Public Advocate is received, the Speaker or, in the absence of the Speaker, the Deputy Speaker, is authorised to give directions for its publishing and circulation.".

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (12.04): I thank Mrs Dunne for bringing this motion before us and Ms Hunter for the amendment.

On Monday, 12 September, I did write to the director-general of the Community Services Directorate seeking an independent review of circumstances surrounding the emergency residential placement of children with a particular service provider, the engagement and subsequent suspension of that provider and compliance with the Children and Young People Act in relation to these matters. I have also sought a review of all placement arrangements for children currently in the care of the director-general to determine whether those placements were compliant with the act. The review will be by the Public Advocate, Anita Phillips. I understand that it is underway and I look forward to her report.

The directorate is working with the Public Advocate to ensure that there are adequate resources made available to facilitate the review. A SOGC officer has been made available by the office, which has already commenced work with the Public Advocate this week. A care and protection service HP4 officer has also been made available to liaise with the Public Advocate throughout the inquiry. I do have confidence in the Public Advocate in reviewing the actions taken by the Community Services Directorate in relation to the placements. As I have stated in relation to this matter, the primary purpose of the act is the protection of children. The review may comment on whether the right actions were taken to ensure that the best interests of children and young people were upheld.

I sought assurances and asked questions of the directorate about the circumstances surrounding this particular matter when I became aware that ad hoc placements were being made in some emergency situations. I met with the service provider the week before last. I had a further meeting with the directorate. And just to clarify things, the records in my office show that I met with the provider within a week of receiving the request. I will double-check that, but that is certainly the advice to me from my office.

When I met with the service provider, I had a further meeting with the directorate and further questions were raised. For example, there was still some uncertainty in the directorate as to whether there had been a breach of the act or not. Both Mrs Dunne and Ms Hunter have made comment on that as well, based on the fact that an approved service provider had been engaged to supervise the work of another provider. I made comment yesterday that there was a strong oversight of this placement by a registered out-of-home care provider—the maintenance record of the house used by the service provider and the contractual arrangements with the provider.

I knew that it was important for the directorate and the community to continue to have confidence in the childcare and protection area, and the only way to do that was to initiate this review.

It is important to remember the context in which some of these decisions are made. In these emergency situations, care and protection services are dealing with children and young people at risk. A placement may have broken down, a child may have been harmed or a family may not be able to cope with the challenging behaviours of a young person. Decisions need to be made quickly, and the questions then follow. Are there placements available? Is the placement suitable? What are the options for these children on a weekend coming up when the staff have been told that there are not enough places to keep the siblings together at a time when they are quite traumatised?

These are the issues that care and protection staff have to deal with regularly. They take children out of risk and they look for safer and more secure environments for them. Many in this place would find that work quite challenging. There are pressures on the system in our city, as Ms Hunter has alluded to. There are 550 children in out-of-home care placements at the moment, and there are not always enough carers. Last financial year care and protection services received over 13,000 child concern reports. This is an increase over the 11,000 reports from the previous year.

Comments on the decision to place with this provider will be made and determined by the Public Advocate's report. I believe that the best interests of the children and the young people are a paramount consideration by the directorate. But while a possible breach of the act is in play and under question, it is right that we have our systems looked at and reviewed to see where we can improve our systems, our policies, our legislation and our practice to promote the best interest of children and young people. That needs to be done by an independent oversight agency that will enable us to identify where we can make those improvements. I look forward to the Public Advocate's findings and any recommendations that she may make.

I would like to take this opportunity to remind members that in October we will be debating a relevant and important piece of legislation, the Working with Vulnerable People (Background Checking) Bill, which has been tabled. There have been comments about this bill languishing. It has hardly been languishing; there will be many in the community sector who will recognise the extensive work the directorate has undertaken across many sectors within community service and human service delivery so that we get this system as right as we can for all involved.

Given Mrs Dunne's interest, I look forward to bringing the bill back in October. I seek now—I put the plea out—for people to see that this is an example of why we need such a bill. While we now have concerns within the community sector that have been raised—for example, through drug and alcohol services and the lived experience of those valuable workers that they have—we have worked hard over this year to make sure that the systems, the risk management processes and the multidisciplinary panel approach for appeal have been in place.

I look forward to that bill coming here and being supported by all parties in this place. That bill will remedy many of the issues which will come to light throughout the

review. It is incumbent on all members in this place to support the bill, which will ensure that appropriate background checking is done for all staff working with children and young people at all times. The bill will ensure that the assessment will not be left to the service provider or a provider within the directorate, but will be done independently through the Commissioner for Fair Trading. This process will be a good process for vulnerable young people and children.

I welcome Ms Hunter's amendment in recognising the dedication of care and protection staff and the challenges that they face in their role. It is most unfortunate that Mrs Dunne has chosen in this debate today to describe the care and protection group as failures and the directorate as ignorant. I ask members to take a step back and to recognise the dedication of care and protection workers and the challenges they face in their role.

We have just come out of Child Protection Week and Foster Care Week. Our care and protection workers do an absolutely fantastic job. As I mentioned yesterday, I have met some of them. I intend to meet with others during the week. They have raised concerns. As Ms Hunter made mention, one of them was around access to supervision and support, an absolutely key part of their practice. Normally they would receive that through their line manager up through the system, but when we were under the level of stress we were under we upped those line managers for hands-on work and providing more direct service delivery, as a way of describing it. That does not mean to say that those workers should not have the opportunity for and be provided with support, with supervision. I have commenced that conversation with the director-general about putting those systems in place.

As mentioned, the care and protection workers do a fantastic job. Unfortunately, this often goes without praise. There rightly is high scrutiny of child protection matters, but often the workers themselves do not feel they have a voice. In some of the commentary throughout this debate people need to be very careful that we do not mix up a review of systems and processes with the fabulous work that they do. I do not see this review as calling into question their practice. I see this review as looking at the act, how it is implemented, what the alternatives are and what changes we can put in place, if any, to improve those systems that we have.

I want to go on the public record today to highlight the work that the care and protection workers do and offer my regard to them for their professionalism and their devotion to their work. I know that all of their actions are guided by one thing, and that is to protect and to make safe the children in their care. That is their primary and essential obligation under the act, and that is what they get up and get to work to do each and every day. I do want to acknowledge them in the debate.

I will table the redacted letter from yesterday, but I do find it quite galling. I table the following paper:

> *Children and Young People Act 2008*—Possible breach of section 63—Copy of letter from the Director-General, Community Services Directorate, to the Public Advocate, dated 14 September 2011—Redacted version.

I cannot go without saying, as Ms Hunter has alluded to, that that information has already been in the public domain for some weeks, but I appreciate that it should have been redacted yesterday, regardless of the fact that Mrs Dunne put it into the public domain for the last number of weeks and that, yesterday in the debate, the oversight organisation and the organisation that managed the property were identified again through the Canberra Liberals. That is unfortunate. As Ms Hunter said, we do need to be a bit careful here. Mrs Dunne, as I am informed, also identified the property and resulted in it being named and photographed in the *Canberra Times*. I have asked for that—

Mrs Dunne: I think you had better check that.

MS BURCH: That is the advice I have got from the source, Mrs Dunne. So that property has been pulled. It is unfortunate, but that has happened. There were clearly some maintenance and some property issues, and I am not refuting that, even though there was some confusion about what happened and when, there were clearly not ideal circumstances. But there has been comment today about the aspects of that that were positive and therapeutic for the children. It is a lovely open space, and it is a shame that that property will no longer be provided. To keep it within the system for care and protection would be to have the potential that someone in a not positive frame of mind could seek to access their children and go to that property. That has been removed; it is not worth thinking what the potential negative outcomes of that could otherwise be.

I have tabled the letter. I said yesterday in the debate on Mrs Dunne's motion that it is about assurance of resources. I have made comment. There is a SOGC and an HP4 that have been put on this, and the directorate has committed to providing all documents and records. I understand that one of the workers is already in place within the directorate and that work has commenced.

I welcome the review. I called for the review. We have great workers. We have a system. Any system can be reviewed. When we are looking at such desperate circumstances where we have a child that needs protection and care and we have a stretched and pressured system, there is no alternative but to find a safe and secure place. If that has compromised the act, as it appears to have, we need to consider all of our internal systems so that the act is not compromised. If we need to review and consider alternative arrangements, let us have someone with the foresight of the Public Advocate to provide some independent commentary on that.

MRS DUNNE (Ginninderra) (12.17): I have circulated an amendment to Ms Hunter's motion. The first part of the amendment is now unnecessary because the minister has fixed up the redacted version of the report, but I move the second part of the amendment circulated in my name:

> In paragraph (3), omit the words "submit a copy of all reports to the Speaker of the Legislative Assembly", substitute "submit any and all reports directly to the Legislative Assembly while".

In speaking on Ms Hunter's amendment, let me say that it is welcome. It modifies slightly the language. I am not precious about the language.

My only concern really is that in paragraph (3) as it currently stands in Ms Hunter's version—this is no reflection upon you, Mr Speaker—all that is required is for the Public Advocate to report to you, Mr Speaker; it does not require you to do anything with that report. I am not saying that you would sit on it, but to be absolutely clear I think that the words that were in the original motion, to "submit any and all reports directly to the Legislative Assembly", are more appropriate. I propose to put those back in.

From the conversation that I had with Ms Hunter's staff this morning, I think that the point raised by Ms Hunter about maintaining the confidentiality of people who may be named in that report is paramount—and the confidentiality of the organisation that brought these matters to light. I have made it very clear from the outset that this organisation is not the organisation that is being reviewed. The organisation that is being reviewed and the practices that are being reviewed are the care and protection group and its practices. We should do everything we can to protect the identity of the organisation.

I will take the opportunity to address the slanderous comments made by the minister about this matter on a number of occasions. We were asked to provide copies of correspondence. We considered it and we took particular pains. What actually happened, Mr Speaker—this is something that I shall have to write to you about, because there is a problem with the IT system that was brought about by this—was that my staff opened an electronic copy of the letter that we had written to Minister Burch and also copied to the Public Advocate and electronically blacked out all the bits, basically so that it would be neater than if you did it with a black texta. It was electronically blacked out. We used the saving provisions that we have for the CutePDF Writer that creates PDFs to create a PDF which was then sent electronically to a number of people. One of those organisations uploaded it into Cloudspace; in doing so, it seems that the electronic blacking out was removed. No-one can explain why, and I have not had a chance to make a serious inquiry.

I put on the record that my staff member who did this went to particular pains to ensure the anonymity of this organisation, at my direction. My staff member was mortified. He is a very experienced officer who has worked in the public arena for a very long time, and he was mortified by this. He did nothing wrong. The moment that we discovered that the steps that we had taken had been ineffective, we asked the organisation to take it down, we physically blacked it out and we physically created a PDF by a different version and gave them a substitute. It has not been up there for weeks. It was up for less than an hour on Wednesday last week. I cannot explain how this lapse came about, but there was no ill will in my office and I know that my staff and I were very apologetic to the organisation. We have done our best to ensure that the media did not report the name of this organisation because of this lapse.

The minister thinks that she has got me on the run on this, but the issues remain. The issues remain: her organisation oversaw, by her admission, what appear to be illegal placements in inappropriate accommodation. That is the issue at hand. If the minister wants to try and deflect this onto a very regrettable lapse, she can try. She can knock herself out, but the issues remain. She is the minister responsible not for a regrettable

electronic lapse but for systematic and repeated breaches of the Children and Young People Act. Let us put this in perspective.

That is why we are here today calling for this much welcomed report to be brought to you, Mr Speaker—to us in this place. The Public Advocate is a serious and important independent statutory office holder, and it is appropriate that she report to us because we have a supervisory role in this Assembly over the executive and over the apparent maladministration.

The minister hedges. She has admitted that there has been maladministration. She has admitted that she has been concerned. She has also admitted that she took at least six weeks to do anything about it. That is why the Public Advocate should be reporting to us. I do not want the minister to take six weeks to put out her version of the report after the Public Advocate reports.

This is an important issue. I have had conversations with the Public Advocate. I ran my original motion past her to see whether she had any problems with it and whether it in any way impinged upon her powers. She assured me that it did not. I think that this is a good way forward. I welcome Ms Hunter's positive contribution to this matter and I welcome her amendment, but I propose a further amendment which will just make it a little clearer.

Mrs Dunne's amendment to **Ms Hunter's** proposed amendment agreed to.

Ms Hunter's amendment, as amended, agreed to.

MR SPEAKER: The question now is that the motion, as amended, be agreed to.

MRS DUNNE (Ginninderra) (12.25): Just briefly, Mr Speaker, I thank members for their approach to this very serious matter and I thank the members for this very good outcome. It is appropriate that the Legislative Assembly continue to take a very active interest in this issue. We have been in this space before; I hope that this does not turn out to be a repeat of the events that we saw just a short seven years ago when we ended up with the Vardon report. I hope that we get a satisfactory outcome from this. I look forward to the Public Advocate's report and I look forward to a real contribution and real interest by the members of the Legislative Assembly in this very important matter.

Motion, as amended, agreed to.

Sitting suspended from 12.27 to 2 pm.

Unparliamentary language
Statement by Speaker

MR SPEAKER: Yesterday, Mr Hargreaves took a point of order concerning remarks made by Mrs Dunne towards Ms Burch. As I did not directly hear the remark, I have reviewed the relevant *Hansard*. In an interjection Mrs Dunne is heard to state, "You broke the law." Standing orders require that members should not use offensive words

against any member or the judiciary. Standing orders also stipulate that imputations of improper motives and all personal reflections on members shall be considered highly disorderly.

Having considered the matter, and taking into account the tone and context of the remarks, I would ask Mrs Dunne to withdraw the comment.

Mrs Dunne: I withdraw, Mr Speaker.

MR SPEAKER: Thank you, Mrs Dunne.

Questions without notice

Teachers—enterprise agreement

MR SESELJA: My question is to the Chief Minister. Minister, when answering a question on radio on Friday you said: "There seems to be some rumours that teachers would be docked a day's pay if they don't come to work today. That's not true, but I would say that if teachers are able to get to school there are children turning up to school so it would be great if you could turn up and just give a hand … But obviously if you can't get to school you can't get to school but you won't be docked a day's pay for that." Minister, why did you make this comment and do you stand by it?

MS GALLAGHER: Why did I make it? I was asked a question about it. That was my answer to a question. And, yes, I do.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Why then, minister, approximately one hour after your comment, did the education directorate issue an email? It said:

> If staff did not attend work on Friday 16 September, they should be recorded as absent and complete the appropriate leave form …

And:

> … this is not an occasion for which leave in exceptional circumstances is appropriate.

How do you reconcile your orders with the advice from the directorate and was the fire on Friday the 16th exceptional circumstances?

MS GALLAGHER: Indeed, I have spoken to the staff involved in that email. There was, I think, a misunderstanding in relation to the communication that was going out to teachers by a particular area within the directorate. My understanding is that was not the position of the director-general, and indeed that original advice has been withdrawn.

MR SPEAKER: A supplementary, Mr Doszpot.

MR DOSZPOT: Minister, can you guarantee for the Assembly and the community that no teacher will have their pay docked if they were not at work on Friday, 16 September?

MS GALLAGHER: I do not know that I can—

Mr Smyth: Well, you did on the morning.

MS GALLAGHER: Thank you, Mr Smyth, for your usual advice and helpfulness. Mr Doszpot's question was around whether or not any teacher would be docked anything on Friday. I simply cannot answer that because I do not know the individual circumstances of every teacher and the reasons why they may not have attended work, for whatever reason. But in relation to the people who were unable to get to work to teach on that day, in relation to the disruption caused by the fire, the advice is that they will not be docked a day's pay.

MR SPEAKER: A supplementary, Mr Doszpot.

MR DOSZPOT: Minister, can I get you to clarify that just a little bit further. The fact that one email—

Mr Hargreaves: Excuse me, Mr Speaker, on a point of order, this is a preamble on a supplementary.

Members interjecting—

MR SPEAKER: Order, members! I will make the rulings. Mr Doszpot, let's cut straight to the question. There are no preambles on supplementaries.

MR DOSZPOT: Minister, quite conflicting emails were sent out on the morning. My question is: those teachers on the north side of Canberra who took the first email as the one instruction that they were going to follow, are they then going to be penalised for not turning up at their schools that they should have gone to on the north side?

MS GALLAGHER: I do not know what email you are calling the "first email". The first comment that Mr Seselja asked me was about my comments. He then asked about a subsequent email. You are now asking me to clarify between two emails. So I am not sure what emails you are talking about. But in relation to the question you asked—whether teachers will be docked a day's pay because of disruption caused by the fire—if they were teaching at a north-side school, the advice is very clear. The director-general of education also went out in public on the Friday to clarify this matter—that people would not be docked a day's pay.

Environment—low emissions industries

MS HUNTER: My question is to the Minister for the Environment and Sustainable Development. Minister, yesterday in responding to a question that I asked the Minister for Economic Development, he failed to list one single initiative that the

government has implemented to create an economic incentive for low emissions industries or a single disincentive put in place for emission intensive activity, mentioning only the commonwealth's clean energy future package. As environment minister, what economic reform is required if we are to achieve our 40 per cent emissions target?

MR CORBELL: I think the Minister for Economic Development answered that question yesterday.

MR SPEAKER: Ms Hunter, a supplementary question.

MS HUNTER: Minister, given that the clean energy future package is currently designed to achieve a five per cent emissions reduction, what additional measures is your directorate working on to augment the commonwealth proposal and ensure that we achieve a 40 per cent emissions reduction?

MR CORBELL: As Ms Hunter would know, the government is currently finalising a range of important policy statements which will outline a range of strategies and actions, including the energy policy which has been agreed to by cabinet and will be released very shortly, as well as action plan 2 of our climate change strategy, as well as measures to encourage large-scale renewable energy.

As Ms Hunter should know, the government has already announced its intention in the spring legislation program to introduce legislation for a large-scale feed-in tariff and the allocation of 40 megawatts of renewable energy. So there is a range of actions ongoing. All of these have been publicly ventilated previously. They have been the subject of debate in this place previously and I am surprised that Ms Hunter has not been paying attention.

MR SESELJA: A supplementary.

MR SPEAKER: Yes, Mr Seselja.

MR SESELJA: Minister, how much will the 40 per cent target cost the ACT government and how much will it cost the ACT economy?

MR CORBELL: The cost will depend on the range of specific measures and actions—

Members interjecting—

MR SPEAKER: Order! Mr Corbell has the floor.

MR CORBELL: The cost to the community will depend on the specific measures and actions that are proposed to implement the reduction targets. Those costs are the subject of current rigorous analysis across government as we finalise action plan 2. The details of that will be released for public comment later this year.

It is, of course, worth making the observation that apparently Mr Seselja believes that he can achieve a 30 per cent reduction at no cost to the Canberra community. The fact

is that any emissions reduction target will come at a cost. The government's approach is to ensure that such measures are robustly costed so that we choose cost-efficient and effective mechanisms to achieve the reductions needed.

MS LE COUTEUR: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

MS LE COUTEUR: Minister, will you be investing in energy efficient public housing or offering tax incentives for sustainable redevelopment, and create an economic incentive for low emissions industries and assist us in meeting our greenhouse gas reduction target here in the ACT?

MR CORBELL: I am not going to pre-empt policy announcements that the government may make in the future in relation to these matters.

Hospitals—elective surgery

MR SMYTH: My question is to the Minister for Health. Minister, on ABC 666 on 6 September 2011 you stated, in relation to not meeting elective surgery targets, "when you look at how we performed and the fact if we had modelled on a different scenario, we could have met these targets, and that's unfair". Minister, if the targets set were "unfair", why did your then Chief Minister Jon Stanhope sign the national partnership on elective surgery in December 2009?

MS GALLAGHER: Because it has provided millions and millions of extra dollars to fund essential health services in the ACT, all of which has been put to use in the emergency department, in community health and in acute hospital services.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Minister, if you were aware of the targets required for full reward funding from December 2009, why were these targets not achieved?

MS GALLAGHER: Because we decided to implement the long-wait strategy and continue on that path.

MR HANSON: Supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hanson.

MR HANSON: Minister, what advice did you provide to the Chief Minister before he signed the national partnership on elective surgery in December 2009?

MS GALLAGHER: The Chief Minister and I met for hours and hours in discussing the signing-up to the national healthcare agreement.

MR SPEAKER: A supplementary, Mr Hanson.

MR HANSON: Yes. What has been the federal health minister's response to your representations about the unfair targets?

MS GALLAGHER: I am happy to table the letter she provided in response to my letter by the close of business today and you can all read it for yourselves.

Mitchell—chemical fire

MS LE COUTEUR: My question is to the Minister for Territory and Municipal Services and is in relation to your statement yesterday about the Mitchell fire. Minister, on page 8 of your statement you said that when the EPA undertook its annual review of the ESI facility in May 2011 they requested that ESI update their hazop plan, the water management and the waste management plan. Minister, why were these updates required and what did they involve?

MR CORBELL: I am not privy to the details of those matters. These are now the subject of a detailed investigation by the Environment Protection Authority, who will produce their report in due course.

MR SPEAKER: Ms Le Couteur, a supplementary question.

MS LE COUTEUR: Minister, as there is a significant amount of liquid and solid waste to be removed from the site, what proportion of this liquid and solid waste is likely to be contaminated, what is the nature of the contamination, and exactly where and how will the material be disposed of?

MR CORBELL: It is the case that there is a significant amount of destroyed material at the site. The complexities of managing this site should not be underestimated. WorkSafe ACT have currently indicated that no-one should enter the site because the structure itself is unsafe—that is, the partially destroyed building—and that the building could collapse further and is a risk to anyone entering the site. This is obviously hindering the capacity of relevant authorities at this stage to fully determine the extent of contamination on the site, because no-one can physically enter the site. These issues are being further discussed between WorkSafe ACT, the Environment Protection Authority, the ACT Fire Brigade and ACT Policing as to the best way to approach these circumstances.

The costs associated with the demolition and remediation of the site are the responsibility of the property owner, and those matters will be pursued with the property owner. The polluter-pays principle applies in relation to this matter, and so, therefore—

Ms Le Couteur: On a point of order, Mr Speaker, the minister has not yet addressed the issues of liquid and solid waste.

MR CORBELL: Well, I do not know whether Ms Le Couteur was listening, Mr Speaker, but I just said we cannot get in the building, so if we cannot get in the building because the building is unsafe, we cannot determine what the quantities are in exact detail at this time.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, given that the area around ESI was washed down and it flowed into the Flemington Ponds, what will happen to the presumably contaminated waste and what ecological impacts will it have on the ponds?

MR CORBELL: I thank Ms Bresnan for the question. The issue of contamination into waterways was addressed in some detail in my statement yesterday. To reiterate: Sullivans Creek and the Flemington Ponds have been bunded by temporary bunds to prevent the water flowing further downstream. Comprehensive testing is ongoing in relation to any possible contamination of the ponds and the area of Sullivans Creek upstream of the ponds, heading back into Mitchell.

The contamination at this stage is oil based, so there is a quantity of oil from the factory site which has flowed down into the waterway and the ponds. What that oil contains, other than oil itself—ie, does it contain other contaminants?—is the subject of ongoing testing. The material itself is being removed by authorised removalists who are pumping that material from the waterway and the ponds and removing it for safe disposal under an authorisation from the EPA.

This exercise is ongoing and it is the reason why Flemington Road northbound is still closed, because of the need to get large vehicles onto that side of the road to extract that material and also to prevent any member of the public from coming into contact with that material or that operation.

MS HUNTER: A supplementary.

MR SPEAKER: Yes, Ms Hunter.

MS HUNTER: Minister, when will the post-incident analysis be complete and will you make all of it publicly available as soon as it is complete?

MR CORBELL: The post-incident analysis of who, Mr Speaker? Can Ms Hunter clarify her question?

MR SPEAKER: Ms Hunter, would you like to briefly clarify?

Ms Hunter: It is about when the post-incident analysis will be complete and whether you will be publicly releasing all of it.

MR CORBELL: Whose post-incident analysis?

Ms Hunter: The government's review into what has gone on in this instance. I understand you are analysing it and will have a review into it, so it is the government inquiry.

MR CORBELL: There are a series of reviews being undertaken, as Ms Hunter is aware, by the EPA and WorkSafe ACT. There is a joint investigation between the ACT Fire Brigade and ACT Policing which will result in a report to the coroner. All of these matters are going to be made public. Obviously, advice to the coroner is a matter for the coroner as to how she determines that information should be dealt with.

The government has already undertaken to review and release the results of the investigations by the EPA and by WorkSafe ACT. The government has also indicated that it will provide further advice on the results of the ESA's post-action review. It is a normal course of action for an emergency services agency to look at how the response to the incident went and what issues have been identified as needing follow-up.

Canberra Institute of Technology—alleged bullying

MR DOSZPOT: My question is to the Chief Minister. Chief Minister, on 18 August this year, a constituent wrote to you in relation to the treatment his wife had experienced as a teacher at CIT and subsequently how her case was handled by Shared Services. In that letter he raised a number of issues and asked for your response. As of this morning, he has not had any response. When can he expect a response, Chief Minister?

MS GALLAGHER: I thank Mr Doszpot for the question. I am happy to follow that up. Usually we have a two-week turnaround on correspondence. If that has not been met then I apologise and I will find out what has happened.

MR SPEAKER: Mr Doszpot, a supplementary.

MR DOSZPOT: Chief Minister, have you referred this matter to the minister responsible for the CIT? If yes, when? If not, why not?

MS GALLAGHER: I will have to check the records within my office as to the referral nature of that. It may have been referred to CMCD. It may have been referred to CIT. I will have to check. I am happy to provide that information.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Chief Minister, given your government's new stated intention to not tolerate bullying and harassment in the workplace, what assurances can you provide to current employees suffering bullying and harassment at CIT that their cases will be heard and treated fairly and sympathetically?

MS GALLAGHER: From my understanding, and I have taken advice on this issue, WorkSafe have been working and supporting CIT to make sure that their processes are appropriate to encourage staff to make complaints and have allegations of bullying and harassment heard in accordance with protocols at the CIT and in accordance with the law.

Alexander Maconochie Centre—needle and syringe program

MR HANSON: My question is to the Minister for Health. Minister, the submission of the Australian Nursing Federation, on the issue of a needle and syringe program, to the Moore report contains the following statement: "I feel by aiding and facilitating the use of illegal drug taking I will be compromising my safety and that of the officers." Minister, are you taking the safety concerns of nurses seriously with your push for a needle and syringe program at the ACT prison?

MS GALLAGHER: I am taking the issues that have been raised through this process very seriously, whether they come from the nurses, the prison staff, people involved in drug and alcohol counselling and support, the prisoners themselves, people who are involved in public health. Indeed, I am meeting another group of representatives tomorrow.

I should say that, with the submissions that have been provided to government at the conclusion of the consultation period around the Michael Moore report, we have had almost 100 submissions through that consultation process. The last time I saw the submissions, they were roughly two-thirds in favour of a needle and syringe program, one-third against. But I would ask all members in this place to treat this with the seriousness that it deserves, which is not just jumping in on one side but being prepared to consider all of the issues for everybody involved, something that Mr Hanson finds impossible to do.

I was not sure if you did actually change your tweet that you sent out about the ANF. I notice that the ANF asked you actually to correct your tweet.

Mr Hanson: Have you noticed that?

MS GALLAGHER: I saw the email that was sent.

Mr Hanson: Oh, did you?

MS GALLAGHER: Often, Mr Hanson, we get an email where you are cc'd in or you get an email where I am cc'd in.

Mr Hanson: I had a very interesting conversation with Jenny, to be honest.

MS GALLAGHER: I am sure you did, Mr Hanson, but it is so unlike you to leap to putting things that might not be entirely correct out there for everyone to hear.

Members interjecting—

MR SPEAKER: Thank you, members. This is not a discussion.

MS GALLAGHER: In relation to this matter, it is ongoing. It is before government. I am taking everyone's submission. Indeed, I am meeting with everybody who wants to meet with me about this and taking it very seriously.

MR SPEAKER: Mr Hanson, a supplementary.

MR HANSON: Minister, will you continue to advocate for the needle and syringe program at the jail now that nurses have joined the chorus of people who are opposed to a needle and syringe program as put forward by Michael Moore?

MS GALLAGHER: My understanding of the ANF's submission is that they do not support the models put forward as Michael Moore's preferred models but they are prepared to continue to speak with the government about ways to implement one that would meet their needs. I still do not think it will meet the prison guards' needs—

Mr Seselja: It is a pretty strong trifecta—

Mr Hanson interjecting—

MR SPEAKER: Order, members!

MS GALLAGHER: Mr Seselja, this is a little bit complex for you. It is not black and white. I understand your need for things to be either wrong or right—mostly wrong—but within this there is the Michael Moore position. There are you guys on the extreme right saying: "No, no, no, don't do anything ever, ever. Just let people's veins deteriorate. Let blood-borne viruses have the opportunity to spread."

Mr Hanson interjecting—

MS GALLAGHER: That is you. Then there is Michael Moore. Then in the middle there is a whole group of people who want to genuinely engage and try to work with the government to provide a sensible and reasonable response to the issue of blood-borne virus management in a correctional setting.

Opposition members interjecting—

MS GALLAGHER: So there a whole lot of people in here—you on the right, you right out there, and Michael Moore right here and then we are in the middle, with a whole range of people, trying to work out an agreed way forward.

Mr Hanson interjecting—

MS GALLAGHER: And that is what governments do. That is why you are in opposition. That is why we are here, trying to actually genuinely deal with the very, very serious issue of blood-borne virus management in a correctional setting.

Mr Hanson interjecting—

MR SPEAKER: Before the supplementary, Mr Hanson, I think that some of your interventions just then were getting very close to being unparliamentary. I would ask you to consider the tenor of your interjections.

Mr Seselja: Just on your ruling, Mr Speaker—

MR SPEAKER: There is no ruling.

Mr Seselja: Well, if I could just put it to you, Mr Speaker, that, if the Chief Minister is going to spend her time in her answers simply attacking us, it is often the case that we will respond and so—

Mr Hargreaves: On that point of order, please, Mr Speaker—

Mr Seselja: You have ruled on this in the past also.

MR SPEAKER: Just—

Mr Hanson interjecting—

Mr Hargreaves: On that very comment, I wish to positively contribute to that.

Ms Gallagher interjecting—

Mr Hargreaves: There is a process within this chamber where—

Members interjecting—

MR SPEAKER: Order! Mr Hargreaves has the floor.

Mr Hargreaves: There is a process within this parliament for people to engage if they feel they have been misrepresented or if they feel that somebody has been over the top. It is called standing order 46 and it is called the adjournment debate. So people really do not have to engage in banter across the chamber. There are plenty of facilities within our chamber to do that.

Opposition members interjecting—

MR SPEAKER: Order, members! In response to Mr Seselja's comment, Mr Seselja, I think it is actually quite clear that, whilst the Chief Minister was engaging, I think I let a fair amount go. It was the exact tenor of Mr Hanson's words that I was particularly responding to. He knows what I said—I do not need to draw it out—and we will move on to the next supplementary question.

Mr Hanson: Mr Speaker—

MR SPEAKER: There is no forum for a debate, Mr Hanson, unless you are taking a point of order.

Mr Hanson: I have been accused of being on the extreme right of the debate. I would like to know what comment—

MR SPEAKER: Mr Hanson, sit down.

Mr Hanson interjecting—

MR SPEAKER: Order!

Mr Hanson interjecting—

MR SPEAKER: Order! Do you want to leave?

MR SPEAKER: Mr Coe, a supplementary to Mr Hanson's question.

MR COE: Minister, will you continue to advocate for a needle and syringe program at the jail given that correctional officers are concerned for their safety if such a program was implemented?

MS GALLAGHER: I will continue to advocate for the best options to manage blood-borne virus transmission within a correctional setting. That requires us to look at the issue of use of injecting equipment which is being used at the moment in correctional settings right around the world and, indeed, at the AMC. We do what we can to reduce that and, indeed, the Michael Moore report notes that a lot of effort has been made to reduce the capacity for dirty needles to be used. I do not have my head in the sand. This is an issue, and it is an issue that warrants the seriousness of all 17 members in this place to work out a compromise that meets everybody's needs, if that is possible.

MR COE: A supplementary.

MR SPEAKER: Yes, Mr Coe.

MR COE: Minister, will you continue to advocate for a needle and syringe program at the jail, given that prisoners themselves are concerned for their safety if such a program was implemented?

MS GALLAGHER: I have answered that question in my previous answer.

Tourism

DR BOURKE: My question is to the Minister for Economic Development. Will the minister advise of steps taken by the ACT government to encourage or support tourism events in the ACT?

MR BARR: I thank Dr Bourke for the question. The government, through the Economic Development Directorate, is establishing four seasons of tourism events, built around the distinctive features of our climate and looking to focus our tourism offerings around those four distinct seasons. Through the establishment of the Economic Development Directorate and a number of programs such as the blockbuster fund and the events assistance program, we are working with industry and in partnership with national institutions, as well as events that we run ourselves, to provide a diverse program of tourism events and activities linked to each of the seasons.

MR SPEAKER: Supplementary question, Dr Bourke.

DR BOURKE: Can the minister provide details of any recent specific examples where the ACT Labor government has successfully encouraged or supported tourism events in the ACT?

MR BARR: The most obvious and successful examples in recent times have been the partnership with the National Gallery of Australia in relation to their summer blockbuster exhibitions. The *Masterpieces from Paris* exhibition that the ACT government supported set an Australian record for the greatest level of attendance at an exhibition in the history of the nation. It was indeed a significant period for tourism in the territory.

We are again partnering with the National Gallery in relation to the Renaissance exhibition that commences in December this year and runs through the summer and into the autumn period of 2012. We have also entered into a partnership with the National Library of Australia, and details in relation to that particular series of blockbuster events will be announced shortly.

MR HARGREAVES: A supplementary.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Is the minister aware of community or other attitudes regarding the ACT Labor government's programs he has spoken about which are aimed at encouraging and supporting tourism events in the ACT?

MR BARR: There has been very strong interest in applying for both the blockbuster event fund and the tourism event assistance program. We will obviously have some further announcements in relation to events that will be supported under both of those programs throughout this financial year and into the 2012-13 year. Community and industry support for the programs has indeed been very strong. In fact, I think the only organisation I am aware of that has not supported—and demonstrably not supported—these initiatives, by voting against them, is the Canberra Liberals.

Children and young people—care

MRS DUNNE: My question is to the Minister for Community Services. Minister, yesterday in question time you admitted that you learned in July that the Children and Young People Act may have been breached. You said—and I quote:

> … I sought assurances and guarantees that our standards were being met.

Later you said—and this is a direct quote; I hope it has not been mistranscribed:

> … I have been seeking assurances that services meet our standards, that oversight is absolutely strong and that all things being equal are in place.

Minister, exactly what assurances did you seek, when did you seek them and what assurances were you given?

MS BURCH: I thank Mrs Dunne for her question. That is right; as I made comment yesterday, it was in late July, and I was provided with advice by the department about the pressures in care and protection and the pressures in the foster care sector as well. They made a simple note that there was occasional use of unapproved agency staff in emergency situations. I have sought assurances, as I have done since then, that standards have been met. And I think you have said in this place too that there has been some lack of clarity in advice coming from the department. But all these matters will be reviewed and will be part of the Public Advocate's review.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, you still have not told the Assembly what assurances you sought or how you sought those but in the almost two months since you became aware—

Mr Hargreaves: Preamble.

MR SPEAKER: Yes. Mrs Dunne.

MRS DUNNE: When did you form the view that the directorate may have breached the act and how long after forming that view did you take action?

MS BURCH: I have regular conversations with the department where I ask, firstly: do the agencies meet our standards? What are the safeguards around children? Let us again put this in context. These have been emergency placements where the alternative was really such a devastating thought, that we would leave children in care.

I know that you have very clearly articulated your opinion of the care and protection area and the directorate this morning, Mrs Dunne, where you called them a failure and a disgrace or ignorant. It is very, can I say, disturbing, and on behalf of all the staff out there can I say that I think that is really quite offensive language.

Mr Seselja: On a point of order—

MS BURCH: But as to—

MR SPEAKER: One moment, Ms Burch. Stop the clocks, please.

Mr Seselja: This is about direct relevance. Very clearly, Mrs Dunne asked when the minister formed the view that the directorate may have breached the act and what action she took in response.

MR SPEAKER: Thank you. The question is clear, minister. It is not a chance to reflect on this morning's debate.

MS BURCH: I sought to have a meeting with one of the agencies involved. I held my view until I met with that agency. I met with that agency on the Friday, and the letter was sent forth to the agency, to the director-general, on the Tuesday.

MR HARGREAVES: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Mr Hargreaves.

MR HARGREAVES: Minister, which do you believe is the most appropriate course of action with regard to the matter—the director-general's request to the Public Advocate to investigate the matter or the prosecution of this thing in the public arena, as detailed by those opposite?

Mr Smyth: On a point of order, Mr Speaker, is that asking for an expression of opinion?

MR SPEAKER: I invite Mr Hargreaves to reframe the question.

Mr Hanson: Is it out of order or not? You don't get a second bite at the cherry.

MR SPEAKER: Order! Mr Hanson, that is absolutely not true. That reflects your personal perspective of this place. A number of members on your side have been invited at times to reframe their questions, and I invite you to be more balanced in your feedback. Mr Hargreaves.

MR HARGREAVES: Minister, which would be the better result for the staff and for the young people—to have the Public Advocate investigate the matter in accordance with the letter from the director-general or to have the matter prosecuted in the public arena by those opposite and other such people?

MS BURCH: I think the answer there is fairly straightforward. The Public Advocate is the right and appropriate person to undertake this review. The directorate has been supportive of the view, and I ask all those interested in this debate to let that process proceed and to be very mindful of any commentary they make and the reflections that they have and the impact they have on staff morale.

MR SPEAKER: Yes, Mr Seselja, a supplementary.

MR SESELJA: Minister, will you table in the Assembly by close of business today all briefs and other advice you have received from the directorate in response to your seeking assurances and, if not, why not?

MS BURCH: I will not be tabling the brief that I get from the directorate.

Mr Seselja interjecting—

Housing—affordability

MR SPEAKER: Ms Bresnan, a question without notice.

MS BRESNAN: Thank you, Mr Speaker.

Dr Bourke: Point of order, Mr Speaker. Mr Seselja has just made an unparliamentary remark suggesting that Ms Burch is going to incriminate herself.

MR SPEAKER: Mr Seselja, you may be able to assist me. I am afraid that in the kerfuffle that was going on I did not hear it.

Mr Seselja: I am happy to tell you exactly what I said, but I do not believe it is unparliamentary.

MR SPEAKER: If you could, that would be helpful.

Mr Seselja: You can rule on it. I said to Ms Burch, when she said that she would not be tabling the documents, "Is it because it might incriminate you?"

MR SPEAKER: Those being the words, at this stage, being in the form of a question, I find it hard to rule them as unparliamentary language.

Mr Hargreaves: On the point of order, Mr Speaker, it was not part of the formal question; it was actually an interjection across the chamber.

MR SPEAKER: I realise that, Mr Hargreaves. I think it is framed in such a way that—

Ms Gallagher interjecting—

MR SPEAKER: Whilst members might find it not to their liking, I do not think it crosses the normal rules of unparliamentary language.

Mr Hargreaves: On the point of order, Mr Speaker, there is a difference between saying across the chamber "in case they embarrass you" and suggesting that something will incriminate a member. That is quite a different matter.

MR SPEAKER: Thank you for your feedback, Mr Hargreaves. We will move to Ms Bresnan's question.

MS BRESNAN: My question is to the Minister for Economic Development and is about affordable housing. Minister, yesterday you said that you did not accept the statement made by the Australians for Affordable Housing coalition that the ACT has the worst rates in the nation for low income households and housing stress. On what basis do you not accept the statement, and which of the coalition's measures are incorrect?

MR BARR: As I have indicated in response to Ms Bresnan, asking very similar questions, there are a number of different measures of housing affordability. Whilst I acknowledge that this particular group has put forward a view, I do not accept it and I will continue to use the measure of affordability that the government has been using consistently.

MR SPEAKER: Ms Bresnan, a supplementary question.

MS BRESNAN: What evidence do you have to show that the ACT government's 2007 affordable housing strategy has decreased measures of housing stress for low income households?

MR BARR: There are a number of indices that are released by a variety of different government agencies and a number of different private sector organisations that report on affordability.

Ms Le Couteur: A supplementary, Mr Speaker.

MR SPEAKER: Yes, Ms Le Couteur.

Ms Bresnan: On a point of order, Mr Speaker, Mr Barr actually did not answer the question I asked. My question was: what evidence do you have to show that the ACT government's 2007 affordable housing strategy has decreased measures of housing stress for low income households? He did not actually answer the question.

MR SPEAKER: Mr Barr, do you wish to add anything?

MR BARR: I repeat what I said: there are a number of different indices and measures reported by government agencies and by private sector agencies that are publicly available and that do report regularly in relation to the issues that Ms Bresnan has raised.

Mr Seselja: A supplementary, Mr Speaker.

MR SPEAKER: I actually had given the call to Ms Le Couteur, and then I will come to you, Mr Seselja.

MS LE COUTEUR: Minister, is the ACT government concerned about the impacts of negative gearing and capital gains tax exemptions on affordable housing and, if yes, what steps have you taken to make the commonwealth aware of your concerns?

MR BARR: I think it would depend on the nature of the changes that are proposed. Generally speaking, those tax savings do aid the supply of properties into the rental market, so a withdrawal of those concessions would, in fact, have a negative impact.

MR SPEAKER: Mr Seselja, a supplementary.

MR SESELJA: Minister, on the figures you use, what proportion of Canberra families are experiencing housing stress?

MR BARR: Those figures are reported, I believe, on a quarterly basis by the Real Estate Institute of Australia. As I understand it, the most recent data showed that ACT households required the least amount of both their household income and their disposable income to meet their housing payments.

Children and young people—care

MR COE: My question is for the Minister for Community Services. Minister, how many non-government organisations are approved as suitable entities under section 53 of the Children and Young People Act 2008 and who gives those approvals?

MS BURCH: It is my understanding that there are 10 at the moment, and the director-general provides that approval.

MR SPEAKER: Mr Coe, a supplementary.

MR COE: Minister, is the Community Services Directorate responsible for the administration of the Children and Young People Act 2008?

MS BURCH: Yes, Mr Speaker.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, do you expect that the directorate would be aware of the legislative requirements of the act, particularly in relation to the approval of service providers as suitable entities under the act?

MS BURCH: I would expect the director-general and the department to be.

MRS DUNNE: A supplementary question, Mr Speaker.

MR SPEAKER: Yes, Mrs Dunne.

MRS DUNNE: Minister, how could it occur that the directorate responsible for the administration of the act would make residential care placements of children or young people in the care of the director-general to an organisation which is not approved as a suitable entity under the act?

MS BURCH: It will be reviewed and considered, and I look forward to that report coming to the Assembly here, through you, Mr Speaker.

Transport—public

MR HARGREAVES: My question is to the Minister for Territory and Municipal Services, and it is in relation to the bike and ride facilities. Minister, what is the reason for establishing bike and ride facilities in Belconnen and Woden and how does this program fit in the overall transport strategy?

MR CORBELL: I thank Mr Hargreaves for the question. Of course, the public transport sceptics on the other side of the house laugh at these initiatives, but this is all about providing better public transport services for our community. Of course, one of

the great challenges in Canberra is that the distances between people's residences and where they work or otherwise have to commute to can be considerable due to the dispersed nature of our city, and this often makes choices such as cycling—which is, of course, a very healthy choice for people—not feasible.

One way that we are seeking to tackle this is through the development of bike and ride facilities where, for those who can choose to cycle but who are perhaps not confident to cycle the long distances between, say, Tuggeranong and the city, or, indeed, even from Woden to the city, are able to still use public transport and still cycle.

To this end, the government has invested just over $700,000 over the next three years to improve our bike and ride network across Canberra. The bike and ride network has been supported with funding of just over $200,000 from the federal government, and this will allow for the installation of secure bicycle parking cages with capacity for 25 bikes and 31 parking rails at 13 high volume bus stops across the ACT, mostly on the Red and Blue Rapid high frequency bus routes.

At present there is one bike cage located at the Belconnen community bus station and the other is located on Flemington Road at the Nullarbor Avenue intersection in Gungahlin. Two additional cages will shortly open. One is currently nearing completion on Melrose Drive near the Phillip pool in Lyons and the other is currently under construction at the very successful Mawson park and ride near the Southlands shopping centre in Mawson.

These facilities are all about giving commuters choice. They are all about encouraging people to recognise that it is possible to ride your bike the short journey—say, the less than five-kilometre journey—from your home to these high frequency bus routes, park your bike securely and then be able to catch the high frequency bus services into a town centre or into Civic.

Of course, for those opposite who are worried about cost of living pressures, you would think they would actually support an initiative like this, an initiative that encourages people to keep the car at home, that gives them a real choice, that helps them improve their physical fitness and that allows them to take advantage of better and easier access to high frequency public transport services. But of course, no, all we hear is derision from those opposite, because they are not really interested and they are not seriously committed to investing in better transport choices for Canberrans. They do not really care about investing in public transport. They are quite happy to mouth the slogans but they are not able to deliver the policies that will make a difference.

In contrast, this government is delivering better transport infrastructure for Canberrans, infrastructure that will support more cycling, infrastructure that will support easier access to high frequency bus services, infrastructure that helps reduce congestion on our roads, because the more people who ride their bikes, the more people who walk, the more people who catch public transport, the fewer people who drive their cars on our roads.

MR SPEAKER: Mr Hargreaves, a supplementary question.

MR HARGREAVES: Minister, what has been the response from bike and bus users to the facility in Belconnen being used and what is a success measure in terms of usage?

MR SPEAKER: Minister Corbell.

Mr Hargreaves: And do not tell them now about the $10 million that Impulse Airlines got from those opposite.

MR CORBELL: A comprehensive communication strategy is first of all being developed to promote and encourage use of the new bike and ride facilities. This will expand on the smaller scale bike and ride campaign that targeted residents on the north side of Canberra in Belconnen and Gungahlin earlier this year. The promotion is ongoing.

The feedback we have had from cycling groups is very positive. We have seen groups recognise that more secure bike parking is a good thing for their constituencies and will encourage more people to choose to cycle because they can have the confidence that, first of all, they do not have to undertake a huge journey and, secondly, that when they do park their bike it will be in a secure cage which will keep it safe until they can return to use it.

These facilities are great for our community. They are a first for Canberra. They mean that more people can be encouraged to ride their bike. Even if we have residents riding perhaps only once a week, on the day that suits them, parking their bike in the park and ride facility and catching the bus, which runs every five to 10 minutes along those high frequency routes, that is a great outcome for our community. It is that type of investment and that type of vision, when it comes to public transport policy, that this government will continue to pursue.

MR SPEAKER: A supplementary question, Mr Coe.

MR COE: Minister, regarding cost of living and public transport, what impact is the $400 subsidy that ACTION receives per adult having on Canberra's households?

MR CORBELL: I would challenge Mr Coe to identify any public transport operator in the world that runs at a profit—

Mr Coe interjecting—

MR SPEAKER: Order! Mr Coe, you have asked your question.

MR CORBELL: without any public subsidy or payment. What is Mr Coe suggesting?

Members interjecting—

MR SPEAKER: Order, members!

Mr Coe interjecting—

MR SPEAKER: Order, Mr Coe!

MR CORBELL: Is Mr Coe suggesting that we do not fund a public transport service in the city? That is the logical extension. To answer the question, it is not an impact on households. In fact, it is a saving for households.

Members interjecting—

MR SPEAKER: Order, members!

MR CORBELL: It is a saving for households because the alternative—

MR SPEAKER: Order, Mr Corbell. One moment, please. Stop the clocks, thank you. Members, the level of noise is ridiculous. I actually cannot hear the minister.

MR CORBELL: It is a saving for households—

Mr Smyth interjecting—

Mr Hanson interjecting—

MR SPEAKER: Order! One moment; stop the clocks again. Mr Smyth, Mr Hanson, you are both warned. I just asked to be able to hear the minister and you both immediately started. You are now warned for interjecting. Minister.

MR CORBELL: It is a saving for households because if we did not fund public transport services it would mean more cost on expensive road infrastructure. It would mean more people having to buy a car. It would mean more people having to pay for petrol—

Mr Coe interjecting—

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

MR CORBELL: It would mean more people having to have a second, third or fourth car at home. It would remove those choices and it would drive up their costs. As a community, we have the choice.

Members interjecting—

MR SPEAKER: Mr Corbell, one moment, thank you. Members, I have just stopped. I have asked for some silence. I have warned three of you and you persist. Someone will go out the door in a moment if this continues. It might not just be one at this rate. Mr Corbell.

MR CORBELL: That is the choice as a community that we have: invest in services that mean everybody wins. Everybody wins when you have good public transport.

Everybody wins when the bus comes on time. It means fewer cars on the road and that means less cost to commuters. Those are the choices that we have got but it seems that those opposite are now advocating that public transport costs too much. I look forward to seeing their policies that they will take to the next election about cutting funding for public transport.

MS BRESNAN: A supplementary.

MR SPEAKER: Yes, Ms Bresnan.

MS BRESNAN: Minister, when will work begin on the Calwell park and ride and will that also include secure bike storage?

MR CORBELL: I thank Ms Bresnan for the question. The Calwell park and ride facilities are in relation to car parking, so allowing people to park and catch public transport. So they are not bike and ride facilities. I would need to get some further advice as to whether it is considered to include bike and ride as part of that proposal.

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

Rostered ministers question time
Minister for the Arts

Arts—Loxton review

MR HARGREAVES: Minister, could you please outline the ACT government's response to the Loxton review of the arts, please?

Mrs Dunne: Mr Speaker, could I ask your direction as to whether this is an announcement of government policy? Has this been announced hitherto?

Mr Hargreaves: On the point of order, Mr Speaker, I have asked a question about the government's response to a review in the same way I could ask a question about the government's response to a committee report. It is asked in the same way.

Mrs Dunne: On the point of order, any time the government announces a response it is potentially the announcement of new policy. I am asking for your direction as to whether this has previously been announced and, therefore, whether Mr Hargreaves is asking for announcement of new policy. I presume that the same rules for questions apply.

MR SPEAKER: Yes, they do.

Mr Corbell: On the point of order, Mr Speaker, the prohibition is on the announcement of new policy in response to questions. It will be up to you to determine, Mr Speaker, based on what Minister Burch says, as to whether or not there is an announcement of policy. I think you should allow Ms Burch to answer the question and then you will be able to determine for yourself whether or not there is an announcement of new policy or simply a reiteration and an explanation of policy already announced.

MR SPEAKER: I agree with the approach that Mr Corbell outlines. I think that is the best way to proceed at this point. Minister Burch, being mindful of the discussion we have just had.

MS BURCH: I thank Mr Hargreaves for the question and I welcome the opportunity to highlight some of the excellent work the ACT government is doing in partnership with the Canberra arts community. As people in this place may be aware, on the weekend I released the government's response to the Loxton review, so it is something that is already in place. Given the earlier discussion, that seems to be fine, Mr Speaker.

I am confident this exercise will result in a more collaborative and coordinated and vibrant arts sector for the ACT, and I want to thank my predecessor in the role, the former Chief Minister Jon Stanhope, for his passion for the arts and his foresight in commissioning the Peter Loxton review.

The Loxton review contained 118 wide-ranging recommendations, and I am pleased to say that the ACT government has agreed to 72 of them and agreed in principle to another 20. New initiatives that will be supported include the creation of the arts hub, the ACT cultural facilities plan and the ACT artists in residence program.

Other recommendations agreed to include an increased focus in artsACT on policy and data collection, streamlining processes for the assessment of the ACT arts fund including the introduction of online grants, increasing support to emerging professional and Indigenous artists and establishing internal and external partnerships.

A lot of community consultation went into the government's response. A number of different consultative mechanisms with both key stakeholders and the broader community were used throughout the review process. In August of last year the government commenced the consultation on the Loxton review and received 74 submissions from a range of individuals, local and national arts organisations, artists, peak bodies as well as other stakeholders. I understand that 34 of these submissions have been made public on the website. *(Time expired.)*

MR SPEAKER: Mr Hargreaves, a supplementary question.

MR HARGREAVES: Minister, what recommendations contained in the Loxton review are already being implemented?

MS BURCH: A number of the recommendations agreed to are well progressed. The Assembly would have noted we have provided funding for several initiatives in the most recent budget, including $3.2 million to upgrade the Street Theatre—which we hope will be the centrepiece of a performance arts hub—and $204,000 over four years to establish an artists in residence program.

For Mr Hargreaves and other members' information, other recommendations implemented have been: the creation of an assessment panel for the arts fund and establishment of start-up grants for young artists, and the provision of out of-round

funding has already been implemented; conversion of the ABaF position to fulltime; work on a new website; an online grants system; commencement of drafting a new arts policy framework; commencement of work on the arts hub at Kingston arts precinct, the theatre and the Ainslie Arts Centre; commencement of research into the creation of a coordinated artists in residence program, including the Kingston arts precinct, Watson, Strathnairn, Gorman House and Lanyon; and former ACT Cultural Council members are in the process of being reappointed with a new focus on strategic arts policy advice.

Arts—Loxton review

MR DOSZPOT: Minister, what does the government mean when it says it has "noted" the recommendations in the Loxton report on the review of the arts in Canberra relating to the Cultural Facilities Corporation? Can you confirm that the government has no plan to split the corporation into separate entities to manage the Canberra Theatre, historic places, a gallery and a museum?

Mr Hargreaves: On a point of order, Mr Speaker, picking up on Mrs Dunne's point, in regard to that question—I presume you have the question in front of you—Mr Doszpot asked whether the minister can confirm that the government has no plan to split the corporation? That would seem to indicate to me that he is asking the minister to announce what future policy we are going to have in relation to the corporation. That seems to be asking the minister to announce new policy.

MR SPEAKER: This feels like question time in the House of Representatives last week.

Mr Seselja: On the point of order, Mr Speaker, it has been the practice in this place when ministers are asked to rule things out that that is not regarded as a question about announcement of policy. That has always been allowed in previous question times.

MR SPEAKER: Members may have noted the discussion in question time in the House of Representatives last week when the Speaker found himself in a similar situation. I think I agree with Mr Seselja. This question is within the norms of the house, and the question will proceed. Minister Burch.

MS BURCH: For the benefit of members, the government has no plan to split the corporation into separate entities to manage the Canberra Theatre, historic places, a gallery or a museum.

MR SPEAKER: Mr Doszpot, a supplementary.

MR DOSZPOT: Minister, is there any government intention to review the structure of and funding model for the Cultural Facilities Corporation?

MS BURCH: Not at the present moment.

Arts—Fitters workshop

MS BRESNAN: Minister, in relation to the Fitters Workshop, the proposed relocation of Megalo printmakers into the Fitters Workshop has caused considerable distress amongst the Canberra music community. Given the community outcry and the fact that industry specialists have expressed support for the preservation of the building's unique acoustics, what steps did the government take to reconsider their decision regarding this matter?

MS BURCH: The government has received significant correspondence concerning the Fitters Workshop, with strong views expressed both for supporting the decision to relocate Megalo and to retain the workshop as a music venue. When I became arts minister I examined the arguments around this issue and met with stakeholders, and the government has decided to hold to its decision to incorporate Megalo into the Fitters Workshop as a key activity for the Kingston art precinct.

MR SPEAKER: Ms Bresnan, a supplementary.

MS BRESNAN: Minister, given the Chief Minister suggested Albert Hall was a viable alternative to the Fitters Workshop, what acoustic improvements are being undertaken, how are they progressing and when will the hall be available for the staging of live music events.

MS BURCH: There have been significant improvements undertaken at Albert Hall. In one of my meetings with the stakeholders other issues were raised, and they are in discussion with artsACT.

Arts—Loxton review

MS HUNTER: Minister, in relation to the government's response to the Loxton report, the report recommended a considerable suite of changes to the Cultural Facilities Corporation, including the establishment of an historic places trust, the devolution of the Canberra Theatre and the division of CMAG into separate museum and gallery functions. The government, however, has chosen to accept the advice of the ACT public sector review, which recommends the Cultural Facilities Corporation retain the status quo. What recommendations or insights did the public sector review provide that addressed the structural inefficiencies identified by the Loxton report.

MS BURCH: As mentioned, the government has no plan to split the corporation into separate entities to manage the theatre, historic places or the museum and gallery. The Hawke review came after the Loxton review, therefore, the government only noted that recommendation.

MR SPEAKER: Ms Hunter, a supplementary.

MS HUNTER: Given that the government's response to the Loxton report details the government's intention to foster a performing arts hub at the Street Theatre, how will the $3.2 million allocated towards extending the capacity of the Street Theatre address the lack of purpose-built venues for dancers in Canberra?

MS BURCH: The investment at Street Theatre will provide office space plus rehearsal space, and it is not the only arts area or dance-arts area. We have a number of facilities across the ACT for a range of arts performances.

Lanyon Homestead

MR SMYTH: Minister, what reports of vandalism, graffiti and arson attacks and other antisocial or criminal activities conducted at Lanyon Homestead, the outbuildings and the former Nolan Gallery as well as the surrounding property and residences has the Cultural Facilities Corporation received over the past five years, and how did the corporation respond to these reports?

MS BURCH: As the member would be aware, there have been a number of incidents at Lanyon over recent years. Most recently in March of this year a shingle roof to the stone barn at Lanyon was set on fire and graffiti was applied to the barn. This followed a number of incidents of graffiti and theft of tools which occurred in September to November of last year. Going back to March 2008 two incidents of graffiti were reported, and during Easter of 2007 the Lanyon Cafe was broken into and alcohol was taken. Police were contacted immediately in response to any criminal activity reported to the corporation.

MR SPEAKER: Mr Smyth, a supplementary.

MR SMYTH: Minister, what practical measures does the Cultural Facilities Corporation have in place to protect Lanyon Homestead and its residence from these kinds of activities?

MS BURCH: In 2010 security cameras were installed and additional security signage was put in place. Police have increased their patrols and a private security agency is being used on occasions on an as-needs basis. Additionally, community safety briefings have been provided to staff and residence.

Answers to questions on notice

Questions Nos 1720 and 1740

MR COE: I seek an explanation under standing order 118A from the Minister for Territory and Municipal Services regarding questions Nos 1720 and 1740.

MR CORBELL: Without the relevant details in front of me I simply cannot provide an answer at this time, but I will seek further advice and provide an answer to Mr Coe later today.

Question No 1744

MR DOSZPOT: I have a question for the Minister for Education and Training, the time line for which expired on 15 September, question No 1744. The question noted the 13 November email to all Canberra Institute of Technology staff stating that filling will progressively occur during the first six months of 2008 and expressions of interest were called for just 12 of these positions for a period over six months—

MR SPEAKER: I do not need you to read the whole question.

MR BARR: I understand CIT had to compile a significant amount of information to answer Mr Doszpot's question, but I have seen it and signed it off. I think I signed it two or three days ago, so I am surprised that it is not with him now.

Estimates 2011-2012—Select Committee

MR HANSON: I seek leave to make a brief statement regarding recommendations arising from the budget estimates report.

Leave not granted.

Standing and temporary orders—suspension

MRS DUNNE (Ginninderra) (3.06): I move:

> That so much of the standing and temporary orders be suspended as would prevent Mr Hanson from making a statement in relation to recommendations contained in the Report of the Select Committee on Estimates 2011-2012.

Mr Hanson has sought leave to make a brief statement. I understand that there are recommendations out of the estimates committee that require the government to report by particular times. Those times seem to have passed. It seems to be perfectly reasonable that Mr Hanson should use the time which is set aside after question time to raise an issue such as this. The government seems to have failed to do its job. This is private members' day. The government cannot say that we are cutting into its time. This is an appropriate thing for Mr Hanson to raise in a statement by way of leave.

Mr Corbell could probably get the title of Mr Discourteous in this place because he will not give leave on these occasions. He was caught out yesterday, and he has not actually learned yet. It is about time that Mr Corbell started to show some courtesy in this place. At the moment he has shown that he is incapable of doing so.

MR SPEAKER: Let us stick to the suspension of standing orders, Mrs Dunne.

MRS DUNNE: The suspension of standing orders is going to have to become a necessary part of almost everything that we do if Mr Corbell, on behalf of the government, is going to continue not to provide leave for simple matters like this.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (3.08): The government will not support leave because we do not know what it is that Mr Hanson wants to talk about. We do not know what he is going to say. He is asking the Assembly to give him unlimited time to speak about some undefined matter. We do not know what it is about.

The normal courtesy would be for Mr Hanson to come to the government ahead of seeking leave and say, "Just to let you know, I am going to seek leave to raise a

certain matter." Then we can decide whether or not it is appropriate to grant leave. But the fact is that we have no idea what Mr Hanson wants to talk about. I think it is a pretty low threshold in this place for members just to stand up and say, "I seek leave to talk about some undefined matter," when we do not know anything about it and then allow them unlimited time to talk about it.

Just remember, Mr Speaker, that yesterday I stood up in this place and sought leave to explain why the government was taking a particular approach in relation to two recommendations of the estimates committee in its report. Leave was not granted by those opposite, so I had to table the statement that I was going to read. They cannot have it both ways. They cannot say, "Well, the government's not entitled to explain what approach it is taking in relation to matters," and then be allowed to stand up and talk at length with no time limit as to what it is they are concerned about.

Mr Speaker, until the same rules apply to both sides—until both the government and the opposition and other members are required to give some notice about what it is they want to talk about—the government is not going to accept that leave should be granted. We do not know what it is that Mr Hanson wants to talk about. He is going to be given unlimited time to talk about it, if he is granted leave. If he believes this is important, he should come to the other parties in this place, tell us what it is he thinks is so important that he needs leave and give us a heads up. Then we will be able to decide whether or not in advance we will agree to the granting of leave.

This is about trying to be consistent across all members in this place. Ministers are being asked repeatedly to give advance notice of statements and other matters in this place. Other members are not being held to the same level of rigour. That is the issue of concern to the government. That is why we are not prepared to grant leave and that is why we have not agreed to the suspension of standing orders.

MR HANSON (Molonglo) (3.11): The reason that it seems to be denied by the government at this stage is some sort of tit for tat rather than any substantive reason not to grant leave. I did explain when I got up to speak that it was about the recommendations arising from the estimates report. I have sought advice from the Clerk regarding this matter, because when the government fails to comply with recommendations arising from the estimates report, or any other report, and it fails to provide to the Assembly information it has said it is providing, there is no standing order under which I can actually then ask it to do so, as we have just seen from Mr Coe and Mr Doszpot under 118A.

It is a simple matter of rising to make a brief statement to highlight the fact that there are matters outstanding, based on the Clerk's advice that I have received that this was the appropriate course of action to proceed with. I have followed that advice. It was a very simple matter to highlight to the government that there are a couple of matters outstanding, similar to the processes followed after question time regarding outstanding questions on the notice paper. I think it would be a pretty reasonable thing to do. It would take me literally 20 seconds to highlight the matters that are outstanding from the estimates report.

MR HARGREAVES (Brindabella) (3.12): This is all about the brouhaha that occurred in the last day or so about getting leave. There have been some pretty ugly

things happen around the request for and the granting of leave—so much so, Mr Speaker, that I remind you, without going into the detail, that you saw fit to raise it in the administration and procedure committee yesterday. There were concerns that it was getting out of hand. Indeed, it has got out of hand, Mr Speaker.

We have seen a convention flouted twice with Mr Doszpot seeking leave to speak to a petition and we have seen the minister actually being on the receiving end of a threat. You will recall that there was a threat put across the chamber by the Leader of the Opposition that the government would be denied leave. That threat, in fact, was carried out so rapidly that it could only have been as a result of a fit of pique because of the denial of leave earlier on in the day yesterday.

There is a commonality between the refusal of leave for the minister to address the estimates committee and the refusal of Mr Hanson—for exactly the same reason. What needs to happen, Mr Speaker—

Mr Seselja interjecting—

MR HARGREAVES: You need to stop muttering under your breath for a moment and just listen.

Mr Seselja: It wasn't under my breath.

MR HARGREAVES: If it was not under your breath, you could be on the list too. You want to be on the list too—knock yourself out. There is a growing list. You are a growing boy; you have got a growing voice.

MR SPEAKER: Thank you, Mr Hargreaves; just come to the question.

MR HARGREAVES: Mr Speaker, I am trying to get the point across.

Mr Hanson: Mr Speaker, on a point of order—

MR SPEAKER: Mr Hargreaves, one moment, thank you. Clerk, stop the clocks. Yes, Mr Hanson.

Mr Hanson: I would ask you to consider whether or not the term "you're a grubby boy" is unparliamentary.

MR SPEAKER: I actually think he said "growing", Mr Hanson.

Mr Hanson: My apologies; I thought he said "grubby".

MR HARGREAVES: Mr Speaker, I am minded to ask—

MR SPEAKER: Order! Mr Hargreaves, let us just stick to the debate.

Members interjecting—

MR SPEAKER: Order, members!

MR HARGREAVES: I am, Mr Speaker, but I am minded to wonder if any member knows the telephone number of the deafness centre. I was going to entreat the chamber to stop this childish behaviour—just stop it. We have to be even-handed about this. Mr Hanson cannot deny the minister leave yesterday to address the estimates report and then stand up in this chamber today and seek leave to address the same report. That is inconsistent. I would ask, in fact, for the suspension of standing orders not to be agreed to at this time, for people to reflect on it over the next 24 hours and come back tomorrow, and just grow up.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (3.15): I would like to echo the remarks made by Mr Hargreaves. There have been some ridiculous carry-ons in this chamber in the last 24 hours or so. I think that he is on to something when he speaks about Mr Hanson wanting to address the estimates report when it was something he denied the minister from speaking on yesterday. I also believe that there needs to be a bit of a reflection about how people are approaching the whole issue of granting leave and, really, if people want to speak to something or raise a matter, that there is some sort of warning so that we know what is going on, so there is some courtesy by raising it beforehand.

There is an issue about the unlimited time. Although Mr Hanson assures us it will be 20 seconds, I am pretty sure that it will be longer than 20 seconds. There is an issue around there being some pretty poor behaviour in this chamber and there needs to be some reflection. I certainly hope this is an issue that is taken up through admin and procedures, or certainly taken up in discussion by the whips, and we can move beyond this ridiculous behaviour. Therefore, we will not be supporting the seeking of leave.

MR SPEAKER: Mr Smyth.

Mr Corbell interjecting—

MR SPEAKER: Order! Mr Smyth has the floor. Mr Corbell!

MR SMYTH (Brindabella) (3.16): Well, he comes to listen, does Mr Corbell. You think there is one rule for you and one rule for everybody else. Indeed, Mr Corbell tabled the paper yesterday and, of course, it was not on the notice paper. If we want to talk about courtesy and informing—

Mr Corbell interjecting—

MR SPEAKER: Mr Corbell, thank you. Mr Smyth has the floor.

MR SMYTH: It is normal practice to provide the complete list to avoid the sneakiness that you resort to so often, minister. I refer members to page 486 of *House of Representatives Practice*—

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

MR SPEAKER: Mr Smyth, one moment, thank you. Yes, Mr Corbell.

Mr Corbell: If Mr Smyth wants to accuse me of sneakiness, let him move a substantive motion and we will have a debate. Let him have the guts to do so, Mr Speaker. It is unparliamentary. He knows it is unparliamentary, Mr Speaker, and the grubby little soul that he is should be invited to withdraw.

Members interjecting—

MR SPEAKER: Order, members! Thank you, Mr Corbell. Resume your seat, Mr Corbell. The point has been made.

Mrs Dunne: Mr Speaker—

MR SPEAKER: On the point of order, Mrs Dunne.

Mrs Dunne: No, it is a separate point of order. Mr Corbell needs to withdraw—

MR SPEAKER: Stop the clocks.

MRS DUNNE: the comment "grubby little soul".

Mr Corbell: I withdraw that Mr Smyth is a grubby little soul, Mr Speaker.

MR SPEAKER: Thank you.

MR SMYTH: That is not the form. The form of this place is that you withdraw without reservation. You do not repeat it so that the slight is put in the *Hansard* again. The manager of government business knows that. Again, this is the snide way in which he constantly behaves.

Mr Hargreaves: On the point of order, Mr Speaker, you have not ruled on the first one. Could you, please?

MR SPEAKER: Yes, I have not lost that one. I am trying to work through them sequentially. Mr Corbell, if we could just have an ordinary withdrawal, thank you.

Mr Corbell: I withdraw.

MR SPEAKER: Thank you. Mr Smyth, I would invite you to withdraw the reference to the minister as "sneaky".

MR SMYTH: I withdraw.

MR SPEAKER: Thank you.

MR SMYTH: That is how it is done, Mr Speaker.

MR SPEAKER: You now have the floor, Mr Smyth, on the suspension of standing orders.

MR SMYTH: Members laugh when somebody reaches for *House of Representatives Practice*. I think they show their ignorance.

Government members interjecting—

MR SPEAKER: Order, members! Mr Corbell, you are now warned for repeated interjections. I have asked you not to.

MR SMYTH: Thank you, Mr Speaker. Members may laugh when somebody reaches for *House of Representatives Practice*, but this is about how we govern ourselves and it is what we look to for example. If members would look at page 486 of *House of Representatives Practice*, with regard to the way this sort of activity should be conducted and the long-established form of the House of Representatives, which is often followed down here, it says:

> Members seeking leave to make statements must indicate the subject matter in order that the House can make a judgment as to whether or not to grant leave.

When a member has digressed from the subject for which leave was granted, the chair can ask the member to confine himself or ask the member to resume his seat.

Mr Hanson got advice from the Clerk. The Clerk said the time to ask technical questions of this nature was after question time. You rise, you seek leave, you nominate the subject on which you wish to speak, and then if you are given leave you make the statement. That is exactly what he was informed to do. It is exactly what he said and the words he used were—members seem to have not heard—"I seek leave to make a brief statement regarding recommendations arising from the budget estimates report."

He has done everything that was required of him. He has done everything according to the form. It is more about Mr Corbell's obsession that only he can have leave. He seems to be the sole arbiter of leave and who gets it and when they get it. That is the problem here. Perhaps the Chief Minister, in her drive and in her push for more openness and more accountability, will take Mr Corbell aside and talk to him about courtesy. We heard this in 2001 when the then opposition leader talked about being more honest, more open and more accountable, and we have not had that for 10 years. Perhaps that is why we need a new regime of openness and accountability. With regard to what has just happened, Mr Hanson simply followed the directions that he was given, the directions that are governed by *House of Representatives Practice*, and in that case he should be given leave.

Question put:

> That so much of the standing and temporary orders be suspended as would prevent Mr Hanson from making a statement in relation to recommendations contained in the Report of the Select Committee on Estimates 2011-2012.

A call of the Assembly having commenced—

Mr Seselja: Mr Speaker, while the votes are being counted, can I intervene?

MR SPEAKER: This is most unusual. It had better be good, Mr Seselja.

Mr Seselja: This was just overlooked. There is a pair in operation that was not mentioned, so one of our—

Mr Hargreaves: Mr Speaker, this side of the house is happy for this to continue.

MR SPEAKER: Thank you, members.

Mr Hargreaves: I thank the Leader of the Opposition for picking it.

Mr Seselja: Well, I put the offer there.

MR SPEAKER: Thank you, members. Thank you, Mr Seselja, for your clarification there. Clerk, continue.

The Assembly voted—

Ayes 6		Noes 10	
Mr Coe	Mr Smyth	Mr Barr	Ms Gallagher
Mr Doszpot		Dr Bourke	Mr Hargreaves
Mrs Dunne		Ms Bresnan	Ms Hunter
Mr Hanson		Ms Burch	Ms Le Couteur
Mr Seselja		Mr Corbell	Mr Rattenbury

Question so resolved in the negative.

Answers to questions on notice
Questions Nos 1720 and 1740

MR CORBELL: I have some further advice on the question Mr Coe asked me about unanswered questions. In relation to Mr Coe's question 1720, the reason this has not been answered has been delays in my directorate. I apologise for this and I expect it will be provided this afternoon. In relation to question 1740, that question has been redirected to Treasury.

Papers

Mr Speaker presented the following papers:

> Ethics and Integrity Adviser for Members of the Legislative Assembly for the Australian Capital Territory, pursuant to the resolution of the Assembly of 10 April 2008, as amended 21 August 2008—Report for the period 1 July 2010 to 30 June 2011.
>
> Government Agencies (Campaign Advertising) Act, pursuant to subsection 20(1)—Independent Reviewer—Report for the period 15 February 2011 to 30 June 2011.

Transport—rail services

MS BRESNAN (Brindabella) (3.24): I move:

That this Assembly:

(1) notes:

(a) there are considerable opportunities to advance rail services in the ACT, including light rail, high speed rail, rail freight, and regional rail;

(b) that the federal government is currently conducting a strategic study of an east coast high speed rail network, including consideration of which stages of the route will be prioritised;

(c) that in 2008, the government submitted a bid for a light rail network to Infrastructure Australia, but has not progressed the development of light rail any further;

(d) rail freight is declining in the ACT and being replaced by road freight;

(e) rail services exist from Canberra to Cooma and Bungendore which have potential for improvement; and

(f) each of light rail, high speed rail, an increased proportion of rail freight and improved regional rail services, would bring significant benefits to the ACT region, including environmental, social, economic, and travel benefits; and

(2) calls upon the ACT government to:

(a) immediately begin consulting with the Canberra public about the alternative high speed rail routes in and out of Canberra and the potential locations for a Canberra high speed rail station;

(b) by the end of 2011, present a high speed rail network proposal to the federal government which:

(i) makes a case for the prioritised construction of the Canberra stages of the route; and

(ii) details how the ACT government will facilitate the planning and staging of the routes and the high speed rail station;

(c) immediately start developing detailed plans for a light rail network in all key transport corridors of Canberra (including from Civic to Gungahlin, Belconnen, Tuggeranong and Fyshwick);

(d) develop a revised bid for light rail in Canberra and present it to Infrastructure Australia by 30 June 2012;

(e) develop and cost a proposal for light rail routes that the ACT could begin constructing in the absence of federal assistance;

(f) prioritise sustainable freight transport by developing a rail precinct in the vicinity of East Lake/Fyshwick, which includes rail freight facilities such as an intermodal freight hub;

(g) meet with relevant federal ministers and request federal support for ACT rail projects;

(h) engage with the NSW government and local NSW councils to co-ordinate improved cross-border rail services; and

(i) report to the Assembly on the progress of the above during the first Assembly sitting week of 2012, and in the first sitting week after 30 June 2012.

This is a motion that calls on the ACT government to advance the development of rail in the ACT. It is a motion that I would expect all of us in the Assembly could agree on, as I would hope we all want better transport in Canberra and want to address the transport and environmental challenges of the future. The motion calls for action on a number of different rail projects. It covers light rail, high speed rail, rail freight and regional rail. Each of these aspects of rail is very important on its own and there are very real and practical steps that the government can take in each of these areas. If the government were to progress rail in one of these categories, it would result in great benefits to the ACT and its residents.

Rail is a viable and sustainable option and can meet future transport needs in Canberra. Rail makes economic, environmental and social sense. It is unfortunate that throughout Canberra's history rail has largely remained an overlooked and undervalued transport mode. Walter Burley Griffin first recognised the value of rail in Canberra but his dream was never realised.

Canberra's transport planning and the city have primarily developed around car use. The 1970 tomorrow's Canberra plan, for example, was described by the National Capital Development Commission as follows:

> The plan was influenced by the application of land-use/transport planning techniques which were popular amongst the engineers and town planners in the 1960's. It reflected the clear acceptance of the private car as the principal mode of transport for all trips, particularly the journey to work.

This is a plan that is still influential today. It is a 40-year-old plan that first proposed the Majura parkway. The Greens have advocated long and hard to break from this status quo. It is an outdated and disproven approach to planning successful cities and will not address the future challenges we face.

I will focus on the importance of rail, the opportunities we have to develop rail in Canberra and the immense benefits it can bring. Through this motion, the Greens are proposing concrete steps to progress the ACT's efforts on rail projects.

As its name suggests, high speed rail refers to the kind of very fast train networks that operate in places such as Japan, Europe and China. High speed rail networks have been in operation for 35 years in many countries. There are now approximately 1,750 high speed trains operating at speeds of more than 250 kilometres per hour around the world. The benefits to Canberra from a high speed rail connection would be enormous, but it is essential that we position ourselves to ensure we have the best chance of receiving those benefits.

Through this motion, we are asking the government to immediately begin consulting with the Canberra public about the alternative high speed rail routes in and out of Canberra and the potential locations for a Canberra high speed rail station. This coincides with the federal government's strategic study into a high speed rail network on the east coast of Australia. The study was looking at potential routes from Brisbane southward to Sydney, Canberra and Melbourne, as well as the economic viability of a network. This study was actually undertaken and released in 2011 because of the efforts of the Australian Greens, who negotiated this outcome. At the conclusion of this first phase, the federal government has been clear that it is looking to states and territories for cooperation and help with the planning and facilitation of high speed rail routes.

One of the intended results of my motion is that the ACT government present a proposal to the federal government which makes a case to prioritise the Canberra stages of an east coast rail route. This study has identified a number of possible routes and a number of possible locations for stations, which I will not go through now. What is important is that the ACT government does its own consultation and preparation around these questions and actively presents its case. This work will give Canberra the best chance of being part of any initial high speed rail route.

Every year approximately two million people travel between Canberra and Sydney. This is expected to almost double in the next 25 years—that is, four million people travelling just between Canberra and Sydney every year. A high speed rail trip between Canberra and Sydney would take only one hour. The cumulative positive impacts of this new transport mode would be significant. High speed rail has been estimated to be about three times as energy efficient as cars and six times as energy efficient as planes. It would better connect Canberra's economy, create jobs and reduce carbon emissions.

I would also point out that the modelling suggests that the high speed rail route between Canberra and Sydney is almost the cheapest of the routes proposed. It is a very busy route and it is also placed centrally, making it a smart route to build first. It can be extended in either direction, from Sydney to Newcastle or from Canberra to Melbourne. Travelling from Canberra to Melbourne on a high speed train would only take 90 to 120 minutes.

I am asking in this motion today for the ACT government to be at the forefront, to have a plan for facilitating the implementation of the routes and stations and to begin proactively working with the federal government to make them happen. I have asked for the government to do this by the end of the year. Phase 2 of the strategic study is

expected to be completed around mid-2012; so I believe the ACT should present its case early to be fully considered and incorporated into the study.

The second aspect of this motion relates to light rail. Light rail is a topic that seems to have moved in and out of Canberra's political consciousness. Part of my hope with this motion is that we can put light rail firmly and permanently on the agenda and take concrete, positive actions to advance it. The Greens believe that, with the right efforts and actions, light rail can be a reality in Canberra.

Canberra needs a rapid, high-capacity transport system. This could be delivered by either buses or light rail, but there are a number of factors suggesting some good advantages to using light rail supported by buses, acting as a feeder service.

I will not re-prosecute the case for light rail in detail. One standout issue I would like to mention, though, is that light rail is typically more attractive to commuters, more comfortable and simpler to timetable. It is also well suited to fixed, high-capacity routes and therefore suited to the transport corridors that have been reserved in Canberra. Light rail can also run on renewable electricity and is consistent with a clean energy future.

Members may be interested to hear that the Deutsche Bahn has just decided to raise the percentage of renewable energy used in powering its trains. It will increase to almost 30 per cent in the next three years and become carbon free by 2050. These are the kinds of targets that are consistent with the ACT's own greenhouse gas reduction target.

The last effort we saw from the government on light rail was a 2008 bid to Infrastructure Australia. This happened just before the 2008 election and, following that, light rail dropped from the agenda. As I have mentioned before, this contrasts with the ongoing efforts the government made to secure Majura parkway funding, including meeting with the Prime Minister, committing budget funds and completing detailed EIS and design studies. It would have been good to see the ACT government put as much effort into lobbying for light rail. The Gold Coast bid on light rail has been successful. Therefore, it is something Infrastructure Australia has seen as a priority.

One of the requests I am making today is that the ACT ministers make specific lobbying efforts with their federal counterparts for ACT rail projects.

The motion also asks that the government immediately start developing detailed plans for a light rail network in all key transport corridors of Canberra. I note that the government has now agreed to look at how light rail could work on Northbourne Avenue. It needs to extend these detailed studies to include Gungahlin, Belconnen, Tuggeranong, Kingston and Barton and also the airport and Fyshwick. I recently asked the government to consider light rail as part of its study of Canberra Avenue and it should also include light rail in its study of busways on Belconnen Way.

We want the result of this to be detailed proposals for routes and stations in each of these areas. It can inform future planning in these areas. It means getting serious about

where and how light rail will work in Canberra and doing the detailed work. This has not been done before now.

This work will inform a new bid to Infrastructure Australia and I see no reason that would prevent us making a revised bid for federal funding. I have requested that this bid be ready by the middle of next year and, although it is an ambitious target, it is a reasonable timetable and I am happy to discuss this with the government further if they have some points of discussion on this. It would be wrong to rely completely on Infrastructure Australia for funding. There are options available to the ACT in the absence of federal assistance.

My motion asks that the government develop a cost proposal for light rail routes in the ACT that the ACT could begin constructing in the absence of federal assistance. This may be an individual route rather than the full network, which can be expanded over time.

Again, I would point out that the Gold Coast light rail project is going ahead as part of a public-private partnership between the Queensland government, the Gold Coast City Council, the commonwealth and the company GoldLinQ. The pros and cons of these sorts of ventures are something which the ACT government could also investigate.

My motion raises the issue of freight travel. Unfortunately, the proportion of rail freight in the ACT has declined, indeed as it has across the country. Road freight is taking over, and the construction of the Majura parkway is intended to facilitate road freight in the ACT. Anyone concerned with the long-term future of our city should know that road freight is not the answer and that rail is a much more sustainable option for freight, and this has been discussed at a number of forums in recent times.

A report by ARRB consultants found that rail freight produces up to 90 per cent fewer emissions per tonne of freight carried than road freight. Any government committed to emissions reduction should be looking at how to facilitate a switch to rail freight. The Greens' belief is that there are a number of proactive actions the government can take to advance rail freight in the ACT, and I do not accept the contention that it is out of the government's hands.

The 2009 rail master plan written for the government by a consultant said that there were opportunities for the growth of rail freight in the ACT. It said that an intermodal freight terminal was an option for Canberra. This kind of terminal allows the easy transfer of freight from rail to truck, meaning that the majority of the freight journey is done by train. The rail master plan even identified viable sites, such as Fyshwick. It recommended looking at the feasibility of developing an intermodal facility. The consideration of a rail precinct currently underway through the East Lake development project is the perfect time to progress these rail freight projects. Unfortunately, it no longer seems to be on the government's agenda.

At the time of the rail master plan, the government promised to consider rail freight in conjunction with freight policies for the ACT and the government's land release program. It also promised to follow up on the 2009 rail master plan with detailed analysis, consultation and consideration of providing rail infrastructure. It said it

would deliver this in mid-2010. This work has actually not eventuated or been done. There has been no further feasibility report, and it is now nearing the end of 2011.

My motion asks to put rail freight back on the agenda and to prioritise sustainable freight transport by developing a rail precinct in the vicinity of East Lake-Fyshwick, which includes rail freight facilities such as an intermodal freight hub. I will qualify this by saying that I will be satisfied if the government at least progresses this by first conducting the further feasibility studies it promised.

In conclusion, I commend my motion to the Assembly. It sets a proactive agenda for rail, a topic that has been overlooked for too long. These actions are needed to bring the considerable benefits of rail to the Canberra public and to deliver a sustainable, practical transport future for our city, and I would imagine and would hope this is something that all parties in the ACT will be supporting, hoping to see investment from the federal government in it.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (3.36): I move the amendment to Ms Bresnan's motion, circulated in my name:

> Omit all words after "That this Assembly", substitute:
>
> "notes that:
>
> (1) the Government's current planning for Canberra's transport services includes a detailed examination of light rail options which, in the initial stages, is focussing on the Northbourne Avenue corridor; and
>
> (2) the Government is working with the Council of Capital City Lord Mayors, of which the ACT is a member, on a submission to the Commonwealth Government on high speed rail options.".

Madam Assistant Speaker, I have moved the amendment to Ms Bresnan's motion today not because the government disagrees about the importance of looking at rail in the territory but because Ms Bresnan's motion demonstrates once again why the Greens are simply not capable of looking at how to approach the successful implementation of government policy. With the Greens, it is all about "We want it all now. We want it all done now. In fact, we want it all done yesterday. We want it all done yesterday in a perfect way and we do not really worry about the cost. We do not really worry about how it is going to work in terms of other coordinated policies of the government. We want it all yesterday."

What we have from Ms Bresnan is this: "Let us have rail freight, rail freight mode, yesterday. Let us have light rail spread right across the city yesterday and let us not worry about the cost. Let us not worry about how we are going to make it work. Let us not worry about all the detailed technical and planning considerations. We want it all. We want it yesterday." The Greens once again adopt a completely unrealistic, unstrategic and unconsidered approach to the real challenges of transport in this city, all because they want to jump on the wagon, forgive the pun, of rail.

Ms Bresnan also ignores in her opening comments the work that the government has already announced in relation to light rail along Northbourne Avenue. She makes the sweeping assertion that the government has done no work on this issue since 2008. Wrong, Ms Bresnan! You are wrong. The Chief Minister announced in her priorities following her election earlier this year that the investigation of light rail as an option along Northbourne Avenue was a priority for her and her new administration. But clearly Ms Bresnan has been asleep when it comes to these announcements and clearly the Greens have been asleep when it comes to these announcements.

The government is actively investigating and developing options for the possible development of light rail along Northbourne Avenue. That was announced about two to three months ago. So where have the Greens been? They have been asleep. They were not paying attention and they have been caught out. The government recognises that the first step to deliver light rail in Canberra is to look at it in a staged and segmented way. We have chosen Northbourne Avenue as the case study to try and make it stack up.

As minister responsible for transport planning and for transport delivery, I recognise that we need to work harder and faster on the issue of better transport for our city, better transport choices for our city. This project is a priority for me and it is a priority for the government. The government has set its time frame for the delivery of final options for the government's consideration as the end of this year.

From the period of the Chief Minister's election to the end of this year, less than six months in total, we expect to have final options on whether or not light rail should be progressed to the next stage along Northbourne Avenue. That is this government's commitment. It is clear and straightforward. That is why I am moving the amendment that I put before the Assembly. It is to reflect the fact and to apprise Ms Bresnan of her oversight in relation to this matter.

The government is also very supportive of options for the development of high speed rail and a high speed rail connection into the ACT. High speed rail presents very real and significant benefits. The ability to connect Canberrans to other major centres such as Sydney and Melbourne through a quick and timely journey without having to rely on the risks, both long term and short term, of air travel is a really important step for our city. The government and I as the minister have agreed that we will be coordinating our support for this proposal through a submission to the federal government through the Council of Capital City Lord Mayors.

This is the appropriate forum to pursue this because the Council of Capital City Lord Mayors represents the capital city local government administrations of Brisbane, Sydney, Canberra and Melbourne—the four key cities along the proposed high speed rail link. The government believes that a coordinated response through those four key metropolitan centres is the best way to demonstrate to the federal government our interest in and our commitment to working with them as they make decisions about whether or not a high speed rail link is a link that the federal government is prepared to make a significant investment in.

Of course the high speed rail study released by the federal Department of Infrastructure and Transport has outlined a whole range of questions that now need to be explored around a high speed rail link along the east coast of Australia linking those four major metropolitan centres of Brisbane, Sydney, Canberra and Melbourne.

They include for the ACT issues about where stations could feasibly be located in each of those centres, where the rail corridor itself should go between each of those centres, and into and out of each of those centres, and for Canberra questions about whether or not it should operate as a loop coming from Sydney looping through Canberra and back up into the Hume Highway corridor or whether it should travel to the south and connect through a mountain connection under the Great Dividing Range around Tumut and out towards Melbourne that way.

There are a whole range of very important questions that need to be considered. The government will be actively engaging with the federal government in our submission through the Council of Capital City Lord Mayors to indicate our ongoing interest in this and our preparedness to work with them on this important project for the real opportunities it presents to our city.

On light rail and on high speed rail, the government is actively working in this space. For Ms Bresnan to suggest otherwise merely highlights that she has been caught napping on this issue, that she has not been paying attention to the announcements the government has been making. She has not been paying attention to the priorities the Chief Minister has set. Instead, she wants to try and get the Greens' stamp back on this issue.

Of course, what Ms Bresnan's motion does not recognise is that the development of rail is potentially a costly option for the territory and it needs to be assessed in terms of its economic, financial, social and environmental benefits. The government's activities in terms of its examination along Northbourne Avenue are currently doing just that. But it is also important to recognise that we need to have the land use planning strategies to support the development of these types of transport corridors and we need also to recognise that a strong and viable bus network will remain critical to the performance of an effective public transport system for the city.

That is why the Northbourne Avenue corridor study is looking at a range of technology choices. It is looking at light rail along that corridor but it is also looking at bus rapid transport because both of those technologies can achieve the outcomes we are looking for in achieving dedicated right of way and in terms of achieving high volume passenger capacity that will deliver the benefits we need for rapid transit along these corridors.

We must also continue to plan to strengthen our bus network. We need higher frequencies along key corridors by bus. We need better frequencies and better connections from those high speed corridors out to regional centres and then the same again out into the suburban area. That is why as minister in the development of the new transport strategy I am placing a very high emphasis on making sure we have service guarantees about frequency and service guarantees about waiting times and

connections because these two things together are what will be critical in guiding our delivery of improved public transport for the city.

I want to be able to guarantee that people can expect a certain level of frequency on certain types of routes and I want to be able to guarantee that people should not have to wait any longer than a reasonable period of time in terms of connections between services, particularly between suburban services and the higher frequency services. These are important policy settings that the government is currently finalising.

The government's first major study into mass transit options in 2004 evaluated the various mass rapid transit systems: bus rapid transit, light rail and monorail. Based on the costs and benefits of various technologies, that report recommended busways or bus rapid transit as the best short to medium-term option for the growing but dispersed population area of Canberra. The report also suggested that any thinking about mass transit should be flexible.

We tend to think of mass transit as several carriages running along an inflexible system of steel rails usually powered by overhead electricity. But the features of mass transit such as speed, reliability and fixed routes can also be achieved with buses or trolleybuses running in a dedicated lane or corridor.

As part of the research that report, the Kellogg Brown and Root report, quoted an international expert, Professor Hass-Klau, on the need for flexibility of definition. I want to quote from that report:

> What is clear from Hass-Klau study is that there are a range of dedicated public transport systems functioning around the world but there is not just one formula or approach for success. Indeed, success it would seem, is a result of commitment. As such this study does not recommend a particular vehicle type and concludes that these routes should be serviced with either light rail or buses. Both should use dedicated infrastructure to achieve fast journey speeds and a high quality interchange environment. Furthermore, the vehicle type could change over time.

It is interesting looking at the latest light rail project currently under development in Australia, the Gold Coast light rail system, where there is actually community opposition to light rail. That opposition is based on concerns about land acquisition for the light rail corridor and also about the costs and the impact on interchanging between bus services and light rail.

There is a community group there arguing that instead of building light rail, bus rapid transit should be built because it will take less land. It will mean less interchanging between bus services and the light rail vehicle and, therefore, less inconvenience for commuters. So there are a range of choices open to governments and a range of policy considerations that need to be kept in mind in looking at these issues.

The government will continue with the development of its strategic public transport network plan, which was released in 2009. It led to the development of our frequent and rapid corridors and clear definitions for these. But the government is also continuing with its work in relation to the development of the transport for Canberra plan which will set out key objectives building on that previous body of work.

I want to turn in the time remaining to me very quickly to freight. It is the case that the government is developing options for a new freight terminal in Canberra. Once again, Ms Bresnan makes the accusation that the government is not doing any work on this issue. Once again, she is wrong. The East Lake study identifies options for how we relocate freight to a better location in the Fyshwick area. The reason for that relocation is simple. It does not make sense to have a heavy freight station in the middle of a proposed residential development, both in terms of movement of dangerous goods and in terms of noise and the land take that occurs in relation to those facilities.

The East Lake planning study is investigating where the new freight terminal should go—indeed, where the new rail terminus should be. It is also looking at how that is integrated with other transport modes. That work is actually occurring. But once again, Ms Bresnan chooses to criticise rather than recognise the work the government is doing on this already.

The proposal from Ms Bresnan is once again an example of the Greens trying to have everything yesterday. My amendment seeks to take a sensible approach to this.

MR SESELJA (Molonglo—Leader of the Opposition) (3.51): I move the following amendment to Mr Corbell's amendment:

> Add:
>
> "(3) in 2001 and 2008, ACT Labor promised to conduct feasibility studies and, under this ACT Labor-Greens alliance, there has not been any progress; and
>
> (4) the Canberra Liberals' policies in 2008 committed to moving Canberra closer to a rapid public transport system with the following initiatives:
>
> (a) an engineering study of light rail routes and integrated terminals for rail and bus connections;
>
> (b) urban and commercial planning to rezone and set aside the land required;
>
> (c) a transport user census; and
>
> (d) rigorous case development to attract Federal Government support.".

I am getting a sense from the squabbling between the Labor Party and the Greens on this issue that this is a bit of a preview of what we are going to be seeing in the coming 12 months. The Labor Party and the Greens will be looking to blame the other for why nothing has been achieved for the people of Canberra over the four years of this Labor-Greens alliance.

You do get a sense that the Greens are facing up to the reality, and that is what this motion is about, that they have been part of this government for the last three years and that people are now starting to ask questions: "What have you achieved for us? What have you actually done for us as part of this alliance? What has this alliance

delivered for me and the people of Canberra?" When people ask themselves those questions they might think about a plastic bag ban or a ban of fireworks. The alliance have certainly been good at banning some stuff, but they have not been very strong on delivering.

Public transport is an area where the people of the ACT would have expected that the Labor-Greens alliance would deliver something. The Greens certainly talk the talk about public transport. They certainly talk about it, but I think they are realising that they are going to be now held to account for the fact that over the last three years they have achieved very little, if anything, when it comes to public transport.

That brings us of course to the question of light rail. I will get into the details of the motion shortly but we do need to look at the Labor Party's record on this. It is probably no surprise that Ms Bresnan, I think rightly, complains about the lack of action, although I do ask the question again about the Greens: where have they been for the last three years? Why have they not been enforcing action on this issue? But we should not be surprised that there has not been action—because we have seen this before. How do I know that? I only have to go back to 2001. Jon Stanhope in 2001, 10 years ago, said, "We will conduct a feasibility study into light rail and conduct public consultation on the findings." So just before the 2001 election Labor promised light rail. Not to be outdone, Jon Stanhope came back in 2008, just before the ACT election, funnily enough, and said:

> I am extremely pleased to be able to announce that the ACT government is moving ahead with its exploration of light rail …

Seven years later, nothing had been done. And then of course in the lead-up to the 2012 election we are going to get the government saying, "We would like to do something on light rail."

There is a pattern emerging here, and it is one thing maybe to be fooled once or to be fooled twice, but to be fooled three times by these Labor Party promises I think is beyond the pale, and I do not think there would be many people in the community who will believe anything that the Labor Party say on light rail in the lead-up to the 2012 election. They have not taken action in this area, and I think that is unfortunate. I think that is a missed opportunity.

Let us look at what they claim to have done or what they have been doing. There was a $200,000 PWC report commissioned by the ACT government and it found that a 54-kilometre network that would extend to Belconnen, Tuggeranong, Gungahlin, Kingston, Manuka and Civic would cost approximately $2 billion. The report found that the project had a cost-benefit ratio of 1.62 and indicated that the environmental and congestion relief benefits may not justify the cost of light rail. The report formed part of the ACT government's unsuccessful bid to Infrastructure Australia.

Let us just think for a moment about spending $200,000 on a report into light rail, which would be a $2 billion project. This minister, Minister Corbell, threw away $5 million on a study for one busway. Granted, that was a shocking example of wasting taxpayers' money on a project that was never going to go ahead. But, if the

government felt that in order to properly investigate a busway between Civic and Belconnen you need $5 million, are you really going to get a fair dinkum study for $200,000? I think that goes to the seriousness of this government on this issue.

This government loves announcements. There is another Labor government it reminds me of—a recently departed Labor government that was notorious by the end for promises on public transport that it did not keep. I refer to New South Wales Labor. New South Wales Labor promised rail lines to the north-west and to the south-west, and it failed to deliver. But before every election it said it was going to do it. We are seeing that pattern here with ACT Labor: before every election it says it is committed to light rail—really it is; hand on heart, it wants to see light rail be a reality. But do not believe it. Let us just be honest about it: it is not committed to it. It is not even committed to properly studying it.

That goes to my amendment. My amendment goes to what we spoke about before the last election and I think it is worth reflecting on that. I believe, like most Canberrans, I think, that light rail is a good idea. It is very expensive and, if we are going to go down that path, a lot of things need to happen. First, we need to do the serious study—not a pretend study. We need to do a serious study that looks at all of the possible economic benefits and economic costs, all of the social benefits, the environmental benefits and the environmental costs. There are costs and benefits of all these things. But let us do a serious study. Let us seriously engage with the community.

One of the planks of our policy was to do a transport users census, to do a serious study of what the take-up might be like. You cannot do that if you just do a quick and dirty study. That is no reflection on the people who did the study; they simply were not resourced to do it properly, as comprehensively as would be needed for a multibillion dollar project.

Secondly, we need to start developing our city in a way that might underpin light rail. If we look around the world where rail works, it tends to work best where there are a lot of people living in one place. It sounds novel, but that is the way it goes. Canberra is not that city at the moment. Will it be more like that in five years time or 10 years time? Will we seriously develop along our transport corridors and in our town centres so that maybe we have a much better bus system or maybe we are able to support a light rail system? These are the questions.

I again go to the duplicity of the government and the Greens on this. They claim they want to see more people living on transport corridors, more people living in town centres. But what do they do? They go and impose a massive tax on that very type of development. They impose a tax on the kind of development they say they want—but not on the other type of development. That is a pretty big market signal that the government are saying, "We would prefer you to develop just in the greenfields." And, if that is the case, we of course will never, ever be able to sustain a light rail system. We will not, unless we develop our city in the way that it should be developed, and that is through sensible growth around our transport corridors and our major centres. That will underpin a much better public transport system.

So you cannot come in here and say, "We are all for light rail." The Labor Party say they are for light rail. But they are not prepared to do the study; they are not prepared to do the work. They promise it at every election. The Greens claim they are for light rail. But they have done nothing for the last three years while they have been part of this government and they will be held to account for their lack of action. It is no longer all care and no responsibility; they have the power at the moment to get things done. And they will have to look the electorate in the eye and tell them why they did not get it done.

That is what this motion is about. It is about them saying, "We would like to see something happen." They could have made it happen. But in the last three years nothing has happened. That is where I think Mr Corbell is correct in his critique of the Greens. The other part of this motion is, "We want it all and we want it now"—when they have not done anything about it until this point.

There is no regard for the costs and the time frames. Let us look now at some specific aspects of the motion and some of the time frames. Firstly, it is lumping a number of different rail issues all into the one motion and I think again that that shows just how slapdash this has been. It is not just about light rail; it is about high speed rail, rail freight and regional rail. Each of those could have a separate motion and a separate discussion. Such is the frantic nature of the Greens' desire to cover for the fact that for three years they have achieved nothing on this that they have to lump them all in together. They lump them all in together and call on the government to immediately begin consulting with the Canberra public and by the end of 2011 present a high speed rail network proposal to the federal government. They want it all to be rushed out right now.

The reality is that you will not get good outcomes like that. I think it was the rushed nature of the ACT government's submission to Infrastructure Australia, the fact they did not put in the serious work, that contributed to us not getting funding for this project. Imagine if they had actually done the work. So let us not encourage the government to make the same mistakes they have been making over the last few years. Let us get it right. Let us do the detailed study. Let us do the detailed work. Let us really consult with the community. Let us really get a sense of whether or not people would use it and, if so, how many would use it, therefore how cost effective that might be and therefore where we might be able to put the routes and therefore when we could build it, and then look at how you would deliver it.

If you are not prepared to do that work, this is just again lip-service. I think people get tired of this kind of spin, and the Greens are now as guilty of it as Labor is. The Labor Party promises it at every election and does not deliver it. The Greens, who had three years to do something about it and have done nothing about it, now say, "You need to do it immediately." They will now trumpet: "We took a motion to the Assembly and it got voted down. We did not get what we wanted because the Labor Party and the Liberal Party do not like light rail."

What we support is good policy developed in a considered and serious way. We support policy that is costed. Where you do the work you get to the bottom of it. This

motion does not go anywhere near that and that is why we cannot support it. This motion is not well thought out. They have been caught out. They have been caught out for the fact that for the last three years they have not been serious about this and now they are looking ahead to October next year and saying, "We had better chalk up some wins for the people of the ACT," because to date they do not have much to show for it.

I commend my amendment to Mr Corbell's amendment. Really, it is just a statement of facts: in 2001 and 2008 ACT Labor promised to conduct feasibility studies. And, as acknowledged, I think, by Ms Bresnan in her speech, there has not been progress. I agree with Ms Bresnan on that: there has not been progress—just a statement of the policies that we put forward. My amendment is a statement of fact. I think it should be supported. Certainly we will not be supporting the motion as it stands.

To sum it up, you have got to do the work. Just pretending that you have got a plan when you have not—just putting out a long motion that covers all sorts of issues, without doing the work, knowing that it is unachievable—is not being fair dinkum with the community, and you will be found out. This kind of spin that we are now getting from both the Labor Party and the Greens, where they pretend to do something when they are not doing anything, needs to be called for what it is. We will support good policy. We will support considered policy and considered motions—not what is being put to us today. *(Time expired.)*

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (4.07): The government will not be supporting Mr Seselja's amendment because the Liberals have no credibility on the issue of investment in public transport. I draw Mr Seselja's attention to the comments of the shadow minister for territory and municipal services during question time today where he criticised the cost of running the ACTION bus service and he saw it as a costly subsidy being imposed on Canberra households. That was Mr Coe's criticism less than two hours ago, and yet his leader stands up in this place and says: "No, we're very serious about having a look at the cost of light rail. Very serious." But his shadow spokesperson—the person he would appoint as the minister to run the system—is saying that running public transport is too expensive

Opposition members interjecting—

MR ASSISTANT SPEAKER (Mr Hargreaves): Stop the clock please. I remind you, Mr Smyth, particularly—your name is on this list—and Mr Seselja, I have just stepped into the chair and I will not have the interjections across the floor. I highlight to you that in some case I may have no choice but to invoke the standing order. I would prefer not to, but I will.

Mr Seselja: I thank you for the advice, Mr Assistant Speaker, but I raise a separate point of order in relation to relevance. The amendment Mr Corbell is speaking to is pretty specific, and he has not gone anywhere near it. So I would ask you to ask him to be relevant.

MR CORBELL: There is no point of order. You don't like the criticism, do you?

MR ASSISTANT SPEAKER: Minister, please, I am the chair. Minister, you can resume the floor. Please, if you can, stick to Mr Seselja's amendment.

MR CORBELL: The government will not be supporting Mr Seselja's amendment because the amendment is without any credibility. It is without any credibility because you have the shadow minister for transport saying it is too expensive to invest in public transport in this city and it is an unreasonable impost on Canberra households. That is what his shadow minister is saying, but the leader is prepared to stand up and say, "No, we're very serious about looking at investing in light rail." He himself has conceded that light rail is more expensive than other forms of technology. He knows it. His shadow minister thinks it is too expensive to run bus services, but he wants to look at light rail. They are adopting a hypocritical policy position and a policy position without any credibility.

Let me address the other criticisms made by Mr Seselja. He says that the government is not following through on its commitments. He is wrong. The government said before 2001 that it would look at and develop a feasibility study on light rail for the city. And that was delivered in 2004 through the Kellogg Brown and Root report—KBR—the public transport futures feasibility study. That was not a quick exercise; it took over a year, and it looked in detail at all the options around public transport provision for the city. It made certain conclusions about the costs and benefits of different technologies. The government concluded out of that study that it could not justify an investment on a city-wide light rail project because it was not as cost efficient as alternatives such as bus rapid transit. That is why the government made the investment that it made in bus rapid transit, including in the Belconnen to city busway. Guess what, Mr Assistant Speaker? Most of that busway has now been built.

Mr Seselja again misleads the community when he makes the claim that the government spent money on a feasibility study for a busway project that came to nothing. In fact, most of that busway project has now been built. It is being built right now through the new ANU exchange area. There is a dedicated busway through that area connecting to Barry Drive. The government has funded in the most recent budget the development of a dedicated busway along Barry Drive. The government has invested in a new bus station in the Belconnen town centre. It has completely redeveloped the Belconnen bus interchange to make a series of community bus stations, including integrating public transport with the major shopping centre in Belconnen, and it has provided improved bus priority along Belconnen Way. These were all measures that were identified in the bus rapid transit study, the Belconnen to city busway study, commissioned by the government previously and they have been built and implemented.

Mr Seselja also criticises the government in his amendment by claiming that the government is putting an additional financial impost on redevelopment along those public transport corridors when, in fact, nothing could be further from the case. He knows—he is being disingenuous to say otherwise—that the changes to the lease variation charge include remission to encourage development along public transport corridors, along other major transport corridors and around centres and that those remission policies are currently being implemented. So, once again, he is wrong and he misleads the community again when he makes the claim to the contrary.

Those are the facts around the amendment proposed by Mr Seselja. He is wrong. He is wrong on lease variation charge. He is wrong on the feasibility studies the government has undertaken. He is wrong on the Belconnen to city busway. He is wrong and is adopting a hypocritical policy position when he says he is interested in investing in light rail when his shadow minister for transport thinks that buses cost too much already and he does not want to see any more impost on Canberra households.

We look forward to Mr Coe proposing to his Liberal colleagues that they should cut funding to ACTION because he believes it already costs too much. We look forward to how he is going to reduce the cost of running ACTION without reducing services and without impacting on the delivery of services to the Canberra community. We look forward to that, Mr Seselja. Cannot wait for that one. Should be an election winner for you!

Mr Seselja's amendment has no credibility. It is clear they do not know what they are talking about when it comes to public transport policy. They cannot even reconcile the differences between themselves on the issue. How can they seriously suggest they have got a clear policy agenda for the future?

MS LE COUTEUR (Molonglo) (4.15): I have to agree with Mr Corbell's statement about Mr Seselja and hypocriticalness as far as rail goes, but I am not sure that it does not also apply to the Labor Party. Neither party have been prepared to support Ms Bresnan's entirely sensible motion. I particularly point out the first part of her motion, which notes the considerable opportunities for rail services in the ACT, including light rail, high speed rail, rail freight and regional rail. What is there in there, gentlemen, to not support?

It is obviously the case that we have different ideas about how we might go about implementing rail projects, but to have the Liberal and the Labor parties both stand up and say, in effect, "We love rail," but refuse to support anything of Ms Bresnan's motion is simply unbelievable. I guess the word Mr Corbell used, "hypocritical", is accurate. Given their stated positions on this, I really cannot understand how they are not supporting Ms Bresnan's motion.

Mr Corbell said that the Greens always want to do everything now or in the past. The Greens certainly see the urgency of this issue, and I would like to bring both sides of the house back to the debate. Light rail was part of Walter Burley Griffin's original plans, but the first time that I personally ever got involved in the light rail dispute was in the early 1990s. Gungahlin was a new town centre then and there was a developer, Mr Winnel, who wanted to put light rail out to Gungahlin. From memory, he said that he would finance this himself, such would be the increase in land value of doing this. I admit that it was a new government at the time—I think it was shortly after self-government—but this visionary project was not supported by the Labor government. The Greens did not exist at that time as a political party in the ACT, but the Greens' idea clearly would have saved a lot of money. It would have saved an awful lot of time, because we would not be waiting up and down Northbourne Avenue. The whole debate about the Gungahlin Drive extension would not have occurred because there would have been good public transport to Gungahlin. The Greens are right in saying

that we want action sooner rather than later. But what we have seen from the Liberal and Labor parties is no action and not even much in the way of positive words.

Possibly the most positive thing is that both of them acknowledge the relationship between planning and transport. Mr Seselja got it wrong about the lease variation charge. He clearly has not been paying attention. The Greens have negotiated with the government on the lease variation charge that there will be an opportunity to waive the charge for development along transport routes. Mr Seselja, Liberal Party—pay attention to this. The fact there is a relationship is one of the reasons why we need action on this sooner rather than later. From a planning point of view, we know considerable work is being undertaken on the Northbourne Avenue precinct. There is a draft variation 310 out on this subject and that, as well as the light rail issues and the other transport issues on Northbourne Avenue, is currently a matter of considerable public debate and decision. It is important that we make this decision now.

One of the reasons it is important is to ensure that the government gets the full financial benefit out of its decisions, because there will be an increase in the value of land which fronts onto light rail. I would like to see the ACT government make its decisions early enough so it can actually take advantage of that increase in land value rather than just the private sector which had the foresight to buy land which will become more valuable, because I fear that is what is going to happen. By the time the government gets around to actually doing a light rail project, all the land along the project will have been sold and the government will not be in a position to reap the financial benefits it should reap from it.

Both sides said, "Well, Greens, you haven't actually delivered a rail project." I unfortunately have to point out to the Liberal and Labor parties that we are on the crossbench. We are trying as hard as we can to do this from the crossbench, but we are not actually part of government, which makes it a trifle difficult to deliver a large engineering project on the ground. We are trying—Ms Bresnan, in particular—as hard as we can to do it.

Looking some more at this motion, one of the areas neither Liberal nor Labor really looked at was the cross-border transport coordination. It is something we need more of, and Ms Bresnan's motion called for this specifically in relation to regional rail. We have existing rail lines going to Bungendore and Cooma. I admit the one to Cooma is not currently being used, but these are things which could be better exploited. The government should be talking to New South Wales and local councils about revitalising them. This would have benefits for the whole region.

Talking about light rail, I would like to say a bit more about the values in terms of the permanent values. I talked about values in terms of land use, but it is also in terms of lower operating costs. I know this is something which exercises the mind of the Liberal Party considerably—it was one of their questions today. The operating costs of light rail are usually cheaper than those of buses, although the capital cost is higher. As Ms Bresnan says, high speed rail is something the ACT government should be pursuing enthusiastically, and I am glad to hear that Mr Corbell at least mentioned some degree of enthusiasm. This is going to make a significant difference to Canberra.

I would like to briefly mention one of the most important reasons that we should be supporting rail, and one unfortunately that neither side has mentioned as yet—that is, peak oil. The International Energy Agency—I happen to have a printout from November 2010—estimates that we reached a peak of crude oil production maybe in 2008 or 2006. But whatever that date may be, we have definitely peaked. One of the many advantages of rail is that it is quite easily powered by electricity. In fact, light rail is normally powered by electricity and high speed rail is also often powered by electricity.

Electricity has the advantage that it is fairly readily produced from a wide variety of renewable sources. That is not so for petrol and oil. There are ways of producing this from renewable sources, but they all require a lot of land, and this is land which normally could be better used for producing food. Given that transport is a considerable requirement of modern communities—and certainly a requirement of Canberra given the way that it has been developed—it behoves all of us to look at what we can do to our transport system to seriously make it work better with less availability of petrol and with petrol and oil being more expensive. I would hope that all parties in this Assembly are concerned about cost of living for average Canberrans, and the Greens contend that rail and public transport and a reduced emphasis on private cars is one way to significantly reduce cost-of-living pressures on Canberra households.

In the brief time I have left to me, I would also like to talk some more on Mr Corbell's point that the Greens want it all now. One of the reasons we want it all now and why we want the government to start prioritising things better is to avoid spending money which is not well used. A good example could be the Majura parkway. The money that is going to be spent on that could probably build the light rail route from Gungahlin to Civic. If you look at it from a long-term point of view, that would be a much better use of the money. (*Time expired.)*

MS BRESNAN (Brindabella) (4.25): The Greens will not support Mr Corbell's proposed amendment to my motion. Mr Corbell's proposed amendment would effectively turn the Greens' motion to nothing. It is an amendment that says that the government will not do anything on rail and that even removes the parts of my motion that note the benefits of rail and the opportunities that rail would bring to Canberra.

Given the government's frequent claims to be committed to sustainable transport, I am very surprised that it would present an amendment like this. I am disappointed by the obvious gulf between what the government is willing to say and what it is willing to do, as evidenced by this amendment.

I had expected that this motion would get support from the government and the Liberal Party. It asks the government to take sensible steps to progress a number of rail projects. These are steps that the government needs to take but continues to overlook.

Our motion asks for action on high speed rail, for timely consultation with the Canberra community and for a proposal to the federal government to prioritise the Canberra routes. It asks the government to facilitate the finalisation of routes and stations. Mr Corbell's proposed amendment takes that out.

My motion asks for further work on light rail in key areas of Canberra and for renewed work on bids for money. Again, through Mr Corbell's motion, the government does not do that.

My motion asks for work to be done on sustainable rail freight. Mr Corbell's amendment removes that completely. The result would be that the government will do nothing on sustainable rail freight. This is despite the fact that the government is already breaking promises made in 2009 to follow the rail master plan and to conduct detailed analysis, consultation and consideration of providing freight rail infrastructure. This was supposed to be done by mid-2010.

Mr Corbell's proposed amendment removes my calls for cross-border cooperation on regional rail. It removes my request for ministers to lobby and work with their federal counterparts. I note for Mr Corbell—he said that I was apparently asleep, but it seems he may be the one who is asleep—that I did actually mention the Northbourne Avenue study of light rail in my substantive speech, and asked that this be expanded to begin work on a light rail network for Canberra.

As I also said in my speech, we have had promise after promise from successive governments on light rail and have seen no action. It is all very well to give us more words, which Mr Corbell has effectively done today, but he has dismissed a chance to take a positive way forward on rail in the ACT.

The sum of this proposed amendment is that the government will not have to do anything on rail and in fact does not even recognise the importance of rail. The people of Canberra will be disappointed that the government will not agree to a motion that would bring obvious benefits to them and would help achieve a better and more sustainable transport system.

The Greens will also not support Mr Seselja's amendment to Mr Corbell's proposed amendment. It is a completely paradoxical amendment. The amendment purports that the Liberal Party is committed to rapid transport and decries that there has not been any progress. At the same time, Mr Seselja and Mr Corbell are removing all parts of my motion that will require any action. It is hypocritical and nonsensical.

Mr Seselja is all words and no action. It is easy to say that the Canberra Liberals are committed to rapid public transport, but where is the action? Mr Seselja and the government are today combining to deliberately stymie any action.

Mr Hanson interjecting—

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Hanson, if you get a warning you are out.

MS BRESNAN: Perhaps the biggest irony is that Mr Seselja says that the Liberals support an engineering study of light rail routes, integrated terminals for rail and bus connections, yet that is what he has just removed from my motion. If the Liberals were committed to this, they would have voted for this part of the motion. That would have required the government to conduct the detailed engineering studies. There is just no rational explanation for this, except that Mr Seselja does not really support his own policies.

Mr Seselja said in his speech that he supported good policy and doing proper costings. That is what my motion calls for. Yet Mr Seselja has voted it down and has put in some self-congratulatory statement which achieves nothing.

We intended this to be a motion that we hoped would be a positive one that all parties could agree on—obviously this was a little too much to expect—so that we could have a positive statement from the Assembly to the federal government, and to federal bodies such as Infrastructure Australia, to encourage this sort of investment in the ACT. I did not think this would be a squabble, as Mr Seselja labelled it, but what has happened is that Mr Corbell and Mr Seselja have done a great job of turning it into that.

This might be something that the Canberra community might want to think about. Are the Liberal and Labor parties actually interested in progressing transport in the ACT and working with the Greens and the community to achieve this, which is what this motion would have done today? It would appear to date, from the response from both the Labor Party and the Liberal Party, that the answer to that question is no.

Question put:

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

The Assembly voted—

Ayes 5		Noes 10	
Mr Coe	Mr Seselja	Mr Barr	Ms Gallagher
Mr Doszpot		Dr Bourke	Mr Hargreaves
Mrs Dunne		Ms Bresnan	Ms Hunter
Mr Hanson		Ms Burch	Ms Le Couteur
		Mr Corbell	Mr Rattenbury

Question so resolved in the negative.

Question put:

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

The Assembly voted—

Ayes 6		Noes 9	
Mr Barr	Mr Hargreaves	Ms Bresnan	Ms Hunter
Dr Bourke		Mr Coe	Ms Le Couteur
Ms Burch		Mr Doszpot	Mr Rattenbury
Mr Corbell		Mrs Dunne	Mr Seselja
Ms Gallagher		Mr Hanson	

Question so resolved in the negative.

Question put:

That the motion be agreed to.

The Assembly voted—

Ayes 4		Noes 11	
Ms Bresnan	Mr Rattenbury	Mr Barr	Mrs Dunne
Ms Hunter		Dr Bourke	Ms Gallagher
Ms Le Couteur		Ms Burch	Mr Hanson
		Mr Coe	Mr Hargreaves
		Mr Corbell	Mr Seselja
		Mr Doszpot	

Question so resolved in the negative.

Motion negatived.

Alexander Maconochie Centre—drugs

MR HANSON (Molonglo) (4.38): I move:

That this Assembly:

(1) notes:

(a) on the 25th July 2011, an incident of self-harm by an Aboriginal detainee occurred. The Aboriginal Liaison Officer (ALO) was only informally told of this incident a day later;

(b) in a separate incident, leading up to the 29th July 2011, a detainee at the Alexander Maconochie Centre (AMC) located in the Crisis Support Unit was able to stockpile methadone medication;

(c) on the 29th July 2011, another detainee at the AMC located in the Crisis Support Unit was unknowingly given the stockpiled methadone;

(d) the detainee who was stockpiling the methadone subsequently informed correctional staff that they had been stockpiling the medication in order to overdose; and

(e) that the detainees involved are of Aboriginal descent and the ILO and ALO were not informed of the incident immediately; and

(2) calls on the ACT Government by the first sitting day in December 2011 to:

(a) undertake an investigation into the procedures and practice surrounding the administration of medication, including methadone at the AMC;

(b) review the Royal Commission into Aboriginal Deaths in Custody, and the application of the recommendations to all correctional facilities in the ACT, ensuring that this application reflects current best practice; and

(c) provide guidelines to the Assembly on the role of the ILO and ALO, and the communication between Corrective Services and the ILO and ALO when incidences occur involving detainees of Aboriginal or Torres Strait Islander descent.

I rise today to speak on a near tragic set of circumstances that occurred at the Alexander Maconochie Centre, a tragic set of circumstances where the management of the Alexander Maconochie Centre has failed to protect our most vulnerable. This is yet another monumental issue of the mismanagement and miscommunication at the ACT prison, mismanagement that almost led to the death of two inmates.

I believe it is prudent to document here the circumstances of this issue so that it can be clear how close we came to having not one but two deaths at the jail. On 29 August a prisoner, whom I shall refer to as prisoner A, to respect his privacy, suffered an epileptic fit while being accommodated in the crisis support unit at the AMC. Whilst waiting for medical attention, he requested and was given a drink of juice from the communal fridge. Prisoner A then suffered a further seizure and an ambulance was called as it was clear that his medical condition had deteriorated.

When the ambulance arrived at the crisis support unit, the ambulance officers administered an injection of the medication Narcan. The drug Narcan is used to counter the effects of opiate overdose. Specifically it is used to counteract life-threatening depression of the central nervous system and respiratory system. Prisoner A was given this drug because in the intervening time between the juice being given and the ambulance arriving Corrections officers were informed that the juice contained derivative methadone. Prisoner A had inadvertently been given an overdose of methadone.

Prisoner A, after the administration of Narcan, showed signs of immediate recovery and ambulance officers, after a period of observation, were able to leave the facility. Unfortunately, prisoner A then further deteriorated and was transported to the Canberra Hospital later that evening.

The question of how such a volume of methadone that was enough to cause an overdose came to be stored in a jug of pineapple juice in a communal fridge in the most supposedly monitored area of the prison is very concerning.

The incident report from the jail states that another detainee in the crisis support unit, whom I shall refer to as prisoner B, had been stockpiling his methadone. Prisoner B informed correctional officers subsequent to prisoner A overdosing that he was going to use it "to do the same thing". Prisoner B had planned to use the stockpiled methadone to overdose and, if prisoner A had not been inadvertently given the methadone-laced pineapple juice, it is highly likely that he would have succeeded in doing so.

The CSU is, and I quote from the AMC management of prisoners in crisis support unit policy, a place "that will be used to accommodate prisoners who have engaged in suicide or self harming behaviour or who have been assessed as being 'at risk'". Prisoner A and prisoner B had already engaged in self-harming behaviour and they

were already known to be at risk. These are the tragic circumstances that enabled this to occur.

This event has widespread repercussions not only for these prisoners but their families and friends and the Indigenous community. I am advised that the mother of prisoner A who was given the overdose stated upon hearing the news of the incident: "I lost my son. I lost my son."

These tragic circumstances should be treated with deep concern, and an urgent response is needed to examine how such an occurrence could be prevented in the future. It should not be dismissed or covered up, but unfortunately that is exactly what the minister has tried to do. A spokesperson for the jail told the *Canberra Times* on 30 August that prisoner A was hospitalised due to an epileptic fit, and this is clearly not the full extent of the facts.

The incident report in its recommendations for further action states, and I must emphasise exclusively states: "staff to be informed of the incident and reminded to be more vigilant when supervising methadone and medication parade". Reminded to be more vigilant? We narrowly avoided the deaths of two prisoners and further vigilance is all that can be recommended! Serious action should have been taken immediately, but it took the Canberra Liberals to speak to the community members involved and highlight the incident in the media before the government bothered to respond.

There are meant to be protocols in place to ensure that methadone and other medications are administered safely. The Corrections management procedure 2011 clearly states that the correctional officer administering medication must verify the medication is swallowed by ensuring that the prisoner is given water to swallow, then they must talk, they must open their mouth, raise their tongue and use their finger to verify that medication is still not in their mouth. There is no way that this procedure had been followed when the methadone was given to prisoner B, otherwise he would not have been able to stockpile his medication in a jug of pineapple juice.

But tragically this is not the only way that this ACT Labor government has let down these prisoners and the ACT community. The management of the AMC failed to inform and get support for these extremely vulnerable prisoners. Prisoner A and prisoner B are both of Aboriginal descent. There are clear avenues of support that have been set up to support Aboriginal and Torres Strait Islander prisoners, and these prisoners are entitled to access this support. But once again the government is all talk and no action when it comes to Indigenous policy.

There are three key people that should have been communicated with regarding any incident involving an Indigenous prisoner. They are the Official Indigenous Visitor, the Indigenous liaison officer, who is a Corrective Services employee, and the Aboriginal liaison officer, who is specifically tasked with ensuring the mental wellbeing of Indigenous prisoners.

None of these people were informed of this incident immediately. They were not given the information or provided the opportunity to meet with the prisoners involved. In fact, it has been alleged to me that the Aboriginal liaison officer only found out

about the incident informally. This is simply unacceptable. These positions were set up for a reason. There was a need identified in the community and these people were appointed to address that need. The question is: why were these positions not being utilised?

If we take a step back and look at the big picture for a moment, we can clearly illustrate that these roles are a vital part of beginning to address areas of concern in our community. Aboriginal and Torres Strait Islanders account for about 1.2 per cent of the ACT community but are almost 10 per cent of the people in our criminal justice system. Informal statistics from July this year show that at one point almost one-third of Aboriginal prisoners were housed in the crisis support unit. We clearly have a serious issue on our hands, and the Attorney-General refuses to take any responsibility or any action.

In August, I made representations to the Attorney-General on the request of a concerned member of the Indigenous community about another incident of self-harm. On 25 July, an Aboriginal prisoner self-harmed and was subsequently admitted to the CSU. The Aboriginal liaison officer, the person charged with ensuring the mental wellbeing of the Indigenous prisoners, was not informed of the incident until days later. It is alleged that they only found out about the incident from a chance conversation with a correctional officer when they came to the jail to deal with a separate incident.

The response I received from the Attorney-General was disappointing and concerning. The response did not address the matter of the Aboriginal officer not being informed but stated that the Indigenous liaison officer, a different person under the legislation, was informed a day later, a concerning time delay in itself. The Attorney-General also went on to say:

> There is no requirement under legislation, the AMC's policies or procedures or the recommendations of the Royal Commission into Aboriginal Deaths in Custody for an ILO or similar position to be notified in regard to such events.

However, under the corrections management (Aboriginal and Torres Strait Islander Prisoners) policy, it states:

> … in the event that an Aboriginal and Torres Strait Islander prisoner is placed in the crisis support unit … the ILO must be informed.

It is clear that the Attorney-General and his department do not even know their own policies. Therefore, it should not come as a surprise that they have failed to provide the prisoners involved in these very serious instances with the support that they need and that they are entitled to.

In 2010, the government signed the Aboriginal and Torres Strait Islander justice agreement in which the Attorney-General, Simon Corbell, stated:

> … focuses on reducing disadvantage by pursuing a policy of community inclusion to ensure that all members of the community have the best chance to reach their potential.

I question how not informing and using the members of the Indigenous community to support these prisoners pursues a policy of community inclusion. The justice agreement was meant to have arisen from recommendations from the Aboriginal deaths in custody report in 1991. However, it is clear that this government will only pay lip-service to the recommendations from this report and do not realise the importance of ensuring that everything is done to avoid tragic deaths in custody.

That is why the Canberra Liberals are today calling for a review of the Royal Commission into Aboriginal Deaths in Custody and the application of the recommendations to all correctional facilities in the ACT, ensuring that this application reflects current best practice. We are calling for review not only because we believe it is important to ensure that all action is being taken but because the community has asked for it. I, along with the Attorney-General and the Greens, have been approached numerous times to undertake such a review, and the Attorney-General has repeatedly chosen to ignore these requests. The Canberra Liberals believe that there could not be a more important time to address this review.

We are also calling for an investigation into the procedures and practice surrounding the administration of medication, especially methadone, at the Alexander Maconochie Centre. Since the Canberra Liberals highlighted the overdose incident in the media, the government has tried to argue that they have already undertaken a review. However, the recommendations of the incident report, as I quoted earlier, clearly indicate that no substantive action was taken immediately following the overdose. I welcome measures that will prevent such an overdose from happening again but, given this government's record of trying to cover up the circumstances of this situation, this review needs to be open and transparent.

It is also clear from subsequent incidents that we are not utilising the services of the Indigenous liaison officer, the Aboriginal liaison officer and the official Indigenous officer to their best ability. These roles and the people in them provide a valuable service and we should be using them to provide the best support possible for Indigenous people in custody. That is why the Canberra Liberals are calling for clear guidelines on the circumstances and timing for communication with these people.

Today's motion is the result of a tragic set of circumstances mishandled by the ACT Labor government from the very beginning. It comes in a long line of disasters at the jail: the fake opening, the failure of the security systems, continued non-operation of the RFID system, the damaging Burnet report, the retrofitting of cells because of capacity inadequacy, an improper termination of the superintendent. The list goes on. And both you, Mr Assistant Speaker, and the Attorney-General are well aware of that list.

It is clear from the August overdose that this government cannot manage the basics of running a jail but, instead of addressing this issue, their priority is a needle and syringe program. Introducing a needle program is not only against the wishes of the correctional officers, prisoners and nurses but is also dangerous, given that medication cannot be safely administered at the prison. I take this opportunity, while we are talking about the AMC, to again call on the government to back down on their push to introduce a needle exchange program in the jail.

The Chief Minister stated on ABC radio yesterday morning that incidents such as these should not have to wait for motions in the Assembly, that they should be responded to immediately. For once, the Chief Minister and I are in agreement. When tragic but avoidable circumstances like these happen, it should not take the Canberra Liberals requiring action in the Assembly for this review and action to occur. The government should have taken this action of their own volition. It is a sad day for the ACT community when ACT Labor would rather cover up and hide than work to prevent tragic circumstances like this occurring.

I will take this opportunity to highlight that I will be seeking leave to move three amendments circulated in my name. There are two on a green sheet and one on a white sheet. The ones on the green sheet simply change a date from July to August. That was a transcription error, and I apologise for that. The one on the white sheet does not change anything in the substance of the motion but simply calls on the government to actually table the results of the reviews I am calling for in the Assembly by the first day in December. Previously it just asked the government to complete those reviews. They are the three amendments. I now seek leave to move those amendments circulated in my name.

Leave granted.

MR HANSON: I move:

(1) In subparagraph (1)(b), omit "July", substitute "August".

(2) In subparagraph (1)(c), omit "July", substitute "August".

(3) Omit paragraph (2), substitute:

"(2) calls on the ACT Government to table in the Assembly by the first sitting day in December 2011:

(a) the outcomes of an investigation into the procedures and practice surrounding the administration of medication, including methadone at the AMC;

(b) a review of the Royal Commission into Aboriginal Deaths in Custody, and the application of the recommendations to all correctional facilities in the ACT, ensuring that this application reflects current best practice; and

(c) guidelines on the role of the ILO and ALO, and the communication between Corrective Services and the ILO and ALO when incidences occur involving detainees of Aboriginal or Torres Strait Islander descent.".

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (4.53): Mr Assistant Speaker, the government will not be opposing this motion today. We will not be opposing it because we have

nothing to hide on this issue. Further, Mr Assistant Speaker, we believe that we have actually taken all of the steps already that Mr Hanson proposes in his amended motion.

Of course, this is the point the government has been seeking to make all along in relation to these incidents. The actions that Mr Hanson has been demanding and grandstanding on are actions that have already been taken, steps that have already been put in place, responses that have already been implemented. So we have nothing to hide. We have nothing to fear. We will support the amended motion and we will detail that we have already done or are doing the things that Mr Hanson calls for.

It just highlights how Mr Hanson likes to think that he can micromanage the jail, that every single little incident has to come to the Assembly, because somehow our managers, our custodial personnel and our senior executives are incapable of dealing with what is regrettably a fact of life from time to time in any correctional facility in the country. But, of course, Mr Hanson has a lot of time on his hands and so he is interested in micromanaging a facility from his comfortable chair in the Assembly.

I can confirm that the two incidents raised by Mr Hanson took place. The government has already confirmed that. I can also confirm that all of the detainees involved are safe and well and that their detention needs and health needs continue to be managed appropriately by Corrective Services and by Corrections Health. I can advise that an incident of self-harm occurred in July this year and was effectively and appropriately handled by the staff at the AMC at the time.

It would not be appropriate for me to divulge the personal information concerning the detainees in question. I think that members should be very wary of wanting to use this place to examine minute aspects of the lives of individuals in detention, even those in crisis. We do not use the Assembly to report on or inquire into every critical incident that occurs in the life of other citizens in the territory, whether they are at home or in the care of others. Nor is it appropriate to speculate about the motives of any particular individual in relation to their own health care, but I can provide this following information.

What I can say is that on the occasion in July, the detainee in question had been displaying behaviour that was of concern to staff. As a consequence, they were moved to the crisis support unit so that they could be appropriately monitored and observed. While in the CSU, the detainee attempted self-harm. Staff intervened. The detainee was prevented from doing any serious injury to himself and was treated for minor injuries by the AMC health staff. The detainee in question was Indigenous and as the incident occurred late in the afternoon of Monday, 25 July 2011, on Tuesday 26 July, the AMC's Indigenous liaison officer was advised in writing. So within 24 hours of the incident occurring—in fact, in less than 24 hours—the AMC's Indigenous liaison officer was advised. This was entirely appropriate and the correct procedure.

In regard to the matter which occurred on Monday, 29 August, I can confirm that a detainee in the CSU inadvertently overdosed on methadone. The detainee had suffered a seizure and was being attended to by Hume health centre staff. He asked for a drink of juice. He was given juice from the CSU common room refrigerator. As it turned out, this juice contained diverted methadone.

On the issue of diversion of methadone, it is not only the case, as Mr Hanson suggests, that a detainee may seek to hold the methadone in their mouth. In fact, it can go much further than that. Detainees are known to regurgitate the substances that they take from their stomach, particularly if they have not had any other food or water in the period following taking the substance. It shows the lengths to which detainees will sometimes go and the challenges this presents in terms of management of these matters. But that appears to be a matter that Mr Hanson is not familiar with or has not even contemplated.

Following this consumption of diverted methadone, the detainee's health deteriorated. He was attended to by ambulance staff and the detainee was later transferred for treatment and observation. Having reviewed this incident, as is normal, Corrective Services and the Health Directorate made changes to the medication procedures, as you would expect.

The first was to require that detainees in the CSU must wait 30 minutes rather than 20 minutes after being administered medication, including methadone, before being returned to their cell. This goal is to further reduce the chance of the detainee regurgitating the methadone and diverting it for later use. This change has already been implemented. The second change is to introduce a different methadone formula, which is less syrupy than the one currently being used. As a result, this will further reduce the chance of the detainee regurgitating the methadone and diverting it for later use. These are sensible responses to the circumstances of these incidents and they are responses that are normal management responses to issues as they arise.

Also we are observing that there have been over 40,000 occasions of the administration of methadone to prisoners at the AMC since the prison started operation—40,000! There have been three adverse incidents in relation to methadone administration. It is a context, of course, that Mr Hanson is not interested in taking on board because it ruins the false perception that he seeks to create about how these types of health services are administered at the AMC.

Let me turn to the issue of notification requirements in regard to all detainees. For Indigenous detainees, this includes notification of the AMC's Indigenous liaison officer. Firstly, it is important to note that this is not a requirement of the Royal Commission into Aboriginal Deaths in Custody. It is a response to an area of AMC policy and procedure which Corrective Services continues to focus on.

There has been a suggestion that the detainee who was diverting the methadone was doing so for the purposes of self-harm. Mr Hanson has included this reference in his motion. This is not something that can be verified from the information currently before us.

I think we have to be clear about the steps that the government has taken. I have already addressed the issue of notification of the ILO, which is in the AMC procedures and which the government ensured occurred within 24 hours of the incident taking place. I can also indicate that steps have been taken to address the issue of the diversion of methadone and the subsequent accidental overdose. These

were sensible steps implemented in response to an incident by the managers responsible. The government is confident that our managers continue to take the appropriate actions to deal with these matters.

The reality of the prison environment is that there are people in that environment, detainees, who have powerful drug abusing tendencies. They are prepared to do things to access drugs that others would find offensive. They do not baulk at making themselves sick and then separating out the drugs from their vomit. They do not baulk at hiding things in the private parts of their bodies. It can sometimes be hard to prevent diversion when people are prepared to go to these lengths.

But what is important to stress is that the rate of such incidents at the AMC is low. It is less than three incidents relating to diversion out of 40,000 occasions of the delivery of methadone to prisoners at the jail since the jail commenced operation. The good news is that the rate of incidents is low, it does occur, and we need simply to ensure that we take steps to respond to it as appropriate.

Finally, the only concern I have about Mr Hanson's amendment is the issue of the call for a review of the Royal Commission into Aboriginal Deaths in Custody. I trust that Mr Hanson is not asking the government to do a complete review of every element of the Royal Commission into Aboriginal Deaths in Custody, because that is not something which is relevant to the ACT government's jurisdiction. Indeed, it covers a whole range of matters that are not relevant to the matter before us in the Assembly at this time.

But if the intention of that proposal is to review the Aboriginal deaths in custody report in relation to our obligations around self-harm to Indigenous persons and notification requirements, which is what I understand it is, then the government is quite happy to agree to that.

Mr Assistant Speaker, what this highlights is that a shadow minister with a lot of time on his hands thinks that all of these matters should be managed in a micro fashion from his comfortable seat in the Assembly rather than recognising that our managers and Corrective Services staff on the ground just get on with the job and do it. An incident occurs and it is responded to. Procedures are updated and improved as a result.

It also recognises that the rate of incidents is very low. But where it does occur, because of the extreme behaviour of some detainees, there are staff and procedures in place to respond and to address it. The government has nothing to hide in relation to this matter. The government is prepared to accept the motion because what Mr Hanson asks are all things that have already been done or are being done. The motion highlights the type of micromanagement and simplistic approach we see from the shadow minister for corrections.

MS BRESNAN (Brindabella) (5.05): The Greens will support Mr Hanson's motion today and thank him for bringing this important issue for Aboriginal people in custody to the Assembly for debate. What happened was a serious matter and I do hope no long-term harm has been caused to the detainee. I support Mr Hanson's request for an

investigation of medication procedures. While it may be the case that most of this work has been done—I do thank Mr Corbell for outlining the work that has been done—I, and I imagine other MLAs, would be interested in seeing the evidence of those considerations and how any similar future incidents can be prevented or mitigated.

I would like to note that in preparing the Greens' response to Mr Hanson's motion my office consulted with a number of stakeholders, all of whom supported the steps proposed. This included groups who specialise in drug and alcohol services and provide other services to Aboriginal and Torres Strait Islander people, including the Aboriginal Justice Centre and the Aboriginal and Torres Strait Islander Elected Body.

Recently the Greens have expressed concern and asked questions around issues concerning the implementation of the Aboriginal justice agreement and the overall treatment of Aboriginal people in the ACT. The questions we asked were about the issue Mr Hanson has already raised about the number of Aboriginal people in the crisis support unit. We also asked questions around the AMC requiring a second Aboriginal case manager, particularly given that Aboriginal people in prison often have quite complex problems, sometimes more so than other prisoners, and also questions around the *Working together* document and how that was being implemented.

Representatives of the Aboriginal community have also approached the Greens. Mr Hanson mentioned that they have spoken to him also, obviously resulting in this motion today. I do note that there have also been discussions with the government around the situation of Aboriginal people, given the high rates of incarceration as well as how they are coping once they are incarcerated in the AMC.

As I have noted, I have raised the issue about the crisis support unit. We were told that in late July seven of the eight detainees in the crisis support unit were of Aboriginal descent. I understand that one of the Aboriginal detainees was there to seek refuge from another inmate, but it still remains that at least six of the eight being held in the unit were Aboriginal people at risk, including from self-harm.

In late July there were 32 Aboriginal detainees in the AMC, 21 per cent of whom were in the crisis support unit. The Greens are aware of the justice agreement and the *Working together* report that the government developed in collaboration with the Aboriginal and Torres Strait Islander Elected Body. It provides a number of positive steps to progress justice issues for Aboriginal and Torres Strait Islander people in the ACT. I do have some concerns, however, that there has not been a time line provided for implementing the recommendations from the report. This is something we do hope to see some action on and, as I said, have asked questions around.

As I noted previously, the Greens asked questions of the Attorney-General and other departments about matters affecting Aboriginal and Torres Strait Islander inmates. This has been done through correspondence, questions in estimates, questions on notice and also in question time. It is appropriate that we consider what answers the corrections system in the ACT has made since the Royal Commission into Aboriginal Deaths in Custody. We must question whether there are key principles and programs

the government has implemented, is yet to implement, and what is being done to ensure these remain in place and are improved on over time.

For example, when it comes to people being detained by the police, the royal commission recommended that it be mandatory for police to immediately notify the relatives of a detainee who is regarded as being at risk or who has been transferred to hospital. I would assume that this recommendation also applies to Corrections and the AMC. In previous correspondence between the Greens and the government, we raised concerns about protocols for informing the Aboriginal liaison officer and Aboriginal Official Visitor when an incident occurred. The government did say that the Indigenous liaison officer and the Official Visitor were notified the next day of an incident, but it remains that the Aboriginal liaison officer was not.

As explained by Mr Hanson in his speech, the Aboriginal liaison officer and the Indigenous liaison officer are different people. The Indigenous liaison officer works inside the AMC and the Aboriginal liaison officer works outside and is based with Gugan Gulwan. A letter in reply to me from the Attorney-General stated that there was no requirement under legislation, the AMC's policies or procedures or the recommendations of the Royal Commission into Aboriginal Deaths in Custody for an Indigenous liaison officer or similar position to be notified in regard to incidents of self-harm, although the Indigenous liaison officer was informed the next day after the incident in question here.

Given the recommendation from the Aboriginal deaths in custody report that I did read out earlier, and that I know have been referred to previously, about family being notified in cases of risk of self-harm in police stations, I believe there should be a broader and stronger application of this recommendation to the AMC and Gugan Gulwan's Aboriginal liaison officer. The local Aboriginal and Torres Strait Islander community wants to be able to support Aboriginal and Torres Strait Islander people in the AMC but needs the government to have strong communication protocols with the community to achieve this.

I am going to speak briefly on something Mr Hanson mentioned in his speech—his opposition to the NSP being introduced in the AMC. I would just like to bring to his attention, given the respect which he has shown today for people working in the Aboriginal and Torres Strait Islander non-government area, that the *Working together* report developed by the Aboriginal and Torres Strait Islander Elected Body recommended that detainees in the AMC be provided services equivalent to those provided to the greater community. Having an NSP in the AMC would support this.

I also take the points that Mr Corbell has raised that obviously a prison environment is a very difficult one to work in and that there are incidents which occur around drug use and other such issues. He raised some of those. But I do believe, as Mr Hanson's motion has raised, that we need to be cognisant of this. We need to do what we can to prevent and mitigate it. This is why we do support looking at whether those recommendations from the Aboriginals deaths in custody report have been applied.

As to Mr Hanson's amendments, obviously we do not have a problem with those. They are just correcting some factual issues in the original motion; so we are happy to support the amended motion.

Amendments agreed to.

MR SPEAKER: The question now is that the motion, as amended, be agreed to.

MR HANSON (Molonglo) (5.12): Firstly, I would like to thank members, both the government and the Greens, for their contribution in supporting this motion. It is an important motion and it is an important outcome.

The government say that they are doing this anyway, but I think it is difficult to believe that when they have had to be, to an extent, dragged kicking and screaming so many times on these sorts of issues.

It remains clear that Mr Corbell has been confused about the difference between the Indigenous liaison officer and the Aboriginal liaison officer in both his correspondence to me and in his speech today.

I would also like to clarify in my motion that I want the government to be reviewing all aspects of the royal commission into deaths in custody that are applicable to correctional facilities in the ACT. I do not want that to be narrowed. They need to look at the royal commission and its recommendations to make sure that all of those recommendations that are applicable to the ACT are being looked at in detail and to make sure that we are applying them as they are meant to be applied with the best practice case. No, it is not a narrow view; it needs to be done properly.

Mr Corbell, when speaking about one of the prisoners, said that there was no evidence or no confirmation that the prisoner who was stockpiling methadone was doing so with the intent to self-harm, but I would like to quote from the incident report, the reportable incident synopsis from ACT Corrective Services. It states that prisoner B stated to the corrections officer, and I will not say the name of the corrections officer:

> … that he had been storing the Methadone for a period of time and that he was going to use it to "Do the same thing". This was taken to mean he intended to overdose on Methadone. Mental Health staff informed of this statement.

There is a discrepancy between what Mr Corbell is still saying and the advice that has been provided in the incident report by his own department.

Ms Gallagher has had a role in this as well. I have heard her comments in the media, trying to play this incident down and saying, "We have only had three incidents of methadone overdose." Three is three too many. It is quite clear that in this case this is not a simple case of a maladministration of a medication; this is a situation where a prisoner was able to stockpile methadone with the intent of doing self-harm. The implications of that go well beyond simply a maladministration or an overdosing of this medication.

The government have said that they have nothing to hide when it comes to this. I look forward to seeing all these reviews that they are going to provide to us; I really do. This is a government that say that they have nothing to hide; yet when, as I understand

it, the media were informed of this event and tried to find out what had occurred, because they had been advised that there had been a methadone overdose, they were told by ACT Corrective Services—or by the department or the minister's office; it is unclear to me—that this was just an epileptic fit. It is quite clear that it was more than that, and that has been exposed.

If the government had been more open, accountable and honest when these incidents first arose, rather than trying to cover them up and not provide the information to the media or community, we would not have found ourselves in the position where we had to drag every piece of information out of them tooth and nail. Again we are seeing the discrepancy between the government's rhetoric about being open and accountable and the reality, which is that they wanted to bury this incident as deeply as they could, because it yet again highlights the problems that they have had managing the jail.

In relation to the needle and syringe program, that is not the subject of this motion and I had not intended to make it any part of the formal motion. But in speaking to the motion, it does again highlight the difficulties of administrating methadone in this prison environment. It is extremely complex. The potential for misadventure, for serious harm to be caused by a needle and syringe program, has been highlighted by the Australian Nursing Federation, who have come out against the recommendations of the Moore report; by the corrections officers; and, in the submission made by Mr Bill Allcroft to the Moore report, by prisoners themselves.

I again call on the government to stop their push for a needle and syringe program. This near tragic incident again highlights the flaws in that policy position that the government takes. Although Ms Gallagher was trying to back away somewhat from her advocacy for a needle and syringe program, on ABC 666 on 2 September, she made it very clear that she supports a needle and syringe program at the AMC. It is not that she does not desire one; she is pushing for one. It is simply a matter of whether she can get one done.

Finally, I would like to thank the members of the Indigenous community that we have been talking to regarding this issue. There has been significant dialogue between my office and the Indigenous community. I would like to thank Ms Brigitte Morten from my office for the extensive work that she has done in that process. And I know that members of the Indigenous community have also been talking to the Greens.

This is a very serious issue. All politics aside, I think we can all agree that we must be doing everything that we can to make sure that we prevent incidents of harm and prevent any death of an Indigenous prisoner at the Alexander Maconochie Centre. It is quite clear from this incident that we came very close—very close indeed. Let this be a warning to the government and let this be a warning to the community. Let us make sure that we use this incident as an opportunity to learn, as a warning that is provided to us to make sure that this sort of incident does not happen in the future.

Motion, as amended, agreed to.

Hospitals—elective surgery

MS GALLAGHER (Molonglo—Chief Minister, Minister for Health and Minister for Industrial Relations): I table the following letter, which I mentioned in question time today:

> National Partnership Agreement—Elective Surgery Waiting List Reduction Plan—Copy of letter from the Hon. Nicola Roxon MP, Federal Minister for Health and Ageing, to the Chief Minister, dated 18 August 2011.

Arts—funding

DR BOURKE (Ginninderra) (5.20): I move:

> That this Assembly:
>
> (1) notes:
>
> (a) the ACT arts sector's valuable contribution to the Canberra community;
>
> (b) the important role government funding plays in developing and sustaining a vibrant arts community;
>
> (c) the ACT Government's commitment to simplifying and streamlining access for local artists and community arts organisations to grants programs, as outlined in the Government's response to the Loxton Review; and
>
> (d) the Government's investment in the 2011-12 Budget to explore the establishment of three Arts Hubs in the ACT, to build on synergies across organisations and facilitate the sharing of administration and resources, so that local arts organisations can concentrate more on arts activity and programs;
>
> (2) expresses concern about the Canberra Liberals' policy to cut funding to the ACT arts community; and
>
> (3) calls on the Government to:
>
> (a) report back to the Assembly in 12 months on the progress of the implementation of the Government's response to the Loxton Review;
>
> (b) consult with the local arts community and other stakeholders on the development of a new ACT Arts Policy Framework; and
>
> (c) ensure an appropriate level of funding for the arts sector that allows for the continued enhancement of a vibrant arts community in the ACT.

The arts make a highly visible and essential contribution to the cultural, social and economic life of the ACT, making Canberra the vibrant city that it is. The arts

encourage diversity and individual expression while at the same time bringing us together as a community. They allow us to celebrate our common experiences.

I am a strong supporter of art in Canberra through my former role as a board member of the Capital Arts Patrons Organisation, which raised nearly $2 million over the last 28 years to support Canberra artists. This effort is the direct result of generous donations by Canberra businesses and artists.

The ACT government also believes that the arts should be available to every member of our society and is working to significantly raise the profile of the arts made for and by the community. Theatre, dance, literature, music, the visual arts, film, digital arts and community arts are all strongly represented here in the ACT and make an enormous contribution to the landscape and fabric of our community. The ACT government recognises the importance of arts activities for all Canberrans, regardless of age, income or location.

On 27 August this year I was very pleased to open the exhibit Casting the Net at Strathnairn gallery in my electorate and congratulate the 20 artists involved. The 2011-12 budget included an investment of half a million dollars to refurbish Strathnairn, including new studio spaces, a caretaker's cottage to improve security at the site and landscaping. This initiative supports Canberra's practising visual artists and further development of a facility that is an impressive focus for arts activity in the Belconnen area.

Canberra schoolchildren, too, are accessing the benefits of the arts. Five Canberra schools, including the Southern Cross early childhood centre in my electorate, have a valuable opportunity to develop their learning capacity through working with a local artist as part of the artists in schools program. This innovative program is an initiative of the Australia Council for the Arts and is administered by artsACT and the ACT Education and Training Directorate. The program provides local artists with an opportunity to work for an extended period with Canberra school students, engaging them in creative inquiry and exploration, the kind of thinking needed in the 21st century.

For older students, the arts continue to be an important learning tool and are particularly important in engaging students who have difficulties in a traditional school environment. The messengers program promotes and builds young people's resilience through arts-based projects. Students in my electorate of Ginninderra, at schools such as Belconnen high and Lake Ginninderra college, are able to take advantage of this excellent program, which now has been running for some 10 years. The messengers program improves the health and wellbeing of young people while protecting and supporting those in need. It fosters creativity and innovation and helps young people increase their skills and confidence. The messengers program has achieved very positive results and is a valuable investment in our young people.

Many members will have noticed the large numbers of young people in Civic Square last week. They were just some of the participants in Canberra's biggest youth dance festival. This annual festival, organised by Ausdance ACT, is a showcase for the combined efforts of more than 30 government and non-government schools across the

ACT. I attended a performance of the youth dance festival and it was a great occasion. I thoroughly enjoyed the energy, the creativity, the teamwork and the high level of performance achieved by all the participants. I understand that the students and their teachers worked for about six months practising for this festival, so it meant heavy commitments in time and effort. The performance of the Black Mountain school students was particularly engaging.

This festival exposes new audiences to dance and exposes many young people to the art form, providing an important avenue for wider community engagement and growth of the dance sector. Dance is a vital and healthy form of artistic expression and contributes to the wellbeing of both mind and body. It is an art form that is rapidly growing in popularity amongst young people in the ACT and across Australia. The ACT government also supports youth dance opportunities through the directorate of education and training funding to Ausdance ACT and Kulture Break, to provide dance education in Canberra schools.

The artistic aspirations and achievements of people with a disability are an important and valued part of the Australian culture. The ACT government is committed to better outcomes for people with a disability and their supporters and has been working to support participation in arts and cultural activities. Music for Everyone, an ACT key arts organisation, provides award-winning programs for people with disabilities to ensure they can participate in music-making events. Music for Everyone's program of activities for people with disabilities is a long-running project with excellent levels of participation that offers unique cultural, educational and social opportunities to this key sector of the community. Music for Everyone has worked in partnerships with the ACT special schools to develop a drumming performance troupe for youth, highlighting the abilities of students with special needs and raising awareness in the community.

The ACT arts fund communities working with artists category was specifically developed two years ago to support one-off community-initiated arts projects that engage professional artists. Projects promote the values of community empowerment and social inclusion. The category receives a number of applications for projects working with disability communities. For example, in 2011 the fund assisted the radiance dance project with the costs of a community performance project for women living with and without disabilities and mental illness education with a digital storytelling project.

The Belconnen Arts Centre opened in 2009. It was designed to maximise accessibility for people with disabilities. Over the last three years the centre has placed a particular emphasis on making its programs accessible to people with a disability, as audience members and as artists. Earlier this year I was invited to open an art exhibition at the Belconnen Arts Centre which was organised by a group called Paperworks. Paperworks aims to engage in activities that will increase the participation of socially marginalised people in our community. These people may be marginalised due to disability or social disadvantage. Paperworks facilitates several activities at Belconnen Arts Centre, such as an artisan studio which is run as part of a social enterprise to create handmade and other paper craft products for sale. It also offers paper making workshops at schools, community organisations and in the wider

community. The ACT government is very happy to see the progress being made by Paperworks, which was made possible by funding provided through Disability ACT.

In addition to the Belconnen Arts Centre, the ACT government has invested in many important infrastructure projects in the ACT.

This weekend the Minister for the Arts will open five new studios and an artist's residence at the Watson Arts Centre. Watson Arts Centre, which is managed by the Canberra Potters Society, is an excellent example of an ACT arts facility which is strongly supported by the Canberra community. This exciting refurbishment will provide additional working spaces and professional development opportunities for artists and a renewed place for Canberrans to engage with the arts. The ACT government is pleased to have funded the construction of these new facilities. The total investment by the territory in this capital project has been just over $1 million.

The studios will allow Canberra artists to bring sustained focus to their own professional practice. The residency will give an individual time out from the pressures of routine to develop new work, to open themselves to new opportunities for innovation and excellence. This new artist's residence is part of the government's commitment to the support of residency programs within the ACT. This program will allow for important creative dialogues, cross-fertilisation and knowledge sharing between Canberra artists and those further afield.

Whilst the Watson Arts Centre supports one of the oldest forms of artistic expression, Canberra is also developing a strong profile in one of the newest sectors, film and screen. Canberra's local filmmakers can apply for production funding from the $1.8 million ACT screen investment fund. Now in its second year, the screen investment fund supports the growth and sustainability of the Canberra screen industry. Funds are used to co-invest in high-potential film, television and digital media projects that will be made in Canberra.

At the other end of the spectrum, local film enthusiasts continue to have a chance to try their hand at filmmaking through the Lights! Canberra! Action! film-making festival. This annual film festival offers local movie makers the opportunity to produce completely Canberra-centric short films. Filmmakers are given a list of 10 items to include in their movie, with only 10 days to shoot, edit and produce a seven-minute film.

The ACT government is committed to strong participation and engagement in the arts. Today, when communities around the world are experiencing significant new challenges, the ACT government re-emphasises the importance of enabling the community to fully experience art in their lives.

MS LE COUTEUR (Molonglo) (5.31), by leave: I move:

(1) Insert new subparagraphs (1)(e) to (g):

"(e) the Government mismanagement of the consultation process regarding the Fitters Workshop;

(f) the multiple reports into arts and live music in Canberra, and the lack of substantive Government action in response to these reports; and

(g) the Government's lack of action to address the shortage of purpose built venues for dance rehearsal and performance in Canberra;".

(2) Add 3(d) to (i):

"(d) make public the recommendations of the live music inter-directorate committee;

(e) report back to the Assembly within six months on the progress of the implementation of the Government's responses to both the Loxton report and the inquiry into Live Community Events;

(f) refocus the proposed scoping study for the performing arts hub to also address the lack of purpose built venues for dance rehearsal and performance in Canberra;

(g) revisit order-of-occupancy issues with regard to the friction between residential planning and live music venues;

(h) make public a comprehensive chronology of the decision-making processes and public consultations that resulted in the Government's current policy regarding the proposed use of the Fitters Workshop; and

(i) explore options for the multi-use of the Fitters Workshop which include alternative accommodations for Megalo in the Kingston Arts Precinct.".

I have moved these amendments because, quite frankly, Dr Bourke's motion is admirable, but it is not very ambitious. I think art is more important and that we can do a lot better than Dr Bourke's motion. It is not that I disagree with Dr Bourke's motion—as you can see, I am adding, not subtracting.

I certainly agree with him that the arts sector makes a valuable contribution to the Canberra community and that government funding is important. There has been some commitment to simplifying and streamlining access for local artists and community arts organisations. I do not think the organisations would feel there has been the same level the government feels, but it is going to be really interesting to see how we go with the arts hubs in the ACT as to whether or not they build on synergies and facilitate the sharing of administration or whether we will have bunches of admin that work and then organisations bereft of any administrative support.

I think we can all agree that Canberra is very lucky in its artistic and cultural life. I understand figures from the ABS recently showed that we had the most money spent on cultural and artistic facilities, and ACT residents have repeatedly been shown in surveys to be more likely to go to artistic and cultural events than people in other parts of Australia. All of that is great.

As I said, I am not arguing against anything that Dr Bourke said, but the government focuses too much on, as it were, the formal, classical part of arts and not enough on

the more people-based, ephemeral and more messy types of arts—for instance, Music for Everyone. Their programs are full, as I understand it, and there is certainly a need for more things like that. Anchor, which is my local art gallery, given I live in Downer, is probably in need of some more support, and I am very glad to hear from Dr Bourke that we are going to have some more artists in residence at the Watson Arts Centre. Being a Downer resident, that is very close to home and a place I visit mildly often because of its location.

Moving along to what I would like to add to Dr Bourke's motion after paragraph (1)(d), I refer to the government mismanagement of the consultation process regarding the Fitters Workshop. Whatever you may feel should be the result, I appreciate there is not community consensus, and, to an extent, that is all I have to say. It has been incredibly unfortunate that we have a heritage-listed building—to its credit the government has restored it—and we have the situation where multiple groups want to use it and some groups believing this is a unique facility. It is really unfortunate that we have not managed to have a win-win here. I believe a win-win is possible. It seems that the government made a decision before it was aware of the acoustic issues, which was fair enough, but the government possibly needed to reconsider the issue with the new information.

Paragraph (1)(f) refers to multiple reports into arts and live music in Canberra and the lack of substantive government action in response to these reports. We can all list lots of reports, and Dr Bourke talked at some length about the Loxton report. I would probably be more tempted to speak at some length about the Standing Committee on Planning, Public Works and Territory and Municipal Services inquiry into live community events. Mr Coe, Ms Porter and I put quite an amount of our time into this. It took a couple of years, because there was a huge amount of community interest. We did a substantial report with, from memory, 43 recommendations, and the very limited take-up by the government of the recommendations has been really disappointing. We have a lot of reports, but what we have not got is quite as much action.

Another specific area where we are missing on action is shortage of purpose-built venues for dance rehearsal and performance in Canberra. I will leave Mrs Dunne to speak on paragraph (2) in Dr Bourke's motion. I do not feel any particular need to critique or otherwise the Liberals' policy.

Coming to the things that Dr Bourke calls for, he is asking the government to report back in 12 months. We are now in September. In a year's time it is going to be a month before the election, so I am not really quite sure what Dr Bourke had in mind in terms of that reporting date. I do not believe the Assembly will be sitting. I think we need to change that reporting date, and that is what I have in paragraph (2)(e)—report back to the Assembly within six months. It is not well written; it should have been about the whole thing, but you get my point, even if I have not written it correctly. Reporting back in 12 months does not make sense given the political realities in front of us.

As to paragraph (3)(b), obviously the Greens are generally in favour of consultation. My only comment would be that there has been an awful lot of consultation and we need action on some of the recommendations, not just consultation. Paragraph (3)(c)

refers to an appropriate level of funding. Of course we are in favour of an appropriate level of funding, but I go on to make some more points.

Paragraph (2)(d) in my motion refers to making public the recommendations of the live music interdirectorate committee. That is one of the more frustrating things, because when you look at the government's response to the planning committee's inquiry into live community events, on five or possibly more occasions they say that the IDC has looked at this and made recommendations, but it does not say what the recommendations are. This is incredibly frustrating. If the government has done the work to look at these issues, why does it not share this with the public? I am, in fact, in the process of trying to do an FOI request on this subject. It is obviously a matter of public importance. Clearly, Dr Bourke's motion has made it even more obvious that the public is concerned about this. It should be public.

In paragraph (2)(e) I have referred to the timing, and I have just mentioned that. Paragraph (2)(f) is to refocus the proposed scoping study for the performing arts hub to also address the lack of purpose-built venues for dance rehearsal and performance in Canberra. This has been a lack for a long time. I do not know what is going to happen to the Canberra Dance Theatre when the development in the ANU Exchange has finished, because I am aware that they are in temporary accommodation there next to the food co-op. I know the food co-op has a new home, but I have not heard that the dance theatre have.

This year I went to see *Quantum Leap*, and I must say that *Quantum Leap*, to my mind, is the absolute highlight of the ACT's dance calendar for the year and one of the absolute best performances of the year. But this year we went out to the Q Theatre. I am not saying anything against the Q Theatre, but it is a much smaller venue than it has been at before and, of course, it is not in Canberra. I assume the reason they went there was a lack of facilities in Canberra. I cannot think why else they would, given that, to the best of my knowledge, it is still funded by the ACT government.

Paragraph (2)(g) is to revisit order-of-occupancy issues with regard to the friction between residential planning and live music venues. This was something that the planning committee covered at great length in its report. I was disappointed that not much was done about this in terms of the government's response. This is a real issue. We had Toast and Gypsy Bar close down, and we have had McGregor hall close down. While I agree that was not because of that friction, McGregor hall was one of the few venues where live music could be loud and could be late because there were no residences around it. Places for people to be loud and late are not that common. I guess there is still Mooseheads and a few other very inner city ones, but it is an ongoing issue in Canberra

With the order-of-occupancy issues, we were looking at how we dealt with conflict between residential activities and activities which created significant amounts of noise. It is happening also out in Belconnen with the Lighthouse Bar, an existing bar which has some great live music. The DA has been passed for a residential development next to it, and certainly the licensee is of the belief that that will very likely lead to the demise of the Lighthouse. We need to have better decision making as far as these things are concerned.

I will talk about (3)(h) and (3)(i) together. As I mentioned earlier, there is still ongoing public debate and unhappiness about the Fitters Workshop. One of the things that might help in this is actually to make public a comprehensive chronology of how the decision making and the public consultation worked. I have been told that more consultation was held about this quite a few years ago. I was not in the Assembly then and I was not aware of it. I am trying to get a briefing from Minister Burch's office about it but have not succeeded as yet. It is possible that some of the angst in the community about it could be reduced if they were aware of better consultation that had happened in the past. I do not know if it will, because, clearly, I am not quite sure what happened.

The other thing I would call upon the government to do is really look at options for multi-use of the Fitters Workshop. The problem is that we have a unique heritage-listed space, and I can understand why the government felt it was a great move to put Megalo there. We are not arguing against Megalo in any way, but we are saying that it looks like a space which could be used as a really good multi-purpose space. I am confident that, by the time all the development has been done in that precinct, a space very similar to fitters will be constructed, because that sort of multi-purpose exhibition performance space is going to be needed there if that precinct is going to reach its potential. We should explore those options so that we can have a win-win for Megalo and the music community and the better use of that whole precinct. It is not too late, I believe. That is one of the last points of my amendments.

I commend my amendments to the Assembly. I also commend Dr Bourke's motion to the Assembly, and I am hoping that we will come to a good outcome for arts in the ACT.

Question put:

> That **Ms Le Couteur's** amendments be agreed to.

The Assembly voted—

Ayes 4		Noes 11	
Ms Bresnan	Mr Rattenbury	Mr Barr	Mrs Dunne
Ms Hunter		Dr Bourke	Ms Gallagher
Ms Le Couteur		Ms Burch	Mr Hanson
		Mr Coe	Mr Hargreaves
		Mr Corbell	Mr Seselja
		Mr Doszpot	

Question so resolved in the negative.

MRS DUNNE (Ginninderra) (5.48) by leave: I move the amendments circulated in my name:

> (1) Omit subparagraphs (1)(c) and (d), substitute:

> "(c) notes the Government's response, dated 18 September 2011, to the Loxton Report on the Review of the Arts in Canberra, entitled *Review of the Arts in Canberra: The Implementation of the Loxton Report*; and".
>
> (2) Omit paragraph (2).
>
> (3) In subparagraph (3)(b), after "other stakeholders", insert "including the Cultural Facilities Corporation and all key arts organisations".

Just to clarify matters, I did not speak before because after we had dealt with Ms Le Couteur's amendments I would have had to seek leave to speak so as to move my own amendments. Without reflecting on the vote, I think there is much merit in the suggestions put forward by Ms Le Couteur, but they struck me more as debating points and points for the speech rather than substantive matters. I think there is a great unity of opinion between Ms Le Couteur and me about the fate of the Fitters Workshop. I hope that we can collaborate more in that area. I think that there is much more that can be done.

I thank Dr Bourke for bringing this motion before us today. It is an important one, because it highlights the contribution the arts and the diversity of the arts brings to the social, cultural and economic life of Canberra. It also proposes a number of commitments by the government to the arts sector. To honour and preserve the generally positive spirit of the motion, I am proposing three amendments. I would like to concentrate on the second amendment to some extent, which is the removal of paragraph (2). I want to dispose of this negative element in the motion because I think it is unhelpful and unfounded. No doubt Dr Bourke is referring to the Canberra Liberals' opposition to the percent-for-art scheme.

Let me say, as I have done on a number of occasions before—perhaps Dr Bourke, as he is new to this place, has not heard it and he might listen carefully—that the Canberra Liberals are not opposed to public art or to art itself. I will repeat that: the Canberra Liberals are not opposed to public art. We have always been opposed to the percent-for-art scheme. We oppose the percent-for-art scheme because it is poorly targeted and non-strategic and it misses opportunities. If Dr Bourke had taken time to read our 2008 election policy he would have picked that up for himself.

Indeed, Mr Speaker, the Loxton report itself supports this view. It reports general public support for public art, just as the Canberra Liberals support public art. It also reports that the percent-for-art scheme suffered from, and I quote from the Loxton report, "an apparent lack of planning, consultation and transparency". The report talked about the source of public art acquisitions and the role of the Public Art Panel. It also reported, and again I quote:

> Many people from the public and the arts sector strongly pressed for the need to retain Public Art and to extend the initiative beyond sculpture.

The report also said something which I think I have said myself:

> Public art could incorporate other visual arts, creative landscape, music and even soundscapes.

I think I have heard Ms Le Couteur say something similar. The government, through its percent-for-art scheme, missed a real opportunity for the development of the arts in Canberra. That has been the Canberra Liberals' criticism of the percent-for-art scheme, as it has been the criticism of the Loxton report for the percent-for-art scheme. As I have said before, the percent-for-art scheme was poorly targeted and non-strategic and it has a litany of missed opportunities behind it. By contrast, the policy position on public art that the Canberra Liberals took to the 2008 election was for a much more strategic focus on public art.

Far from criticising the opposition for this attitude towards the percent-for-art scheme, a scheme also criticised by the Loxton report and derided in the community, the government should be taking a serious look at the report's recommendations. But what was the government's response? It was in-principle support, but with qualifications that it would be subject to future budget considerations. There is no firm commitment from this government on any public art scheme, much less addressing the deficiencies of the percent-for-art scheme raised by Loxton.

Dr Bourke would also do well to review other aspects of the Canberra Liberals' arts policy statement. In there, he will see we proposed an arts biennale with seed funding of $1 million. He will see we committed additional funding of $175,000 over four years to support a larger base of artsACT project funding. He will see we committed an additional $100,000 per year for the Canberra Symphony Orchestra, plus funding of $30,000 a year for the Canberra Pops Orchestra. I note that the Canberra Pops Orchestra is no longer, for want of funding and sponsorship. The funding we committed would have ensured the continuation of this very worthwhile initiative in our performing arts sector. Where is the government's commitment to the Canberra Pops Orchestra?

Dr Bourke would also have noted the commitment of the Canberra Liberals to the Canberra International Film Festival and the Canberra Short Film Festival. He would also see Canberra's commitment to the Multicultural Fringe Festival, with an additional $30,000 per year. Finally, had Dr Bourke reviewed the Canberra Liberals' 2008 arts policy he would have seen a commitment to develop the Canberra Theatre precinct to meet the much growing needs of a major city. The Canberra Liberals have a strong commitment to the arts in Canberra. It is mischievous of Dr Bourke to suggest anything else. That is why I am proposing my second amendment, which I think Dr Bourke has agreed to.

Let me briefly address the other two amendments. The arts contribute to the social, cultural and economic life of Canberra. The statistics are there to show the extent of the contribution and stand to support the argument that the government of the day should have a commitment to the arts. The commitment should not be limited to funding. It should extend to things like audience development, school and community education programs, encouragement of innovation, development of arts tourism through festivals and other events, building of arts infrastructure and a range of other initiatives.

The Loxton report, though it has attracted some criticism, does look at a range of options in these areas. It is important that the government's response to the report's

recommendations be acknowledged as part of the motion. It informs the development of the government's future arts policy, hence my amendment No 1 seeks to replace the current clauses (1)(c) and (1)(d) with a more general statement that notes the government's response dated 18 September 2011, which was a Sunday, to the Loxton report on the review of arts in Canberra entitled "Review of the Arts in Canberra: the implementation of the Loxton report".

My third amendment simply seeks to ensure that the Cultural Facilities Corporation and key arts organisations are included in the consultation process. That is not to say that consultation should be limited to those organisations, for there are many others in the community who should have a say in the development of new arts policy frameworks for the arts in the ACT. I commend these other two amendments to the Assembly.

Ms Le Couteur touched on the Fitters Workshop. I cannot let this motion go by without dealing with the Fitters Workshop. I think it is the most pressing issue that the minister has to deal with at the moment. The government's decision to move Megalo Print Studio from the current location in Canberra Technology Park in the former Watson high school to the Kingston precinct is, in itself, a perfectly valid one. I want to make it perfectly clear—and I have said this before—that I believe the synergies and the narrative of moving Megalo, which is an industrial visual arts form, to an industrial site or locating it near to another industrial visual arts form, the glassworks, are very strong; there are very strong synergies there.

However, the decision that Megalo should have exclusive use of the Fitters Workshop seems to have been impetuous. In fact, a letter that came my way as a result of a freedom of information request shows that on 22 August 2008 Megalo wrote to the former Chief Minister and Minister for the Arts. It is an interesting letter. It is an extraordinary appeal to the former Chief Minister's vanity. The Chief Minister wrote a handwritten note on the letter—and he made it six days after the letter was written to him—saying: "This is a persuasive and very tempting proposition. Advice and response please." In a moment I will seek leave to table the letter. As I said, this appealed to Mr Stanhope's vanity.

The Fitters Workshop put forward a claim as to why moving Megalo to Kingston Foreshore was a good one:

> We support your goal of establishing a critical mass of cultural activity on the Kingston Foreshore.

No-one disputes that. Then they say that they are writing to request a tenancy for Megalo at the Fitters Workshop. The letter talks about how there are synergies with the glassworks. It talks about how printmaking is one of the pre-eminent visual mediums in the capital. It talks about Megalo's outstanding and longstanding history, which no-one would dispute. It is very interesting that it concludes with this:

> While others may advance claims to the Fitters' Workshop, we believe the case for Megalo's occupancy is compelling. Creation of a world class cultural precinct at the Kingston Foreshore would be immeasurably enhanced, not to mention accelerated, by a decision to allow Megalo to occupy the Fitters' Workshop.

> It is not often that leaders are in a position to make a decision that would mark an inflection point in the development of a city's cultural life. We believe this is one such decision.

Can't you just imagine the former Chief Minister and Minister for the Arts getting all warm and saying: "I can't possibly let this opportunity pass"? Mr Speaker, I seek leave to table the letter annotated by the former Chief Minister from Megalo about the Fitters Workshop.

Leave granted.

MRS DUNNE: I thank members for leave. I table the following paper:

> Megalo Print Studio and Gallery—Request for relocation to the Fitters Workshop—Copy of letter from Alison Alder, Artistic Director/CEO, Megalo Print Studio and Gallery, to Mr Jon Stanhope, Chief Minister and Minister for the Arts, dated 22 August 2008.

It seems that the letter and the annotation show that Mr Stanhope made this decision on the spot. He made this decision in an impetuous way, and in doing so he has made a decision which in hindsight could have a detrimental effect on what has come to be known as an extraordinary acoustic facility. The extraordinary acoustic qualities of the Fitters Workshop became evident after it was made, and Ms Le Couteur has touched on this. You cannot blame people for making a decision the way they did at the time. But you can blame them when new information comes along and they steadfastly refuse to look at it. This is an act of ignorance. It is an act of wilfulness that this minister and this government will not go back and look at the decision.

At 6 pm, in accordance with standing order 34, the debate was interrupted. The motion for the adjournment of the Assembly having been put and negatived, the debate was resumed.

MRS DUNNE: Such a stance in relation to the Fitters Workshop is a missed opportunity. The Conroy report on the Kingston arts precinct recommends that the Fitters Workshop be retained as a multi-use facility. What a great facility it could be, bringing the visual and the performing arts together. The synergies could be thus created not only for the Fitters Workshop but also the Kingston Foreshore arts precinct, and Canberra as a whole could be extraordinary.

But instead, if this minister has her way, we are going to end up with a building inside a building, destroying its internal architectural, visual and acoustic qualities and creating only a very small exhibition space into the bargain. We also have to note, Mr Speaker, that the Fitters Workshop is not big enough for Megalo and the government is proposing to spend a large amount of money to build another industrial-looking building behind the Fitters Workshop. The question has been raised time and again: if we are going to spend that much money there, could we not build a bigger building in the precinct for Megalo, leaving the Fitters Workshop as a multi-use facility as was recommended by the government's own consultant?

Even worse, the same funding allocated for the capital works to accommodate Megalo in the Fitters Workshop and in an annex building could be used to construct an autonomous building dedicated for the purposes of housing Megalo and its print workshop, and it probably would be easier. There is a lot of plumbing and dealing with toxic chemicals that needs to be done in relation to printmaking. Again, Mr Speaker, I believe that this is a missed opportunity. It is because of an impetuous decision founded on vanity by the former Chief Minister. This is a government that is too proud, or perhaps too embarrassed, to review its decision.

Dr Bourke put forward a motion which, when amended, will carry some merit. We will support the motion if it is amended because it sets the scene for a new commitment to the arts by this government. But I hope that this commitment to the arts by this government is a real one and I hope that the issues relating to the Fitters Workshop are revisited for the benefit of Megalo, the music community and the wider community. My hope is that this new commitment will not amount to a whole lot more missed opportunities.

Sitting suspended from 6.04 to 7.30 pm.

MS BURCH (Brindabella—Minister for Community Services, Minister for the Arts, Minister for Multicultural Affairs, Minister for Ageing, Minister for Women and Minister for Aboriginal and Torres Strait Islander Affairs) (7.30): I thank Dr Bourke for bringing this motion into the Assembly this afternoon. As I think is well recognised here by many, the arts are an important part of our community and a platform for people to articulate their ideas and their histories, experiences and cultures in a way that really does enrich the lives of all participants.

The ACT arts sector contributes to the broader Canberra community in many and diverse ways. Involvement in the arts contributes substantially to people's perceptions of social wellbeing, a sense of social inclusion and their ability to remain active in their community. ACT Labor is proud of its investment in the arts and we see the outcomes of this investment all around us. Indeed, we are fortunate to have the Canberra Theatre, the Canberra Museum and Gallery and Craft ACT at the doorsteps of the Assembly.

This year the government has ensured access to grants programs by local artists and community arts organisations and has streamlined processes as outlined in the government response to the Loxton review. This has included the introduction of start-up grants, a new category targeted at young artists aged between 18 and 25. The start-up grants have a value of $500 and provide young artists with the ability to develop their skills, build capacity and present their works to the Canberra community. In the first round, 15 young artists were supported. These small grants go a long way in allowing young artists opportunities to participate in activities that would otherwise not be available to them.

Another new direction in the cultural planning of our city has been through the development of arts hubs. In the most recent budget we have set aside funds to help local arts organisations to better direct their focus towards arts activities and programs

through the development of the arts hubs. An enhancement of existing arts precincts in the ACT will help to provide important services to the ACT community such as in the field of music education.

Last weekend Ainslie Arts Centre hosted its annual bloom festival, allowing the greater Canberra community a wonderful opportunity to visit the facility and to hear an array of wonderful music. It is precisely these kinds of exciting festivals and synergies between musicians that we will encourage through the further investment in arts hubs across Canberra.

Recently I announced a roundtable process for youth music pathways. This will provide opportunities for key stakeholders in the music sector to consider pathways for youth music education in the ACT and they will be facilitated by Dr Richard Letts, founder and Executive Director of the Music Council of Australia. After these roundtables, we will produce a forward plan for youth music pathways based on the comments received. The development of the new arts hubs will provide an opportunity for co-location of arts practices and opportunities for organisational sector strengthening from mentoring and collaboration.

The Kingston foreshore has been identified as a major visual arts precinct since the arts facilities strategy in 2003, and of course the Canberra Glassworks opening in 2007 has really set that as a destination opportunity for arts for Canberra.

Much has been said in recent times about spending on the arts, and I am pleased but somewhat confused by the comments by Canberra Liberals about spending on the arts given the most recent media release that ACT Labor spends $268.41 per Canberran annually on arts funding. The ACT opposition leader said this was a further reason for Canberrans to question the priority of this government. What I heard from Mrs Dunne before was some rhetoric about looking back to the 2008 policies. You have to look back to 2008 to actually find any policies. She was articulating an additional spend on arts. So I am not quite sure if they are now saying we do not spend enough on arts or that we spend too much on arts. So I would hope that at some point we will get that clarification from the Canberra Liberals. It would be enlightening to know exactly where they stand on arts, given that I do see a number of them at various functions around the place and it has puzzled me since the media release from the Canberra Liberals. That seems to indicate that we spend far too much on arts practice, arts celebration and arts participation here in the ACT, yet we do see them at each and every opportunity.

The ACT Labor government recognises that the arts underpin our society, encourage celebration and enhance our sense of belonging and enjoyment of life here in the ACT. So again I want to thank Dr Bourke for bringing this motion to the Assembly today.

DR BOURKE (Ginninderra) (7.36): I thank members for their support of my motion. I am glad that the support for the arts here mirrors the support for the arts in the Canberra community. According to the ABS, 90 per cent of Canberra residents over 15 visit an arts venue or event. In fact, more than 80 per cent of them attend more than once. Canberra leads Australia in the appreciation of the arts. Therefore I was very pleased to hear Mrs Dunne's comments committing the Canberra Liberals to support public art and indeed calling for greater spending on the arts. Thank you, members.

Amendments agreed to.

Motion, as amended, agreed to.

Discrimination Amendment Bill 2010

Debate resumed from 27 October 2010, on motion by **Mr Seselja**:

> That this bill be agreed to in principle.

MR CORBELL (Molonglo—Attorney-General, Minister for the Environment and Sustainable Development, Minister for Territory and Municipal Services and Minister for Police and Emergency Services) (7.38): The government will not be supporting this bill. The bill seeks to insert a statutory exception into the Discrimination Act 1991 that will enable goods, service and access providers to lawfully refuse service to children and young people during school hours if the provider reasonably believes the child or young person is a school student.

The bill follows publicity arising from efforts by the principal of Lanyon high school to address truancy problems at his school by asking that local shop owners in the Lanyon Marketplace refuse service to young people during school hours.

Let me say at the outset that the government does not condone truancy. Empowering school principals to fulfil their legal obligation to ensure the safety of students and their regular attendance at school is a key part of the government's approach to school autonomy. However, it is one thing to say that children or young people should not be out of school. It is quite another to say that the government should change the law to allow denial of goods and services and access to facilities to people on the basis of their age.

When devising solutions about how to address a social problem, policy makers must carefully assess the efficacy of measures put forward and, in a rights-based jurisdiction like the territory, be mindful of human rights implications of any proposed change to our legal framework.

In Assembly debate, Mr Seselja promoted his bill as an effective anti-truancy measure. He has attempted to justify this on the basis that there are other exceptions in the Discrimination Act and that the proposed exception meets the proportionality test under human rights legislation as it limits the protection only so far as is necessary to achieve the stated ends—that is, "to allow citizens to make a reasonable decision for the purpose of helping children maintain their education and assisting principals in the community in providing a community support system to make it happen".

The existing exceptions in the Discrimination Act 1991 are not comparable to those being proposed by Mr Seselja. Existing statutory exceptions include exceptions which apply when selecting a person to perform domestic duties in a home, selecting residential care for a child, or employing a person in accordance with an affirmative action program. These exceptions are limited in scope and either respond to the need for flexibility in the selection of services or reflect our society's social goals.

By contrast, this bill proposes an exception that lacks definition and is arbitrary and untargeted. It would effectively permit service or access providers to indiscriminately refuse goods, services or facility access to children or young people during school hours if it is reasonably believed the child or young person is a school student.

Sanctioning a form of age-based discrimination of school-aged children and young people could not feasibly be regarded as a proportionate response or the least restrictive means of redressing the issue of school truancy. This is simply an attempt to legitimise a form of age-based discrimination through changes to the very legislative instrument which is designed to prohibit such forms of discrimination. It is poor policy—a knee-jerk reaction to a perceived social problem which is misdirected both in its execution and in its objective.

There are a number of compelling reasons why the government cannot support this bill. Firstly, if enacted, the exception would undermine the policy objective of the Discrimination Act 1991. A formative objective of this act is to prohibit discrimination based on particular attributes, including age. A statutory exception which makes it lawful to refuse to provide goods, services or access to facilities to children and young people would squarely undermine this policy objective. It would effectively allow a protected attribute to be a relevant factor to refuse the provision of goods or services which would otherwise be lawful to be provided to a child or young person.

This amendment would open the door to further unwarranted statutory qualifications being placed on the important right not to be discriminated against based on a person's age. Secondly, the proposed exception is inconsistent with government policy related to children and young people. For example, one of the guiding principles of the ACT's children's plan is for Canberra to become a child-friendly city, a city which is liveable, inclusive and accessible and where children are provided the opportunities needed to participate fully in family, community and social life. Permitting shop owners to refuse service to children and young people, even if motivated by a desire to combat truancy, is not in line with this plan. Allied to this the government has legal obligations to protect the right to equality and special protection of children under the Human Rights Act.

Not all children who are absent from school during school hours are absent without leave. Children may need to be absent from school for a range of reasons such as a visit to a medical or healthcare practitioner. Are we to punish these students as well by denying them lawful access to goods and services? These obligations to protect children's rights would be clearly compromised if the exception Mr Seselja proposed was introduced.

Thirdly, the exception is promoted as an anti-truancy initiative, yet it fails to cohesively address the motives for truancy. Truancy is not a simple problem and it will not be solved by simplistic solutions. Truancy is the result of multiple negative and cumulative influences originating from the individual, the family, the school and the community. It is a broader social issue which requires comprehensive social policy responses. There is no sound evidence that the proposed legislative measure

would effectively target the underlying causes of truancy. The measure arbitrarily targets one type of activity that may be only one of a large number of motivating factors in some children leaving school premises without permission.

If the policy objective of the proposal is to address school truancy by garnering community support to keep kids in school, I submit that it is based on a false premise. Visiting retail outlets is a by-product of truant behaviour, not the instigating cause. Students are free to congregate at other locations, for example at shopping centres or at retail outlets willing to serve them.

Apart from these limiting factors, there are practical impediments to the effective operation of an exemption of this kind. Let us take the reasonable belief threshold. The exception seeks to apply a reasonable belief threshold to the factual determinations that, first, the person is a school student and, second, that the school is open for attendance. Simplistic factual assessments of this nature will invariably encourage an inconsistent and potentially capricious standard being applied across the spectrum of goods and service providers and facility operators.

Mr Seselja has clearly also not turned his mind to the fact that these criteria will detrimentally impact on students travelling to the ACT from other jurisdictions such as New South Wales and Victoria where school opening periods often differ from those in the ACT. As the exception broadly allows people to refuse children and young people access to unspecified services and facilities, it may also impede access by children and young people to necessary health services such as medical, dental or counselling services during school hours.

Furthermore, there are ample existing laws and policies designed to countermand unexcused absences from school. For example, under the Education Act truancy is already an offence against parents of children between the ages of six and 17, and compulsory school attendance is supported by the government's "learn or earn" laws. The government has also introduced an enhanced attendance monitoring and SMS message servicing system for parents. Messages can be sent to parents and carers about students' attendance or lack of it.

Leaving aside its indefensibility from a human rights or social outcome perspective, it must be said that the proposed measure is also somewhat of a toothless tiger. It merely allows a goods or service provider or facility operator to discriminate without fear of prosecution. It does not compel the refusal of service or sanction retailers who continue to provide it.

Let me reiterate: the government supports and will continue to support a proactive stance being taken against truancy. But there are other laws and proportionate responses which can be used. The ACT and the commonwealth are committed to working collaboratively to increase the educational engagement, attainment and successful transitions of young people. Through the national partnership on youth attainment and transitions the ACT has agreed to meet a range of targets to improve participation, lift qualifications and support successful transitions.

The ACT youth commitment launched by my colleague Minister Burch on 18 May this year is designed to establish a new set of expectations for ACT schools and the

community regarding young people's experience in schooling and their transitions on to further education, training and work. The commitment is aimed at ensuring ACT government agencies that serve young people to the age of 17 commit to ensuring that no young person is lost from education, training or a job. The government anticipates that policies to improve participation, lift qualifications and support successful transitions in ACT schools will also aid in the prevention of youth disengagement from the education system.

The government is committed to promoting a rights-based legal framework in the territory. Any attempt at incursions on the important right not to be discriminated against on the basis of a protected attribute such as age should be family justified; otherwise, it should be strongly opposed.

For the stated reasons, the government will not support this bill.

MS HUNTER (Ginninderra—Parliamentary Leader, ACT Greens) (7.48): The Greens do not support this bill and will never support any attempts to legislate to allow a person the individual discretion to discriminate against another member of our community. I must say, having spent 10 years of my life prior to entering this place defending and promoting the interests of children and young people, that I am particularly disappointed that there is a view in this place that it might be okay to discriminate against young people.

Firstly, I would make the point that this amendment is entirely futile and, even if it is passed, the commonwealth Age Discrimination Act 2004, section 28, covers the same ground and makes it unlawful to discriminate on the basis of age, which is exactly what the bill is proposing to do.

We all know that to the extent there is any inconsistency, the commonwealth law prevails, and I am genuinely at a loss to understand how the Liberals think this change could operate. There is no exemption in schedule 1 of the Age Discrimination Act that would allow for this. It is directly contradictory with the commonwealth law; so there is a very strong argument against its validity at all. I have sought the advice of the ACT discrimination commissioner and been advised that the commonwealth act would indeed apply to the type of conduct anticipated in the bill and that the commission would advise any person who felt they had been discriminated against to contact the commonwealth commissioner to investigate the matter.

Further, following public statements by Mr Seselja earlier today, I have sought the advice of the Queensland Anti-Discrimination Commission about the situation in Queensland and the lawfulness of the conduct Mr Seselja's bill contemplates. The Queensland Anti-Discrimination Commission advised that they would certainly investigate a complaint of that nature, and in all likelihood it would amount to a breach of the Queensland Anti-Discrimination Act. I can find no exemption of this nature in any other state legislation. As I said, I suspect that this is because it would be invalid for any state parliament to enact such a measure as it is directly contradictory with the provisions of the commonwealth law.

Mr Assistant Speaker, on the issue of creating a discretion, this would be a particularly bad precedent to set. Other exemptions are based on particularly well-

recognised classes where it is reasonable to discriminate—single-gender schools, places such as women's gyms, religious organisations or where explicit permission has been granted by the commissioner. These are defined situations which the community accepts, where they think it is okay and there is not a discretion on the part of a provider of a good or service. None of the existing exemptions allows a discretion for a class of person to discriminate against another class based on the discriminator's view in a particular circumstance. This is fundamentally bad policy.

To illustrate just how bad the policy is, I would like to run through a couple of examples. Firstly, I go to CCCares—that is, Canberra College Cares. We all agree that this is a fantastic program that really helps many of Canberra's young mums and young dads to complete their education. Part of its success is that it provides a flexible learning program that allows students to attend at different times of the day. I would ask the Canberra Liberals: do they think it is okay for a shopkeeper to say to a young mum who wants to buy lunch at her local shops, "Sorry, I will not serve you because I think you should be in school"?

I have used the easy example of buying lunch, as this was the catalyst for the bill. In fact, the bill proposes that any retailer may refuse to sell any good to a young person if they reasonably think they should be at school. What if the young woman wants to buy something from the chemist or buy some nappies for her child and the shopowner refuses to sell it? The fact is that she is enrolled in a school that is open for attendance, just as the bill provides. So the shopowner would be perfectly entitled to do this.

Are the Liberals seriously suggesting that they want to live in a community like this? What about young carers? There are thousands in our city. Is Mr Seselja seriously saying that these young people should be discriminated against? These young people, many of whom are primary carers of a sick relative, are often a parent. Imagine if Mr Seselja's bill is in place and a young carer is at home from school looking after mum or dad and goes to the shops to get food or some other essentials. This could be something like a sports drink that may be medically required, for instance, because they are dehydrated, but which a shopowner could easily think was just something sweet for the young person.

What about if it was medication such as painkillers? Would it be okay for them to be refused service and for their sick parent to go without food or a medically required drink? Worst still, what happens if that young person is in a minority group—a Muslim, Aboriginal or Asian? What if they suffer from a disability or are homosexual? All of a sudden we have created an open slather excuse to discriminate against young people whenever one could reasonably believe they should be at school, irrespective of whether or not that is actually the reason for the discrimination. This may sound like hyperbole but the reality is that it could happen.

What about all those year 11 and 12 students who are allowed to leave school when they do not have classes? What happens to them? What happens to young people who attend Radford College and wear the same uniform in years 11 and 12 as the young students? Should they all be refused service at our shops when they are legitimately off school? What sort of a community would it be if anyone who looked young could be discriminated against?

Mr Assistant Speaker, I understand that the Canberra Liberals are trying to address what they perceive to be a real problem. I understand that at first blush without really thinking about the issue, it can seem like a not unreasonable idea. However, I think the reality simply does not reflect the situation that the Canberra Liberals are trying to paint. We do not have an out-of-control problem with truancy that desperately needs to be addressed in this sort of way.

There are, and always will be, some young people who wag school. I do not think that shops not selling them hot chips will make the slightest bit of difference to that. If we want to address truancy, we need to be looking at the real underlying cause and the issues facing that particular young person and maybe their family.

Minister Corbell did go into a few of those issues. Having worked in the areas I have over the years, you need to be able to get the programs and support to those children and young people, and in many cases their families, to re-engage them back into school. That is what you need to do, not some simple three word slogan way of addressing it. You really need to be getting in and putting in place, and properly resourcing, programs that go to the heart of the issue. Programs are going to change the outcome for that young person, the pathway that that young person will take in life.

I also found it a little bit hard to get my head around this a bit, because if you remember within the last year or so, the Canberra Liberals wanted to extend suspensions in schools so a principal could be able to suspend a student for up to 20 days. On the one hand, they wanted to suspend and keep students out of school and on the other hand, they are putting in laws to try and keep them in school. It is a little confusing.

Interestingly, many of those students who are probably suspended may well have been suspended because of their wagging. So we go around in these strange circles and this sort of spiralling situation. We need to stop that happening. The way you stop that happening is to get in there with well-resourced, well-considered, well-thought-out programs that are put together by the professionals who know what they are doing.

Mr Assistant Speaker, the Law Reform Advisory Council is about to undertake a comprehensive review of the Discrimination Act. The Greens support that inquiry and agree that it is appropriate to look at the broader act and its effectiveness at addressing the discrimination in our community.

Before I finish, I turn for a moment to the ridiculous "right to wag" statement that has been out on Twitter and out publicly today that Mr Seselja has been using in this debate. He referred to the "right to wag". I find that interesting, knowing very well the United Nation Convention on the Rights of the Child. Knowing that inside out, I have yet to find the right to wag. This is the latest in the three word slogan nonsense that I guess we should be expecting.

Mr Hanson: It is four words.

MS HUNTER: The right to wag—I think it is three, Mr—

Mr Hanson: The right to wag—isn't that four?

MR ASSISTANT SPEAKER (Mr Hargreaves): Order! This is not an arithmetic quiz.

MS HUNTER: I forgot his name for a moment, sorry. This debate is actually about a right not to be discriminated against. Shopkeepers are not the truant police, and to suggest that we should make them truant police is certainly ill-conceived. We all know that children are obliged to attend school until they are 17 years of age. That is perfectly consistent with the protection afforded to them against discrimination on the basis of their age.

There is one last one that I think that Mr Corbell may have just picked up on before. It is a very good one, I think, to go along with the other examples that I have given.

Mr Hanson: "The right to wag" is only a three word statement?

MS HUNTER: A three word slogan, Mr Hanson, but maybe you will catch up. By the time I am finished, I am sure you will have caught up. I will give you another example.

We sit here in Canberra right on the border with New South Wales. Queanbeyan is just across the border. School holidays between New South Wales and the ACT do not always match up. I can tell you that right now. So for those kids who might be legitimately on their school holidays in Queanbeyan, what are you saying? Are you saying that they cannot come across the border into the ACT, go to the shops and get a pizza and some soft drink? Will they be refused service? Again, that is just another example of how unworkable this bill is.

The Greens will not support the bill. We would support a constructive debate about how best to engage with young people who do fall through the cracks in the education system and how best to help them get the best education outcomes possible. That is really what I think you are attempting to do. I think what you really want to do is to be working out how to engage and keep those young people voluntarily and happily engaged in their education.

We will never support a mechanism that creates a very loose discretion, an open slather discrimination, against young people, or anyone else in our community for that matter.

MRS DUNNE (Ginninderra) (8:00): Mr Speaker, never is a very long time and I think we might have to make sure Ms Hunter keeps to this. We have this very high-minded approach. Ms Hunter likes to remind us just how long she worked in the community sector and that is well and good. But after all this time working in the community sector have we actually heard from Ms Hunter or anyone else in the Greens a concrete proposal to deal with the issue? Here we had a principal who had a problem and he wanted to deal with it—

Ms Hunter: There were experts who—

MR ASSISTANT SPEAKER: Order!

MRS DUNNE: Oh, we had experts. This principal was an expert.

MR ASSISTANT SPEAKER: Mrs Dunne, firstly your microphone works fine. Ms Hunter, would you please stop the interjections. Mrs Dunne, you have the floor.

MRS DUNNE: The principal of Lanyon high school, Mr Assistant Speaker, is an expert. We pay him to be an expert and he took an approach, a community-based approach. I can remember the number of times I have been lectured in this place by Greens who say that it takes a village to raise a child. The principal of Lanyon high school essentially took up that principle and went to his community and said: "I have got a problem. Can you help me deal with this problem?" We had the thought police come in over the top of him and tell him that he could not do it.

Everyone in the community on the Labor side, the Greens and the human rights commissioner criticised the principal for doing his job, for trying to engage with the community to ensure that the children in that community got a reasonable start in life, to ensure that the kids who were supposed to be in school were in school. He tried to bring the community with him and he was slapped down. He was slapped down by Ms Hunter, he was slapped down by the government—the people who were supposed to be supporting him—and he was slapped down by the agents of the government in the form of the human rights commission.

We have Ms Hunter saying today that we will never legislate to allow discrimination against young people. We do it every day. Young people cannot buy cigarettes. We have legislation for entrapment of people who might sell cigarettes to young people. Young people cannot buy alcohol. Young people cannot do a whole range of things. They cannot vote. They cannot join the Army. There are a range of things that they cannot do. We discriminate all the time.

We discriminate about young people when we say that they must go to school. It is all discrimination. What we have here is Mr Seselja being the only person in this debate who has made a practical suggestion about how we might assist the principal of Lanyon high school and other principals. Again, we are being slapped down by the government. We are being slapped down by the Greens.

Actually, it has obviously got under Ms Hunter's skin. There is an appeal to practicality; there is an appeal to common sense. But common sense leaves the room when Ms Hunter and Mr Corbell get together on this one. It obviously gets under their skin because all she can do is criticise a line from Mr Seselja's press release. She wants to criticise it as a three word slogan. The fact is that what is going to happen today is that Mr Corbell and Ms Hunter together are going to entrench the right to wag.

Mr Corbell talked at length about how indefensible this was, how impossible it was for the government to support this. His words were—actually, I have lost his words; I will have to go from memory. His words were high flown and high minded but he did

not actually have a solution to the problem confronted by the principal of Lanyon high school. Nowhere since this issue has arisen has there been any practical solution, any commonsense solution to the problems confronted by principals like the principal of Lanyon high school.

We had talk about discussions. Quite frankly, what we are having now is Mr Corbell sort of vaguely proposing that we have some sort of higher-level IDC to work out what to do about truancy when the people on the ground were doing something. But they were slapped down, and Mr Corbell aided and abetted that slapping down.

I congratulate Mr Seselja for bringing this proposal forward today. I congratulate him for having the courage to bell the cat on this subject. We have Ms Hunter and Mr Corbell coming along with their sadly predictable position that we could not possibly discriminate against young people. We do discriminate against young people for the benefit of young people every day of the week. There are loads of provisions in the Discrimination Act.

As Mr Seselja pointed out in his introductory speech, 23 pages of legislation in the Discrimination Act are about exemptions. I have an exemption in the way that I employ people. All sorts of people have an exemption in the way they employ people. There are a range of exemptions for all sorts of things. But at the end of the day, is there going to be an exemption to protect young people from themselves when they do dumb things like wagging school? No, there will not be, thanks to Meredith Hunter and Simon Corbell.

MR SESELJA (Molonglo—Leader of the Opposition) (8:06), in reply: If there are no other speakers, can I express my disappointment that the Labor Party and the Greens have chosen not to support this bill this evening. This is a bill that sought to bring back some common sense into this situation. It sought to restore some basic common sense to a situation which most people would see as absurd, a situation which does not really exist anywhere else, where we see around the country efforts like this are not just tolerated by the government but are actually encouraged by the government.

Most recently we have seen the Queensland government saying that they would support these kinds of moves, moves which have been rendered illegal by this interpretation of the act—an interpretation that we disagree with and that we have sought to address through this legislation. It is unfortunate that we have been forced to bring forward legislation, legislation which is going to go down, where it is necessary for us to give legal protection to those who want our children to stay in school during school hours and to protect them from prosecution.

This bill started because of an incident on 7 September 2010 when Lanyon high school principal, Bill Thompson, was reported in the *Canberra Times* for his imaginative attempt to keep kids in class. This teacher of 32 years—and as you rightly point outed, Madam Assistant Speaker, this expert—this expert who was dismissed, I think, by the Labor Party and the Greens, asked a simple question of local shopkeepers. He asked the shops in the nearby centre not to serve kids from his school during school hours. In return, he offered to promote in the local school newsletter, as a sign of community support, the names of the shops that helped prevent truancy.

Not all shops took up the request. Some could not be contacted and others refused, as is their right. But the principal rightly expected that he could at least ask. Apparently not. Apparently, asking for the support was a breach of the law; it was a travesty of human rights; it was legally discriminatory. These condemnations came from no less a person than the human rights commissioner and of course backed up by the Attorney-General.

You can just imagine the principal's confusion, his utter disbelief, as he learnt that in the ACT at least there is a legal right to wag. That is what has been established here. That is what will now be confirmed tonight through the vote of the Labor Party and the Greens in this Assembly.

The human rights commissioner was reported as saying in these circumstances that a shop is a service provider and refusing service is unlawful. Further to this, the human rights commissioner told the public that shopkeepers who agreed to help may in fact be aiding and abetting an unlawful act.

As confounding as the condemnation was, I was absolutely astounded by the reaction of the government. Far from realising the absurdity of this conclusion, they joined the chorus of condemnation. Instead of supporting the principal, they poured scorn. This was a simple, sensible act to help kids get a better education, get temptation out of their way and keep them out of the way of temptation, an idea that has been run in other places with some success.

Mr Thompson is reported to have said that in Sydney there are signs up saying, "We will not serve students." Here in Canberra the idea gained public support. On ABC radio, a report said that listeners held some strong opinions, with one caller believing that the education system was failing to engage our young people. And of course the caller had a good point.

This absurd outcome is a failure of us as a legislature to protect those in the community trying to do the right thing. It is a failure for our students who deserve protection of the right to an education, not pandering to a right to wag. Most of all, it is a failure of common sense. It is not the intent that the discrimination and human rights legislation would be used for this sort of purpose, to threaten a school principal and shopkeepers who are trying to keep students in school or to strong-arm local shopkeepers who are trying to uphold standards for school children.

Indeed, this gulf between common sense and clinical statutory interpretation led to quite an outcry on talkback radio when it was raised. One memorable caller created a quote that I think we cannot better: "What a crock." That is exactly what it is. At the time this legislation was introduced, we cautioned the government to be alert for unintended consequences. We warned of absurd outcomes when high ideals were not tempered with a sensible dose of common sense.

The outcome we saw in this instance sent a message to this principal that, far from being a local hero, apparently he was a lawbreaker. And this bill would have put an end to this farcical outcome. We moved a motion on this topic and did not receive any

support from the Labor Party or the Greens. But we genuinely hoped to get support for this bill.

This bill contains one substantive clause. It inserts into the Discrimination Act an exception or, should I say, another exception, as there are many in the act already. Even a cursory consideration of the practical application of the Discrimination Act demonstrates that exceptions can and indeed must be included. It would be absurd if the Discrimination Act was used to tell an innkeeper that refusing service to minors was a breach of their human rights. That would be absurd. It would be absurd if the Discrimination Act was used to tell a gambling provider that refusing service to minors was a breach of their human rights. And it is absurd to threaten a school principal with the Discrimination Act for trying to encourage local communities to help keep kids in school.

The clear proof of the requirement for exemptions is in the act itself. There are 15 grounds for discrimination listed in the act, ranging from sex to spent convictions. Yet there are 23 pages of exceptions. These exceptions are to protect communities and groups from unintended consequences, just as this amendment would have done. The entirety of part 4 of the act is completely devoted to exemptions. Without them, the act is absurd.

There are exemptions for domestic duties, for residential care for children, for adoption, for domestic accommodation, for the pre-selection by employment agencies, for insurance and for superannuation. Acts done under a statutory authority are exempt, as are voluntary bodies, religious bodies or educational institutions. There are exemptions about sex, relationship status, pregnancy and breastfeeding. Exemptions exist for the employment of a couple, accommodation for employees and clubs for members of one sex.

Sport has exemptions. Clubs have exemptions. Jobs have exemptions. There are exemptions for racial and religious workers and for political workers. There are exemptions for dramatic performances and entertainment, for access to premises, for the provision of goods and services, for public health and for private clubs. There are exemptions for the aged and for the young. There are exemptions for minimums and maximums, for health and safety, for services and facilities, for recreational tools and accommodation and in relation to profession, trade, occupation or calling.

Yet we are told by the Labor Party and the Greens today that we would not really be able to make these kinds of exemptions, that we could not have an exemption of this kind. How absurd! How ridiculous! What a fig leaf when you see the number of exemptions that we have in the act. What an absolute fig leaf from the Labor Party and the Greens, because they want to protect their ideological position. Their ideological position is to back the human rights commissioner at any cost, to knock back a principal trying to do his job. That is what they will be found out for in this case. They had the choice to fix the law.

In fact it was Mr Corbell, when we had a debate in this place, who said to us, "If you do not like it, the proper way is to come back and change the act." That is what we sought to do. We took him up on his offer and sought to change the act but when he

had the opportunity to support us he refused. He chose not to. He chose to undermine the principal. He chose to undermine community members.

If you were to listen to Ms Hunter's speech you could be forgiven for thinking that there are shop owners out there and shopkeepers out there who are just desperate for an excuse not to serve anyone, that they are just looking for an excuse not to serve anyone. Let us make this clear. Those shop owners who agreed to the request of the principal not to serve students during school hours were doing so to their own detriment. They were not doing it for any sort of personal gain. They were not doing it because they got a kick out of not serving people. They were not doing it because they could gain financially—in fact, exactly the opposite. They were giving up something as a contribution to their community, as a sign of good faith. If you were to listen to the Labor Party and the Greens, particularly the Greens, in this debate, you would think the shopkeepers are just itching not to serve anyone.

I tell you what: people do not go into business not to serve anyone. In this case, they made a decision that they believed was a good, community-minded thing to do, to support the principal, to give up a bit of revenue for the greater good. And the Labor Party and the Greens today are saying: "That is not good enough. That is discriminatory. That should not be allowed to happen. You should not be able to make that decision for the good of your community. You should have to serve them, whether they should be in school or not, whether they are in school uniform or not, whether you know that they are wagging school and whether you have been asked by a principal to simply back him or her up."

The absurdity of this of course is that, quite aside from the Discrimination Act, there are other bits of legislation like the Education Act, which makes it mandatory for kids to be in school during school hours. Failure to do so is an offence. Andrew Barr stated clearly what the requirements under territory law are. The law now requires full-time participation in education, training or employment or a combination of these activities until young people turn 17. As I said at that time, there will be no excuses; everyone will participate and everyone would be responsible. But not under the current system!

We have a situation where we had the opportunity to fix it. We had the opportunity here to take what is an interesting, at best, interpretation of legislation, an interpretation of legislation that does not appear to exist anywhere else in the country, an interpretation of legislation that suggests these shopkeepers are somehow lawbreakers and are somehow doing the wrong thing and are somehow deliberately looking to discriminate when the Discrimination Act gives mountains of exemptions where people can and in fact must discriminate—not just "can", they must discriminate.

In this case, they would not have to discriminate. They would not be bound to not serve anyone. They would have the option. They are acting in good faith. Kids come in, in their school uniform during school hours, with their mates, the shopkeepers make a reasonable assessment and they say: "I know you. You are meant to be in school. I am not going to serve you today." When they do that now they are apparently breaking the law.

Mr Corbell: That will stop them wagging, won't it?

MR SESELJA: Here is the absurd interjection of the Attorney-General.

Mr Corbell interjecting—

MADAM ASSISTANT SPEAKER (Mrs Dunne): Order, Mr Corbell!

Mr Corbell interjecting—

MADAM ASSISTANT SPEAKER: Mr Corbell, you will be quiet.

MR SESELJA: You are pathetic. Listen to the interjection of Simon Corbell. He says now the reason they are not going to support this is that it will not stop them wagging. We have got a principal who is looking at a suite of measures. We see the truth here today.

Mr Corbell interjecting—

MADAM ASSISTANT SPEAKER: Mr Corbell, be quiet.

MR SESELJA: You are a joke. You are an absolute joke. We have got a principal—

Mr Corbell interjecting—

MADAM ASSISTANT SPEAKER: Mr Corbell, be quiet.

MR SESELJA: We have got a principal trying to do the right thing.

Mr Corbell interjecting—

MADAM ASSISTANT SPEAKER: Order, Mr Corbell!

MR SESELJA: And you are too gutless. You have been found out right there, haven't you?

Mr Corbell interjecting—

MADAM ASSISTANT SPEAKER: Mr Corbell, I have called you to order on a number of occasions. You are disorderly. You have already been warned today. I name you.

Question put:

> That **Mr Corbell** be suspended from the service of the Assembly.

The Assembly voted—

Ayes 8		Noes 6	
Ms Bresnan	Mr Hanson	Mr Barr	Ms Gallagher
Mr Coe	Ms Hunter	Dr Bourke	Mr Hargreaves
Mr Doszpot	Ms Le Couteur	Ms Burch	
Mrs Dunne	Mr Seselja	Mr Corbell	

Question so resolved in the affirmative.

Mr Corbell thereupon withdrew from the chamber.

MADAM ASSISTANT SPEAKER: Mr Seselja, I did not stop the clock. I understand you had about another minute to go.

MR SESELJA: Yes, I did.

Mr Hargreaves: He's got 12 seconds.

MADAM ASSISTANT SPEAKER: Mr Hargreaves, be quiet, please.

MR SESELJA: I think it is up to the Assistant Speaker. I am at the mercy of the Assistant Speaker.

MADAM ASSISTANT SPEAKER: Could we reset the clock for a minute please, Clerk, to give Mr Seselja the minute that was remaining. I should have stopped the clock and I did not. Mr Seselja.

MR SESELJA: Thank you, Madam Assistant Speaker.

Mr Hargreaves: Madam Assistant Speaker, I move dissent from the chair's ruling.

MADAM ASSISTANT SPEAKER: Could you stop the clock please? I do not know that I have made a ruling. Sorry, I asked the Clerk to do something. I did not make a ruling.

Mr Hargreaves: All right then, Madam Assistant Speaker, I move dissent from the direction you gave to the Clerk.

MADAM ASSISTANT SPEAKER: I do not know that that is a valid motion.

Ms Gallagher: Madam Assistant Speaker, may I ask a question, just on clarification and information for us? On what basis can you unilaterally extend the time given to someone? It is merely a question. That is what I ask.

MADAM ASSISTANT SPEAKER: Sorry, I am not intending to extend Mr Seselja's time. He had about a minute and a half on the clock. I did not stop the clock in the kerfuffle. It was a lapse on my part and I am giving back some of the time that Mr Seselja had to run. The speaking limits are in the standing orders. They set out the times. Mr Seselja had 10 minutes to conclude the debate. He had about a minute and a half of that time to run. It is reasonable to allow him the time that is in the standing orders, and that is the basis on which I asked. Because I did not stop the clock, I have given back to Mr Seselja about two-thirds of the remaining time that he had.

Ms Gallagher: And with respect, Madam Assistant Speaker, and again for further clarification, normal practice in this place is that the clock runs down unless it is

specifically asked to be stopped. Other members, when we have had our time reduced, have not been given additional time at the discretion of the chair. So perhaps the Speaker can come back to us tomorrow with information on how this is going to be implemented from now on, because it has not been past practice in this place.

MADAM ASSISTANT SPEAKER: It is the call of the Speaker. People can ask for the clock to be stopped. It is the call of the Speaker to stop the clock. I should have done so. I did not.

Mr Hargreaves: Madam Assistant Speaker, I want it officially recorded that we have requested the Speaker to return to this chamber and tell us the answer to that question.

MADAM ASSISTANT SPEAKER: I will take it up with the Speaker. Do you still want to move dissent from something, Mr Hargreaves?

Mr Hargreaves: No, I will leave it at that, Madam Assistant Speaker, for the moment.

MADAM ASSISTANT SPEAKER: Thank you. Mr Seselja.

MR SESELJA: Thank you, Madam Assistant Speaker. I am glad we could debate the big issues to finish. I appreciate the ability to spend the few moments concluding that I was denied by Mr Corbell's interjections. But it is interesting that Mr Corbell was so sensitive on this issue that he went out and got kicked out of the chamber, fighting for that right to wag. That was what happened here tonight.

He was desperate to condemn the principal for what he had done. He got hot under the collar defending the principle that people should not be held to account, that the principal should not be able to work with his community to deal with truancy. I think it is a reflection of the values of Mr Corbell and a reflection of the values of this government that those are the things that they are going to go out fighting for. They are going to fight against the rights of principals to do the right thing. I commend the bill to the Assembly.

Question put:

> That this bill be agreed to in principle.

The Assembly voted—

Ayes 5		Noes 8	
Mr Coe	Mr Seselja	Mr Barr	Ms Gallagher
Mr Doszpot		Dr Bourke	Mr Hargreaves
Mrs Dunne		Ms Bresnan	Ms Hunter
Mr Hanson		Ms Burch	Ms Le Couteur

Question so resolved in the negative.

Adjournment

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

> That the Assembly do now adjourn.

Members' behaviour

MR HARGREAVES (Brindabella) (8.34): I rise in this adjournment debate to put on record my absolute, gobsmacked amazement at what has just transpired in this chamber. I have been here for a very long time and I have been proud to be a member, and this has been the lowest point since I have been here.

MADAM ASSISTANT SPEAKER (Mrs Dunne): Could I just warn you, Mr—

MR HARGREAVES: Madam Assistant Speaker, I have the floor and this is an adjournment debate.

MADAM ASSISTANT SPEAKER: And I am the Assistant Speaker and you will—

MR HARGREAVES: Could you stop the clock, please?

MADAM ASSISTANT SPEAKER: I am quite happy to stop the clock. Will you sit down for a moment please, Mr Hargreaves? Could I draw to your attention the rules in the standing orders about reflecting on a vote. I am—

MR HARGREAVES: I cannot do it in the adjournment debate?

MADAM ASSISTANT SPEAKER: Listen to me, Mr Hargreaves.

MR HARGREAVES: What for?

MADAM ASSISTANT SPEAKER: I am drawing to your attention the rules in the standing orders about reflecting on a vote which has just taken place, to encourage you not to go there. You may have the floor.

MR HARGREAVES: Thank you very much, Madam Assistant Speaker. I can, however, share with the chamber my own feelings about a debate without reflecting on the words and the material that was put forward in that debate. And I have to confess to you and to the chamber that I am seriously and bitterly disappointed in what has just transpired. I cannot believe the way in which this has occurred.

Mr Seselja: The way in which what has occurred?

MR HARGREAVES: Mr Seselja, I am not talking to you.

MADAM ASSISTANT SPEAKER: Order, Mr Seselja.

MR HARGREAVES: I do not need to. Madam Assistant Speaker, I will address my remarks through the chair. I am bitterly disappointed in your behaviour in recent times, about your tardiness—

Mr Seselja: Madam Assistant Speaker, on a point of order.

MR HARGREAVES: Mr Seselja, I have not finished the sentence. How about you wait until I do that?

Mr Seselja: I have got a point of order.

MADAM ASSISTANT SPEAKER: There is a point of order. Can you sit down please, Mr Hargreaves?

Mr Seselja: I think that Mr Hargreaves is reflecting on you in the chair and I think he should be brought to order. You have already warned him not to go there. He does not have licence in the adjournment debate to go and reflect on your behaviour or your ruling in the chair. And if he goes there again he should be sat down.

MR HARGREAVES: On the point of order, Madam Assistant Speaker, and I suspect that the clock has been stopped.

MADAM ASSISTANT SPEAKER: Yes, you can see that.

MR HARGREAVES: I am not reflecting on the events of the last vote. I am reflecting on events in the past in terms of a member's behaviour in this place and it has nothing to do—

Mr Doszpot: John, you have got the gall to talk about members' behaviour.

MR HARGREAVES: For God's sake.

MADAM ASSISTANT SPEAKER: Order, Mr Doszpot.

MR HARGREAVES: Mind your business, Steve. Stay out of it or I will turn on you.

MADAM ASSISTANT SPEAKER: Mr Hargreaves, sit down. Mr Seselja raised a point of order that the tone of your comments was a reflection on the chair. They are a reflection on the chair and they must not continue.

MR HARGREAVES: I take your ruling quite happily, Madam Assistant Speaker. I am not reflecting on the chair at all. I am not reflecting on the debate that has just ended. I am reflecting, in fact, on events over a period of time, on a member's behaviour in discharging their responsibilities to this place in their role as an assistant speaker. I am not—

MADAM ASSISTANT SPEAKER: Mr Hargreaves, sit down.

MR HARGREAVES: All right. I will do it in some other way.

MADAM ASSISTANT SPEAKER: That is a reflection on the chair.

ACT Community Languages Association

MR HANSON (Molonglo) (8.38): I rise tonight to talk about the ACT Community Language Schools Association dinner that was conducted on 3 September. It was attended by me and a number of members from the Assembly including Ms Burch and Mr Hargreaves, as well as senators for the ACT. It was a splendid dinner, well represented by all the foreign language schools in the ACT. Probably the best thing I can do is to read some comments from the association's newsletter, from the president, Javad Mehr:

> Our Community Language Schools are testimony to the value so many people in our community place to the gift of languages and cultural diversity. The gift of languages is of immense value, not only to the students, but also to our multicultural society and Canberra future prosperity, both socially and economically.
>
> Perhaps most importantly the gift of languages brings with it greater understanding and harmony in our world. Students of languages gain a deeper understanding of the world around them: an understanding of other peoples and their way of thinking; an understanding of commonalities and differences, and of global connections and patterns across our world.

He says more in the newsletter. I think they are great words that he expresses, and certainly that was the sentiment on the night. I would like to take this opportunity to recognise many of the schools that contribute so much to the ACT, including the ACT Cambodian Language School represented by Darin Men, the ACT German Language School represented by Ron Hackney, the Ailsa Saturday School and Ken Griffiths, Isaac Cotter from the ANZ Maori Culture School of Dreams, Fuxin Li from the Australian School of Contemporary Chinese, Zillur Rahman from the Bangla Language and Cultural School, Jeroen Splinter from the Canberra Dutch School, Hanna-Mari Latham from the Canberra Finnish School, Sarah Weissman from the Canberra Hebrew School, Santosh Gupta from the Canberra Hindi School, Sumaiya Quasim from the Canberra Islamic School; Chihiro Hunter from the Canberra Japanese Supplementary School, Bal Nahl from the Canberra Khalsa Punjabi School, Jacob Chong from the Canberra Korean School, Mrs Vijitha Lokusooriya from the Canberra School of Sri Lankan Language and Dance, Dr Jeya Jeyasingham from the Canberra Tamil School, Loan Pham from the Canberra Vietnamese School, Dr P Muthaih from the Chennai Tamil School, Amber Ali from the CIC Community School, Marija Frketic from the Croatian Ethnic School, Peter Pan from the EAAS Chinese School, Lyn Ning from the FCCCI Chinese School, Wendy Yu from the Grace Chinese School, Giuliana Komnacki from the Italian Language School, Ester Kyaw from the Kaw Lah School, Diwani Velasquez from Learning Filipino Together, Biljana Petrova from the Macedonian School St Kliment Ohrid, Mohamed Hammoud from the Middle East School, Cheam from the Mon Language and Cultural School, Javad Mehr from the Persian Language School, Eva Roslan from the Polish Language School, Elena Sione from the Samoan Language School, Sofie Fogden from the Scandinavian School in Canberra, Jayantha Kottege

from the Sinhala Language School in Canberra, Elena Bozhko-Marshall from the St John the Baptist Russian School, Cassandra Inkley from the St Nicholas Greek Language School, Juanita Tooni from Te Rere O Te Tarakakao, Matelita Koloi from the Tongan Language School and Marisa Maganto from the Vicente Aleixandre Spanish School.

So to all of those who participated in the night and all of those involved in foreign language schools here in the ACT who add so greatly to our cultural diversity I say thank you to you, congratulations on the work that you have done and the best of luck for your future endeavours.

Sustainable House Day

MS LE COUTEUR (Molonglo) (8.42): I rise to talk about a very happy occasion, Sustainable House Day, which was on 11 September this year. Sustainable House Day arose from an event held by the ACT branch of the Australian and New Zealand Solar Energy Society, which I believe started in 1982, although I was first involved in it in the late 1980s. For those of you who are not aware of it, it is a day on which people who live in solar or sustainable houses open them to members of the public so that they can see what they actually can do in a house where they live to make it work, to make it so that it is more comfortable for them and is more sustainable.

I would like to give you a couple of facts about it. Last week's Sustainable House Day in Australia had over 35,000 people come to visit an open house in their area, which is an incredibly large number of people, given the size of Australia. It is one of the biggest environmental events in Australia. And it is one of the most successful. Last year's Sustainable House Day did a follow-up survey of the people who went to it and found that 75 per cent of those interviewed had made changes in their houses after they went to Sustainable House Day.

I do admit that a significant number of the people who went to Sustainable House Day obviously were interested in what they might do with their house; so from that point of view a high success rate was probably guaranteed. Nonetheless, in terms of successful things to change what people do, Sustainable House Day is seriously up there and is a great example of the community working together for a better outcome. So I am pleased to talk about something more positive than we have been talking about for the last few minutes.

Lifeline book fair

MR COE (Ginninderra) (8.44): Early this coming Friday morning, Exhibition Park in Canberra will once again be overflowing with eager booklovers queuing to attend the much-loved Lifeline Canberra spring book fair. Hailed as one of the biggest and best second-hand book sales in Australia, the book fair is expecting to attract over 13,000 buyers, both local and interstate, sharing a common love of books.

The book fair offers around 200,000 donated items for sale, including a wide range of fiction and non-fiction books. I am told that Lifeline Canberra is again seeking to break the record it set earlier this year and raise over $500,000, with all money raised

going towards maintaining Lifeline Canberra services such as the 24-hour crisis hotline.

Aside from commending this much-loved event, let me pay tribute to the hundreds of volunteers that make this happen. On the weekend you will see and meet some 150 volunteers who do the real work. They work behind the scenes. Each book fair takes some six months of planning and delivery and thousands of hours of volunteer time.

Until very recently, the likes of Cedric Bear spent up to 40 hours a week attending the warehouse as the full-time yet volunteer warehouse manager. He is ably supported by a book fair advisory committee of Grahame Clark, Penny Bailey, Chelsey Engrem, Ilze Groves, Penny Kellett, Hilary Moody, Joanne Rush, Irene McHugh and Barbara Gillies. These individuals are just a small representative body of the people that make the Lifeline Canberra book fairs the institutions they have become.

The book fair has the support of a number of sponsors. They include EPIC and the *Canberra Times*. The corporate partners are Prime7 and Clear Complexions. The suppliers are Toll, Elect Printing, 104.7 and Chris Canham Photography.

I would also like to mention the Lifeline Canberra board who, again as volunteers, commit to steer the strategic direction of the organisation and yet receive little or no acknowledgement. They are Robyn Clough as president, PJ Gould, Joanna Houghton, Pauline Thorneloe, Ayesha Razzaq, Jeff Harmer, Athol Opas and Steve Fielding.

I also acknowledge the great work being done by Mike Zissler, who commenced as CEO in January 2010. Mike's experience at the top of government agencies and in the community places him well to tackle the many challenges and opportunities that the organisation faces.

Lifeline punches above its weight and continues to play a vital role in our community. Lifeline Canberra is an organisation of volunteers and, while they have a small and committed staff, the real return is what they give back to the community. Colleagues, I commend the Lifeline book fair to you and hope to see you all there sometime this weekend.

Superannuation

DR BOURKE (Ginninderra) (8.47): Did you know that Canberrans are owed more than $240 million in unclaimed superannuation? According to a national survey, people living in my electorate in the suburbs covered by the 2615 postcode are owed more than $45 million. As one woman in Charnwood said to me last Saturday when I told her of this amount, "I'll take it!" The Australian Taxation Office says that Australians have around $19 billion in lost superannuation accounts. More than 46 per cent of Australians are missing part of their superannuation. On average there is one lost super account for every two working Australians.

Many people suspect that they may have unclaimed super but they do not know how to act on it. Lost superannuation accounts arise when people change jobs and forget to update their superannuation accounts, or take a career break. When money is spread

across several accounts people may end up paying excess fees or having money invested in the wrong assets. Many people never claim their lost superannuation money, so in retirement they may not enjoy the standard of living that is rightfully theirs.

Together with the federal member for Fraser, Andrew Leigh, I have been visiting shopping centres in the suburbs in my electorate with the highest amounts of unclaimed super, such as Charnwood and Kippax. We have voiced a campaign to let Canberrans know about the ATO SuperSeeker website. This website helps people find their lost and unclaimed super and transfer it into one account. This service is free and a phone service is also available 24 hours a day.

At the campaign launch we chatted to a part-time actor who had recently found $6,000 in lost super from a previous job. In Kippax on Saturday we met Kevin, who had read about our campaign in the *Northside Chronicle* and had come looking for us. Kevin logged on to our laptop and found lost superannuation from a job he had had as a panel beater in the mid-1980s. The employer had died and Kevin had not known which super fund the money was in. Thanks to the SuperSeeker website he will be able to be reunited with his retirement savings from a quarter of a century ago.

Nowadays most people have several jobs during their working lifetimes and may have several part-time jobs at once. It is easy to lose track of super, but there are great benefits in consolidating all super accounts into one. At a time when many Canberrans are planning for their retirement, having one super account is the most effective way of managing their money. Fees are reduced and a coherent investment strategy can be planned.

I also want to mention a new initiative for small businesses with less than 20 employees. The commonwealth Department of Human Services has established the small business superannuation clearing house. This free service enables a small business to meet its super guarantee obligations with one electronic payment. As someone who ran a small business in Canberra for more than 17 years, I welcome this initiative and congratulate the commonwealth on its innovative thinking. Time and paperwork previously involved when making multiple payments will be eliminated. This clearing house will seek to reduce the burden of compliance for small business.

As many Canberrans are ageing and looking to access their super, Andrew Leigh and I are showing them just how easy it is to consolidate their accounts. All they need is their tax file number and date of birth. The ATO's SuperSeeker tool will do the rest.

Ride4Epilepsy
Woden Valley girls under-14 soccer team
Woden Valley Football Club

MR DOSZPOT (Brindabella) (8.51): I rise tonight to bring to the attention of the Assembly the inaugural Ride4Epilepsy event on this Sunday, 25 September, at Sandown raceway. The ride is a free cycling event for riders of all ages and abilities, to raise awareness and funds for the Epilepsy Australia Foundation.

Ten per cent of Australians will have a seizure of some kind in their lives, and one-third of those will be diagnosed with epilepsy. Epilepsy is the most common chronic brain disorder, and world wide 50 million people are diagnosed with it. Up to 3.5 million Australians are directly and indirectly affected by epilepsy and around 224,000 suffer from this brain disorder. In Canberra it is estimated that there are 2,299 people with epilepsy.

The good news is that it is manageable. In fact, there are many famous people who have forged successful careers, despite this illness—Olympians, doctors, sporting legends. In Canberra we have Joshua Gordon. I have had the pleasure of meeting Josh and his mother on many occasions over the years. Joshua lives with both epilepsy and autism but has embarked on what he hopes will be a very successful career as an international ice skater. Joshua's dream is to join Disney on Ice, and I have every belief his dreams will be realised. He is a very talented young man and his mother is, quite naturally, exceedingly proud of him.

I applaud the work that the Epilepsy Australia Foundation does. It has released this week the findings of an Australian-first longitudinal study that paints a candid picture of the psychological, social and physical challenges and barriers encountered by people with epilepsy. I urge all members of the Assembly to recognise the importance of identifying and managing this brain disorder that affects so many in our community.

I also take great pleasure in congratulating the Woden Valley Redbacks girls under-14 soccer team that travelled to Sweden and Denmark in July this year to compete in the Gothia Cup and the Dana Cup. The first port of call for the girls was the Gothia Cup, which was held in Gothenburg in Sweden, where the girls progressed through to the grand final in B group but lost on penalties to a Norwegian team.

Then they travelled to Denmark to compete in Denmark's largest sporting event and the world's biggest international youth soccer tournament, with 850 teams from more than 45 countries participating, which even dwarfs our own Kanga Cup, which is quite significant. The girls played through the tournament undefeated and won the grand final against Sweden in the girls under-14 category and have brought back a nine-kilo trophy. Just recently, I have been advised that they have been selected as finalists for the FFA youth team of the year and they are travelling to Sydney on 4 October to the black tie awards night at the Sheraton, where the winner will be announced.

The team is made up of the following members: Brigette Calabria, captain, Rachael Goldstein, vice-captain, Mikaela Goldstein, Siena Senatore, Julia De Angelis, Georgina Worth, Phoebe Worth, Holly Fogarty, Olivia Fogarty, Georgia Fogarty, Sandra Hill, Melissa Leary, Clea Porteous-Borthwick, Hayley Armstrong and Jamie Berkley. They were coached by David Goldstein and the assistant coach was Mark Berkley. The strapper was Joanne Adams. My constituent, who travelled with the team, was Lisa Calabria, who also provided me with the information on the Redbacks' fantastic achievement. The first and only other time, I believe, an Australian team has won the Dana Cup was back in 1993.

I would also like to take the opportunity to congratulate the Woden Valley Football Club. It boasts one of the largest junior clubs in Canberra, with some 2,500 junior players, juniors that gravitate through to the senior teams. Also the senior club needs to be congratulated for its fantastic efforts in playing in five out of the seven grand finals held over the weekend that Capital Football organised. They played in five out of seven grand finals and they won three of the five that they played in.

So, all in all, it is a very good and proud club here in our own Canberra surroundings, which starts from the juniors and goes all the way through to the seniors. I congratulate the club and all the officials and members who have made this team, the Woden Valley Football Club, such a great club in Canberra.

Ainslie Football Club

MR BARR (Molonglo—Deputy Chief Minister, Treasurer, Minister for Economic Development, Minister for Education and Training and Minister for Tourism, Sport and Recreation) (8.55): I thought I would just rise very briefly in the adjournment debate to congratulate the Ainslie Football Club on their victory in the north-east Australian AFL grand final at Manuka Oval at the weekend. They defeated the Sydney Swans reserves and it was a quite outstanding result for the club. They go on to play against the winner of the northern division—Northern Territory Thunder, I believe—in Alice Springs this coming weekend. I wish the team the best of luck in that particular match.

I would also like to acknowledge and put on the record that during the half-time break in the grand final there was a match of AFL 9s, a new version of AFL, that was played between an ACT politicians team, loosely defined, with Senator Lundy and me representing the politicians in the territory, against the ACT media.

Mr Doszpot: You didn't invite us, Andrew?

MR BARR: Mr Doszpot, it was not for me to extend invitations; it was at the invitation of the organisers of the AFL 9s competition. I am pleased to advise the Assembly that the honour of the politicians was upheld: in spite of what might have been reported by certain media outlets, the politicians team did in fact win. This was courtesy of the strength of the women on our team, who kicked a number of super goals and ensured that we were victorious in the end. I will forward this *Hansard* to my colleagues in the ACT media to remind them that it is possible, every now and then, for politicians to have the last word.

The Assembly adjourned at 8.59 pm.